

116TH CONGRESS
1ST SESSION

H. R. 1514

To sever United States Government relations with the Creek Nation of Oklahoma until such time as the Creek Nation of Oklahoma restores full Tribal citizenship to the Creek Freedmen disenfranchised in the October 6, 1979, Creek Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To sever United States Government relations with the Creek Nation of Oklahoma until such time as the Creek Nation of Oklahoma restores full Tribal citizenship to the Creek Freedmen disenfranchised in the October 6, 1979, Creek Nation vote and fulfills all its treaty obligations with the Government of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 Congress finds the following:

3 (1) Historically, the Muscogee (Creek) Nation
4 (“Creek Nation”) were comprised of a confederacy
5 of separate towns, Tribes, and peoples. Each town
6 was a complete governmental unit in and of itself.
7 Among those peoples were the Yamassee or Jamassi,
8 who were reported to have emigrated from Africa
9 prior to the European discovery of America.

10 (2) As colonists and eventually nonindigenous
11 Americans began to inhabit this area, these new
12 residents sought to “civilize the Creek Indian”. In
13 the ensuing decades, the United States continuously
14 and repeatedly attempted to impose, often by force,
15 its customs, economy, religion, and political struc-
16 ture on indigenous groups such as the Creek Nation.

17 (3) One American custom adopted by some
18 Creek Nation citizens was the plantation economy
19 and the reliance on chattel African slavery as a labor
20 force. Along with enslaved Africans who were owned
21 by Creek Nation citizens, there were also Creek Na-
22 tion citizens of African descent and free Blacks
23 openly living as full citizens of the Creek Nation.

24 (4) In the 1830s, citizens of the Creek Nation
25 were forcibly removed from their lands in the south-
26 eastern United States and forced to migrate to In-

1 dian Territory (present day Oklahoma) along a route
2 known as the Trail of Tears. Among those persons
3 forced to migrate were—

4 (A) African individuals who were enslaved
5 by citizens of the Creek Nation;

6 (B) Creek Nation citizens of “African de-
7 scend”;

8 (C) free “Africans” living as citizens of the
9 Creek Nation; and

10 (D) “mixed blood” Creek Nation citizens
11 now known as the “Black Creeks” or “Creek
12 Freedmen”.

13 (5) Citizens of the Creek Nation were removed
14 primarily by their traditional Tribal “town”, and it
15 was the town “Micos” or chiefs who kept the Tribal
16 rolls. This allowed Creek Nation citizens who sur-
17 vived the journey to reestablish their traditional
18 towns in Indian Territory.

19 (6) Removal was carried out by the military,
20 and approximately 24,000 Creek Nation citizens
21 were forced to travel to Indian Territory on foot or
22 by riverboats. Due to poor planning, organization,
23 and indifference by the Federal Government, thou-
24 sands of Creek Nation citizens died on the way to

1 Indian Territory due to exposure, starvation, and
2 disease.

3 (7) Even after removal to Indian Territory,
4 some Creek Nation citizens continued to hold slaves
5 until the Creek Treaty of 1866 abolished slavery in
6 the Creek Nation.

7 (8) In 1861, a faction of the Creek Nation
8 known as “Southern Creeks” executed a treaty with
9 the Confederate States of America, severing its rela-
10 tions with the United States Government. Members
11 of the Southern Creeks held positions in the Con-
12 gress and military of the Confederate States of
13 America and waged war against the United States
14 during the Civil War. Other Creeks, known as the
15 “Loyal Creeks”, who generally resisted cultural as-
16 similation, provided supplies, men, and support for
17 the Union. A contingent of Loyal Creeks, which in-
18 cluded a substantial “Black” Creek component, left
19 their homes in Oklahoma and moved to Kansas to
20 flee Southern Creek soldiers and their Confederate
21 allies.

