

IN THE SUPREME COURT OF THE MUSCOGEE (CREEK) NATION

SUPREME COURT  
FILED

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

DEC 05 2025

CASE NO. SC-2023-10 MUSCOGEE (CREEK) NATION COURT CLERK  
(District Court No. CV-2020-34)

CONNIE DEARMAN  
MUSCOGEE (CREEK) NATION  
COURT CLERK

LM

**APPELLANT CITIZENSHIP BOARD OF THE MUSCOGEE (CREEK) NATION'S FIRST MONTHLY STATUS REPORT**

Appellant Citizenship Board of the Muscogee Creek Nation submits its First Monthly Status Report as ordered by this Court in its Order Taking Respondents' Renewed Motion For Contempt Under Consideration, And Directing Appellant To Submit Monthly Status Report of November 13, 2025 as follows:

1. With respect to Appellant's October 27, 2025, *Response* (at numbered paragraph 5), provide the Court with a summary explanation of each "necessary amendment" to "policies and procedures" that has been submitted by any MCN department in response to Principal Chief Hill's August 28, 2025, Executive Order 25-05.

**RESPONSE:** Appellant Citizenship Board is not the Principal Chief and does not have access to the requested information. In an effort to provide this information to the Court, Appellant requested this information be provided by the Principal Chief. (Exhibit 1 – Letter of 11/21/25 from Jason Nichols, Chairman to Principal Chief David W. Hill). The response of the Principal Chief is attached. (Exhibit 2).

a. Further, with respect to each proposed amendment submitted by any MCN

department, advise if the Appellant intends to pursue that specific amendment, what actions have been taken by the department, the Appellant, the National Council, and/or the Nation to-date on that specific amendment, and an estimated time until completion of that specific amendment.

**RESPONSE: Appellant Citizenship Board is not the Principal Chief and does not have access to the requested information. In an effort to provide this information to the Court, Appellant requested this information be provided by the Principal Chief and National Council. (Exhibit 1 and Exhibit 3 – Letter of 11/21/25 from Jason Nichols, Chairman to National Council Speaker Randall Hicks). The response from Chief Hill is attached. (Exhibit 2). The National Council did not provide a response as of this date.**

2. With respect to Appellant's October 27, 2025, *Response* (at numbered paragraph 7), provide the Court with a summary explanation of each "proposed code amendment" submitted by the Attorney General's Office, and a summary explanation of each proposed amendment to "the Citizenship Board's policies and procedures" and what specific actions have been taken by the Appellant, the National Council, and/or the Nation to-date, as well as an estimated time until completion on each proposed code/policy/procedure amendment.

**RESPONSE: The proposed code amendments to Title 7 prepared by Counsel for the Executive Branch and the Attorney General's Office are attached. (Exhibit 4). Those proposed Title 7 amendments were transmitted to the Citizenship Board for comment on October 24, 2025. The Citizenship Board transmitted their comments to the Executive Branch and Attorney General's Office on October 29, 2025. (Exhibit 5). Appellant Citizenship Board is unaware of what action was taken thereafter by the**

**Principal Chief or National Council. In an effort to provide a complete response, the Board requested this information from the Principal Chief and National Council. Chief Hill's response is attached. (Exhibit 2). The National Council did not provide a response as of this date.**

3. With respect to Appellant's October 27, 2025, *Response* (at numbered paragraph 8), provide a summary explanation of all actions taken to-date by the Citizenship Board to promulgate administrative rules facilitating the Court's July 23, 2025, *Order and Opinion*. Have any proposed administrative rules been published in the Muscogee Nation News to-date? If so, when? Have any proposed administrative rules been filed with the National Council Secretary? If so, when? Have any proposed administrative rules been filed with the Court Clerk? If so, when?

**RESPONSE:** The Citizenship Board has prepared the attached proposed updated administrative policy changes in response to the proposed code amendments. (Exhibit 6). Most of the changes are updates to the policy in general. The changes made specifically to comply with the Supreme Court's ruling are found in sections VIII. Citizenship Roll, IX. Procedures for Staff Review of Applications for Citizenship, X. Removal of Names from the Citizenship Roll, and XI. Appeals Procedure. The Board has not taken any further action to promulgate these rules until code amendments are passed. The Citizenship Board is unable to act independently to modify the statutory framework of the Citizenship code – that work requires action by the National Council and Principal Chief. Until code amendments are passed, the Citizenship Board is unable to promulgate new rules because those rules “may not be inconsistent with this Title”. Title 7 MCN Code Section 2–109 (A). The proposed rules are inconsistent with the current language of Title 7. Although code amendments have been proposed and the Board has given its input

**on same, the Board has no idea what amendments will actually be enacted by the National Council. Additional policy modifications may be necessary depending on what is passed.**

4. With respect to Appellant's October 27, 2025, *Response* (at Argument and Authority, Page 6), provide a summary explanation of all anticipated "questions of national significance to be answered by the elected officials of the Nation," what specific actions have been taken on each question to-date, and an estimated time until completion on each question.

**RESPONSE: The following policy questions were suggested by the Board in its Response, to- wit:**

- **How are blood citizens versus Freedman citizens to be distinguished?**
- **Are they to be distinguished?**
- **What are the cards to say?**
- **What criteria guides the Citizenship Board in determining tribal membership pursuant to the Treaty of 1866?**

**Those issues have all been addressed in the proposed code amendments, comments and proposed administrative procedures. (Exhibits 4, 5 & 6). The Principal Chief and National Council were also asked to respond to this question from their perspectives. Chief Hill's response is attached. (Exhibit 2). The National Council did not provide a response as of this date.**

5. Provide a summary explanation of all additional questions that must be addressed (other than those mentioned above) before the Citizenship Board may issue

citizenship documents pursuant to the Court's July 23, 2025, *Order and Opinion*, what (if any) steps have been taken to resolve those questions to-date, and an estimated time until completion on each question.

**RESPONSE:** The Citizenship Board is unaware of any additional questions to be addressed. The Board is awaiting the enactment of code amendments to then adopt procedures that comply with those amendments pursuant to Title 7 MCN Code Section 2-109 (A) & (B).

6. Provide a summary explanation detailing what the Appellant asserts is a reasonable timeframe for completion of all necessary steps prior to issuing citizenship documentation pursuant to the Court's July 23, 2025, *Order and Opinion*. Provide a summary explanation justifying this timeframe.

**RESPONSE:** The Citizenship Board can only respond to this question with regard to its rulemaking authority. The Board believes that it can make any necessary procedural amendments, give the proper notice of meeting(s), publish said notice in the newspaper, conduct the meeting(s), approve the procedural amendments, publish a certified copy of the procedural amendments, and file same with the National Council Secretary and Court Clerk within 60 - 90 days of enactment of the necessary code amendments to Title 7. Necessary proposed policy amendments can be created and approved by the Board for a meeting agenda within 14 days. However, the Muskoke News is only published twice per month so there is some inherent delay involved in the two required publications: the first to give adequate notice of the meeting(s) to adopt the policy changes, and the second to publish a certified copy of the approved rules. That would likely take 30 – 45 days if the process only takes two Board meetings. It could take an additional 30 days if more than

two meetings are required for approval and adoption of policy amendments. The Board requested a response from the Principal Chief and National Council regarding the time frame for passage of those code amendments. Chief Hill's response is attached. (Exhibit 2). The National Council did not provide a response as of this date.

Respectfully Submitted,



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**ROD W. WIEMER, MCN NO. 111**

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Okmulgee, Oklahoma 74447

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**ATTORNEY FOR THE CITIZENSHIP  
BOARD OF THE MUSCOGEE  
(CREEK) NATION**

**CERTIFICATE OF SERVICE**

This is to certify that on the 5th day of December, 2025, I caused to be placed into the United States Mail with postage properly affixed thereto a true and correct file-stamped copy of the foregoing Appellant Citizenship Board Of The Muscogee (Creek) Nation's First Monthly Status Report to the following:

Damario Solomon-Simmons  
SOLOMON SIMMONS LAW  
601 S. Boulder, Suite 602  
Tulsa, OK 74119  
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Geri Wisner  
Clinton A. Wilson  
Jeremy Pittman  
The Muscogee (Creek) Nation  
Office of the Attorney General  
Department of Justice  
P.O. Box 580  
Okmulgee, OK 74447  
Phone: 918.295.9720  
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\_\_\_\_\_  
ROD W. WIEMER

# *The Muscogee (Creek) Nation Citizenship Board*

Executive Director  
Nathan Wilson

Manager  
Allan Colbert Jr.



Board Members  
Jason Nichols  
Elizabeth Yahola  
Clarence Johnson  
Lea Ann Nix  
Cecilia Wittman

Dear Chief Hill:

As you are aware, the Supreme Court issued an Order on November 13, 2025, in the Freedman litigation directing the Citizenship Board to submit a Monthly Status Report by December 05, 2025. That Order is attached for your convenience. Unfortunately, much of the information requested by the Supreme Court is beyond the province and authority of the Citizenship Board to answer. Thus, we are requesting your cooperation in providing the Supreme Court with the following six demands for information required by this Order:

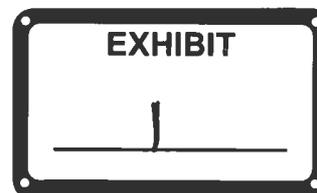
1. With respect to Appellant's October 27, 2025, Response (at numbered paragraph 5), provide the Court with a summary explanation of each "necessary amendment" to policies and procedures" that has been submitted by any MCN department in response to Principal Chief Hill's August 28, 2025, Executive Order 25-05.
  - a. Further, with respect to each proposed amendment submitted by any MCN department, advise if the Appellant intends to pursue that specific amendment, what actions have been taken by the department, the Appellant, the National Council, and/or the Nation to-date on that specific amendment, and an estimated time until completion of that specific amendment.
2. We can give the information about the proposed code amendments and the proposed amendments to the Citizenship Board's policies and procedures, but we request information as to "what specific actions have been taken by. . . the Nation to-date as well as an estimated time until completion on each proposed code/policy/procedure amendment."
3. We can answer request no. 3.
4. We can answer request no. 4 from our perspective but would request your input to "provide a summary explanation of all anticipated 'questions of national significance to be answered by the elected officials of the Nation,' what specific actions have been taken on each question to-date, and an estimated time until completion on each question."
5. We can answer request no. 5.
6. We can answer request no. 6 from our perspective but would request your input as to passage of necessary code amendments.

