

IN THE DISTRICT COURT OF THE CHEROKEE NATION

Kacey Soliz,

Plaintiff,

vs.

Frankie Hargis,

Registrar of the Cherokee Nation,

Defendant.

Case No. CV-19-748

FILED
DISTRICT COURT
CHEROKEE NATION
CLERK
SEP 10 PM 4:22

**COMPLAINT AND PETITION FOR DECLARATORY JUDGMENT,
INJUNCTION, AND WRIT OF MANDAMUS**

COMES NOW the Plaintiff, Kacey Soliz, and for her Complaint and Petition for Declaratory Judgment, Injunction, and Writ of Mandamus, states as follows:

PARTIES, JURISDICTION, AND VENUE

- 1) Pursuant to Article VIII, Section 6 of the Cherokee Nation Constitution, this Court has original and general jurisdiction to hear and resolve disputes arising under the laws or Constitution of the Cherokee Nation in both law and equity, whether criminal or civil in nature.
- 2) Further, pursuant to 12 CNCA § 1203, this Court may determine, among other things, "... rights, status, or other legal relations, including but not limited to a determination of the construction ... of any statute ... or other governmental regulation...."
- 3) This is an action involving, among other things, determinations of status, legal relations, and a determination of the construction of statutes and Constitutional provisions.
- 4) Further, pursuant to 20 CNCA § 27, this Court has "... the power to issue any writs or orders necessary and proper to complete the exercise of its jurisdiction."
- 5) Plaintiff is a direct lineal descendant of Ethyl M. Byrd, Roll No. 32707, an original enrollee on the Cherokee Roll, Indians By Blood.
- 6) As such, Plaintiff is entitled to be enrolled as a citizen of the Cherokee Nation, pursuant to the Constitution and statutes of the Cherokee Nation.
- 7) Defendant is the Registrar of the Cherokee Nation.
- 8) In that capacity, Defendant is the person who has immediate administrative jurisdiction over the affairs of registration for enrollment/citizenship. 11 CNCA § 3(C).

ALLEGATIONS

- 9) Plaintiff incorporates by reference paragraphs 1 through 8 above as if fully set forth herein.
- 10) During or about September of 2017, Plaintiff submitted to the office of the Registrar of the Cherokee Nation (the "Registrar") an application for citizenship based on a Certificate Degree of Indian Blood ("CDIB") and a request for a CDIB card (her "CDIB Application").
- 11) Thereafter, at the request of the Registrar's office, she submitted additional supporting documentation for her CDIB Application.
- 12) On or about September 28, 2018 (a year after she submitted her CDIB application), on the forms required by the Registrar, Plaintiff submitted a Dawes application, as a request for enrollment not based on CDIB (her "Dawes Application").
- 13) Either contemporaneously with the submission of her Dawes Application or by supplementation thereafter at the request of Registrar staff, Plaintiff furnished the necessary evidence to support her Dawes Application (that she has a direct ancestor on the Dawes Rolls).
- 14) Thereafter, Plaintiff repeatedly was told by Registrar staff that her Dawes Application remained pending.
- 15) On or about May 13, 2019, the undersigned counsel for Plaintiff spoke by telephone with the Defendant, Frankie Hargis, Registrar of the Cherokee Nation, regarding the status of Plaintiff's pending Dawes Application.
- 16) During that phone call, Hargis:
 - a. Insisted that a "denial" of Plaintiff's Dawes Application had been "sent to her" on April 8, 2019, and "signed for" on April 23, 2019, and "hadn't been appealed"; and,
 - b. Emphatically and categorically stated that "adopted whites" are "not eligible for citizenship" and that, if counsel didn't like that answer, to "take it up with the Attorney General's office".
- 17) Following the May 13 phone call, Plaintiff spoke with her father, who informed her that a package had been delivered to his house.
- 18) That package had a return address of: Cherokee Nation, Tribal Registration, PO Box 948, Tahlequah, OK 74465-0948.
- 19) That package contained a letter on letterhead ostensibly from the Bureau of Indian Affairs addressed to Plaintiff denying her application for a CDIB (the "CDIB Denial Letter"), a copy of which is attached hereto as Exhibit "A".

