

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

SUPREME COURT  
FILED

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CONNIE DEARMAN  
MUSCOGEE (CREEK) NATION  
COURT CLERK

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

Appellant, )

vs. )

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

Respondents. )

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

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

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## INTRODUCTION

Thirty-one weeks have elapsed since this Court's clear and unambiguous July 23, 2025 Order and Opinion. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10 (Sup. Ct. Muscogee (Creek) Nation July 23, 2025) ("July Opinion"). As of this filing, the Citizenship Board of the Muscogee (Creek) Nation ("Citizenship Board" or "Board") has still failed to issue citizenship cards to Rhonda Grayson and Jeffrey Kennedy. Respondents unfortunately now return to the Court for a third time, requesting relief from the failures of the Citizenship Board and Principal Chief David Hill ("Chief Hill"), and to effectuate Respondents' rights. Muscogee (Creek) Freedmen have long been denied citizenship rights, and every day that passes constitutes a further denial of such rights in blatant disregard of this Court's Order. And with a Special Election scheduled for May 30, 2026, it is imperative that Respondents be granted their citizenship cards as soon as possible so they can exercise their fundamental right to vote. After all, "the right of qualified voters, regardless of their political persuasion, to cast their votes effectively" "rank[s] among our most precious freedoms." *Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983) (quoting *Williams v. Rhodes*, 398 U.S. 23, 30-31 (1968)).

On August 27, 2025, Respondents filed their original Motion for Contempt. In denying this Motion for Contempt, the Court afforded the Board a "reasonable amount of time" to establish procedures in line with the Court's Order and issue Respondents citizenship cards. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10, at 2 (Sup. Ct. Muscogee (Creek) Nation Aug. 28, 2025) ("Order Denying Motion for Contempt") (emphasis added). That same day, Chief Hill issued Executive Order No. 25-05, (the "Executive Order") effectively barring issuance of citizenship cards to Creek Freedmen.<sup>1</sup> Ex. A ("Exec.

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<sup>1</sup> As described in Respondents' Renewed Motion for Contempt, Chief Hill's Executive Order directs the Citizenship Board to "not issue citizenship cards or any form of membership identification cards to [Muscogee (Creek) Freedmen

Order”). Roughly eight weeks elapsed without action from the Citizenship Board, so on October 14, 2025, Respondents renewed their Motion for Contempt, asking this Court to order the Citizenship Board and Chief Hill to show cause as to why they should not be held in contempt, arguing that a reasonable time had passed for the Board to issue Respondents’ citizenship cards. On November 13, 2025, this Court took the Renewed Motion for Contempt under review and ordered that the Citizenship Board must file monthly status reports with the court. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10, at 1, 2 (Sup. Ct. Muscogee (Creek) Nation Nov. 13, 2025) (“November Order”).

Now, three months after the sole monthly status report was filed, Respondents file this third Motion for Contempt. The Citizenship Board’s December 5, 2025 status report proved vague at best: the Citizenship Board attempted to provide updates, but largely deferred to Chief Hill, effectively claiming that their hands were tied by both Executive action and inaction. *See Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10, at 1, 2 (Sup. Ct. Muscogee (Creek) Nation Dec. 5, 2025) (“December Status Report”) (“Appellant Citizenship Board is not the Principal Chief and does not have access to the requested information.”); *id.* at 2 (“The Citizenship Board transmitted their comments [on proposed Title 7 amendments] to the Executive Branch and Attorney General’s Office on October 29, 2025. . . . Appellant Citizenship Board is unaware of what action was taken thereafter by the Principal Chief or National Council.”).

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descendants] until all law and policy have been fully reviewed and amended to meet the qualification requirements under Article II of the Treaty of 1866.” Exec. Order ¶ 2.01. The Citizenship Board must “maintain the status quo by continuing to accept, process, and issue determinations for applications for new Mvskoke citizens in accordance with current law and policy”—directly contrary to this Court’s Order. *Id.* ¶ 2.02; July Opinion at 2, 23 (requiring the Citizenship Board to issue citizenship to Respondents because this is simply “what Mvskoke law demands.”). The Executive Order has no end-date; it is effective “until further notice.” Exec. Order ¶ 4.01.

Doubling down on his Executive Order, Chief Hill made clear that he had no intention to follow this Court’s Order. In its status report, the Citizenship Board attached Chief Hill’s responses to the Citizenship Board’s questions. *Id.* at Ex. 2. Chief Hill denied all responsibility, stating that he is “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 . . . falls under the exclusive province of the Principal Chief . . . .” *Id.*<sup>2</sup> Since then, no further status reports have been filed or ordered, leaving Respondents and this Court in the dark with respect to the progress of Respondents’ citizenship cards. *See* November Order (“It is further ordered that the Court will issue (1) a new set of monthly status report requirements and (2) the next due date following the filing of the previous month’s status report.”).