We request that this information be transmitted to us no later than December 3<sup>rd</sup> for inclusion in our Status Report to the Supreme Court due on December 5. Thank you for your cooperation in this matter.

MVTO,

A handwritten signature in black ink that reads "Jason Nichols".

Jason Nichols  
Chairman, Citizenship Board





# Muscogee (CREEK) Nation

Executive Office

December 4, 2025

Jason Nichols, Chairman  
Muscogee (Creek) Nation Citizenship Board  
P.O. Box 580  
Okmulgee, OK 74447

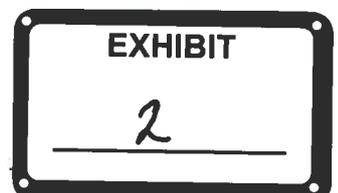
Re: Response Regarding Monthly Status Reports

Chairman Nichols:

I received your letter seeking certain information from my office that may be used to assist you and the Citizenship Board (the "Board") with providing a response to the MCN Supreme Court's Order requiring a Monthly Status Report in the *Citizenship Board v. Grayson, et al*, case. As a general matter, I, as Principal Chief, do not want to be uncooperative and do not want to impede the ability of the Board to provide an appropriate response to the Court as the Board sees fit. However, I am not a party in the *Grayson* case, and, as a matter of separation of powers, information about the implementation of the Constitutional duties and responsibilities of the Executive Branch departments and officials, including communication with the National Council on proposed legislation, falls under the exclusive province of the Principal Chief and is not generally subject to disclosure except as required by Nation law.

Notwithstanding those objections, I can provide the following general responses:

1. Executive departments continue to review internal policies and procedures to determine the amendments that may be necessary; however, it is difficult for departments to be able to modify internal policies and procedures adequately and completely until final amendments to Title 7 (Citizenship Code) have been approved by National Council and enacted into law.
2. Executive branch officials and legal counsel continue to have discussions with the Office of the Attorney General on proposed amendments to Title 7. These proposed



amendments were shared with the Board, and I have received some initial comments from the Board. I have also updated the Speaker of the National Council on the status of these proposed amendments, and we have been discussing the need for scheduling a possible joint committee meeting between the Health, Education, and Welfare Committee and the Business, Finance, and Justice Committee to consider the proposed Title 7 amendments. I am not involved in the decision-making process of scheduling Committee meetings of the National Council, so I cannot provide information on when any meeting will be set to consider proposed Code amendments.

Sincerely,

A handwritten signature in black ink that reads "David W. Hill". The signature is written in a cursive style with a prominent initial "D".

David W. Hill  
Principal Chief

# *The Muscogee (Creek) Nation Citizenship Board*

*Executive Director  
Nathan Wilson*

*Manager  
Allan Colbert Jr.*



*Board Members  
Jason Nichols  
Elizabeth Yahola  
Clarence Johnson  
Lea Ann Nix  
Cecilia Wittman*

Dear Speaker Hicks:

As you are aware, the Supreme Court issued an Order on November 13, 2025, in the Freedman litigation directing the Citizenship Board to submit a Monthly Status Report by December 05, 2025. That Order is attached for your convenience. Unfortunately, much of the information requested by the Supreme Court is beyond the province and authority of the Citizenship Board to answer. Thus, we are requesting your cooperation in providing the Supreme Court with the following six demands for information required by this Order:

1. With respect to Appellant's October 27, 2025, Response (at numbered paragraph 5), provide the Court with a summary explanation of each "necessary amendment" to policies and procedures" that has been submitted by any MCN department in response to Principal Chief Hill's August 28, 2025, Executive Order 25-05.

a. Further, with respect to each proposed amendment submitted by any MCN department, advise if the Appellant intends to pursue that specific amendment, what actions have been taken by the department, the Appellant, the National Council, and/or the Nation to-date on that specific amendment, and an estimated time until completion of that specific amendment.

We would request input regarding any actions taken or planned by the National Council.

2. We can give the information about the proposed code amendments and the proposed amendments to the Citizenship Board's policies and procedures, but we request information as to "what specific actions have been taken by . . . the Nation to-date as well as an estimated time until completion on each proposed code/policy/procedure amendment."

3. We can answer request no. 3.

4. We can answer request no. 4 from our perspective but would request your input to "provide a summary explanation of all anticipated 'questions of national significance to be answered by the elected officials of the Nation,' what specific actions have been taken on each question to-date, and an estimated time until completion on each question."

5. We can answer request no. 5.

6. We can answer request no. 6 from our perspective but would request your input as to passage of necessary code amendments.

We request that this information be transmitted to us no later than December 3<sup>rd</sup> for inclusion in our Status Report to the Supreme Court due on December 5. Thank you for your cooperation in this matter.

MVTO,

A handwritten signature in black ink that reads "Jason Nichols".

Jason Nichols  
Chairman, Citizenship Board



# MUSCOGEE (CREEK) NATION CODE ANNOTATED

## TITLE 7. CITIZENSHIP/CENSUS TVSEKVYV/AHONKVTKEPE

Chapter	Section
1. TITLE, FINDINGS, DEFINITIONS.....	1-101
2. CITIZENSHIP BOARD.....	2-101
3. ESTABLISHMENT OF CITIZENSHIP ROLL.....	3-101
4. ENROLLMENT PROCESS... ..	4-101
5. MAINTENANCE OF ROLL.....	5-101

### Code of Federal Regulations

Enrollment appeals, see 25 CFR 62.1 et seq.

Preparation of rolls of Indians, see 25 CFR 61.1 et seq.

## CHAPTER 1. TITLE, FINDINGS, DEFINITIONS

### Section

1-101. Title and codification.

1-102. Findings.

1-103. Terms defined.

### § 1-101. Title and codification

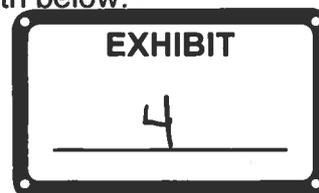
This Law of the Muscogee (Creek) Nation shall be known and may be cited as the Muscogee (Creek) Nation Citizenship Code and shall be codified in Title 7 of the Muscogee (Creek) Nation Code of Laws.

[NCA 81-06, § 101, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 101, eff. Aug. 23, 2001.]

### § 1-102. Findings

The National Council finds that:

- A. Constitution supreme. The 1979 Constitution of the Muscogee (Creek) Nation ("Constitution") shall be supreme in all matters of law relating to, arising under or in conflict with this Title, and
- B. Constitutional provisions. Relevant Constitutional provisions are set forth below:



1. Each Muscogee (Creek) Indian by blood shall have the opportunity for citizenship in the Muscogee (Creek) Nation. (Constitution, Article II, Section 1). **Each Creek Freedman (as defined herein) shall have the opportunity for citizenship in the Muscogee (Creek) Nation.**
2. The Principal Chief shall appoint, subject to majority approval of the Muscogee (Creek) National Council, a Citizenship Board comprised of five (5) citizens who shall be charged with the responsibility of the establishment and maintenance of a Citizenship Roll, showing degree of Muscogee (Creek) Indian blood, **when applicable**, based upon the final rolls prepared pursuant to the Act of April 26, 1906, (34 Stat. 137), and other evidence as prescribed by ordinance. (Constitution, Article III, Section 1).
3. **a.** Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), and persons who are lineal descendants of those Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 137) except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation. (Constitution, Article III, Section 2).  
**b. Persons eligible for citizenship in the Muscogee (Creek) Nation as a Creek Freedman shall consist of: (1) individuals who meet the eligibility criteria established under Article II of the Treaty of 1866 and; (2) persons who are lineal descendants of an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 and a lineal descendant of an individual whose name appears on the final Freedman rolls as provided by the Act of April 26, 1906, (34 Stat. 137), except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation. (Constitution, Article III, Section 2).**
4. All persons eligible for citizenship shall register as an applicant for citizenship. (Constitution, Article III, Section 3A).
5. The Citizenship Board shall certify citizenship, and the declaration of citizenship may be affirmed at any time with the name of the individual being entered on the citizenship roll, and the persons being recognized as a citizen of the Muscogee (Creek) Nation provided that:
  - a. The person is a Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), or the person is a lineal descendant of the Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137); and is not an enrolled member of another Tribe, Nation or Pueblo (Constitution, Article III, Section 3(B)(1)), **or the person: (1) is an individual who meets the eligibility criteria established under Article II of the Treaty of 1866, or; (2) is a lineal descendant of an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 and a lineal descendant of an individual whose names appear on the final rolls**

as provided by the Act of April 26, 1906, (34 Stat. 137), except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation. (Constitution, Article III, Section 2); and

- b. The person has made application to the Citizenship Board to become a citizen of the Muscogee (Creek) Nation (Constitution, Article III, Section 3(B) (2)); but
  - c. Those persons who are Muscogee (Creek) Indian by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137) shall be automatically included as citizens of the Muscogee (Creek) Nation. (Constitution, Article III, Section 3(B)(3)). Those persons who meet the eligibility criteria established under Article II of the Treaty of 1866 shall be automatically included as citizens of the Muscogee (Creek) Nation.
6. Full citizens in the Muscogee (Creek) Nation shall be those persons and their lineal descendants whose blood quantum is one-quarter (1/4) or more Muscogee (Creek) Indian, hereinafter referred to as those of full citizenship. All Muscogee (Creek) Indians by blood who are less than one-quarter (1/4) Muscogee (Creek) Indian by blood and Creek Freedmen shall be considered citizens and shall have all rights and

entitlements as members of the Muscogee (Creek) Nation except the right to hold office. (Constitution, Article III, Section 4).

- C. Enactment of this Title will enable implementation of these constitutional requirements in a fair and organized fashion.

[NCA 81-06, § 102, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 102, eff. Aug. 23, 2001.]

#### Library References

Indians O 214, 216, 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 1-103. Terms defined

For purposes of this Title, the following terms shall be defined as follows:

- ~~A. “Affirmation of enrollment” means the verification of the Citizenship Board’s approval of a person(s) Muscogee (Creek) lineage and Muscogee (Creek) blood quantum.~~
- B.A. “Citizen” means an enrolled Muscogee (Creek) Indian by blood and an enrolled Creek Freedman.
- ~~C.B. “Certification” means the action or decision by the Citizenship Board to place the name of an applicant upon the Citizenship Roll of the Muscogee (Creek) Nation.~~
- D.C. “Creek Freedman(men)” means: (1) an individual who meets the eligibility criteria established under Article II of the Treaty of 1866, and; (2) an individual who is a lineal descendant of an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 and a lineal descendant of an individual whose name appears on the final Freedman rolls as provided by the Act of April 26, 1906, (34 Stat. 137), and is enrolled in accordance with this Title.