- 20) The tracking information for the package reflects it was mailed on April 9, 2019, and delivered on April 18, 2019. See attached Exhibit "B".
- 21) Plaintiff denies the CDIB Denial Letter constitutes a rejection or denial of her Dawes Application.
- 22) Plaintiff also denies the CDIB Denial Letter was delivered to her as required by Cherokee Nation law if it were a rejection or denial of her Dawes Application. 11 CNCA § 13(C).
- 23) Further, the face of the CDIB Denial Letter bears a date stamp of September 19, 2018.
- 24) September 19, 2018, is at least 9 days before Plaintiff submitted her Dawes Application.
- 25) Plaintiff believes and alleges her Dawes Application remains pending.
- 26) Plaintiff believes and alleges the CDIB Denial letter is just that: a denial of her original request for a CDIB card and does not relate in any way to her pending Dawes Application.
- 27) Nevertheless, in light of Hargis's insistence that Plaintiff had received and "not appealed" her Dawes Application denial/rejection letter, Plaintiff filed an appeal of the CDIB denial with the Defendant (the "CDIB Appeal") in an abundance of caution and to avoid inadvertently waiving any rights related to her pending Dawes Application. A copy of the CDIB Appeal is attached hereto as Exhibit "C".
- 28) Plaintiff concedes she is not eligible for a CDIB card, as her ancestor, Ethel M. Byrd, Roll No. 32707, was listed as an "adopted white" without a blood quantum on the Cherokee Roll, Indians By Blood.
- 29) Although a CDIB is an acceptable document used to meet the necessary evidence requirements for enrollment as a citizen of the Cherokee Nation, it is not an enrollment/citizenship document. 11 CNCA § 3(D).
- 30) The attached Exhibit "D" reflects the enrollment of Ethel M. Byrd, Roll No. 32707, on the Dawes Rolls.
- 31) Particularly, the attached Exhibit "D", reflects the enrollment of Ethel M. Byrd, Roll No. 32707, on a portion of the Dawes Rolls constituting the Cherokee Rolls, Indians by Blood.
- 32) Listed on the Cherokee Rolls, Indians by Blood, are those "... listed as Cherokees by blood..." as required for citizenship in the Cherokee Nation by Article IV, Section 1 of the Cherokee Nation Constitution.
- 33) Following the May 13 phone call, on May 24, 2019 counsel for the Plaintiff sent by certified mail a letter to Angela Wilson with the Registrar's office, requesting a complete

copy of Plaintiff's submitted Dawes Application. See a copy of the letter and return receipt attached hereto as Exhibit "E".

34) To date, neither Plaintiff nor her counsel have received any response to the CDIB Appeal or the May 24, 2019, letter.

35) However, Plaintiff is eligible for citizenship in the Cherokee Nation, because she descends from Ethel M. Byrd, Roll No. 32707, an original enrollee listed on the Cherokee Roll, Indians By Blood, which is what is required by the Cherokee Nation Constitution and relevant Cherokee Nation statutes.

36) Furthermore, notwithstanding Hargis's emphatic statements to the contrary, the Cherokee Nation (presumably involving the office of the Attorney General) advanced Plaintiff's exact argument to The United States District Court for the Northern District of Texas on May 25, 2019, in its brief in support of its response in opposition to a motion for summary judgment in that case (Brackeen v. Zinke, Case No. 4:17-cv-868-0; document number 118, page 33 of 67): "Cherokee citizens also include descendants of various categories of 'adopted whites,' including descendants of white missionary Evan Jones and white trader Joseph Hardin Bennett".

37) Plaintiff and her ancestor Ethel M. Byrd both descend from Evan Jones.

38) This brief was supported by the affidavit of Linda O'Leary, then Registrar of the Cherokee Nation, which she declared "under penalty of perjury ...[was] true and correct and that it was executed on May 23, 2018". A copy of O'Leary's affidavit is attached hereto as Exhibit "F".

39) May 23, 2018 is less than a year before the day Defendant Hargis would categorically claim the opposite of what was sworn to be true on that date and that, if counsel didn't like it, to "take it up with the Attorney General's office".

40) Particularly relevant portions of O'Leary's affidavit are as follows:

a. "3. Original enrollees listed on the Dawes Commission Rolls will be found in the following sections of the Cherokee Dawes Roll:

A. **Cherokees by Blood Section — this section contains Cherokee Indians, Shawnee Indians, Shawnee Adopted Whites, Delaware Indians who were not on the 1867 Delaware Registry, Adopted Whites that were descendants of Missionary Evan Jones, and Adopted Whites that were descendants of white trader Joseph Hardin Bennett (with fifty-one individuals total listed as Adopted White);**" Page 4 of the Affidavit (emphasis added).

b. "6. The Cherokee Nation does not require a minimum quantum of Cherokee Indian blood to be a citizen of the Cherokee Nation. The only requirement is that a

person be a descendant of an original enrollee of the Dawes Commission Rolls. Cherokee Freedmen are listed in the Freedmen sections of the Cherokee Dawes Roll. A descendent of an original enrollee of the Freedmen section is eligible for citizenship in the Cherokee Nation. Additionally, **Adopted Whites are listed in the by blood section of the rolls. A notation next to the original enrollee of "AW" distinguishes these individuals from the Cherokee Indians on the by blood section.** The Freedmen and Adopted Whites do not have any Cherokee blood. Nonetheless, the descendants of Freedmen and **Adopted Whites are eligible for citizenship in the Cherokee Nation**, as the requirement to be a citizen of the Cherokee Nation is not tied to the amount of Indian blood an individual possesses, but rather a connection to an original enrollee on the Cherokee Dawes Roll.” Pages 5-6 of the Affidavit (emphasis added).