A third Motion for Contempt is necessary for several reasons. First, Chief Hill’s Executive Order halts any processing of citizenship cards for Freedmen descendants for the indefinite future—or perhaps forever. Monthly status reports do not adequately address this concern, as evidenced by Chief Hill’s unwillingness to provide a substantive update in response to the November Order. *See* December Status Report, at Ex. 2. The Executive Order, combined with Chief Hill’s unwillingness to comply, fundamentally alters what could otherwise be characterized as administrative delays, transforming them into a mandate for an indefinite—if not permanent—injunction on the issuance of Freedmen citizenship cards. Contempt is necessary to reassert and safeguard the principle that it is *this Court’s* authority, “province[,] and duty” to “say what the law is”—not Chief Hill’s. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

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<sup>2</sup> On December 18, 2025, Respondents objected to the status report and moved for leave to respond. *Citizenship Bd. of the Muscogee (Creek) Nation v. Rhonda K. Grayson & Jeffrey D. Kennedy*, SC-2023-10 (Sup. Ct. Muscogee (Creek) Nation Dec. 18, 2025). The Court has yet to rule on this filing.

Second, Chief Hill recently announced a Special Election scheduled for May 30, 2026. *See A Proclamation by David W. Hill, Principal Chief of the Muscogee (Creek) Nation*, The Muscogee Creek Nation (Nov. 25, 2025), <https://www.muscogeenation.com/2025/11/25/proclamation-of-special-election-in-may-2026/>. Without citizenship cards, Respondents are unable to register to vote and will be denied their fundamental right to vote for the second time because of the Board's delays.

Finally, as raised in Respondents' previous motions, the Citizenship Board and Chief Hill should be held in contempt because of their continued failure to abide by this Court's Order. The Citizenship Board's delays caused by Chief Hill's Executive Order amounts to deliberate obfuscation of this Court's order. An indefinite delay is patently unjustified given this Court's clear ruling as to Respondents, nor would a delay of several months (let alone years) be a "reasonable amount of time to establish appropriate changes." Order Denying Motion for Contempt at 2 (emphasis in original). Ms. Grayson and Mr. Kennedy, as lawful citizens of M(C)N, eagerly await their citizenship cards and remain ready, willing, and able to begin the process of reconciliation with the Muscogee (Creek) Nation's leadership.<sup>3</sup>

But recent developments have forced Ms. Grayson and Mr. Kennedy to reluctantly return to this Court, file a third Motion for Contempt, and seek redress yet again. This Court should intervene and hold the Citizenship Board and Chief Hill in contempt, compel the immediate issuance of citizenship cards to Ms. Grayson and Mr. Kennedy, and award them their fees and costs associated with this Motion under M(C)N RAP 20(C).

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<sup>3</sup> Ms. Grayson and Mr. Kennedy have diligently attempted to resolve this issue since July 23, 2025, but have been stonewalled in their extrajudicial attempts to obtain their citizenship cards. *See generally* Ex. B (Ms. Grayson's October 1, 2025 email); Ex. C ¶¶ 2-14; Ex. D ¶¶ 2-14; Ex. E (Damario Solomon-Simmon's July 24, 2025 letter and follow-up correspondence); Ex. F (Ms. Grayson's February 2, 2026 email). And they have already been denied their right to vote in this Nation's most recent elections, despite their clear legal entitlement to citizenship in this Nation and their "excitement to participate in official Mvskoke exercises of citizenship." Order Denying Motion for Contempt at 2.

This Court has the power to enforce compliance with its orders through civil contempt. *See Ellis v. Muscogee (Creek) Nation Nat'l Council*, SC-2006-07, at 5 (Sup. Ct. Muscogee (Creek) Nation Aug. 30, 2007); *Frye v. Cox*, No. CV 90-10, at 1 (Dist. Ct. Muscogee (Creek) Nation Oct. 30, 1990). Importantly, the contempt power reaches Chief Hill: “[t]he contempt power extends to cover those individuals who, despite not being parties to the action, ‘have notice of the court’s order and the responsibility to comply with it.’” *See, e.g., Schrunk v. J & T Servs., LLC*, No. 19-cv-1137 (SRN/DTS), 2020 WL 9171087, at \*3 (D. Minn. 2020) (quoting *Chi. Truck Drivers v. Bhd. Lab. Leasing*, 207 F.3d 500, 507 (8th Cir. 2000)); *cf. FTC v. Productive Mktg., Inc.*, 136 F. Supp. 2d 1096, 1103-04 (C.D. Cal. 2001) (holding nonparty in contempt for failure to substantially comply with court order); *Goya Foods, Inc. v. Wallack Mgmt. Co.*, 290 F.3d 63, 75 (1st Cir. 2002) (“Nonparties may be liable for civil contempt notwithstanding their nonparty status. . . . The critical datum is whether the nonparty ‘was in active concert or participation with the party specifically enjoined [and] aided and abetted the defendant in the enjoined conduct.’”). Failure to abide by this Court’s Order warrants “[a] finding of contempt against the party in non-compliance” or the “[i]mposition of a penalty or costs.” M(C)N RAP 20(C)(4), (5).