**E.D.** **“Degree of Muscogee Indian blood”** means the ratio, expressed as a fraction, of Muscogee (Creek) Indian blood to all other Indian and non-Indian blood of the citizen, based upon evidence supplied from the 1906 Final Roll or other rolls listed in this title, and determined by averaging the degree of Muscogee (Creek) Indian blood of their direct ancestors, utilizing the base unit of 4/4ths (four fourths) as equal to a person who is a full-blood Muscogee (Creek) Indian, and the base unit of 0/4ths (no fourths) as equal to a person who has no Muscogee (Creek) Indian blood.

**F.E.** **“Dunn Roll”** means the list created by Federal Indian Agent J.W. Dunn in 1867 and 1869 to identify citizens of the Muscogee (Creek) Nation with African ancestry who met the qualification requirements under the Treaty of 1866.

**G.F.** **“Enrolled member of another Indian Tribe, Nation, Band or Pueblo”** means any person who is listed upon the Citizenship Roll or Membership Roll of any federally recognized Indian Tribe, Nation, Band, Rancheria, Alaskan Native Village, or Pueblo. Enrolled member of another Indian Tribe, Nation, Band, or Pueblo shall not mean any person enrolled in a Tribal town of the Muscogee (Creek) Nation, enrolled for judgment as a descendant of another Tribe, Nation, Band, Rancheria, Alaskan Native Village, or Pueblo in its distribution of a claim against the United States (unless said judgment enrollment constitutes, according to the Tribal law of another Tribe involved, Tribal citizenship or membership); or any person documenting their other Tribal affiliations for the purpose of guaranteeing their descendant’s rights in such other Tribes.

**H.G.** **“Final rolls as provided by the Act of April 26, 1906 (34 Stat. 137)”** means the entire set of rolls established pursuant to that Act, including the final rolls **and final Freedman rolls** of the Muscogee (Creek) Nation, and the Tribes of Seminole, Cherokees, Choctaws and Chickasaws, in order to provide for the enrollment of any Muscogee (Creek) Indian by blood descended from a Muscogee (Creek) Indian by blood enrolled in another Tribe in 1906 for the purpose of selecting lands.

**I.H.** **“Full citizens”** means those persons and their lineal descendants whose blood quantum is one-quarter (1/4) or more Muscogee (Creek) Indian, as determined under this Title.

**J.I.** **“Lineal descendant”** means child, grandchild, great-grandchild, great-great-grandchild or any further descendant in that sequence. Lineal descendant shall not mean any foster child or adopted child (unless such is independently **a Citizen of the Muscogee (Creek) Nation** Indian by blood) ~~whose adoption has not been approved by the Courts of the Muscogee (Creek) Nation, and said jurisdiction is hereby reserved from the Courts of the Nation until such time as a law is adopted to govern such actions.~~

**K.J.** **“Muscogee (Creek) Indian by blood”** means any person listed upon the Final Rolls of 1906 and enrolled with a listed quantum of Muscogee (Creek) Indian blood; or not enrolled with a separated racial status listed in lieu of Muscogee (Creek) Indian blood (e.g., Cherokee, White, Spanish, etc.) notwithstanding a Tribal Town citizenship for such person; and including such other Indians by blood of other Tribes adopted into the Muscogee (Creek) Nation prior to the final roll who were enrolled or their descendants enrolled as Muscogee (Creek) Indians in the Final Rolls of 1906.

**L.K.** **“Registration”** means the act of filling out proper forms under this Title and

forwarding the forms in completion to the Citizenship Board.

**M.L. "Treaty of 1866" means the Treaty between the United States of America and the Creek Nation of Indians of June 14, 1866 (14 Stat. 785).**

**N.M. "Declaration of Citizenship"** means the Citizenship Board's approval of an applicant to be a Muscogee (Creek) Citizen.

[NCA 81-06, §§ 5001 to 5010, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 103, eff. Aug. 23, 2001; amended by NCA 24-067, § 3, eff. May 29, 2024]

#### **Library References**

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

## CHAPTER 2. CITIZENSHIP BOARD

### Section

- 2-101. Nominations and confirmation.
- 2-102. Terms of office.
- 2-103. Quorum.
- 2-104. Officers.
- 2-105. Translation.
- 2-106. Functional management.
- 2-107. Administrative management.
- 2-108. Duties and responsibilities.
- 2-109. Rulemaking authority.
- 2-110. Compensation of Citizenship Board members.

### Cross References

Citizenship Board, see Const. Art. III, § 1.

### § 2-101. Nominations and confirmation

The Principal Chief shall nominate the members of the Citizenship Board by submission of a Tribal Resolution to the National Council. The National Council may at its discretion hold hearings on the persons nominated. National Council approval of the Tribal Resolution submitted by the Principal Chief shall be required for confirmation of all appointments. Nominations not approved by majority vote shall be withdrawn by the Principal Chief. Nominations withdrawn shall be replaced by new nominations.

[NCA 81-06, § 1001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 201, eff. Aug. 23, 2003; NCA 03-052, § 3, eff. March 28, 2003.]

### Library References

Indians O 216, 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 2-102. Terms of office

The members of the Citizenship Board, as of January 1, 1981, shall draw lots to determine that each member serve a one, two, three, four, or five year term. Thereafter, the term of office shall be for five (5) years, or in the event of a vacancy, for the balance of the term becoming vacant, with each term ending on June 1.

[NCA 81-06, § 1002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 97-03, § 103, approved Jan. 28, 1997; NCA 01-135, § 202, eff. Aug. 23, 2001.]

### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 2-103. Quorum

A quorum of the Citizenship Board shall be three (3) members. The existence of a quorum shall be certified by the Chairman, Vice-Chairman or presiding officer, and thereafter the actions taken by the Board shall be legally binding.

[NCA 81-06, § 1003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 203, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 2-104. Officers**

Officers shall be elected by majority vote of the Citizenship Board to hold a term of office for one (1) year. Only members of the Citizenship Board shall be eligible to serve as officers of the Board. The officers of the Board shall include the Chairman, Vice-Chairman and the Secretary.

[NCA 81-06, § 1004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 204, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 2-105. Translation**

If no Board member is present to translate Board actions into the Muscogee or Yuchi languages when actions involve a citizen who is not fluent in English, the Board shall appoint a translator.

[NCA 81-06, § 1005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 205, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 2-106. Administrative management**

The Citizenship Board, through the Chairman, shall be responsible for all administrative management of staff assigned to or working with the Citizenship Board, and shall be the sole authority for the direction, management and implementation of the responsibilities of such staff.

[NCA 81-06, § 1006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 206, eff. Aug. 23, 2001; amended by NCA 24-067, § 4, eff. May 29, 2024]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 2-107. Functional management**

The Citizenship Board, through the Chairman, shall be responsible for providing functional management information to the Citizenship Board's Executive Director, who

shall implement the policies and procedures necessary to achieve the functional management decisions of the Citizenship Board.

[NCA 81-06, § 1007, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 207, eff. Aug. 23, 2001 ; amended by NCA 24-067, § 4, eff. May 29, 2024]

#### Library References

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 2-108. Duties and responsibilities

- A. **Authority to maintain rolls.** The Citizenship Board shall establish and maintain the Citizenship Roll.
- B. **Administration.** The Citizenship Board shall administer the Citizenship Office and supervise its staff to insure that:
1. All required records are properly kept in order;
  2. All other components of the information received from citizens applying for enrollment is kept confidential;
  3. Procedures established by the Citizenship Board for staff review of applications are strictly enforced;
  4. Applicants providing all needed evidence are certified and enrolled; and
  5. Applicants not providing all needed evidence are granted:
    - a. The opportunity to submit needed evidence; and
    - b. If necessary, the right to a hearing and appearance before the Citizenship Board.

[NCA 81-06, § 1008, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 85-45, § 101, approved Aug. 2, 1985; NCA 01-135, § 208, eff. Aug. 23, 2001 ; amended by NCA 24-067, § 4, eff. May 29, 2024]

#### Library References

Indians O 222.

Westlaw Topic No. 209.

C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 2-109. Rulemaking authority

- A. **Rulemaking authority.** The Citizenship Board shall have the authority to prescribe, promulgate, and enforce, without National Council approval, such written rules and regulations as may be necessary to administer and enforce this Title, including without limitation rules and regulations for internal operational procedures, for review of citizenship applications, for hearings and appeals and for such other purposes as shall be reasonably necessary for the efficient performance of its duties, or as may be required or permitted by law; provided that said rules and regulations may not be inconsistent with this Title. Said rules shall be discussed in at least one public

hearing, after notice and advertised in the Muscogee Nation News, prior to adoption by the Citizenship Board.

- B. Filing requirements for regulations. No rule or regulation of the Citizenship Board shall be of any force or effect until and unless a certified copy of said rule or regulation bearing the signature of the Citizenship Board shall have been published in the Muscogee Nation News, filed for record in the office of the National Council Secretary, and filed for record in the Office of the Clerk of the Muscogee (Creek) Nation Courts.
- C. Judicial notice of regulations. The Courts of the Muscogee (Creek) Nation shall take judicial notice of all rules of the Citizenship Board promulgated pursuant to this Title.

[NCA 81-06, § 1009, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 209, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222, 412, 520(1).

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 151 to 180.

### **§ 2-110. Compensation of Citizenship Board members**

Each member of the Citizenship Board shall be paid a stipend for attendance at each Citizenship Board meeting. The stipend for each Citizenship Board member shall be five hundred dollars (\$500.00) per meeting; provided, however, that stipends shall not be paid for more than fifty (50) meetings per year.

[Added by NCA 07-154, § 1, eff. July 10, 2007; amended by NCA 12-103, § 1, eff. June 30, 2012; amended by NCA 13-187, § 2, eff. Aug. 27, 2013; amended by NCA 19-114, § 2, eff. Oct. 3, 2019.]

#### **Library References**

Indians O 210, 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 57 to 59, 62, 66 to 72, 180.

## CHAPTER 3. ESTABLISHMENT OF CITIZENSHIP ROLL

### Section

3-101. Citizenship Roll.

3-102. Enrollment numbers.

3-103. Information upon roll; access.