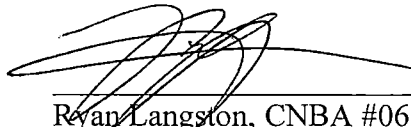
- 41) Kacey Soliz is a direct descendant of Ethel M. Byrd, Roll No. 32707, an original enrollee listed on the Cherokee Roll, Indians By Blood, which is what is required by the Cherokee Nation Constitution and relevant Cherokee Nation statutes to be eligible for citizenship in the Cherokee Nation.
- 42) Consequently, she has a Constitutional and statutory right to be enrolled as a citizen in the Cherokee Nation.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- 1) A declaratory judgment, declaring: i) that her Dawes Application remains pending; and, ii) that she is eligible for citizenship in the Cherokee Nation;
- 2) A Writ of Mandamus, or in the alternative, an injunction ordering the Registrar to approve her Dawes Application and enroll her as a citizen of the Cherokee Nation; and,
- 3) All further relief to which she is entitled, including without limitation her reasonable attorney fees and costs.

Respectfully submitted this 10th day of September, 2019.



Ryan Langston, CNBA #0619
Raptor Legal, PLC
104 South Muskogee Ave.
Tahlequah, OK 74464
(918) 981-2095 Telephone
(866) 240-1160 Fax
rlangston@raptorplc.com Email
Attorney for Plaintiff, Kacey Soliz



IN REPLY REFER TO:

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Eastern Oklahoma Region
Eastern Oklahoma Regional Office
P.O. Box 8002
Muskogee, OK 74402-8002

SEP 19 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 14 2019

Mrs. Kacey Lea Kimbley Soliz

[REDACTED]

[REDACTED]

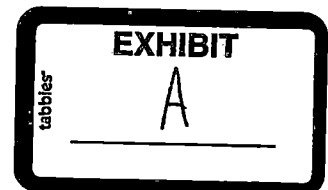
Dear Mrs. Soliz:

This letter is in reference to your application(s) for a Certificate of Degree of Indian Blood (CDIB) with the Cherokee Nation. In order to be certified with a Cherokee Indian blood degree, you must establish by a preponderance of the evidence, your lineage from an ancestor(s) listed with a degree of Indian blood on *The Index and Final Rolls of Citizens and Freedmen of the Cherokee Tribe* approved June 21, 1906, (34 Stat. 325).

A CDIB is a certification by the Bureau of Indian Affairs (Bureau) that an individual has a specific quantum of Indian blood. CDIBs of the Five Civilized Tribes are issued in accordance with the authority provided by the Sec. 2 of the Act of August 4, 1947, 61 Stat. 731, are based on a review of acceptable records and documents which verify the applicant's lineage from an enrollee(s) and certify only as to the degree of Indian blood calculated from the rolls of the Five Civilized Tribes.

The rolls of the Five Civilized Tribes were closed by an Act of Congress effective March 4, 1907, and persons born after March 4, 1906, were not eligible for enrollment. Also, persons who died prior to September 1, 1902, were not eligible for enrollment. No provisions for additions now exist under Federal law. In numerous instances, persons unquestionably of Indian blood were excluded from the rolls because they did not meet the residency requirements. There were also many instances where individuals simply chose not to seek Tribal affiliation and did not make application for enrollment; therefore, persons descended from Indians of the Five Civilized Tribes who separated from their Tribes and did not maintain Tribal affiliation cannot be certified to receive services from the Bureau. Also, when the *Final Rolls* of the Cherokee, Chickasaw, Choctaw, Creek and Seminole Tribes were prepared in 1906, separate rolls were made for Freedmen and Intermarried Whites and both groups are shown on the *Final Rolls* with no blood degree. CDIBs are not issued to these groups because they possess no Indian blood degree.

In preparation for the allotment of the communal lands of the Five Civilized Tribes, the Congress created the Commission to the Five Civilized Tribes in order for the Commission to



make rolls of the citizens or members of each Tribe, and the Congress declared that once the Commission's rolls were approved by the Secretary of the Interior, said rolls would constitute "the final rolls of citizenship." Act of March 3, 1893, 27 Stat. 645. See generally Harjo v. Kleppe, 420 F. Supp. 1110 (D.D.C. 1976), aff'd sub nom. Harjo v. Andrus, 581 F.2d 949 (D.C. Cir. 1978). In Section 2 of the Act of April 26, 1906, 34 Stat. 137, the Congress directed, *inter alia*, 1) that persons born after March 4, 1906, were not eligible for enrollment; 2) that the rolls of the Five Civilized Tribes were to be closed on March 4, 1907; and 3) that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after March 4, 1907. See Kirby v. Parker, 58 F. Supp. 309, 310-11 (E. D. Okla. 1944).

It is well settled that "the rolls of citizenship and Freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive as to the quantum of Indian blood of any enrolled citizen or Freedmen of said Tribes." Cully v. Mitchell, 37 F.2d 493, 499 (10th Cir. 1930), cert. denied, 281 U.S. 740 (1930). In one of the earliest cases challenging the Commission's work, the Court of Appeals held that:

... under these acts of Congress, the Commission to the Five Civilized Tribes is a special Tribunal, vested with judicial power to hear and determine the claims of all applicants to citizenship in the Five Civilized Tribes and its enrollment or refusal to enroll the applicant in each particular case constitutes its judgment in that cause. In the case before us, this Tribunal has heard and determined the claim of the plaintiff. Whether its decision was right or wrong is immaterial in this court and that question will not be considered. Congress saw fit to entrust to the judicial discretion of the Commission the determination of the application of the plaintiff in error, and of every question of law and of fact which that decision involved... [and] no court has jurisdiction...to substitute its own opinion for that of the Tribunal to which the law entrusted the decisions of these questions, to control the judicial discretion of that Tribunal, to correct its errors, or to reverse its decision.

