



of the Appellant ( District Court - Defendant) to be **MUSCOGEE (CREEK)  
NATION CITIZENSHIP BOARD.**

Addressing paragraph one (1) of the Supreme Court's Request for Clarification, the District Court draws the superior Court's attention to the following:

1. Ms. Roberta Haney, Office Manager for the Citizenship Board, in her September 7, 2005, Courtroom transcribed testimony made the following statements concerning the operations of the Citizenship Board during her tenure.

- A) She was employed by the Muscogee (Creek) Nation Citizenship Board during calendar year 2000. (Transcript Page 110, Line 16)
- B) All training was verbal. (Transcript Page 112, Line 8)
- C) She was presented a Citizenship Code before changes effectuated by NCA 01-135 (Transcript Page 113, line 5) and knew additional rolls in the Code could be used to prove Creek lineage. (Transcript Page 113, Line 14-15 and 17-18)
- D) She answered NO when asked "Do you remember ever using any of these rolls to enroll anyone? (Transcript Page 114 Line 22 - 24)
- E) She was taught and instructed to only use the 1906 Dawes Rolls. (Transcript Page 115, Line 1- 3)
- F) She questioned why other rolls were not used, even though there

were additional rolls contained in Ordinance NCA 81-06, and was told we don't use those rolls even though they were in the Ordinance.

( Transcript Page 116, Line 20 - 24)

G) She admitted, under oath, her actions were not proper.

( Transcript Page 129, Line 13 - 19; Page 130, 6 - 9)

H) She admitted under oath this practice by the Citizenship office was unconstitutional. ( Transcript Page 135, Line 18 - 20) This Court's note. Constitutionality of statutes is to be determined by the Supreme Court, not a Citizenship Manager. The meaning of Ms. Haney's testimony to this Trial Court was she knew ignoring of this statutory law by the Citizenship Board was improper and should not have been a policy of the Citizenship Board.

I) She testified that after passage of NCA 01-135 the operations of the Citizenship Board did not change. (Transcript Page 138, Line5 - 7)

2. Mr. Jonathan Tiger, became a member of the Citizenship Board in August 1995, and he served as Board Chairman beginning in the year 2000. During his September 9, 2005, Courtroom testimony he made the following

statements concerning operations of the Citizenship Board while he was a member.

- A) He was aware of additional rolls being contained in the law prior to deletion by NCA 01-135. (Transcript Page 16, Line 7 - 13)
- B) He said they (Citizenship Board) never did use them (the additional rolls). (Transcript Page 16, Line 14 - 15; Page 18, Line 1 - 7)
- C) “We never did use them. We never did go to them”. (Transcript Page 22, Line 15)

Plaintiff's Exhibit 96, states “any records or rolls prior to or after the Dawes Rolls are not accepted. Paragraph 2 of this Exhibit again disregards rolls contained in the Citizenship Statute (NCA 81-06) in effect at that time. This example of Citizenship Board Policy also ignores a roll containing sixty-two Creeks admitted by the United States Congress in 1914 and referred to as “Congressional Enrollments”

The Trial Court listened to testimony and accepted evidence from both Appellees concerning their attempts to gain citizenship during the 1990's and early 2000's. The Muscogee (Creek) Citizenship Board has contracted with The United States of America, Department of Interior, Bureau of Indian Affairs to provide

Certificates of Degree of Indian Blood. The Citizenship Board statutorily shall use Certificates of Degree of Indian Blood and other records in the process of affording the opportunity for Citizenship.<sup>1</sup> The list of other suitable records was amended effective August 23, 2001.<sup>2</sup> The term “seeking citizenship” would naturally begin by applying for a Certificate of Degree of Indian Blood, a process that changed from Bureau of Indian Affairs supervision to contract work for the Bureau of Indian Affairs accomplished by the Muscogee (Creek) Nation Citizenship Board. The transfer of responsibility for issuance of Certificate of Degree of Indian Blood occurred while the Appellees were dealing with the application process. Whenever a person presents themselves to either the Bureau of Indian Affairs or Muscogee (Creek) Nation Citizenship Board seeking assistance they are in fact applying for citizenship.