3-104. Confirmation of enrollment of living allottees.

### Cross References

Citizenship Board, establishment and maintenance of Citizenship Roll, see Const. Art. III, § 1.

### § 3-101. Citizenship Roll

The Citizenship Roll of the Muscogee (Creek) Nation is hereby established to include **all Citizens enrolled in accordance with this Title, including** those Muscogee (Creek) Indians by blood on the final rolls prepared pursuant to the Act of April 26, 1906, **Creek Freedmen**, and those persons hereafter enrolled pursuant to this Title.

[NCA 81-06, § 2001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 301, eff. Aug. 23, 2001.]

### Library References

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 3-102. Enrollment numbers

The enrollment numbers issued by the Citizenship Board under this Title shall begin with and sequentially follow the number: Creek 12030.

[NCA 81-06, § 2002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 302, eff. Aug. 23, 2001.]

### Library References

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 3-103. Information upon roll; access

- A. Information on rolls. The information on said rolls shall be limited to the following: all information categories upon the census cards of the final rolls prepared pursuant to the Act of April 26, 1906; name of the citizen, including all names formerly used by the citizen; the citizen's sex at the time of birth; the citizen's roll number; the citizen's degree of Muscogee (Creek) Indian blood, **if any**; the citizen's clan, Tribal Town, father and citizenship and mother and citizenship; the date of enrollment; the birthdate of the citizen; the address of the citizen; the district of the citizen; and the social security number or national identifier.
- B. Access to rolls. The computer printout of the full citizenship roll and the computerized full citizenship roll shall be available for viewing and computer access by Tribal programs providing benefits to Tribal citizens. The Citizenship Board Office shall provide information about a specific Tribal citizen contained on the citizenship

rolls to any enrollment office of another Tribe which requests information about such person in writing for enrollment purposes.

[NCA 81-06, § 2003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 303, eff. Aug. 23, 2001 ; amended by NCA 24-067, § 5, eff. May 29, 2024]

#### **Library References**

Indians O 222.

Westlaw Topic No. 209.

C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 3-104. Confirmation of enrollment of living allottees**

- A. **Constitutional requirement.** As provided by the Constitution of the Muscogee (Creek) Nation in Article III, Section 3(c), “persons who are Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137) shall be automatically included as citizens of the Muscogee (Creek) Nation.”
- B. **Procedures.** The Citizenship Board shall in all situations concerning living allottees:
1. Attempt to identify living allottees;
  2. Upon identification, obtain the information required to complete contemporary Tribal enrollment files, such as the married names of the female citizens, the current address of the citizens, the current district of the citizens, or any information required by law; and
  3. Upon determining the current address of the citizen, mail an executed enrollment card to the citizen.

[NCA 81-06, § 2004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 304, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 164, 222.

Westlaw Topic No. 209.

C. J.S. Indians §§ 1 to 2, 32 to 35, 59, 62, 67, 95, 179 to 180.

## CHAPTER 4. ENROLLMENT PROCESS

### Section

- 4-101. Eligibility.
- 4-102. Ineligibility.
- 4-103. Opportunity for citizenship; records; hearing.
- 4-104. Applications.
- 4-105. Evidence of lineal descent.
- 4-106. Evidence of degree of Muscogee (Creek) Indian blood.
- 4-107. Checking for dual enrollment.
- 4-108. Certification; denial; death of applicant.
- 4-109. Citizen enrollment cards and full citizen enrollment cards.
- 4-110. Appeals.
- 4-111. Copies of enrollment information.
- 4-112. Citizens advised of responsibility in current information.
- 4-113. Resignation of enrollment.
- 4-114. Fraudulent use of Muscogee Nation Enrollment Cards.

### Cross References

Registration and certification, see Const. Art. III, § 3.

### **§ 4-101. Eligibility; Meeting Article II Requirements**

- A. ~~As provided in the Constitution of the Muscogee (Creek) Nation at Article III, Section 2, “Persons eligible for citizenship in the Muscogee (Creek) Nation shall consist of Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906, (34 Stat. 137), and persons who are lineal descendants of those Muscogee (Creek) Indians by blood whose names appear on the final rolls as provided by the Act of April 26, 1906 (34 Stat. 137); (except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation.)”.~~
- B. **To be eligible for citizenship as a Creek Freedman, an individual must either be: (1) an individual who meets the eligibility criteria established under Article II of the Treaty of 1866, or; (2) an individual who is a lineal descendant of an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 and a lineal descendant of an individual whose name appears on the final Freedman rolls as provided by the Act of April 26, 1906, (34 Stat. 137) (except that an enrolled member of another Indian Tribe, Nation, Band or Pueblo shall not be eligible for citizenship in the Muscogee (Creek) Nation.)**
- C. **For purposes of this Title, the phrase “eligibility criteria established under Article II of the Treaty of 1866” means a person of African descent with no interest in the lands of the Muscogee (Creek) Nation, and:**
  - 1. **Such person was lawfully residing on the lands of the Muscogee (Creek) Nation under Nation laws and usages as of June 14, 1866, or;**
  - 2. **Such person resided on the lands of the Muscogee (Creek) Nation and returned to such lands within one year of July 19, 1866.**
- D. **Any individual seeking citizenship as a Creek Freedman must, first, sufficiently establish that he or she is an individual who is a lineal descendant of an individual who meets the eligibility criteria established**

**under Article II of the Treaty of 1866, and, second, sufficiently establish that he or she is an individual who is a lineal descendant of an individual whose name appears on the final Freedman rolls as provided by the Act of April 26, 1906, (34 Stat. 137). An individual may establish that he or she is a lineal descendant of an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 if, among other things, he or she provides sufficient documentation that he or she is a lineal descendant of an individual whose name appears on the Dunn Roll.**

[NCA 81-06, § 3001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 401, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 4-102. Ineligibility**

The following persons shall not be eligible for citizenship:

- A. Persons who are ~~not Muscogee (Creek) Indian~~ **do not meet the eligibility requirements under Section 4-101** ~~by blood, and~~
- B. Persons who are “an enrolled member of another Indian Tribe, Nation, Band or Pueblo.”

[NCA 81-06, § 3002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 402, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 4-103. Opportunity for citizenship; records**

- A. **Opportunity for citizenship.** ~~As provided in the Muscogee Nation Constitution at Article II, Section 1,~~ “Each Muscogee (Creek) Indian by blood **and Creek Freedmen** shall have the opportunity for citizenship in the Muscogee (Creek) Nation.”
- B. **Records.** In order to implement this Title, the Citizenship Board shall utilize the 8x10 Certificates of Degree of Indian Blood of the United States Department of the Interior, and other suitable records identified in Title 7, § 4-105.

[NCA 81-06, § 3003, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 403, eff. Aug. 23, 2001; NCA 02-078, § 1, approved May 30, 2002 ; amended by NCA 24-067, § 6, eff. May 29, 2024]

#### **Library References**

Indians O 214, 222.  
Westlaw Topic No. 209.  
C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 4-104. Applications**

- A. **Forms.** All applications for enrollment must be printed upon the Enrollment Application Form approved by the Citizenship Board, and all persons attempting to make application without utilizing the form shall be mailed or given an Enrollment Application Form.
- B. **Requirements.** A separate application must be filed by each person seeking enrollment. The application of an applicant eighteen (18) years of age or older must be signed by the applicant or the applicant’s legal guardian. The application of an applicant less than eighteen (18) years of age shall be submitted only by the applicant’s parent possessing legal custody of the minor or by the minor’s legal guardian, and must be signed by the person submitting the application.
- C. **Personal information.** Each enrollment application must be complete in its entirety and must contain sufficient personal information to properly determine the applicant’s eligibility for enrollment, including all names by which the applicant is known, the applicant’s current mailing address, the name of the ancestor on the final roll and final roll number, and the name of the Tribe and degree of Indian blood of parents or other ancestors enrolled with the other Tribes. The Citizenship Board Office shall not be responsible for completion of the application. The responsibility for completion of the application is on the applicant.
- D. **Documentation.** Applications for enrollment must be supported by original state-certified full photocopies, if the applicant was born prior to 1940 and provides a letter from vital records in the state of birth that no delayed birth certificate is able to be issued then supporting documentation can be accepted in place of the birth certificate only through Board approval, by state-certified vault copies or, in the case of applicants born abroad, by federal archival copies of birth certificates and other

official records showing date of birth and names of parents, and shall be subject to the following additional requirements if applicable:

1. If the father or mother is known by another name, the applicant must bring in a document or documents showing both names, including the following: state birth certificates; certificate of degree of Indian blood; court-recorded probate or heirship papers; or an affidavit stating that the person was known by both names to the affiant, supported with some other record, such as a baptismal certificate showing the names of the parents and the birthdate.
2. Applications based on paternal descendants from the 1906 rolls for a person born out of wedlock, whose birth certificate does not reflect his or her father's identity, must be documented by a court order or DNA result that establishes a direct lineal relationship.
3. If no delayed birth certificate is able to be issued then supporting documentation to be accepted in place of the birth certificate must include; determination of heirs; death and heirship for both father and mother; social security numident; or court-recorded probate.

**E. Retention of documents.** All evidence submitted to support an application for enrollment will be retained in the Citizenship Office as a part of the applicant's permanent record, except that original birth certificates will be copied and the original returned to the applicant.

[NCA 81-06, § 3004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 404, eff. Aug. 23, 2001 amended by NCA 16-170, § 2, eff. Nov. 3, 2016 ; amended by NCA 24-067, §6, eff. May 29, 2024.]

#### Library References

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 4-105. Evidence of lineal descent

**A. Lineal descent.** ~~Each applicant shall be required to provide E~~evidence of lineal descent either: (1) from a Muscogee (Creek) Indian by blood whose name appears on the final rolls prepared pursuant to the act of April 26, 1906 (34 Stat. 137), or; (2) from an individual who meets the eligibility criteria established under Article II of the Treaty of 1866 and of an individual whose name appears on the final Freedman rolls as provided by the Act of April 26, 1906, (34 Stat. 137). ~~, shall be required from each applicant.~~

**B. Evidence.** Evidence of lineal descent may include:

1. Certificate of Degree of Indian Blood (CDIB) issued by the United States Bureau of Indian Affairs (said certificate to be checked against the records of the issuing BIA agency to insure that no revocation has occurred);
2. An unbroken and complete documentation of descent through birth and/or death certificates or court-approved heirship decrees;
3. Sworn affidavit or testimony directly relating to the identity of the biological father of the applicant or the biological father of a lineal ancestor of the applicant in order

to establish lineal descent from an enrolled person; provided that if the Citizenship Board finds that said testimony and any other relevant documentation has not proven a preponderance of the evidence, the Citizenship Board may order the DNA testing of the applicant and the alleged parent to be conducted by a qualified medical laboratory testing facility approved by the Citizenship Board, at a time and place appointed by the Citizenship Board, with all costs to be the responsibility of the applicant, or, if he applicant is a minor child, with all costs to be the responsibility of the parent or legal custodian making application for citizenship in their behalf;

4. Birth certificate indicating an enrolled person as a parent, the enrollment papers of the parent being sufficient evidence of the child's descent;
5. When no other sufficient evidence can be produced, a court-approved Decree of Heirship which shows the relationship between the heir and the devisee to be a direct lineal relationship.