Kimerlin v. Commission to the Five Civilized Tribes, 104 F.653, 662-63 (8th Cir. 1900). Whether a person should have been included on the rolls is irrelevant, the fact is that they were not and "that ends the matter." Jack v. Hood, 39 F.2d 594, 595 (10th Cir. 1930); Norris v. Johnson, 235 P.2d 926 (Okla. 1951); Section 2 of the Act of August 4, 1947, 61 Stat. 731; W. Semple, Oklahoma Indian Land Titles 69-85 (1952) ("Semple"). Further, in Section 2 of the Act of April 26, 1906, 34 Stat. 137, 138, the Congress clearly and unmistakably precluded the adding of any person to the rolls after March 4, 1907. Therefore, regardless of the merits of any claim that may now be brought on their behalf, the Secretary of the Interior is barred as a matter of Federal law from adding new names to the rolls. Cole v. Acting Muskogee Area Director, BIA, 23 IBIA 246 (1993); Luman v. Muskogee Area Director, BIA, 24 IBIA 4 (1993). Indeed, as evidenced by Section 17 of the Act of August 1, 1914, 38 Stat. 582, which added forty-one names to the Choctaw Rolls, only the Congress has the authority to add persons to the rolls of the Five Civilized Tribes. Semple, at 77-78.

The requirements for enrollment, as mandated by the Congress, were as follows:

1. Applications had to be submitted during the enrollment period (1899-1906);

2. Membership by blood, intermarriage, or adoption into the Tribe; and,

3. Actual residence within the area occupied by the Tribe.

This office regrets to inform you that a Certificate of Degree of Indian Blood cannot be issued to you for the following reasons:

The enrollee, Ethel M. Byrd, Cherokee Roll No. 32707, is listed on the *Index and Final Rolls of Citizens and Freedmen of the Cherokee Tribe* as an Adopted White (A.W.) without a blood degree.

Based on this fact, there is no Indian blood degree that can be calculated from the enrollee, Ethel M. Byrd, Cherokee Roll No. 32707, to certify you with a specific quantum of Indian blood from the roll of the Five Civilized Tribes.

Because you were unable to establish your lineage to an enrollee who is listed with a blood degree on *The Index and Final Rolls of Citizens and Freedmen of the Cherokee Tribe* approved June 21, 1906, (34 Stat. 325), this office is unable to issue a Certificate of Degree of Indian Blood to you.

This decision may be appealed to the Regional Director, Eastern Oklahoma Regional Office, Bureau of Indian Affairs, P.O. Box 8002, Muskogee, Oklahoma 74402-8002, in accordance with the regulations in 25 C.F.R. Part 62 (copy enclosed). Your notice of appeal may be filed by mail or filed by personal delivery and must be received in this office within 30 days of the date you receive this decision. This date of filing your notice of appeal is the date it is received in this office. Your notice of appeal should clearly identify the decision being appealed. If possible, attach a copy of the decision. The notice and the envelope in which it is being mailed should be clearly labeled "Certificate of Degree of Indian Blood Appeal."

Respectfully,

ACTING


Deputy Regional Director

Enclosure

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FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70150640000275807826

Remove X

Your item was delivered at 11:44 am on April 18, 2019 in BARTLESVILLE, OK 74006.

 **Delivered**

April 18, 2019 at 11:44 am
Delivered
BARTLESVILLE, OK 74006

Feedback

Tracking History

April 18, 2019, 11:44 am

Delivered

BARTLESVILLE, OK 74006

Your item was delivered at 11:44 am on April 18, 2019 in BARTLESVILLE, OK 74006.

Reminder to Schedule Redelivery of your item

April 11, 2019, 2:50 pm

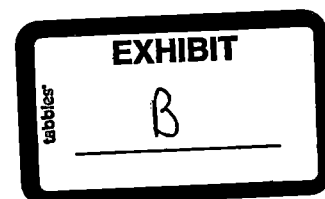
Notice Left (No Authorized Recipient Available)

BARTLESVILLE, OK 74006

April 10, 2019, 9:49 am

Arrived at USPS Facility

BROKEN ARROW, OK 74012



April 10, 2019, 4:12 am
Departed USPS Regional Facility
TULSA OK DISTRIBUTION CENTER

April 9, 2019, 10:08 pm
Arrived at USPS Regional Facility
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Product Information



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Feedback

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***NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.**

