

ARTICLE III [CITIZENSHIP]

Section

1. [Citizenship Board].
2. [Eligibility].
3. [Registration and certification].
4. [Full citizenship].

Section headings are editorially supplied.

Cross References

Citizenship/census, see Title 7, § 1–101 et seq.
Opportunity for citizenship, see Const. Art. II, § 1.

§ 1. [Citizenship Board]

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 based upon the final rolls prepared pursuant to the Act of April 26, 1906, (34 Stat. 137), and other evidence, as prescribed by ordinance.

Cross References

Citizenship Board, see Title 7, § 2–101 et seq.
Establishment of Citizenship Roll, see Title 7, §3–101 et seq.
Maintenance of Roll, see Title 7, §5–101 et seq.

§ 2. [Eligibility]

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.)

Cross References

Eligibility to vote, see Const. Art. IV, § 2.
Enrollment process, eligibility, see Title 7, § 4–101.

Notes of Decisions

Construction and application 1

1. Construction and application

The Supreme Court reviewed the record de novo and finds no evidence that the Citizenship Board acted arbitrarily and capriciously. *Muscogee (Creek) Nation of Oklahoma v. Graham and Johnson*, SC 06–03 (Muscogee (Creek) 2007)

Nothing therein [Article VII of the Muscogee (Creek) Nation Constitution] mandates that said Justices and Judges shall be full citizens of the Muscogee (Creek) Nation and as is specifically set forth and provided for in the articles that pertain to the elected offices of Chief, Second Chief, and members of the National Council. *Bruner, d/b/a Chebon's Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation*

CITIZENSHIP

Art. III, § 4

Tax Commission, SC 86–03 (Muscogee (Creek) 1987)

Article III, Section 4 of the Constitution of the Muscogee (Creek) Nation, and wherein the phrase appears: “All Muscogee (Creek) Indians by blood, who are less than one-fourth Muscogee (Creek) Indian by blood, shall be considered citizens and shall have all rights of entitlement as members of the Muscogee (Creek) Nation EXCEPT THE RIGHT TO HOLD OFFICE”, is construed to be of a general nature and application, and, therefore, subordinate to Article III which is controlling, [emphasis in original]. *Bruner, d/b/a Chebon’s Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation Tax Commission*, SC 86–03 (Muscogee (Creek) 1987)

From the use of the language, ‘except the right to hold office’, the clear intent of the

framers of our Constitution is evident since appointments to office are not held as a matter of right, but exit as an honor, and a privilege; and said language only applies to the elective offices of Chief, Second Chief and members of the National Council. *Bruner, d/b/a Chebon’s Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation Tax Commission*, SC 86–03 (Muscogee (Creek) 1987)

In the case at bar, it was necessary to show only that notice and due process were afforded Appellant at said revocation hearing, and the Court may take judicial notice of the laws and official records of the Muscogee (Creek) Nation. *Bruner, d/b/a Chebon’s Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation Tax Commission*, SC 86–03 (Muscogee (Creek) 1987)

§ 3. [Registration and certification]

(a) All persons eligible for citizenship shall register as an applicant for citizenship; and

(b) 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:

(1) 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 a Muscogee (Creek) Indian by blood whose name appears on the final rolls provided by the Act of April 26, 1906, (34 Stat. 137); and is not an enrolled member of another tribe, nation, or pueblo; and

(2) has made application to the Citizenship Board to become a citizen of The Muscogee (Creek) Nation;

(c) Except those 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.

Cross References

Confirmation of enrollment of living allottees, see Title 7, § 3–104.

Enrollment process, see Title 7, § 4–101 et seq.

Notes of Decisions

Construction and application 1

1. Construction and application

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Board acted arbitrarily and capriciously. *Muscogee (Creek) Nation of Oklahoma v. Graham and Johnson*, SC 06–03 (Muscogee (Creek) 2007)

§ 4. [Full citizenship]

Full citizenship 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 shall be considered citizens and shall have all rights and entitlements as members of the Muscogee (Creek) Nation except the right to hold office.

Cross References

Attorney General, qualifications, preference for full citizens, see Title 16, § 3–109.
 District Judge and Supreme Court Justices, full citizenship, see Title 26, § 3–205.
 Full citizen enrollment cards, see Title 7, § 4–109.
 Principal Chief and Second Chief, see Const. Art. V, § 1.
 Public Gaming Commissioner, full citizenship, see Title 21, § 2–102.

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Bruner, d/b/a Chebon’s Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation Tax Commission, SC 86–03 (Muscogee (Creek) 1987)

From the use of the language, ‘except the right to hold office’, the clear intent of the framers of our Constitution is evident since appointments to office are not held as a matter of right, but exit as an honor, and a privilege; and said language only applies to the elective offices of Chief, Second Chief and members of the National Council. *Bruner, d/b/a Chebon’s Indian Smoke Shop v. Muscogee (Creek) Nation, ex rel. Creek Nation Tax Commission*, SC 86–03 (Muscogee (Creek) 1987)

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