[NCA 81-06, § 3005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 81-77, § 101, approved July 27, 1981; NCA 01-135, § 405, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 4-106. Evidence of degree of Muscogee (Creek) Indian blood

Evidence of degree of Muscogee (Creek) Indian blood shall be based upon the degree of Muscogee (Creek) Indian blood shown for all direct ancestors on the final rolls prepared pursuant to the Act of April 26, 1906 (34 Stat. 137).

[NCA 81-06, § 3006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 406, eff. Aug. 23, 2001.]

#### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 4-107. Checking for dual enrollment

Every applicant who indicates a degree of Indian blood other than Muscogee (Creek) Indian **and every Creek Freedman applicant** shall:

- A. Be advised by the Citizenship Board of the Constitutional prohibition of dual enrollment.
- B. Be requested to execute an Acknowledgment of Other Indian Blood, naming the Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity (other than Tribal Towns of Muscogee (Creek) Nation) descended from, their degree of blood in that Tribe or Tribes, and their current enrollment status in that Tribe or Tribes; and the Citizenship Board shall request that the other Tribe(s) verify the acknowledgment.

- C. If enrolled in another Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity, be required to execute a Resignation of Enrollment for the purpose of being enrolled in the Muscogee (Creek) Nation.
- D. If not enrolled, be requested to execute an oath not to enroll in another Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity; violation of this oath will make the applicant ineligible for Tribal services and subject to removal.

[NCA 81-06, § 3007, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 87-89, § 102, approved Dec. 28, 1987; NCA 01-135, § 407, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 4-108. Declaration of Citizenship; denial; death of applicant**

- A. **Declaration of Citizenship.** Declaration of Citizenship of one or more person(s) shall require a majority vote of the Citizenship Board; physically displayed as a certification for the citizen.
- B. **Denial.** In the event that certification is denied, the Citizenship Board shall send a notice of denial of the application to those persons whose applications were rejected by the Citizenship Board. Each notice shall state the date of the action and shall state the grounds for the decision.
- C. **Death of applicant.** If the death of an applicant occurs while an application is pending or during the pendency of an appeal to the Citizenship Board, the following shall apply:
  - 1. The Citizenship Board shall issue a decision regarding the applicant's eligibility for enrollment had he or she lived, if requested by the Social Services Office of the Muscogee (Creek) Nation for the purposes of determining eligibility for burial assistance.
  - 2. If a child is stillborn or if a child aged one year or less dies with or without an enrollment application pending, the Muscogee (Creek) Nation Citizenship Board shall issue a decision regarding the child's eligibility for enrollment had he or she lived, if requested by the Social Services Office of the Muscogee (Creek) Nation for purposes of determining eligibility for burial assistance.
  - 3. During the entire process, the Citizenship Board shall provide all notices to which the deceased would have been entitled, to the applicant's family member responsible for the Social Services Office application for burial assistance. Said family members shall assume the rights of the deceased at all further stages of the application process, including appeal rights.

[NCA 81-06, § 3008, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 408, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

#### **§ 4-109. Citizenship cards**

The citizenship card shall be recognized as the official photo identification of the Muscogee (Creek) Nation. A citizenship card may be issued to each citizen with a declaration of citizenship and to each living citizen on the 1906 Dawes Commission Roll. The citizen's social security number or national identifier may be placed on the citizenship card at the discretion of the tribal citizen. The citizenship card shall be in the form of a photo identification card. It shall contain the degree of Muscogee (Creek) Indian blood of the Tribal citizen and shall not contain the degree of blood from any other Tribe. The citizenship card shall be signed or stamped with the signature of the Principal Chief. There will be no fee for the first card issued to a Tribal citizen. A lost card may be replaced for a fee of twenty dollars (\$20.00). All citizens shall have a duty to keep the Citizenship Board Office informed of their current contact information.

[NCA 81-06, § 3009, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 409, eff. Aug. 23, 2001; amended by NCA 13-193, § 1, eff. Aug. 27, 2013 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

#### **§ 4-110. Appeals**

- A. **Administrative appeal.** If certification is denied or if certification is granted but the applicant disagrees with the Muscogee (Creek) blood quantum on the membership card, the applicant may appeal the decision within ten (10) days of receipt of the decision of the Citizenship Board. The burden of proof shall be upon the applicant, to demonstrate by a preponderance of evidence that he or she is a Muscogee (Creek) Indian by blood, **a Creek Freedman**, or to prove the correct Muscogee (Creek) blood quantum for membership purposes. The applicant may request a hearing to reconsider the denial of certification or the Muscogee (Creek) blood quantum determination. At least seven (7) days notice shall be given to an applicant before holding any hearing. Said notice shall be served on the applicant by certified mail, return receipt requested. Applicants may represent themselves at any hearing, or they may designate a person to represent them. The applicant and any member of the Citizenship Board may subpoena witnesses and present any additional documentary evidence not already considered by the Citizenship Board. If an appeal is filed but a hearing is not requested, the Citizenship Board may issue a decision based on the appeal notice and relevant documentary evidence. If the Board affirms the denial of certification or the Muscogee (Creek) blood quantum determination the applicant shall have standing to bring action under subsection B of this section.
- B. **Judicial appeals.** The Courts of the Muscogee (Creek) Nation are hereby granted exclusive jurisdiction over all disputes relating to, arising under or in conflict with this Title. After the applicant has exhausted the administrative remedies of the

Citizenship Board, and a final determination not to enroll the applicant has been made, **or the applicant objects to a blood quantum determination**, the applicant shall have the right to file an appeal of said decision in the Muscogee (Creek) Nation District Court. The applicant shall serve notice of the appeal to the Chairman of the Citizenship Board or his authorized representative at the Citizenship Board Offices. In hearing the appeal, the Muscogee Nation District Court shall give proper deference to the administrative expertise of the Citizenship Board. The Muscogee Nation District Court shall not set aside, modify, or remand any determination by the Board unless it finds that the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. Standard procedures of the Muscogee (Creek) Nation District Court, including the right to appeal to the Supreme Court, shall govern all proceedings.

[NCA 81-06, § 103, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 410, eff. Aug. 23, 2001.]

#### **Cross References**

Removal of names from Citizenship Roll, review by courts, see Title 7, § 5-106.

Jurisdiction, generally, see Title 27, § 1-102.

#### **Library References**

Indians O 222, 429, 433.

Westlaw Topic No. 209.

C. J.S. Indians §§ 32 to 35, 59, 62, 67, 151 to 180.

### **§ 4-111. Copies of enrollment information**

The Citizenship Board shall provide copies of enrollment information to:

- A. Tribal government programs of the Muscogee (Creek) Nation.
- B. Upon subpoena, to the Courts of the Muscogee (Creek) Nation.

[NCA 81-06, § 3010, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 411, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 222.

Westlaw Topic No. 209.

C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### **§ 4-112. Citizens advised of responsibility in current information**

The Citizenship Board shall advise each certified citizen in writing, in Muscogee and in English, of their responsibility to provide new information to the Citizenship Board any time they move or change their name.

[NCA 81-06, § 3011, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 412, eff. Aug. 23, 2001.]

#### **Library References**

Indians O 222.

Westlaw Topic No. 209.

C. J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

#### **§ 4-113. Resignation of enrollment**

- A. **Resignation.** Resignations of enrollment shall become effective thirty (30) days after the enrollment card is returned, or twenty (20) days after required forms are executed, whichever is later. Any enrolled citizen of the Muscogee (Creek) Nation may resign their enrollment in the Muscogee (Creek) Nation by:
1. Presenting their enrollment card to the Citizenship Board.
  2. Executing forms prescribed by the Citizenship Board which indicate that the resignation is voluntary.
- B. **Resignation irrevocable.** The resignation of a citizen over the age of eighteen (18) shall be an absolute and irrevocable resignation effective upon the date of receipt by the Citizenship Board Office.
- C. **Resignation of minors.** Resignation of citizenship of a child under eighteen (18) may be made only by a parent possessing legal custody of the child or by the child's legal guardian. It shall be a conditional resignation, conditioned on the citizen's acceptance for enrollment in another Tribe, in which case the resignation shall be effective on the date of the enrollment in the other Tribe. However, a child under the age of eighteen (18) who has resigned may request an additional reinstatement once the minor reaches the age of eighteen (18).

[NCA 81-06, § 5011, as amended by NCA 82-69, § 101, approved Dec. 1, 1982; NCA 01-135, § 413, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

#### **§ 4-114. Fraudulent use of Muscogee (Creek) Nation Citizenship Cards**

- A. The fraudulent use of any Muscogee (Creek) Nation Citizenship Card, either as personal identification, to register to vote, to become eligible for any benefit, or for any other fraudulent purpose, by any person other than the enrolled person to whom the enrollment was issued or by their authorized representative, or by any person who has resigned their citizenship with the Muscogee (Creek) Nation, is an offense punishable for up to one (1) year in jail and up to five thousand dollars (\$5,000) in fines in accordance with Title 14 of the Muscogee (Creek) Nation Code.
- B. Reports concerning violations of this section **shall** may be referred to the **Lighthorse Police Department and the Office of the Attorney General** Tribal-Lighthorse Administration.

[NCA 81-06, § 5012, as amended by NCA 82-69, § 102, approved Dec. 1, 1982; NCA 01-135, § 414, eff. Aug. 23, 2001 ; amended by NCA 24-067, §6, eff. May 29, 2024]

#### **Library References**

Indians O 260, 620.  
Westlaw Topic No. 209.  
C. J.S. Indians §§ 151 to 187, 191 to 194.