22 (9) The Battle of Honey Springs was a major
23 battle that occurred in Indian Territory during the
24 Civil War, and Loyal Creeks, including “Black”

1 Creeks, valiantly fought against the Confederacy and
2 their allies.

3 (10) In 1865, as the Civil War ended, President
4 Andrew Johnson designated a commission to travel
5 to Fort Smith, Arkansas, to convene a council for
6 the purpose of negotiating a new treaty with the
7 Creek Nation.

8 (11) The members of that commission declared
9 that a treaty with the United States “must” contain
10 certain stipulations, including that “the institution
11 of slavery, which has existed among several of the
12 Tribes, must be forthwith abolished, and measures
13 taken for the unconditional emancipation of all per-
14 sons held in bondage, and for their incorporation
15 into the Tribes on an equal footing with the original
16 members, or suitably provided for.”.

17 (12) The Creek Nation’s 5-person delegation in-
18 cluded both leaders of the Loyal Creeks and South-
19 ern Creeks. One of the members of the Loyal Creek
20 delegation was an African Creek named Cow Tom.

21 (13) The Creek Treaty of 1866 negotiations oc-
22 curred between 1865 and 1866, first in Fort Smith,
23 Arkansas, and then in Washington, DC. It was in
24 Washington, DC, where the Treaty was signed and
25 upon the signing of the 1866 Treaty the United

1 States reestablished official relations with the Creek
2 Nation.

3 (14) The Creek Treaty of 1866 became the
4 foundational legal document of the Creek Nation
5 and established the Creek Nation as it is known
6 today.

7 (15) The Creek Treaty of 1866 declared that
8 the Black Creeks, also known as “Creek Freedmen”,
9 were to be made citizens of the Creek Nation and
10 to have all the rights of other Creeks Citizens.

11 (16) Article II of the Creek Treaty of 1866 pro-
12 vides in pertinent part:

13 “[I]nasmuch as there are among the Creek
14 many persons of African descent . . . it is stip-
15 ulated that hereafter these persons, lawfully re-
16 siding in said Creek country, under their laws
17 and usages, or who have been thus residing in
18 said country, and may return within one year
19 from the ratification of this treaty, and their
20 descendants and such others of the same race
21 as may be permitted by the laws of said Nation
22 to settle within the limits of the jurisdiction of
23 the Creek Nation as citizens [thereof], shall
24 have and enjoy all the rights and privileges of
25 native citizens, including an equal interest in

1 the soil and national funds; and the laws of said
2 Nation shall be equally binding upon and give
3 equal protection to all such persons . . .”.

4 (17) Virtually identical clauses relating to the
5 citizenship of individuals of African descent within
6 the Seminole and Cherokee Nations were negotiated,
7 agreed upon, and added to the respective Seminole
8 and Cherokee Treaties of 1866.

9 (18) Shortly after executing the Treaty of
10 1866, the Creek Nation reorganized their constitu-
11 tional structure, and in 1867, it created a new and
12 expansive constitution which recognized and af-
13 firmed the full citizenship rights of Black Creeks.

14 (19) The 1867 Constitution did not discrimi-
15 nate against Creeks of African descent, Free Black,
16 or Creek Freedmen citizens of the Creek Nation.

17 (20) In fact, upon ratifying the 1867 Constitu-
18 tion, the Creek Nation reconstituted its 44 tradi-
19 tional “towns” and voluntarily created 3 additional
20 towns (“Freedmen Towns”) so the Freedmen would
21 have equal representation in the Creek Nation’s Na-
22 tional Council.

23 (21) Also, in 1867, the Creek Nation gathered
24 at the request of Federal Indian Agent J.W. Dunn

1 (“Dunn”) to identify and list the individual mem-
2 bers of the Creek Nation.

3 (22) As a result of that gathering, Dunn com-
4 piled a roll of the Creek Nation’s citizens, which
5 came to be known as the “Dunn Roll”. Listed on
6 the Dunn Roll were all of the Creek Nation’s then-
7 gathered citizens, which encompassed Creek Nation
8 citizens with African ancestry, including Native Afri-
9 cans, Free Africans, and newly emancipated, for-
10 merly enslaved Creek Freedmen.

