



Muscogee (CREEK) Nation

Executive Office

EXECUTIVE ORDER NO. 25-05

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

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

1.00 Findings:

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

- 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