## CHAPTER 5. MAINTENANCE OF ROLL

### Section

- 5-101. Change of name.
- 5-102. Change of address.
- 5-103. Change in district.
- 5-104. Add social security number.
- 5-105. Deceased enrolled persons.
- 5-106. Removal of names from the Citizenship Roll.

#### Cross References

Citizenship Board, establishment and maintenance of Citizenship Roll, see Const. Art. III, § 1.

### § 5-101. Change of name

A legal change of name in the form of a court-ordered change of name or a change by reason of marriage, divorce or adoption shall be entered upon the Citizenship Roll, and a new Declaration of Citizenship and Citizenship Card issued.

[NCA 81-06, § 4001, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 501, eff. Aug. 23, 2001; amended by NCA 24-067, §7, eff. May 29, 2024]

#### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 5-102. Change of address

Any change in address must be reported to the Citizenship Board, and the citizen's address in their enrollment records shall be updated.

[NCA 81-06, § 4002, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 502, eff. Aug. 23, 2001.]

#### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

### § 5-103. Add social security number or national identifier

A social security number or national identifier may be added to citizenship records at any time by the citizen, whether a living 1906 enrollee for whom the Citizenship Board does not have a social security number, or a child enrolled under this title who later obtains a social security number.

[NCA 81-06, § 4004, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 504, eff. Aug. 23, 2001; amended by NCA 24-067, §7, eff. May 29, 2024]

#### Library References

Indians O 222.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

## § 5-104. Deceased enrolled citizens

The Citizenship Board shall keep a file of the name, number and date of death of any deceased enrolled citizen reported by any Muscogee (Creek) Nation department and/or verified by the staff of the Citizenship Board.

[NCA 81-06, § 4005, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 505, eff. Aug. 23, 2001; amended by NCA 24-067, §7, eff. May 29, 2024]

### Library References

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

## § 5-105. Removal of names from the Citizenship Roll

A. **Authority.** The Citizenship Board shall have the power to remove the names of persons from the Citizenship Roll of the Muscogee (Creek) Nation.

B. **Procedure.** In effecting removal, the Citizenship Board shall:

1. Designate a cause to remove from the Roll, said cause hereby limited to:
  - a. Proof that the person **does not meet the eligibility requirements under Section 4-101 of this Title** ~~is not Muscogee (Creek) Indian by blood;~~
  - b. Proof that the person is an enrolled member of another Indian Tribe, Nation, Band, Pueblo, Alaskan Native Village or other federally recognized Indian entity;
  - c. Proof that fraud, bribery, or misrepresentation were utilized at any stage in securing enrollment;
  - d. Voluntary resignation from citizenship by an enrolled citizen; and
  - e. Order by a Tribal Court to remove a name from the Citizenship Roll.
2. If a citizen is found to be dually enrolled with another Indian Tribe, Nation, Band, Pueblo, Alaskan Native Village, or other federally recognized Indian entity and after the citizen is removed, the person may be reinstated after all necessary reinstatement procedures have been completed and approved by the Citizenship Board. If a citizen is found to be dually enrolled for a second time and after the citizen is removed, the removal is absolute and irrevocable. However, a citizen under the age of eighteen (18) that the Citizenship Board has removed may request an additional reinstatement once the minor reaches the age of eighteen (18).
3. Notify the otherwise enrolled citizen that cause for his or her name to be removed has been designated and that he or she have thirty (30) days to request a hearing if any cause other than resignation or court order is involved.
4. Hold a hearing if requested by the person against whom cause has been designated. The hearing shall be an evidentiary proceeding where the burden of proof shall be upon the Citizenship Board to establish by evidence beyond a reasonable doubt that the designated cause is true and sufficient to remove the person from the Citizenship Roll by unanimous decision of the Citizenship Board.

All certified copies of records in the citizen's file shall automatically be introduced by the Chairman. The citizen and any member of the Citizenship Board may subpoena witnesses. The decision of the Citizenship Board may be reviewed by the Muscogee (Creek) Nation courts as provided by Title 7, § 4-110.

- C. **Removal decision.** The removal decision shall be effective upon the day following any appeal deadline, if the citizen fails to appeal a removal decision at any stage of the proceedings by said appeal deadline. If the removed citizen appeals the removal decision within the time allowed, the removal shall not become effective until a final appeal decision is rendered. When a removal decision becomes final, the Citizenship Board shall send the removed person a certified letter, return receipt requested, stating that he or she is no longer a citizen of the Muscogee (Creek) Nation as of that date.

[NCA 81-06, § 4006, approved Nov. 13, 1980; revised version approved Aug. 2, 1985; amended by NCA 01-135, § 506, eff. Aug. 23, 2001; amended by NCA 24-067, §7, eff. May 29, 2024]

#### **Library References**

Indians O 222.

Westlaw Topic No. 209.

C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

Monday, October 27, 2025

## Citizenship Board's Comments regarding Proposed Amendments

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### D. "Degree of Muscogee Indian Blood"

*means the ratio, expressed as a fraction, of Muscogee (Creek) Indian blood to all other Indian and non-Indian blood of the citizen, based upon evidence supplied from the 1906 Final Roll or other rolls listed in this title, and determined by averaging the degree of Muscogee (Creek) Indian blood of their direct ancestors, utilizing the base unit of 4/4ths (four fourths) as equal to a person who is a full-blood Muscogee (Creek) Indian, and the base unit of 0/4ths (~~no fourths~~) as equal to a person who has no Muscogee (Creek) Indian blood.*

- *Strike out and replace it with 0. The Board is requesting the fraction, which equals no Muscogee (Creek) Blood, to be 0/0.*
- 

### § 3-102. Enrollment numbers

*The enrollment numbers issued by the Citizenship Board under this Title shall begin with and sequentially follow the number: Creek 12030 and Creek Freedman 6840.*

- *The Board requests another set of roll numbers, as the amendments indicate that another roll is being introduced.*
- 

### § 4-107. Checking for dual enrollment

*Every applicant ~~who indicates a degree of Indian blood other than Muscogee (Creek) Indian~~ and every Creek Freedman applicant shall:*

- *The Board is requesting this change regarding dual enrollment.*
- 

### § 4-110. Appeals

#### *B. Judicial appeals*

*The Courts of the Muscogee (Creek) Nation are hereby granted exclusive jurisdiction over all disputes relating to, arising under, or in conflict with this Title. After the applicant has exhausted the administrative remedies of the Citizenship Board, and a final determination not to enroll the applicant has been made, **or the applicant objects to a blood quantum determination**, the applicant shall have the right to file an appeal of said decision in the Muscogee (Creek) Nation District Court.*

- *The Board has a comment/question regarding this amendment:*
  - *Situations regarding blood quantum have been addressed previously, and the Board has made decisions based on the code and the Attorney General's guidance. They wanted to present this situation/question here:*
    - *These situations take us to the Dawes Roll. There are situations on census cards where the original enrollee child only has the Creek*



blood quantum listed from the Creek mother, since the Dawes rolls were matrilineal; however, the Creek father is listed on the same census card, and his Creek blood quantum is not factored into the child's Creek blood quantum. In situations like this, would this amendment allow the child's Creek blood quantum to be changed from 1/2 (as listed on the Dawes roll) to 17/32, or would this allow them to take it to the MCN court to determine?

- Example listed below:

Residence: No. 6 Tulsa Card No. 892  
 Post Office: Okfuskee, I.T. Field No. 374

**CREEK NATION. CREEK ROLL.**

Dawes' Roll No.	NAME	Relation to Person First Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS					
						Year	Town	No.	Name of Father	Year	Town	Name of Mother	Year	Town
2896	1 Posey, James H.		56	M	1/16	1890	Broken Arrow	223	William Posey	Dead	Broken Arrow	Hannie Posey	Dead	Non City
2897	" Nancy	W	42	F	3/16	1890	Tuskagee	210	Parha Harjo	"	Tulsa Canadian	"	Tuskagee	
2898	" John	Son	20	M	1/2	1890	"	210	No. 1.		No. 2.	"	"	
2899	4 " Mattie	Daughter	18	F	1/2	1890	"	210	No. 1.		No. 2.	"	"	
2900	5 " Conny	Son	15	M	1/2	1890	"	210	No. 1.		No. 2.	"	"	
2901	6 " Horace	Son	10	M	1/2	1890	"	210	No. 1.		No. 2.	"	"	
2902	7 " Darwin	Son	8	M	1/2	1895	"	34	No. 1.		No. 2.	"	"	
2902	8 " Ella	Daughter	6	F	1/2	1895	"	35	No. 1.		No. 2.	"	"	
2904	9 " Mordun	Son	3	M	1/2				No. 1.		No. 2.	"	"	
10	ENROLLMENT													
11	APPROVED BY THE SECRETARY OF INTERIOR <u>March 13 1901.</u>													
12	No. 1. on 1890 roll as L. H. Posey													
13	No. 5 on 1890 roll as Carlina Posey													
14	No. 6 " " " Hannie Posey													
15	No. 9 on 1895 pay roll as Colman Posey													
16	No. 3 " 1890 roll as Johnnie Posey													
17	No. 1 on Broken Arrow Pay Roll of 1895													
18	All others except No. 4 on Tuskagee Pay Roll of 1895													

Date of Application for Enrollment. Oct 5<sup>th</sup> 1899

3/2/01 - No. 1. died January 17, 1902. prob. transferred to Law Office

# Citizenship Board Policies & Procedures

## I. Purpose

The purpose of the Policies and Procedures is to provide an administrative framework for internal operational procedures, including but not limited to, rules for the review of citizenship applications, for hearings and appeals, and such other purposes necessary for the efficient performance of the Citizenship Board's operations.

## II. Citizenship Board

### A. Terms of Office

There shall be five members of the Citizenship Board. The term of office shall be for five years, or in the event of a vacancy, for the balance of the term becoming vacant, with each term ending on June 1.

### B. Quorum

A quorum of the Citizenship Board shall be three members. The existence of a quorum shall be certified by the Chairperson, Vice-Chairperson or presiding officer, and thereafter the actions taken by the Board shall be legally binding.

### C. Officers

Officers shall be elected by majority vote of the Citizenship Board on the first regular meeting of June of each year, to hold a term of office for one year. Only members of the Citizenship Board shall be eligible to serve as officers of the Board. The officers of the Board shall include the Chairperson, Vice-Chairperson and the Secretary.

## III. Duties and Responsibilities of the Citizenship Board

### A. Authority to Maintain Rolls

The Citizenship Board shall establish and maintain the Citizenship Roll.