11 (23) Many Creek Nation citizens were forced to
12 leave Creek Nation territory during the Civil War
13 because of the violence or for various other reasons.
14 The Treaty of 1866 gave Creek Nation citizens until
15 July 15, 1867, to return to Creek territory in order
16 to be included on the Dunn Roll. However, Dunn
17 completed his roll 5 months early and sent it to
18 Washington, DC, in February 1867.

19 (24) As a result, the Creek Nation created a
20 Post-Civil War Citizenship Commission to review the
21 applications of people who claimed they were Creek
22 Nation citizens who should have been included on
23 the Dunn Roll. The Creek Nation Post-Civil War
24 Citizenship Commission reviewed several thousand
25 applications, and admitted over 1,700 individuals

1 and their descendants between 1867 and 1895. Nu-
2 merous Native Africans, Free Blacks, and newly
3 emancipated Freedmen were among the 1,700 indi-
4 viduals granted full citizenship by the Creek Nation
5 Post-War Citizenship Commission.

6 (25) In the decade after the Treaty of 1866
7 was enacted, individuals of African descent (Native
8 Africans, Free Africans, and formerly enslaved Afri-
9 can/Freedmen) worked with all other Creek Nation
10 citizens to attempt to rebuild the Creek Nation.

11 (26) However, many of the Confederate-aligned
12 Upper/Southern Creeks refused to respect Creek
13 Freedmen citizenship rights. In fact, on October 1,
14 1877, the Upper/Southern actions were rebuked by
15 then Creek Nation Principal Chief Ward Coachman
16 during his address to the Creek National Council:

17 “. . . [A]nd inasmuch as there are Freed-
18 men among us, whose rights under the treaty of
19 1866, have not by some been recognized, and in
20 consequence thereof have been discouraged, are
21 not improving or advancing as they might do;
22 and the treaty relative thereto being so plain
23 that no one can mistake or misunderstand it. I
24 allude particularly to those known as the
25 McGilvery or McGilbrey Freedmen whom we

1 know belonged to our own people, were here
2 within our country when the treaty was made
3 and have remained among us ever since. I
4 would recommend if necessary that some action
5 be had recognizing the rights of all who under
6 the treaty are entitled to citizenship and equal
7 rights and privileges with us.”.

8 (27) Between 1867 and 1895, the Creek Nation
9 created numerous rolls of its citizens. None of these
10 rolls created by the Creek Nation contained or listed
11 blood quantum, or singled out Creeks of African de-
12 scent, “Free Black” Creek Citizens, or former
13 enslaved Africans who were emancipated and accept-
14 ed as Creek citizens pursuant to the Treaty of 1866.

15 (28) Between 1866 and 1906, Creeks of Afri-
16 can descent were an essential part of the Creek Na-
17 tion community, as evidenced by their service in im-
18 portant and high positions in the Creek Nation’s
19 government and other areas of Creek life.

20 (29) In 1887, Congress passed the Dawes Act
21 of 1887 (“Dawes Act”).

22 (30) The stated purpose of the Dawes Act was
23 to prepare Indian Territory for statehood. To this
24 end, the Dawes Act authorized the transfer of most

1 of the land owned corporately by the Creek Nation
2 to individual Tribal citizens.

3 (31) After the passing of the Dawes Act, Con-
4 gress created the Dawes Commission in 1893. Con-
5 gress tasked the Dawes Commission with identifying
6 all Creek citizens eligible for land allotment in what
7 would come to be known as the “Dawes Rolls”.

8 (32) Congress then passed the Curtis Act of
9 June 28, 1898 (30 Stat. 495) (“Curtis Act”), direct-
10 ing the Dawes Commission to create 2 lists of citi-
11 zens of the Creek Nation who would be eligible for
12 land allotment, which became the following:

13 (A) The “Creek Nation Creek Roll”, which
14 was purportedly composed only of Creek Nation
15 citizens with Creek blood.