Feedback

RYAN P. LANGSTON

RAPTOR LEGAL, PLC

104 SOUTH MUSKOGEE AVE.

TAHLEQUAH, OK 74464

TELEPHONE (918) 981-2095

FAX (866) 240-1160

RLANGSTON@RAPTORPLC.COM

May 23, 2019

Registrar of the Cherokee Nation

MAY 23 2019

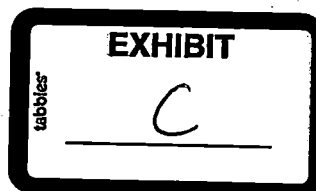
Via Hand Delivery on May 23, 2019

Re: Certificate of Degree of Indian Blood Appeal

Dear Sir or Madam:

This is an appeal of the decision of the US Bureau of Indian Affairs ("BIA") and/or the Registrar of the Cherokee Nation ("Registrar") as reflected in the denial letter (the "CDIB Denial Letter") and enclosures attached hereto as Exhibit "A". Please be advised of the following:

- 1) During or about September of 2017, Kacey Soliz ("Soliz") submitted to the Registrar an application for citizenship based on a Certificate Degree of Indian Blood ("CDIB") and a request for a CDIB card (her "CDIB Application").
- 2) Thereafter, at the request of the Registrar, she submitted additional supporting documentation for her CDIB Application.
- 3) On or about September 28, 2018 (a year after she submitted her CDIB application), she submitted a Dawes application, as a request for enrollment not based on CDIB (her "Dawes Application").
- 4) On or about May 13, 2019, the undersigned counsel for Soliz spoke by telephone with Frankie Hargis, Registrar of the Cherokee Nation, regarding the status of Soliz's pending Dawes Application.
- 5) During that phone call, Hargis:
 - a. Insisted that a "denial" of Soliz's Dawes Application had been "sent to her" and "signed for" on April 23, 2019, and "hadn't been appealed"; and,



- b. Emphatically and categorically stated that "adopted whites" are "not eligible for citizenship" and that, if counsel didn't like that answer, to "take it up with the Attorney General's office".
- 6) Soliz denies the CDIB Denial Letter constitutes a rejection or denial of her Dawes Application and denies it was delivered to her as required by Cherokee Nation law, in any event.
 - 7) In fact, Soliz has repeatedly been told by Registrar staff that her Dawes Application remains pending.
 - 8) Further, the face of the CDIB Denial Letter (on BIA letterhead) bears a date stamp on September 19, 2018, at least 9 days before Soliz submitted her Dawes Application, as do certain of her CDIB Application documents.
 - 9) Soliz believes her Dawes Application remains pending and that the enclosed CDIB Denial letter is just that: a denial of her original request for a CDIB card and does not relate in any way to her pending Dawes Application.
 - 10) Nevertheless, in light of Hargis's insistence that Soliz had received and "not appealed" her Dawes Application denial/rejection letter, Soliz is filing this appeal in an abundance of caution and to avoid inadvertently waiving any rights related to her pending Dawes Application.
 - 11) Soliz concedes she is not eligible for a CDIB card, as her ancestor, Ethel M. Byrd, No. 32707, was listed as an "adopted white" without a blood quantum on the Final Rolls as an Original Enrollee by blood. See attached Exhibit "B".
 - 12) However, Soliz is eligible for citizenship in the Cherokee Nation, because she descends from Ethel M. Byrd, No. 32707, an Original Enrollee listed by blood on the Final Rolls, which is what is required by the Cherokee Nation Constitution and relevant Cherokee Nation statutes.
 - 13) Furthermore, notwithstanding Hargis's statements, the Cherokee Nation apparently concedes and agrees with Soliz's position, as expressed by Linda O'Leary, the Registrar of the Cherokee Nation, in a sworn affidavit dated May 23, 2018, and filed in the federal case of Brackeen v. Zinke, Case No. 4:17-cv-868-0. See attached Exhibit "C".

In summary, Soliz denies the CDIB Denial Letter in any way relates to her Dawes Application, which she believes remains pending. However, to the extent it may be deemed to relate to her Dawes Application (which, again, she denies), she hereby appeals such denial.

Further, she requests an additional 90 days within which to submit supporting evidence and requests a hearing with the Cherokee Nation District Court.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Langston', written over a horizontal line.

Ryan P. Langston, CNBA #0619,
Counsel for Kacey Soliz

Enclosures

CC: Kacey Soliz

CHEROKEE ROLL INDIANS BY BLOOD

CHEROKEE ROLL, INDIANS BY BLOOD.