### B. Administration

The Citizenship Board shall administer the Citizenship Office and supervise its staff to insure that:



1. All required records are properly kept in order;
2. All other components of the information received from citizens applying for enrollment is kept confidential;
3. Procedures established by the Citizenship Board for staff review of applications are strictly enforced;
4. Applicants providing all needed evidence are certified and enrolled; and
5. Applicants not providing all needed evidence are granted:
  - a. The opportunity to submit needed evidence; and
  - b. If necessary, the right to a hearing and appearance before the Citizenship Board.

#### **IV. Rulemaking Authority**

##### **a. Rulemaking Authority**

The Citizenship Board shall have the authority to prescribe, promulgate, and enforce, without National Council approval, such written rules and regulations as may be necessary to administer and enforce this title, including, without limitation, rules and regulations for internal operational procedures, for review of citizenship applications, for hearings and appeals and for such other purposes as shall be reasonably necessary for the efficient performance of its duties, or as may be required or permitted by law; provided that said rules and regulations may not be inconsistent with Title 7 of the Muscogee (Creek) Nation Code Annotated.

##### **b. Filing Requirements for Regulations**

No rule or regulation of the Citizenship Board shall be of any force or effect until and unless a certified copy of said rule or regulation bearing the signature of the Citizenship Board shall have been published in the Muscogee Nation News, filed for record in the office of the National Council Secretary, and filed for record in the Office of the Clerk of the Muscogee Nation Courts.

##### **c. Judicial Notice of Regulations**

The Courts of the Muscogee Nation shall take judicial notice of all rules of the Citizenship Board promulgated pursuant to this title.

#### **V. Applications**

~~Applications are given when lineage to a by blood enrolled or Dawes descendant is established. These applications are given only to a parent or~~

legal guardian, the applicant, or Citizenship Board member, or an elected official.

Pending status:

All applicants for citizenship will be considered “pending” until their application is completed and approved by the Director/Manager of Citizenship and a Citizenship Board Member. Processing time will vary based on the information provided by the applicant. The board will notify applicants if additional information or documents are necessary to complete the file. No rights or privileges are conferred upon the applicant unless and until the application is finalized and approved.

Applications are received in the office by walk in or through the mail.

Walk Ins:

- a. Are logged in ~~by the Customer Service Specialist.~~
- b. Applications are screened for required documentation by the Customer Service Specialist and are then sent directly to the Enrollment Specialist for review and processing.
- c. During the processing, if any documentation is not in order, the Enrollment Specialist then writes or contacts the applicant.
- d. Once the application is in order the enrollment process proceeds.
- e. The application is approved and then endorsed by the Board and the ~~Manager~~ and an enrollment number is issued to the applicant.
- f. A citizenship card is then issued to the applicant.

Mail Ins:

- a. Are received by the ~~Office Assistant~~ which is logged into a ~~spreadsheet~~ with the name, date, time and a detailed description of what was received.
- b. Once logged in, ~~the application is sent to the Records Management Specialist who reviews all the documentation and a “Good” (meaning all documentation is in order and can be processed, the copies of the originals are placed with the application and the originals are returned to the applicant) or “Bad” (meaning documentation is incomplete, the application is returned to the applicant) letter is sent.~~
- e. ~~Once the application is in order the enrollment process continues.~~
- d. During the processing, if any documentation is not in order the Enrollment Specialist then writes or contacts the applicant.
- e. The application is approved and then endorsed by the Board and the ~~Manager~~ and an enrollment number is issued to the applicant.
- f. A citizenship card is then issued to the applicant.

Required Information/Documentation

- a. A completed application
- b. A state certified full image of the original birth record. Must be signed by the state registrar, embossed with the state seal and must list the state file number.
  - a. If you are submitting a delayed or amended birth certificate, you must include one supporting document that lists the parent(s) names, such as a social security abstract, a school record, or a probated will which lists the person as an heir.
  - b. Hospital, city and county birth certificates are NOT acceptable.
  - c. Computer generated or transcribed birth certificates are not acceptable unless they are the only option available from that state and supporting documents are provided.
  - d. ~~Xerox copies~~ are not acceptable.
- c. Submit State certified full image of the original birth and/or death record of your NON ENROLLED ancestor through whom you are tracing.
  - a. Death record must list the Creek parents and a supporting document for each death record submitted.
- d. When tracing back to the original enrollee you must submit a State certified full image of the original birth and/or death record(s), which must list the Creek parent(s) name as listed on the Indexed and Final Rolls of Citizens of the Five Civilized Tribes. All originals will be returned after they are reviewed. ~~Copies~~ will not be accepted.
- e. ADOPTION: ~~Citizenship Cards~~ are issued only through the Natural parents. ~~In cases of adoption, quantum of Indian blood must be proven through the BIOLOGICAL PARENTS only.~~ A copy of the Petition for Adoption and the Final Decree of Adoption must accompany the application for enrollment, as well as the STATE CERTIFIED, FULL IMAGE OF THE BIRTH RECORD: Documents need to state the biological parents by name or supporting documents will need to be provided as requested by and at the discretion of the Director/Manager or his/her designees. All information will remain confidential.

**Instructions:**

All applicants for citizenship will be provided with an instruction sheet by the Citizenship Board. These instructions can be amended and adapted by the Board as necessary and at the Board's discretion to provide information as to what is required to complete the citizenship applications.

- A. Instructions may include but are not limited to the following:
  1. Complete the application for citizenship. List the name(s) of your ancestor(s) & roll number(s) from the Index and Final Rolls of Citizens of The Five Civilized Tribes.
  2. The applicant will need to be prepared to update the last enrolled member(s)' file(s) from their direct lineage at the discretion of the Director/Manager or his/her designees.

3. The applicant will need to attach an original State Certified, Full Image of the Original Birth Record. This document will be signed by the State Registrar, embossed with the State Seal and must list the state file number. If the applicant is submitting a “delayed” or amended birth certificate and/or death certificate, they must include one supporting document that lists the parents’ names, such as a social security abstract, a school record, or a probated will which lists the person as an heir.

Caution: Hospital, city and county birth certificates are NOT acceptable. Computer generated, abstracted or transcribed birth certificates are NOT acceptable unless they are the only option available from that state and supporting documents are provided. You will need to order the record directly from the State Vital Statistics Office and specifically request a State Certified, Full Image of the Original Birth Record. Photocopies are NOT accepted. All originals will be returned after they are reviewed.

4. Applicants are to submit a State Certified, full image of the original birth and/or death record(s) of your NON-ENROLLED ancestor(s) through whom you are tracing. If an applicant provides a death record, it must list the Creek parent(s) name. Applicants will need to provide a supporting document for each death record.
5. When tracing back to the original enrollee, the applicant must submit a State Certified Full Image of the original birth and/or death Record(s), which must list the Creek Parent as listed on the Index and Final Rolls of Citizens of the Five Civilized Tribes. All originals will be returned after they are reviewed.
6. Adoption: Citizenship Cards are issued only through the natural parents. In cases of adoption, quantum of Indian blood must be proven through the Biological Parents only. A copy of the Petition for Adoption and the Final Decree of Adoption Documents (containing the name of a biological Muscogee (Creek) parent) must accompany the application for enrollment, as well as the State Certified, Full Image of the Birth Certificate. All information will remain confidential.
7. Completed applications with the required documents should be mailed to: Muscogee (Creek) Nation, Attn: Citizenship Board, P.O. Box 580, Okmulgee, OK 74447.

## **VI. Recordkeeping**

All records of an approved application shall be kept in order and maintained in such a way that preserves the confidentiality of each applicant/citizen. The procedure for preserving an individual’s personal information shall be as follows:

1. Each approved application shall be assigned an ~~application number~~, roll number and issue date.
2. Each file shall be maintained in a numerical order by roll number within the filing system of the Citizenship Office.
3. Only Citizenship Board Members and Citizenship Office Staff shall have access to the Citizenship filing system. No other persons shall have access to the Citizenship filing system. Unless approved by either the Board or Director/Manager.
4. All records, documents, or correspondence related to an individual citizenship application shall be placed and maintained within the corresponding citizenship file.
5. A computer log shall be maintained by the Citizenship Office Staff that references the applicant name and number. A log will be maintained within each file that references all correspondence or actions taken with respect to the file.
6. The Citizenship Board shall provide copies of enrollment information to: ~~1) the Election Board of the Muscogee (Creek) Nation; 2) at the request of a citizen, to any other person or entity;~~ or 3) upon a valid subpoena, issued by the Courts of the Muscogee (Creek) Nation.
7. All evidence and documents submitted to support an application for enrollment will be retained by the Citizenship Office as a part of the applicant's permanent record, except that original birth certificates will be copied and the original returned to the applicant. ~~Copies of documents provided become the property of the citizenship office.~~

## **VII. Pending Applications**

Applications are placed in a pending status as follows:

- a. If another tribe is listed for other Indian Blood. (if other tribe(s) is/are listed on the application.)
- b. Awaiting documentation:
  - i. Incorrect information.
  - ii. Adoptions – waiting on final Decree from the court.