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

## I. The Citizenship Board

All three elements are satisfied here as to the Citizenship Board. First, this Court's July Opinion was valid and lawful, as confirmed by the August 20, 2025 Order and Opinion that denied the Citizenship Board's petition for rehearing. Second, the July Opinion unambiguously directed the Citizenship Board to "apply the Treaty of 1866 and issue citizenship to the Respondents, and any other future applicant who is able to establish a lineal descendant on the Creek By Blood Dawes Roll, or the Creek Freedmen Dawes Roll." July Opinion at 23. And third, the Citizenship Board has chosen to follow Chief Hill's Executive Order, refusing to comply with the July Opinion despite having **eight months** to issue Ms. Grayson and Mr. Kennedy their citizenship cards. *See also* December Status Report at 5-6 (describing reasonable time frame of 60-90 days to make procedural amendments). The Citizenship Board has chosen to listen to Chief Hill instead of this Court. Those decisions have consequences.

As Ms. Grayson and Mr. Kennedy have met their burden as to the first three elements for contempt, the burden shifts to the Citizenship Board to show its inability to comply—a burden that it cannot meet. *See Chi. Truck Drivers*, 207 F.3d at 505. To show that compliance is presently impossible, the defendant must demonstrate: "(1) that they were unable to comply, explaining why categorically and in detail, (2) that their inability to comply was not self-induced, and (3) that they made in good faith all reasonable efforts to comply." *United States v. Santee Sioux Tribe of Neb.*, 254 F.3d 728, 736 (8th Cir. 2001) (quoting *Chi. Truck Drivers*, 207 F.3d at 506). The Citizenship Board cannot and will not meet its burden because it has no excuse (and has articulated no valid excuse) for failing to issue the citizenship cards.

The Citizenship Board cannot rely on Chief Hill's Executive Order as a justification for noncompliance. Even in the face of a contrary executive order, a coordinate government agency

still must obey a judicial order. In *J.G.G., et al. v. Trump*, after President Trump signed a proclamation removing certain individuals from the United States under the Alien Enemies Act, the U.S. District Court for the District of Columbia entered an *ex parte* temporary restraining order (“TRO”) preventing the government defendants from deporting the plaintiffs. Order, No. 25-766, at 3-5 (D.D.C. Apr. 16, 2025). When the government deported the plaintiffs in violation of the TRO, the court held it in contempt, regardless of the President’s directive. *Id.* at 31-37. The court declared that “[t]he Constitution does not tolerate willful disobedience of judicial orders — especially by officials of a coordinate branch who have sworn an oath to uphold it.” *Id.* at 2. The same reasoning applies to the Treaty of 1866 here, which this Court recognized is “the supreme law of the land.” July Opinion at 21.

Further, the Citizenship Board presently has the ability to comply. The Citizenship Board has its own independent rulemaking authority conferred by Muscogee (Creek) Nation Code Annotated (“M(C)NCA”) Title 7 § 2-109. The Board can “prescribe, promulgate, and enforce, *without National Council approval*, such written rules and regulations as may be necessary.” *Id.* (emphasis added). The Board itself has admitted that they have “prepared” “amended policies and procedures”—but claim that they must wait for the National Council, directly contrary to M(C)NCA Title 7 § 2-109; *see* Ex. F (email from Allan Colbert Jr. to Rhonda Grayson on Feb. 17, 2026). And although Chief Hill is the head of the executive branch, he has no legal authority over the Citizenship Board’s administrative functions. *See* M(C)NCA Title 7 §§ 2-106, 2-107; Muscogee (Creek) Const. art. III. The Citizenship Board is a constitutionally created board, and Chief Hill has no power over the Board beyond appointing its members. *See* Title 7 § 2-101; Muscogee (Creek) Const. art. III. Thus, the Citizenship Board does not have to wait for any action

by the National Council or Chief Hill; it has the power to grant Respondents' citizenship cards now.