16 (B) The “Creek Nation Freedmen Roll”,
17 which was purportedly composed only Creek
18 Nation citizens who were formerly enslaved Af-
19 ricans and devoid of any Creek blood.

20 (33) The Dawes Commission, motivated by rac-
21 ism, used race and Creek Nation citizens’ physical
22 appearance to segregate Creeks of African Descent
23 “Creek Freedmen”. The “true” Creeks, in the
24 Dawes Commission’s estimation, were listed on the
25 Creek Roll (also known as the “Blood Roll”). The

1 Creek Freedmen (individuals of African descent, re-
2 gardless of whether they or their ancestors were pre-
3 viously enslaved in the Creek Nation) were listed on
4 the Creek Nation Freedmen Roll.

5 (34) The Dawes Commission employed the
6 hypodescent rule, by which any individual with “one
7 drop” of “Black blood” was to be considered Black
8 and therefore belonged on the Creek Nation Freed-
9 men Roll.

10 (35) The Dawes Commission therefore enrolled
11 many Creeks of African descent on the Creek Freed-
12 men Roll, regardless of whether they or their ances-
13 tors were ever enslaved in the Creek Nation or of
14 how much “Creek blood” they actually possessed.

15 (36) The Dawes Commission separated families
16 by enrolling full siblings with different blood degrees
17 and enrolling some family members on the Creek
18 Nation Blood Roll and others on the Creek Freed-
19 men Roll. The blood degree or blood quantum was
20 originally to be used only for land allotment pur-
21 poses.

22 (37) Therefore, once the Dawes Rolls closed on
23 March 4, 1907, Creek citizens enrolled on the
24 Freedmen Roll and their descendants, in perpetuity,
25 would always carry the ugly badge of slavery, re-

1 regardless of whether they or their ancestors were ever
2 enslaved, and forever legally be known as Creek
3 Freedmen.

4 (38) In 1970, Congress passed the “Principal
5 Chiefs Act” requiring the Chickasaw, Choctaw,
6 Cherokee, Seminole, and Creek Nations to obtain
7 approval for their voting laws for selection of each
8 nations Principal Chief. The Department of the In-
9 terior drafted a policy stating that it was not nec-
10 essary that each of these groups has identical or
11 similar regulations, but that 3 conditions are deemed
12 fundamental to the democratic selection of a prin-
13 cipal Tribal official. One of the three conditions stip-
14 ulated by the Department was that voter qualifica-
15 tions of the Creeks must be broad enough to include
16 the enrolled Creek Freedmen citizens.

17 (39) On or about August 18, 1975, the Creek
18 Nation, through its National Council, submitted to
19 the Department of the Interior a draft constitution
20 (“Draft Constitution”) that, among other things,
21 contained express provisions that—

22 (A) stripped individuals on the 1906 Creek
23 Freedmen Rolls and their then-living lineal de-
24 scendants of their Creek citizenship; and

1 (B) prevented the unborn lineal descend-
2 ants of individuals who were enrolled on the
3 1906 Creek Freedmen Rolls from becoming citi-
4 zens of the Creek Nation.

5 (40) Before the Creek Nation submitted the
6 Draft Constitution to the Department of the Inte-
7 rior, the Creek Nation did not seek, obtain, or allow
8 any input from Creek Freedmen or individuals rep-
9 resenting Creek Freedmen interests.