Mr. Ronald Graham specifically sought citizenship per courtroom testimony Transcript August 30, 2005, as follows :

- A) Mr. Graham stated an application was turned in during 1991.  
(Transcript Page 92, Line 4-6)
- B) Question to Mr. Graham “What were you applying for in ‘94?”

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<sup>1</sup> Muscogee (Creek) Nation Code Ann. Title 7, § 4-103 (B).

<sup>2</sup> NCA 01-135

Answer "Citizenship". (Transcript , Page 122, Line 14-15)

- C) Mr. Graham reapplied during 1996 (Transcript, Page 124, Line 13 - 24) and requested assistance in 1996. (Transcript, Page 130, Line 13 - 15)
- D) Mr. Graham again requested an application in 1996. (Transcript, Page 130, Line 23 - 25)
- E) Mr. Graham applied in 1998 and received no response from the Muscogee (Creek) Nation Citizenship Board. (Transcript, Page 138, Line 23 - 25)

Mr. Ronald Graham testified the Muscogee (Creek) Nation Citizenship Board did not use nor apply NCA 81- 06 (Transcript, Page 126, Line 23; Page 127, Line 1 - 25; Page 128, Line 1 - 25; Page, 129, 1-9) and there was no mention of these statutory requirements. ( Transcript, Page, 107, Line 24-25 and Page 108, Line 13-15)

Mr. Fred Johnson specifically sought citizenship per courtroom testimony August 29, 2005, as follows:

- A) Mr. Johnson first applied for citizenship during 1994. (Transcript, Page 35, Line 15 - 16; Page 39, Line 9-22; Page 65, Line 11 - 12)
- B) Mr. Johnson contacted the Muscogee (Creek) Nation Citizenship Board

in 1996. (Transcript, Page 86, Line 4-6) 1997( Page 87, Line 7-8) 1998 (Page 88, Line 14-15) 1999 (Page 89, Line 15-17) 2000 ( Page 89, Line 18-22) and 2001 (Page 90, Line 8-9)

C) Mr. Johnson requested applications many times. (Transcript, Page 121, Line 16-17)

Administrative power is power to administer law, carry laws into effect in accordance with principles prescribed by the lawmaker, the Muscogee (Creek) National Council.

Administrative agencies have only the power conferred to them by a statute or constitution and have no power to act in conflict with authority granted to it by the legislature.<sup>3</sup> The Muscogee (Creek) Nation Citizenship Board has no power to act in conflict with authority granted to it by the National Council. The power of the Citizenship Board must be exercised in accordance with the statute or law.<sup>4</sup>

Public officials must take notice of the law and are charged with having knowledge of any and all laws governing their agency.

The most disturbing revelations to this Court, during trial was the admissions on the witness stand by the Muscogee (Creek) Nation Citizenship Board Chairman

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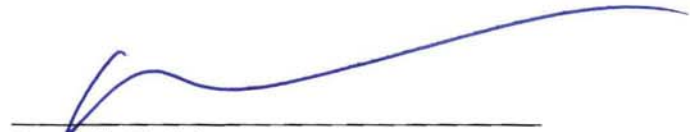
<sup>3</sup> State ex rel. Brant v. Bank of America, 272 Kan. 182; 31 P. 3<sup>rd</sup> 952 (2001)

<sup>4</sup> U.S. v. Chicago, 282 U.S. 311 (1931)

and Manager that they just did not follow NCA 81-06 the law in effect at that time.

This Court is bound to follow Citizenship Board vs. Todd , SC- 99-05, February 16<sup>th</sup>, 2000, wherein the Supreme Court in ¶5 said the Citizenship Board is to comply with mandated procedures in the statute and in ¶7 said the Citizenship Board is to follow the Language of NCA 81-06.

Dated this 28<sup>th</sup> day of February, 2007 and Respectfully Submitted.



Patrick E. Moore  
District Judge  
Muscogee (Creek) Nation