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

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

Like those school boards, the Citizenship Board, at the direction of Chief Hill, continues to drag its feet in what can only be described as bad faith. Instead of "energetically and diligently" granting citizenship, *Little Rock Sch. Dist.*, 666 F. Supp. at 161, the Citizenship Board has and will continue to choose fidelity to the executive branch over a valid judicial order from this Court. As

admitted in the December status update, the Board's decision to abide by Chief Hill's Executive Order has completely halted the processing of citizenship cards. *See* December Status Update at 1-2 ("Appellant Citizenship Board is not the Principal Chief and does not have access to the requested information."); *id.* at 2-3 ("Appellant Citizenship Board is unaware of what action was taken thereafter by the Principal Chief or National Council."); *id.* at 3 ("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[.]").

Tribal entities are no strangers to civil contempt, as tribal and federal courts alike have found civil contempt an appropriate remedy to compel compliance from election boards and tribal councils. In 2000, the Supreme Court of the Cheyenne-Arapaho Tribes held an election board in contempt and ordered it to place a name on the election ballot after it failed to comply with the initial order. *Cheyenne-Arapaho Election Bd. v. Tabor*, 7 Okla. Trib. 121, at 1 (Sup. Ct. Cheyenne-Arapaho Tribes Oct. 27, 2000). The district court had found that its order was valid, definite, and clearly violated by the election board, and the Cheyenne-Arapaho Supreme Court affirmed. *See id.*

Similarly, in 2001, the Eighth Circuit in *Santee Sioux Tribe* held members of a Tribal Council in contempt because the members passed a tribal referendum to keep the Ohiya Casino open, directly contravening the court's injunction ordering the Tribe to cease class III gaming. 254 F.3d at 731, 736-37. Specifically, the court reasoned: "The Council members cannot hide behind a spurious tribal referendum because the Tribe cannot pass such a referendum in contravention of federal law, including the lawful orders of a federal court." *Id.* at 737. While the Council members "attempt[ed] to cloak their actions with the cape of the tribal referendum," the court reasoned that

the “Tribe’s noncompliance with federal law cannot serve as justification for the Council’s inability to comply with the court order.” *Id.*

So too here. The Citizenship Board “attempt[s] to cloak [its] actions” by obeying an obstructive Executive Order from Chief Hill instead of a lawful Order from this Court. The Citizenship Board cannot hide behind the Executive Order to avoid complying with this Court’s order, and the status report suggests that the executive branch does not intend to comply with the Order in the near future, or perhaps at all. Accordingly, this Court should hold the Citizenship Board in contempt.

## **II. Chief Hill**

Chief Hill should likewise be held in contempt for his obstructive Executive Order, described *supra*. “The contempt power extends to cover those individuals who, despite not being parties to the action, ‘have notice of the court’s order and the responsibility to comply with it.’” *Schrunk v. J & T Servs., LLC*, No. 19-cv-1137 (SRN/DTS), 2020 WL 9171087, at \*3 (D. Minn. 2020) (quoting *Chi. Truck Drivers*, 207 F.3d at 507). Chief Hill certainly has notice of the Court’s Order, as evidenced by the Executive Order and his response to the Citizenship Board’s request for information.

The Executive Order, which Chief Hill based solely on “the executive authority vested in [him] as Principal Chief,” Exec. Order at 1, itself proves his knowledge of the Court’s Order, directing the Citizenship Board not to grant any descendants of Muscogee (Creek) Freedmen citizenship—including *Respondents*. Chief Hill’s mandate directly contradicts his disclaimers, both in federal court and in the M(C)N District Court, that he does not have any role in processing citizenship cards. *See, e.g., Grayson v. Citizenship Bd. of the Muscogee (Creek) Nation*, CV-2020-34, at 2 (Dist. Ct. Muscogee (Creek) Nation Jan. 6, 2023) (Def.’s Mot. Quash Non-Party

Deposition Subpoena) (arguing Chief Hill “has not been involved in any aspect of Plaintiff’s case.”); Ex. G 4:24-5:3 (Tr. Hrg. Mot. Quash) (“Chief Hill is not on the citizenship board, has nothing to do with the involvement of records or rolls.”); *Graham v. Haaland*, No. 4:22-cv-404, at 2 (N.D. Okla. Jan. 31, 2023) (Def. David Hill’s Mot. Dismiss) (arguing that Chief Hill is a tribal official with “no authority or control over the Nation’s citizenship rolls.”). Yet, he is actively using his position as Executive to prevent the Citizenship Board from issuing citizenship to Respondents.

As established *supra*, elements one and two are satisfied under the contempt standard. *See Ellis*, SC-2006-07, at 5. And as for element three, to comply with the Court’s Order, Chief Hill was not required to take any action at all. Instead, he is actively obstructing this Court’s order. As “Judge Learned Hand explained that, while no court can make a decree that binds ‘the world at large,’ a non-party ‘may be punished if he either abet[s] the defendant or [is] legally identified with him.’” *Chi. Truck Drivers*, 207 F.3d at 507 (quoting *Alemite Mfg. Corp. v. Staff*, 42 F.2d 832, 833 (2d Cir. 1930)).