10 (41) Minutes from the Creek Nation's October
11 29, 1977, National Council meeting reveal that one
12 of the express goals of the Draft Constitution was
13 to strip Freedmen and Creek Freedmen descendants
14 of their Creek citizenship and rights. The minutes
15 state the following:

16 "When you go back to the old [1867] Con-
17 stitution, you are licked before you start; be-
18 cause it doesn't talk about Indians, it talks
19 about CITIZENS of the CREEK NATION.
20 When you got down to the Allotment time,
21 there were more that was non-Indians or half-
22 blood or less, who outnumbered the full blood,
23 all of these totaled about 11,000, and there
24 were only 18,000 on the entire Roll; so, there
25 was only 9,000 above One-half blood. That's

1 the reason, they lost control; the FULLBLOOD
2 lost control. That's what we're fighting, this
3 blood quantum, trying to get back and let the
4 people control because under the old Constitu-
5 tion, you've lost before you ever started. There
6 were three FREEDMAN bands that would out-
7 number you today as citizens. So, if we want to
8 keep the INDIAN in control, we've got to take
9 a good look at this thing and get us a Constitu-
10 tion that will keep the Creek Indian in Con-
11 trol.”.

12 (42) On October 6, 1979, the Creek Nation
13 held an election to formally adopt the 1979 Con-
14 stitution and replace the 1867 Constitution.

15 (43) Section 503 of the Oklahoma Indian Wel-
16 fare Act (25 U.S.C. 5203), in effect since 1979, re-
17 quired the participation of at least 30 percent of
18 “those entitled” to vote, or the results of the election
19 are invalid.

20 (44) The total number of “entitled” voters that
21 Creek officials identified prior to the 1979 constitu-
22 tional referendum did not include Creek Freedmen
23 in an apparent effort to meet OIWA election re-
24 quirements. Creek Freedmen and their descendants
25 were denied the right to vote on the 1979 Constitu-

1 tion and therefore did not vote on the 1979 constitu-
2 tion.

3 (45) Upon the dubious ratification of the 1979
4 Constitution, the Creek Nation illegally declared that
5 all Freedmen were not entitled to Creek citizenship
6 and would no longer be recognized as nor allowed to
7 be citizens of the Creek Nation.

8 (46) Thousands of Creek Freedmen descend-
9 ants have been denied their Creek citizenship rights
10 in a bold violation of the Treaty of 1866.

11 (47) In violation of the Treaty of 1866, the
12 13th Amendment to the United States Constitution,
13 the Principal Chiefs Act of 1970, and the Oklahoma
14 Indian Welfare Act, Creek Freedmen have been ille-
15 gally barred from participating, as voters and can-
16 didates, in every Creek election from 1979 through
17 the present.

18 (48) Currently, the Creek Nation operates
19 under a Principal Chief elected in violation of the
20 1970 Principal Chiefs Act and Treaty of 1866, and
21 a National Council constituted without Creek Freed-
22 men representatives, in violation of the Treaty of
23 1866.

24 (49) Since 1979, thousands of Creek Freedmen
25 have continuously attempted to assert and regain

1 their full citizenship rights by formally applying for
2 Creek citizenship only to be completely ignored or
3 summarily rebuffed. Oftentimes Freedmen appli-
4 cants would be informed of their denial via a form
5 letter from the Creek Nation, which would include
6 some version of the following language, taken from
7 a May 31, 2002, letter from the Creek Nation to a
8 Creek Freedman applicant:

9 “We are returning your letter and any
10 other documents submitted for enrollment into
11 the Muscogee (Creek) Nation because in check-
12 ing the Dawes Commission Rolls, your ances-
13 tors were enrolled on the Creek Freedmen
14 Rolls. If you will note from the copy you sub-
15 mitted there is no blood quantum listed because
16 they are not Creek by Blood. When slavery was
17 abolished following the Civil War, Treaties were
18 negotiated with the Five-Civilized Tribes; the
19 Choctaw, Cherokee, Chickasaw, Creek and Sem-
20 inole Nations. The treaties conferred citizenship
21 in the Tribes on the negroes who had been held
22 in slavery by the Tribes. Such citizens were re-
23 ferred as ‘Freedmen’.”.

24 (50) A Creek Freedmen Indians or African/
25 Black Creek Indians association was organized and

1 continues to work to preserve the unique identity of
2 members of the Muscogee Creek Indian Freedmen
3 Band Association, and to protect the history, legacy,
4 rights, and dignity of the thousands of Creek Freed-
5 men Indians.