NO.	NAME	AGE	SEX	BLOOD	CENSUS CARD NO.	NO.	NAME	AGE	SEX	BLOOD	CENSUS CARD NO.
32659	Warren, James Fannie	24	F	1/16	10865	32685	<i>"Not entitled to allotment of land or money as a Cherokee and alloted to Chick Nation. See No. 10139 of Bureau of Indian Affairs, Stealer Cherokee."</i> <i>Dept. of Interior, Bureau of Indian Affairs, No. 10139 of Bureau of Indian Affairs, Stealer Cherokee."</i>	27	M	Full	10914
32660	Warren, John Henry	8	M	1/32	10863	32686	Stealer, Cum-akoo-wee	30	M	Full	10915
32661	Warren, Willie Demoris	3	F	1/32	10863	32687	Beck, Frederick	25	M	1/16	10916
32662	DeLozier, Virginia S.	24	F	1/32	10865	32688	Whitaker, Joshua W.	49	M	1/8	10917
32663	Butler, Mattie L.	26	F	1/32	10866	32689	Whitaker, Stephen	10	M	1/16	10917
32664	Butler, Frank L.	10	M	1/64	10866	32690	Whitaker, Eger J.	7	M	1/16	10917
32665	Butler, Myrtle	8	F	1/64	10866	32691	Hanlin, Emma H.	27	F	1/2	10918
32666	Rider, John	50	M	Full	10903	32692	Hussey, Clyde C.	8	M	1/4	10918
32667	Rider, Nancy	7	F	Full	10903	32693	Davis, Miller	41	M	1/16	10919
32668	Martin, Charlie	29	M	1/2	10904	32694	Davis, Mary L.	14	F	1/32	10919
32669	Johnson, Annie	28	F	1/8	10905	32695	Davis, Sallie S.	13	F	1/32	10919
32670	Johnson, John Anna	6	F	1/16	10905	32696	Davis, Earl T.	11	M	1/32	10919
32671	Johnson, Gracie Milligan	3	F	1/16	10905	32697	Davis, John M.	4	M	1/32	10919
32672	Johnson, Lafayette Lee	1	M	1/16	10905	32698	Kenyon, George A.	7	M	1/32	10920
32673	High, Sarah E.	45	F	1/4	10906	32699	Porter, Sallie	51	F	Full	10921
32674	High, Eddie C.	15	M	1/8	10906	32700	Martin, Harvey	26	M	1/32	10922
32675	High, William J.	9	M	1/8	10906	32701	Martin, John DeLoe	10	M	1/64	10922
32676	Butler, William J.	45	M	3/4	10907	32702	Martin, Dora Melissa	7	F	1/64	10922
32677	Akin, Don	22	M	1/4	10908	32703	Martin, Enos Q.	27	M	1/2	10923
32678	Gormley, David V.	53	M	1/8	10909	32704	Dawson, Francis Marion	41	M	1/16	10924
32679	Gormley, Mattie	14	F	1/8	10909	32705	Byrd, Richard C.	41	M	A. W.	10925
32680	Gormley, William	12	M	1/8	10909	32706	Byrd, Josie P.	16	F	A. W.	10925
32681	Nitts, Naki	46	F	Full	10910	32707	Byrd, Ethel M.	15	F	A. W.	10925
32682	Robber, Elizabeth	27	F	Full	10911	32708	Byrd, Maggie A.	14	F	A. W.	10925
32683	Chick-s-lee-lee, Nellie <i>(X) Attribution, See Cherokee Roll No. 25740 No allotment to be made under this name (See Department of Interior, Bureau of Indian Affairs, No. 25740)</i>	20	F	Full	10912	32709	Byrd, Ella M.	12	F	A. W.	10925
32684	Adair, John	18	M	Full	10913	32710	Byrd, Richard A.	10	M	A. W.	10925
						32711	Byrd, Laura J.	8	F	A. W.	10925
						32712	Byrd, Miles L.	6	M	A. W.	10925
						32713	Byrd, Ruby M.	2	F	A. W.	10925

EXHIBIT

D

RYAN P. LANGSTON

RAPTOR LEGAL, PLC

104 SOUTH MUSKOGEE AVE.

TAHLEQUAH, OK 74464

TELEPHONE (918) 981-2095

FAX (866) 240-1160

RLANGSTON@RAPTORPLC.COM

May 24, 2019

Angela Wilson.
Cherokee Nation Tribal Registration
PO Box 948
Tahlequah, OK 74465

Via certified mail with return receipt requested

Re: Kacey Soliz, DOB 6/4/74; Copy of Dawes application

Dear Ms. Wilson:

Kacey Soliz submitted a Dawes application for citizenship to your office on or about September 28, 2018. I understand you are in possession of her application. Please send me a complete copy of her Dawes application and supporting and related documents in the postage-paid envelope I've enclosed for your convenience. Please let me know if there is a charge for the copies. Also enclosed is a copy of a release signed by Ms. Soliz for you to release the records to me.

Please let me know if you need anything further to accommodate this request. Thank you very much.

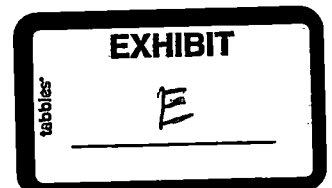
Sincerely.