Chief Hill is aiding and abetting—if not directly forcing—the Citizenship Board’s contempt in this proceeding. His unlawful Executive Order manufactured complications he claimed were caused by this Court’s clear Order; he falsely claimed that the Executive Branch needs to “work on the necessary amendments and/or adoption of new laws” as well as “appropriate policies and procedures.” Exec. Order ¶¶ 1.06, 2.01. As a result, his Executive Order forbids the Board from following this Court’s order and issuing citizenship cards to Muscogee (Creek) Freedmen descendants *indefinitely*.

Chief Hill provides minimal detail with respect to timeline; he presents no steps taken by the executive branch or any detail about what laws and procedures he believes must be put in place

or their justification. His response to the Citizenship Board when asked for updates echoes the same themes in his Executive Order. He asserts:

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.

December Status Report, at Ex. 2. His substantive updates are similarly lacking, stating executive departments are reviewing policies to determine what amendments may be necessary and executive branch officials are discussing proposed amendments with the Office of the Attorney General. *Id.*; see also *Abrego Garcia v. Noem*, No. 8:25-cv-00951-PX, at 1 (D. Md. May 13, 2025) (warning Government that failure to comply or otherwise respond will be “construed as an intentional refusal to comply with this Court’s orders.”). Instead, Chief Hill conveniently forgets the core constitutional principle of judicial review, usurping this Court’s role in the M(C)N’s constitutional framework by obstructing the Citizenship Board from carrying out the July Opinion. *Cf. Marco M. v. Bondi*, 0:25-cv-04816, at 3 (D. Minn. Jan. 25, 2026) (Order Adopting R&R) (“There has been an undeniable move by the Government in the past month to defy court orders or at least stretch the legal process to the breaking point in an attempt to deny [constitutional rights].”). By conditioning the lawful grant of citizenship cards ordered by this Court on unnecessary legislative and constitutional actions that could take years, Chief Hill not only oversteps the bounds of his own executive authority—he also seeks to nullify this Court’s July Opinion.

Respectfully, Respondents maintain that there are no laws that need to be adopted or policies that need to be changed. This Court made clear that the Citizenship Board must “apply the Treaty of 1866 and issue citizenship [cards] to the Respondents.” July Opinion at 23. Ms.

Grayson and Mr. Kennedy are M(C)N citizens—all that is left is for the Citizenship Board to issue their citizenship cards. This timeline is particularly concerning given the upcoming May 30, 2026, special election.<sup>4</sup> While the constitutional amendments Muscogee (Creek) Nation citizens will vote on are not solidified, the proposed amendments will no doubt impact Respondents. On Wednesday, February 19, 2026, the M(C)N Business, Finance, and Justice Committee passed referendum legislation to go to the full council. Meredith Johnson, *BFJ Passes Referendum Legislation*, MVSOKKE Media (Feb. 24, 2026), <https://www.mvskokemedia.com/bfj-passes-referendum-legislation>. This proposed legislation<sup>5</sup> will allow Chief Hill to extend his tenure and continue interfering with Respondents' right to citizenship and illegally pack this Court if it seeks to aid Respondents in any way. Under this Court's Order, Respondents are entitled to the full extent of citizenship—including the fundamental right to vote. Further, Respondents are concerned that if the tribe decides to place Muscogee (Creek) Freedmen citizenship at issue at the special election (which, in the first instance, would contravene this Court's Order), Respondents would be unable to voice their opinion on an issue directly affecting their own rights because of Chief Hill's obstructionist actions. *Cf. Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 509 F. Supp. 3d 1348, 1356 (M.D. Ga. 2020) ("Courts routinely deem restrictions on fundamental voting rights irreparable injury because once the election occurs, there can be no do-over and no redress.") (internal citations omitted).

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<sup>4</sup> The Voter Registration deadline for the May 30, 2026 special election is May 19, 2026, at 5:00 P.M. CT. *2026 Special Election Dates & Deadlines* (last visited Mar. 7, 2026), <https://www.muscogeenation.com/wp-content/uploads/2026/01/Special-Election-Dates-Deadlines-2026.png>.