6 (51) Beginning in 2004, 2 Creek Freedmen liti-
7 gated the issue of Creek Freedmen citizenship within
8 the Creek Nation court in *Johnson and Graham v.*
9 *Muscogee (Creek) Nation of Oklahoma Citizenship*
10 *Board*, CV 2003–54.

11 (52) The Creek Freedmen contended that they
12 and all Creek Freedmen were eligible for citizenship
13 in the Creek Nation pursuant to the Treaty of 1866,
14 the Muscogee (Creek) Nation Constitution, and the
15 Creek Nation Citizenship Code.

16 (53) In its March 27, 2006, opinion, the Creek
17 Nation District Court declined to reach the sub-
18 stantive issues related to the Treaty of 1866. In-
19 stead, the court found that the Citizenship Board
20 did not follow Creek Nation law, which mandated
21 that the Citizenship Board process the citizenship
22 applications of the Creek Freedmen.

23 (54) On or about April 13, 2006, the Citizen-
24 ship Board refused to comply with the Creek Na-
25 tion’s District Court order to process the Creek

1 Freedmen's citizenship applications. On November
2 2, 2007, the Creek Nation Supreme Court unani-
3 mously reversed the district court decision and re-
4 fused to rule on the applicability of the citizenship
5 provisions of the Treaty of 1866.

6 (55) The manner in which the Creek Nation is
7 conducting the relationship between the United
8 States and the Tribal entity is not in the best inter-
9 est of the United States Government or the citizens
10 of the Creek Nation, and violates existing treaties
11 and laws governing the relationship between the
12 United States Government and the Creek Nation.

13 (56) The Creek Nation's current refusal to rec-
14 ognize the citizenship rights of Creek Freedmen and
15 to deny to Creek Freedmen all rights, privileges,
16 protections, and benefits arising from citizenship in
17 the Creek Nation equally and on the same basis as
18 all other Creek Nation citizens, including, without
19 limitation, the right to vote in Creek Nation elec-
20 tions, the right to run for and hold Creek Nation of-
21 fice, and the right to receive funds and benefits
22 available to all others in violation of the treaty rights
23 extended to the Creek Freedmen in a treaty agree-
24 ment between the United States and the Creek Na-

1 tion in the 1866 Treaty and the 13th Amendment
2 to the United States Constitution.

3 (57) The Creek Treaty of 1866 guarantees the
4 Creek Freedmen the right to full and equal citizen-
5 ship in the Creek Nation.

6 (58) The Creek Freedmen are legally indistin-
7 guishable from other citizens of the Creek Nation
8 pursuant to the Creek Treaty of 1866.

9 (59) As equal citizens of the Creek Nation, the
10 Creek Freedmen descendants are entitled to all
11 rights, privileges, protections, and benefits arising
12 from citizenship in the Creek Nation equally and on
13 the same basis as all other Creek Nation citizens, in-
14 cluding, without limitation, the right to vote in
15 Creek Nation elections, the right to run for and hold
16 Creek Nation office, and the right to receive funds
17 and benefits available to Creek Nation citizens.

18 (60) No Federal statute or superseding treaty
19 has modified the Creek Freedmen descendants' citi-
20 zenship rights as granted in the Creek Treaty of
21 1866.

22 (61) No amendment to the Creek Nation Con-
23 stitution has modified nor could modify the citizen-
24 ship rights of Creek Freedmen, because those rights

1 are derived from the Creek Treaty of 1866 and not
2 the Creek Nation Constitution.

3 (62) There has been no Act of Congress ex-
4 pressing any intent to abrogate Article 2 of the
5 Creek Treaty of 1866.

6 (63) The Creek Treaty of 1866 is a bilateral
7 agreement negotiated and signed by two sovereign
8 entities utilizing their executive and legislative gov-
9 ernmental powers. The validity of the agreement has
10 not been contested by the Creek Nation. The Treaty
11 of 1866 is the supreme law of the land regarding the
12 citizenship rights of Creek Freedmen.