Ryan P. Langston, CNBA #0619,
Counsel for Kacey Soliz

Enclosures

cc: Kacey Soliz





CHEROKEE NATION
Registration Department

P.O. Box 348
Tahlequah, OK 74465-0348
(405) 451-5000

AUTHORIZATION FOR RELEASE OF INFORMATION

I am requesting the following information be released from my file in the Cherokee Nation
Registration Department:

Certified Copy of Certificate of Degree of Indian Blood (CDIB)

Certified Copy of High Death Certificate

*I request all documents and information contained
in this file released to my representative who
have submitted to the request.*
This form must be filled out by the appropriate person and must be done with a copy of their
identification. Records requested are for:

Print Complete Name: *Kathleen Lea Montgomery Goh12*
Last First Middle Initial Last

Date of Birth: *10/14/1944*

Mailing Address: *[Redacted]*

Purpose of Request: *Legal advice and potential appeal
related to application for blood quantum to
Cherokee Nation*

Signature: *[Signature]*

(Self, Legal Parent, Guardian or Representative)

Date: *5/10/2011*

Statements or entries printed on this form are subject to the penalty provided by the laws of the
United States, especially with respect to the laws of the United States, which may be enforced in the United States
or other countries, including the United States, or representatives, or makers of any such writing or
document knowing the same to contain any false, misleading or fraudulent statement or entry, shall be fined not more
than \$10,000 or imprisoned not more than five years or both. (Title 18, U.S.C. § 1001)

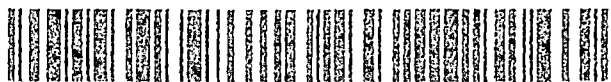
REG FORM 100 (REV. 10-01)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Angela Wilson
Cherokee Nation Tribal Registration
P.O. Box 948
Tahlequah, OK 74465



9590 9403 0259 5155 5391 16

tic

7009 3410 0000 8017 9775

3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

ted Delivery

Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
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Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Raptor Legal, PLC
104 S. muskogee Ave
Tahlequah, OK 74464

USPS TRACKING#



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including the Delaware Cherokees of Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees of Article II of the Shawnee Agreement dated the 9th day of June, 1869, and/or their descendants. Constitution of the Cherokee Nation, Article IV, Section 1 (attached as **Exhibit 1**). The Dawes Commission was established to make a count of all individuals living under the jurisdiction of each of the Five Civilized Tribes, which included the Cherokee Nation, for the purpose of allotting land. The Rolls for the Cherokee Nation were compiled in the early 1900s.

3. Original enrollees listed on the Dawes Commission Rolls will be found in the following sections of the Cherokee Dawes Roll:

A. Cherokee by Blood Section – this section contains Cherokee Indians, Shawnee Indians, Shawnee Adopted Whites, Delaware Indians who were not on the 1867 Delaware Registry, Adopted Whites that were descendants of Missionary Evan Jones, and Adopted Whites that were descendants of white trader Joseph Hardin Bennett (with fifty-one individuals total listed as Adopted White);

B. Cherokee Minors by Blood Section – this section contains the children of those listed on the Cherokee by Blood Section who were born after September 1, 1902 and before March 1, 1906;

C. 1914 Section – this section contains individuals who were left off previous enrollments, but were eligible for enrollment with the Cherokee Nation. This section was created by a Congressional act of Congress to open the rolls to include these individuals who were left off previous enrollments;

D. Freedmen section – this section contains Freedmen who were enrolled between 1899 and 1902;

E. Freedmen Minors section – this section contains Freedmen minors enrolled between September 1, 1902 and March 1, 1906;

F. Intermarried White section – this section contains white women and men married to Cherokee Indians prior to November 1, 1875;

G. Delaware Cherokee section – this section contains Delaware's who were on the 1867 registry of Delaware's who removed from Kansas to the Cherokee Nation per the Delaware-Cherokee agreement.

4. Freedmen refers to emancipated slaves owned by Cherokees and "all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants." Treaty with the Cherokee, 1866. A total of 4,971 Freedmen were listed on the Dawes Roll.

5. Pursuant to Cherokee Nation law, 11 CNCA §14 (attached as Exhibit 2), a Cherokee Nation citizenship application must be accompanied by documentation showing the applicant is a descendant of an original enrollee listed on the Dawes Commission Rolls.

6. The Cherokee Nation does not require a minimum quantum of Cherokee Indian blood to be a citizen of the Cherokee Nation. The only requirement is that a person be a descendant of an original enrollee of the Dawes Commission Rolls. Cherokee Freedmen are listed in the Freedmen sections of the Cherokee Dawes Roll. A descendent of an original enrollee of the Freedmen section is eligible for citizenship in the Cherokee Nation. Additionally, Adopted Whites are listed in the by blood section of the rolls. A notation next to the original enrollee of "AW" distinguishes these individuals from the Cherokee Indians on the by blood section. The Freedmen and Adopted Whites do not have any Cherokee blood. Nonetheless, the descendants of Freedmen and Adopted Whites are eligible for citizenship in the Cherokee Nation, as the

requirement to be a citizen of the Cherokee Nation is not tied to the amount of Indian blood an individual possesses, but rather a connection to an original enrollee on the Cherokee Dawes Roll.

7. A citizen of the Cherokee Nation may relinquish their citizenship through a formalized process which includes the filing of a tribal citizenship relinquishment form, provided by the Registrar, with the District Court of the Cherokee Nation. A civil case will be opened wherein the Court or Nation's attorney shall make inquiries as to whether the relinquishment process should proceed. A written order authorizing the citizen to submit the tribal citizen relinquishment form to the Registrar must be approved by the Court before submission. A citizen who relinquishes their citizenship shall be ineligible to re-enroll as a citizen for a period of 5 (five) years following the effective date of the relinquishment. 11 CNCA §34 (attached as Exhibit 3).