<sup>5</sup> NCA 26-030 (amending Article VII, Section 2 of the M(C)N Constitution to permit Special Justices to be appointed if Supreme Court Justices recuse themselves to ensure seven justices hear each case); NCA 26-031 (amending Article IX of the M(C)N Constitution to read "The Special Election may be called by the Principal Chief and combined with a General Election if the constitutional amendment ordinance is enacted at least 90 days prior to a General Election."); NCA 26-037 (amending Article V, Section 1(a) and (c) of the M(C)N Constitution to "change[] the terms of office for Principal Chief and Second Chief from two consecutive terms (8 years) to three terms (12 years total, consecutive or non-consecutive)"). *Id.*

Chief Hill's actions are especially disappointing, given his clear understanding of the sanctity of the Treaty of 1866, which according to Chief Hill, is "the supreme law of the land." *See* Ex. H (Chief Hill's August 30, 2023, Letter to Governor Kevin Stitt about State of the State Address); *see also* Principal Chief David Hill, Facebook, (Oct. 8, 2025 at 04:33 P.M.), <https://www.facebook.com/photo/?fbid=1463633762190345&set=a.336386338248432> (emphasizing hunting and fishing rights established by treaties between tribes and the United States); Principal Chief David Hill, Facebook, (Feb. 2, 2026 at 03:29 P.M.), <https://www.facebook.com/100056312061759/posts/pfbid027CaLJueQy8nLTjRU3MKYKgNW3mJsSsJFhZXnqzUTrpdDV269gWEtZRALLH1eTvsDI/> (criticizing Governor Stitt's stance on tribal sovereignty); Braden Harper, *Seven years later, Stitt still does not understand Tribal sovereignty*, Mvskoke Media (Feb. 3, 2026), <https://www.mvskokemedia.com/seven-years-later-stitt-still-does-not-understand-tribal-sovereignty/> (discussing Chief Hill's response). He respects and upholds this supremacy selectively; he agrees that the Treaty protects the Tribe's hunting and fishing rights but continues to deny that this same Treaty grants citizenship to Muscogee (Creek) Freedmen.

With the issuance of the Executive Order, Chief Hill injected himself into this controversy, despite statements to the contrary. *See, e.g.*, December Status Report, at 1 ("I am not a party in the *Grayson* case[.]"). He claimed this Court "encroach[ed] on the authority of the other branches," possibly causing "a constitutional crisis." Exec. Order ¶ 1.05. But in the next breath, Chief Hill attempts to nullify the July Opinion, directing the Citizenship Board to "not issue citizenship cards or any form of membership identification cards to [descendants of Muscogee (Creek) Freedmen] until all law and policy have been fully reviewed and amended." *Id.* ¶¶ 1.05, 2.01. *Compare* Exec. Order No. 14389(Feb. 20, 2026) (President Trump's executive order reinstating tariffs under

different provision hours after Supreme Court declared tariffs unconstitutional), *with* Exec. Order (Chief Hill’s executive order halting processing of citizenship cards weeks after Muscogee (Creek) Nation Supreme Court declared Muscogee (Creek) Freedmen citizens).

As Executive, Chief Hill has the duty to uphold the Constitution and the laws of the M(C)N. To be clear: the Executive Branch “cannot do indirectly what [it] is barred from doing directly”—it cannot create an end-run around a lawful order which it is bound to follow. *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 190 (2024). Chief Hill has overstepped, encroaching on the Citizenship Board’s independence and usurping this Court’s authority. Such willful and blatant obstruction of a lawful court order cannot be tolerated. Accordingly, this Court should hold Chief Hill in contempt, or alternatively, order a hearing to show cause as to why he should not be held in contempt.

### CONCLUSION

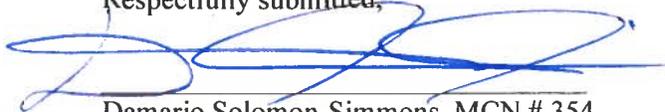
As with the two prior motions for contempt, Ms. Grayson and Mr. Kennedy do not file this Motion lightly. They would prefer—and have repeatedly sought—a proactive, collaborative resolution with this Nation’s leadership. The Citizenship Board’s willful decision to follow Chief Hill’s illegal Executive Order and its failure to heed this Court’s instruction to issue citizenship cards are just two more barriers in a series of carefully placed obstacles in the Executive Branch’s forty-five-year-long effort to defy the Treaty of 1866’s command that the descendants of “Creeks of African descent” shall enjoy citizenship with M(C)N. After this Court resisted the Executive Branch’s attack on its judicial authority via the unconstitutional special justice law, and after this Court unambiguously ordered full compliance with the Treaty of 1866, Ms. Grayson and Mr. Kennedy respectfully submit that action is, unfortunately, needed once more.<sup>6</sup>

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<sup>6</sup> Regrettably, without action from this Court, Respondents are left with no other option for relief besides filing in federal court. *See, e.g., Vann v. Kempthorne*, 534 F.3d 741 (D.C. Cir. 2008).