13 (64) The Department of the Interior is obliga-
14 tion to protect the Creek Freedmen descendants and
15 refuse to recognize of the Creek Nation's govern-
16 ment until such time as the Creek Nation affirms
17 and restores Creek Freedmen citizenship rights. By
18 continuing to recognize the Creek Nation and its
19 government, elected and formed under the illegal
20 1979 Constitution, the Department of the Interior
21 has violated and continues to violate its own prece-
22 dent and policy, and has breached and continues to
23 breach its responsibility to the Freedmen descend-
24 ants pursuant to Article 2 of the Treaty of 1866.

1 (65) The Creek Nation has received and con-
2 tinues to receive Federal funding distributed by the
3 Department of the Interior for the benefit of indi-
4 vidual Creek Nation citizens. The Department of the
5 Interior has knowledge that the Creek Nation dis-
6 tributes funds under these Federal programs in a
7 discriminatory manner by excluding Creek Freedmen
8 from participation in and receipt of the benefits of
9 the programs by virtue of their status as Creek
10 Freedmen.

11 **SEC. 2. SEVERANCE OF RELATIONS WITH THE CREEK NA-**
12 **TION.**

13 (a) IN GENERAL.—The United States hereby severs
14 all relations with the Creek Nation, including all financial
15 obligations or otherwise, until such time as the Creek Na-
16 tion meets all of its treaty obligations and other Federal
17 statutory obligations (including all obligations under the
18 Treaty of 1866, the Principal Chiefs Act, holding elections
19 for Tribal leaders that are in compliance with the Act, and
20 has restored the rights of all Creek Freedmen disenfran-
21 chised from the Creek Nation), as determined by a final
22 certification under subsection (d).

23 (b) COMPLIANCE WITH THE REQUIREMENTS OF THE
24 ACT.—The Secretary shall coordinate with all depart-
25 ments and agencies of the Federal Government to ensure

1 that every effort is being made by the Federal Government
2 to comply with this Act.

3 (c) REPORTS.—

4 (1) FEDERAL AGENCIES.—Not later than 30
5 days after the date of the enactment of this Act, and
6 annually thereafter until the final certification under
7 subsection (d), all departments and agencies of the
8 Federal Government shall submit a report to the
9 Secretary describing—

10 (A) all Federal programs under their juris-
11 diction that provide financial assistance and
12 other services to the Creek Nation; and

13 (B) the efforts undertaken by the depart-
14 ment or agency to comply with the require-
15 ments of this Act.

16 (2) STATUS REPORTS.—Until the Secretary cer-
17 tifies to Congress that the Creek Nation is in com-
18 pliance with its treaty obligations, the Secretary
19 shall submit monthly public reports to Congress on
20 the status of the Federal Government's efforts to en-
21 sure that all departments and agencies of the Fed-
22 eral Government are in compliance with the require-
23 ments of this Act.

24 (3) OTHER FREEDMAN INDIANS.—Not later
25 than 6 months after the date of the enactment of

1 this Act, the Secretary shall issue a public report to
2 Congress on the status of Freedmen in the Creek,
3 Choctaw, Chickasaw, Creek, and Seminole Nations
4 of Oklahoma. The report shall address whether each
5 of those Indian Tribes is in compliance with all trea-
6 ty obligations and Federal laws with respect to its
7 Freedmen members, the level of participation of its
8 Freedmen members in Tribal leadership positions,
9 Tribal benefits received by its Freedmen members,
10 and previous or current efforts on the part of those
11 Indian Tribes to disenfranchise its Freedmen mem-
12 bers.

13 (d) CONGRESSIONAL CERTIFICATION.—After the
14 Secretary has certified to Congress that the Creek Nation
15 is in full compliance with all its treaty obligations and
16 Congress approves the Secretary’s certification by a vote
17 taken on a concurrent resolution certifying that the Creek
18 Nation is in full compliance with its treaty obligations, the
19 final certification of the Creek Nation’s treaty compliance
20 shall take effect.