## **VIII. Citizenship Roll**

1. The Citizenship Roll of the Muscogee (Creek) Nation is hereby established to include those Muscogee (Creek) Indians ~~by blood~~ on the final rolls prepared pursuant to the Act of April 26, 1906, and those persons hereafter enrolled pursuant to Title 7 of the Muscogee (Creek) Nation Code Annotated.
2. The Information on said rolls shall be limited to the following: all information categories upon the census cards of the final rolls prepared pursuant to the Act of April 26, 1906; names of the ~~member~~, including all names formerly used by the ~~member~~; the ~~member's~~ sex; the ~~member's~~ roll number; the ~~member's~~ degree of Muscogee (Creek) Indian blood; the

~~member's clan, Tribal Town, father, mother, and citizenship; the date of enrollment; the birthdate of the member; the address of the member; the District of the member; and the social security number or other enrollment identification number of the member.~~

## **IX. Procedures for Staff Review of Applications for Citizenship**

The procedure for staff review of the applications for citizenship shall be as follows:

1. Upon the submittal of an application for citizenship to the Citizenship Office a ~~records management specialist~~ shall perform a cursory review of the application to make sure that the application is complete.
2. ~~If the application is not complete, the application shall be immediately returned to the applicant so the applicant can complete the application in full. If the application was submitted through the U.S. Mail, the application shall be returned to the applicant with a written response explaining the reason for returning the application to the applicant.~~
3. If an application appears to be complete, the application shall be reviewed in depth by an enrollment specialist to make sure that the applicant's lineage is correct and that the applicant's lineage does trace back to an individual whose name appears on the ~~final rolls as provided by the Act of April 26, 1906~~ or to a person who is a lineal descendant of a ~~Museogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906.~~ If the application is correct and complete it shall be forwarded to the Citizenship Board and the Citizenship Director/Manager for final review and signature approval.
4. ~~Certification of citizenship~~ shall require approval of all documentation and proper signatures.
5. ~~A citizen enrollment card shall be issued to each certified applicant for citizenship and to each living citizen on the 1906 Dawes Commission Roll. Failure to refuse or return the card within fifteen (15) days after the card has been printed and mailed to the applicant shall be construed as affirmation of enrollment. The membership card shall be in the form of a photo identification card and shall contain the degree of Museogee (Creek) Indian blood of the tribal member. It shall not contain the degree of Indian blood from any other tribe. An enrolled member shall have the option of requesting that his or her social security number be placed on the card. The membership card shall be signed by the Principal Chief of the Museogee (Creek) Nation or stamped with the signature of the Principal Chief. There will be no fee for the first card issued to a tribal member. A lost card may be replaced for a fee of \$5.00. All members shall have a duty to keep the Citizenship Board informed of their current mailing address.~~
6. If the application is reviewed by an enrollment specialist and it appears that the applicant cannot trace back to a ~~Museogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of~~

~~April 26, 1906~~ or to a person who is a lineal descendant of a ~~Muscogee (Creek) Indian by blood whose name appears on the final rolls as provided by the Act of April 26, 1906,~~ then the application may be forwarded to the Citizenship Board for review. Upon review of the application and a determination that the application is not complete or correct the Citizenship Board Office shall provide a written response to the applicant explaining the documentation or evidence that is necessary for the applicant to complete his or her application. (The Citizenship Office may provide the applicant with any technical assistance that will help the applicant complete his or her application.) If after a reasonable period the applicant does not provide the necessary documentation to satisfy the requirements for enrollment, the Citizenship Office shall notify the applicant in writing of the Citizenship Board's decision to deny the citizenship of the applicant. The written notification of denial of certification shall state the date of the action and shall state the grounds for the decision.

7. Any amended documents provided to the Citizenship Office shall require a supporting document approved by the Citizenship Office.

#### Discretion of the Citizenship Board Concerning Errors:

Name discrepancies on documentation provided to the board by the applicant shall be resolved by supplemental information provided by the applicant. It is the responsibility of the applicant to show that discrepancies are typographical. Acceptance of alternative forms of Identification for purposes of proving errors may be accepted at the discretion of the Director/Manager of Citizenship or his/her designees.

### **X. Removal of Names from the Citizenship Roll**

#### A. Authority

The Citizenship Board shall have the power to remove the names of persons from the Citizenship Roll of the Muscogee (Creek) Nation.

#### B. Procedure

In effecting removal, the Citizenship Board shall:

1. Designate a cause to remove from the Roll, said cause hereby limited to:
  - a. Proof that the person is not ~~Muscogee (Creek) Indian by blood,~~

- b. Proof that the person is an enrolled member of another Indian tribe, nation, band, pueblo, Alaskan Native Village or other federally recognized Indian entity;
  - c. Proof that fraud, bribery, or misrepresentations were utilized at any stage in securing enrollment;
  - d. Voluntary resignation from citizenship by an enrolled citizen; and
  - e. Order by a tribal court to remove a name from the Citizenship Roll.
2. Notify the otherwise enrolled citizen that cause for his or her name to be removed has been designated and that he or she have thirty (30) days to request a hearing if any cause other than resignation or court order is involved. In cases where dual enrollment has been established the citizen will be sent a removal letter.
3. Hold a hearing if requested by the person against whom cause has been designated. The hearing shall be an evidentiary proceeding where the burden of proof shall be upon the Citizenship Board to establish by evidence beyond a reasonable doubt that the designated cause is true and sufficient to remove the person from the Citizenship Roll by unanimous decision of the Citizenship Board. All certified copies of records in the citizen's file shall automatically be introduced by the Chairperson. The citizen and any member of the Citizenship Board may subpoena witnesses. The decision of the Citizenship Board may be reviewed by the Muscogee (Creek) Nation courts as provided by Title 7, § 4-110.

#### C. Removal Decision

The removal decision shall be effective upon the day following any appeal deadline, if the member fails to appeal a removal decision at any stage of the proceedings by said appeal deadline. If the removed member appeals the removal decision within the time allowed, the removal shall not become effective until a final appeal decision is rendered. When a removal decision becomes final, the Citizenship Board shall send the removed person a certified letter, return receipt requested, stating that he or she is no longer a member of the Muscogee (Creek) Nation as of that date and that his/her enrollment card must be returned to the citizenship office within fifteen (15) days of receipt of the letter.

### **XI. Appeals Procedure**

#### A. Administrative Appeal

1. If ~~certification~~ is denied or if ~~certification~~ is granted but the applicant disagrees with the Muscogee (Creek) blood quantum on the membership card, the applicant may request an appeal of the decision within ~~10~~ days of receipt of the decision of the Citizenship Board.
2. The burden of proof shall be upon the applicant, to demonstrate by a preponderance of evidence that he or she is a ~~Muscogee (Creek) Indian by blood~~ or to prove the correct Muscogee (Creek) blood quantum for membership purposes.
3. The applicant may request a hearing to reconsider the denial of certification or the Muscogee (Creek) blood quantum determination.
4. At least seven days notice shall be given to an applicant before holding any hearing. Said notice shall be served on the applicant by certified mail, return receipt requested.
5. The time, date and location of the hearing shall be provided in the notice submitted to the applicant.
6. Applicants may represent themselves at any hearing, or they may designate a person to represent them.
7. The applicant and any member of the Citizenship Board may subpoena witnesses and present any additional documentary evidence not already considered by the Citizenship Board.
8. If an appeal is filed but a hearing is not requested, the Citizenship Board may issue a decision based on the appeal notice and relevant documentary evidence. If the Board affirms the denial of ~~certification~~ or the Muscogee (Creek) blood quantum determination the applicant shall have standing to bring action under subsection B of Title 7, § 4-110.
9. The written decision of the Citizenship Board on appeal shall be provided to the applicant within a reasonable time after the appeal hearing. The written decision shall state the grounds for the decision of the Citizenship Board. The written decision shall be mailed to the applicant by certified mail, return receipt requested.

#### B. Judicial Appeals

1. The Courts of the Muscogee (Creek) Nation are hereby granted exclusive jurisdiction over all disputes relating to, arising under or in conflict with Title 7 of the Muscogee (Creek) Nation Code Annotated.
2. After the applicant has exhausted the administrative remedies of the Citizenship Board, and a final determination not to enroll the applicant has been made, the applicant shall have the right to file an appeal of said decision in the Muscogee (Creek) Nation District Court.

3. The applicant shall serve notice of the appeal to the Chairman of the Citizenship Board or his or her authorized representative at the Citizenship Office.
4. In hearing the appeal, the Muscogee (Creek) Nation District Court shall give proper deference to the administrative expertise of the Citizenship Board.
5. The Muscogee (Creek) Nation District Court shall not set aside, modify, or remand any determination by the Board unless it finds that the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. Standard procedures of the Muscogee (Creek) Nation District Court, including the right to appeal to the Supreme Court, shall govern all proceedings.

## **XII. Maintenance of Roll**

### **A. Change of Name**

A legal change of name in the form of a court-ordered change of name or a change by reason of marriage, divorce or adoption shall be entered upon the Citizenship Roll, and a new ~~Citizen Enrollment Card~~ issued. If the above documentation cannot be provided (marriage or divorce only), then three forms of Identification shall be sufficient at the discretion of the Director/Manager of Citizenship or his/her designees.

### **B. Change of Address**

Any change in address must be reported to the Citizenship Office, and the citizen's address in their enrollment records shall be updated.

### **~~C. Change in District~~**

~~Any enrolled person who changes districts, whether:~~

- ~~1. A resident of a District of the Muscogee (Creek) Nation who moves to a different District within the Muscogee (Creek) Nation or moves outside the Muscogee Nation and desires to change districts; or~~
- ~~2. A non-resident of the Muscogee (Creek) Nation who moves into a district of the Muscogee Nation other than the one already enrolled in, shall be changed in their district enrollment by the Citizenship Office (if properly reported by the citizen). Changes of district shall not be made for citizens who are not residents in Muscogee (Creek) Nation and desire to change districts. No changes in district shall be effective during any sixty (60) days prior to a regular or special election.~~

**D. Add Social Security Number**

A social security number shall be added to enrollment records at any time by the citizen, whether a living 1906 enrollee for whom the Citizenship Office does not have a social security number, or a child enrolled under this title who later obtains a social security number.

**E. Deceased Enrolled Persons**

The Citizenship Office shall keep a file of the name, number and date of death of any deceased enrolled person reported by any citizen and verified by the staff of the Citizenship Board.

**F. Citizens Advised of Responsibility in Current Information**

The Citizenship Office shall advise each certified citizen in writing, of their responsibility to provide new information to the Citizenship Board any time they move or change their name.

**G. Resignation of Enrollment**

**1. Resignation**

Resignations of Creek enrollment shall become effective thirty (30) days after the enrollment card is returned, or twenty (20) days after required forms are executed, whichever is later. Any enrolled citizen of the Muscogee (Creek) Nation may resign their enrollment in the Muscogee (Creek) Nation by:

- a. Presenting their enrollment card to the Citizenship Office.
- b. Executing forms prescribed by the Citizenship Office which indicate that the resignation is voluntary.

**2. Resignation Irrevocable**

The resignation of a member over the age of eighteen received on or after August 23, 2001 shall be an absolute and irrevocable resignation effective upon the date of receipt by the Citizenship Board Office.

**3. Resignation of Minors**

Resignation of the membership of a child under eighteen may be made only by a parent possessing legal custody of the child or by the legal guardian of the child and shall be a conditional resignation, conditioned on the member's acceptance for

enrollment in another tribe, in which case the resignation shall be effective on the date of the enrollment in the other tribe.

4. Effective Date of Irrevocable Resignations

The effective date of recognizing resignations as irrevocable is August 23, 2001. Resignations prior to the effective date shall not be recognized as irrevocable.