This Court should (1) find the Citizenship Board in contempt for its willful failure to comply with this Court's July 23, 2025 Order and Opinion, (2) order the Citizenship Board to issue Ms. Grayson and Mr. Kennedy citizenship cards immediately, (3) hold Chief Hill in contempt for his obstruction of this Court's July 23, 2025 Order and Opinion, and (4) award Ms. Grayson and Mr. Kennedy their attorney fees and costs associated with this Motion pursuant to M(C)N RAP 20(C). Only by enforcing its Order can this Court demonstrate that the Muscogee (Creek) Nation remains a "government of laws and not of men."<sup>7</sup>

Respectfully submitted,



Damarion Solomon-Simmons, MCN # 354  
**SOLOMONSIMMONSLAW, PLLC**  
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Tulsa, Oklahoma 74119  
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Jana L. Knott, MCN #1320  
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Oklahoma City, OK 73116  
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jana@basslaw.net

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

*Attorneys for Respondents*

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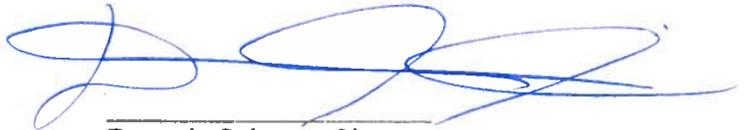
<sup>7</sup> Mass. Const. pt. 1, art. XXX (1780).

**Certificate of Service**

I hereby certify that on the 9<sup>th</sup> day of March 2026, I caused the foregoing *Respondents'* *Third Renewed Motion for Contempt, for Court Enforcement of Order and Judgment, and for Order to Show Cause* to be transmitted to the following counsel of record via email and U.S. Mail, postage prepaid:

Rod W. Wiemer  
114 North Grand  
Okmulgee, OK 74447  
Tulsa, OK 74120  
[rwattys@sbcglobal.net](mailto:rwattys@sbcglobal.net)

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



Damario Solomon-Simmons

**EXHIBIT A**



# *Muscogee (CREEK) Nation*

*Executive Office*

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

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

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

### **1.00 Findings:**

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

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

**2.00 Authority/Action:**

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

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

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

**3.00 Distribution of the Executive Order:**

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

**4.00 Effective Date:**

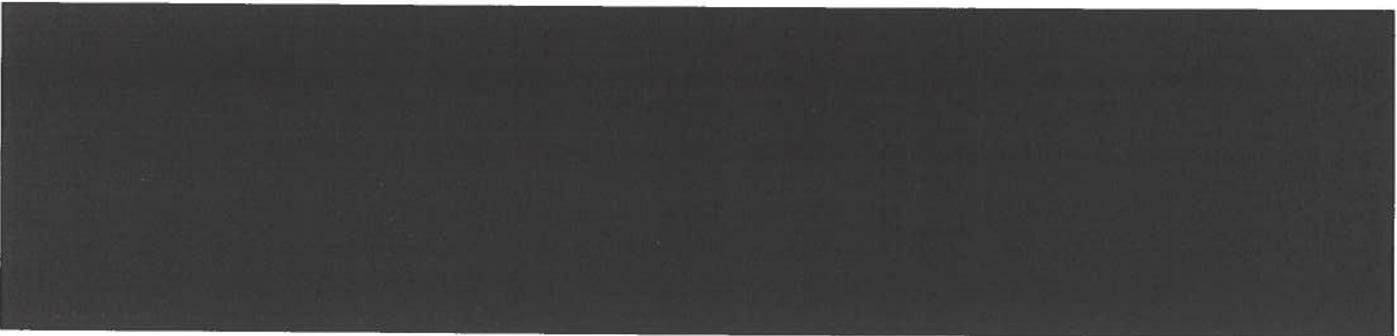
4.01 This Executive Order shall become effective immediately and continued until further notice.

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

ISSUE DATE: August 28, 2025



# **EXHIBIT B**



**Cc:** Nathan Wilson <nwilson@mcn-citizenship.com>; jeff kennedy <jdkennedy11@sbcglobal.net>  
**Sent:** Wednesday, October 1, 2025 at 04:58:29 PM CDT  
**Subject:** Re: Citizenship Application-Resubmission

Nathan and Allan,

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

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

Thank you for your attention to this matter.

Kind regards,

Rhonda Grayson

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

Hi Nathan and Allen,

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

Best regards,

Rhonda Grayson

On Sunday, August 3, 2025 at 01:16:01 AM CDT, Rhonda Grayson <rhondagrayson@cox.net> wrote:

Hi Allen,

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

# **EXHIBIT C**

AFFIDAVIT OF RHONDA K. GRAYSON

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF OKMULGEE )

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

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

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

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

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

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

*Rhonda K. Grayson*  
RHONDA K. GRAYSON

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

Seal



*Alicia Gomez*  
NOTARY PUBLIC  
STATE OF Oklahoma  
My Commission Expires: 04/18/28

# **EXHIBIT D**

AFFIDAVIT OF JEFFREY D. KENNEDY

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF Delaware )