21 **SEC. 3. SUSPENSION OF RIGHT TO CONDUCT GAMING OP-**
22 **ERATIONS.**

23 (a) IN GENERAL.—The Creek Nation’s authority to
24 conduct gaming regulated under the Indian Gaming Regu-
25 latory Act and to administer any funds from such gaming

1 are suspended until such time that the Creek Nation is
2 in compliance with all treaty and other obligations with
3 the United States by a final certification under section
4 2(d).

5 (b) REPORT.—Not later than 30 days after the date
6 of the enactment of this Act, the National Indian Gaming
7 Commission shall submit a report to Congress detailing
8 the actions that have been taken to enforce subsection (a).

9 **SEC. 4. NONCOMPLIANCE.**

10 (a) RECERTIFICATION.—If, after a certification
11 under section 2(d), the Secretary certifies to Congress that
12 the Creek Nation is not in full compliance with its treaty
13 obligations or Federal statutes that govern its relations
14 with the Federal Government, the provisions of section
15 2(a) through (c) shall apply until Congress recertifies full
16 compliance under section 2(d).

17 (b) PRIVATE ACTION.—Any Creek Freedmen shall
18 have a private right to bring actions for injunctive relief,
19 declaratory relief, or monetary damages against the Creek
20 Nation of Oklahoma, officials of the Creek Nation of Okla-
21 homa, or Federal officials for noncompliance with this Act
22 or for violations of the terms of the Treaty of 1866, the
23 13th Amendment to the United States Constitution, or the
24 Indian Civil Rights Act of 1968. The appropriate Federal

1 courts shall have exclusive jurisdiction over actions
2 brought under this subsection.

3 **SEC. 5. DEPARTMENT OF JUSTICE.**

4 (a) AG FINDING.—Not later than 30 days after the
5 date of the enactment of this Act, the Attorney General
6 shall issue a finding on whether the Federal civil rights
7 of the Creek Freedmen have been violated by the Creek
8 Nation, the Department of the Interior, or both.

9 (b) PRIVATE RIGHT OF ACTION.—Any Freedmen
10 may bring a private right of action in a court of competent
11 jurisdiction to compel the Attorney General to investigate
12 Federal civil rights violations and provide a determination
13 of whether a violation has occurred within 180 days of
14 submitting a complaint to a court describing the violation
15 in writing.

16 **SEC. 6. GAO REPORT ON EXPENDITURE OF FEDERAL**
17 **FUNDS.**

18 On October 1 of each year, the Government Account-
19 ability Office shall issue a public report to Congress on
20 the following:

21 (1) For each of the 5 fiscal years ending imme-
22 diately before the report, the Creek Nation's expend-
23 iture of all Federal funds.

24 (2) An analysis of Federal funds allocated by
25 the Creek Nation's leadership for its member bene-

1 fits and services and for administrative and other
2 purposes.

3 (3) A determination of whether or not the
4 Creek Nation is in full compliance with all Federal
5 regulations and laws regarding the management and
6 disbursement of Federal funds.

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

9 (1) CREEK NATION.—The term “Creek Nation”
10 means the Muscogee (Creek) Nation of Oklahoma.

11 (2) CREEK FREEDMEN, FREEDMEN, AND BLACK
12 CREEKS.—The terms “Creek Freedmen”, “Freed-
13 men”, and “Black Creeks” means individuals who
14 can trace their ancestry to individuals listed on the
15 1906 Dawes Commission Rolls for the Creek Freed-
16 men.

17 (3) OTHER FREEDMAN INDIANS.—The term
18 “Other Freedmen Indians” means individuals who
19 can trace their ancestry to the 1906 Dawes Commis-
20 sion Rolls who are members of the Choctaw, Chicka-
21 saw, Muscogee (Creek), and Seminole Nations.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

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