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

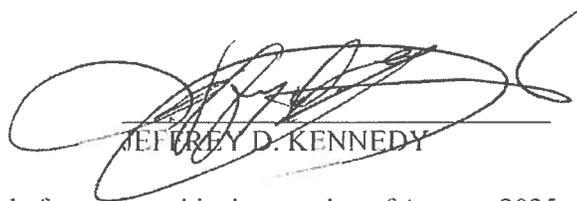
1. The Muscogee (Creek) Nation ("MCN") Supreme Court issued an Order and Opinion on July 23, 2025, directing the MCN Citizenship Board to issue citizenship to me and Ms. Rhonda K. Grayson.
2. On July 23, 2025, Rhonda Grayson sent an email, copied to me, to Nathan Wilson, Director of the MCN Citizenship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

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

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

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

  
JEFFREY D. KENNEDY

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

Seal



  
NOTARY PUBLIC  
STATE OF Oklahoma  
My Commission Expires: 04/16/25

# **EXHIBIT E**

**SSL**  
**SOLOMONSIMMONS**  
LAW

Attorneys & Counselors at Law  
601 S Boulder Ave, Ste 602, Tulsa, OK 74119  
Phone: (918) 551-8999 | Facsimile: (918) 558-8039  
www.solomonsimmons.com

July 24, 2025

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

Re: Request for MCN-Creek Freedmen Reconciliation Process Meeting

Dear Chief Hill,

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

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

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

Respectfully,



Damario Solomon-Simmons  
For the Firm

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

# **EXHIBIT F**

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

**From:** Allan Colbert Jr <acolbertjr@mcn-citizenship.com>

**To:** Rhonda Grayson <rhondagrayson@cox.net>

**Cc:** Nathan Wilson <nwilson@mcn-citizenship.com>; jeff kennedy <jdkennedy11@sbcglobal.net>

**Sent:** Tuesday, February 17, 2026 at 08:50:53 AM CST

**Subject:** Re: [EXTERNAL] - Re: Citizenship Application-Resubmission

Good Day,

During this time, we are waiting for the National Council to pass legislation to amend the Citizenship Code, which must also be signed by the Principal Chief. We can then adopt the amended policies and procedures that have already been prepared. We can't give a timeframe for action by the National Council, as we have no control over that.

Respectfully,

**Allan Colbert Jr.**

Citizenship Manager, Citizenship Board

Muscogee (Creek) Nation

P.O. Box 580 | Okmulgee, OK 74447

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

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

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

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**From:** Rhonda Grayson <rhondagrayson@cox.net>

**Date:** Monday, February 2, 2026 at 4:24 PM

**To:** Allan Colbert Jr <acolbertjr@mcn-citizenship.com>

**Cc:** Nathan Wilson <nwilson@mcn-citizenship.com>, jeff kennedy <jdkennedy11@sbcglobal.net>

**Subject:** [EXTERNAL] - Re: Citizenship Application-Resubmission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nathan and Allan,

I am following up on the status of my application. When should I expect to receive my citizenship cards.

Regards,

Rhonda Grayson

# **EXHIBIT G**

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

RHONDA GRAYSON AND JEFFREY )  
KENNEDY, )  
 )  
 )  
 )  
 )  
 Plaintiffs, )

vs. ) CV-2020-0034  
 )

CITIZENSHIP BOARD OF THE )  
MUSCOGEE (CREEK) NATION OF )  
OKLAHOMA, )  
 )  
 Defendant. )

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

Michael A. Bailey, CSR-RPR-CLVS

ATTORNEYS FOR DEFENDANTS:

Ms. Geri Wisner  
Mr. Clint Wilson  
P.O. Box 580  
Okmulgee, Oklahoma 74447

ATTORNEYS FOR PLAINTIFFS:

Mr. Damario Solomon-Simmons  
601 South Boulder Avenue  
Suite 600  
Tulsa, Oklahoma 74119

ATTORNEY FOR CHIEF HILL:

Mr. O. Joseph Williams  
P.O. Box 1131  
Okmulgee, Oklahoma 74447

Mr. David Riggs  
502 West Sixth Street  
Tulsa, Oklahoma 74119

**COPY**

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C O N T E N T S

WITNESS:	D	C	RD	RC
EXHIBITS:	MARKED	OFFERED		

1 \* \* \*

2 THE BAILIFF: All rise.

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

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

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

18 MR. SOLOMON-SIMMONS: Okay.

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

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

23 THE COURT: Thank you.

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

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

3           THE REPORTER: I'm good.

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

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

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

# **EXHIBIT H**



## *Muscogee (CREEK) Nation*

*Executive Office*

August 30, 2023

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

Governor Kevin Stitt:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



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

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