I declare under penalty of perjury that the foregoing is true and correct and that it was executed on 5/23/18.

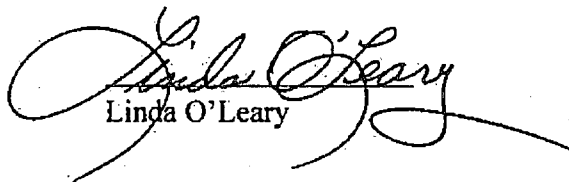

Linda O'Leary

EXHIBIT 1

The boundaries of the Cherokee Nation territory shall be those described by the patents of 1838 and 1846 diminished only by the Treaty of July 19, 1866, and the Act of March 3, 1893.

Article III. Bill of Rights

The People of the Cherokee Nation shall have and do affirm the following rights:

Section 1. The judicial process of the Cherokee Nation shall be open to every person and entity within the jurisdiction of the Cherokee Nation. Speedy and certain remedy, and equal protection, shall be afforded under the laws of the Cherokee Nation.

Section 2. In all criminal proceedings, the accused shall have the right to: counsel; confront all adverse witnesses; have compulsory process for obtaining witnesses in favor of the accused; and, to a speedy public trial by an impartial jury. The accused shall have the privilege against self-incrimination; and the Cherokee Nation shall not twice try or punish an accused for the same offense. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Section 3. The right of trial by jury shall remain inviolate, and the Cherokee Nation shall not deprive any person of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.

Section 4. The Council shall make no law prohibiting the free exercise of religion or abridging the freedom of speech, or the press, or the right of the People to peaceably assemble, or to petition the Nation for a redress of grievances.

Article IV. Citizenship

Section 1. All citizens of the Cherokee Nation must be original enrollees or descendants of original enrollees listed on the Dawes Commission Rolls, including the Delaware Cherokees of Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees of Article III of the Shawnee Agreement dated the 9th day of June, 1869, and/or their descendants.

Notwithstanding any provisions of the Cherokee Nation Constitution approved on October 2, 1975, and the Cherokee Nation Constitution ratified by the people on July 26, 2003, upon passage of this Amendment, thereafter citizenship of the Cherokee Nation shall be limited to those originally enrolled on, or descendants of those enrolled on, the Final Rolls of the Cherokee Nation, commonly referred to as the Dawes Rolls, for those listed as Cherokees by blood, Delaware Cherokees pursuant to Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees pursuant to Article III of the Shawnee Agreement dated the 9th day of June, 1869.

The Cherokee Nation recognizes the basic rights retained by all distinct People and groups affiliated with the Cherokee Nation, retained from time immemorial, to remain a separate and

distinct People. Nothing in this Constitution shall be construed to prohibit the Cherokee–Shawnee or Delaware–Cherokee from pursuing their inherent right to govern themselves, provided that it does not diminish the boundaries or jurisdiction of the Cherokee Nation or conflict with Cherokee law.

Section 2. There shall be established a Cherokee Register, to be kept by the Registrar, for the inclusion of any Cherokee for citizenship purposes in the Cherokee Nation who presents the necessary evidence of eligibility for registration. The Council may empower the Registrar to keep and maintain other vital records.

(a) A Registration Committee shall be established. It shall be the duty of the Registration Committee to consider the qualifications and to determine the eligibility of those applying to have their names entered in the Cherokee Register. The Registration Committee shall consist of a Registrar and two (2) assistants. All members shall be appointed by the Principal Chief and confirmed by the Council.

(b) There shall be a number assigned to every name, which is approved and entered into the Cherokee Register. This number shall be preceded by the three words, "Cherokee Registry Number."

(c) The decisions of the Registration Committee shall be subject to de novo review by the lower courts created by Article VIII.

Section 3. Registration as used in this Article refers to the process of enrolling as a citizen of the Cherokee Nation and is not the same as registration for voting purposes.

Article V. Distribution of Powers

The powers of the government of the Cherokee Nation shall be divided into three (3) separate branches: Legislative, Executive and Judicial; and except as provided in this Constitution, the Legislative, Executive and Judicial branches of government shall be separate and distinct and no branch shall exercise the powers properly belonging to either of the others.

Article VI. Legislative

Section 1. The legislature shall consist of one legislative body to be called the Council of the Cherokee Nation.

Section 2. The Council shall establish rules for its credentials, decorum, and procedure, and shall elect a Speaker and a Deputy Speaker from its own membership to officiate over Council meetings. The Speaker may vote in all matters before the Council. The Speaker shall be third in line of succession to serve as Acting Principal Chief in case of removal, death, resignation or disability of both the Principal Chief and Deputy Principal Chief until the disability be removed or a successor shall be elected.

EXHIBIT 2

A. Tribal citizenship is derived only through proof of Cherokee blood based on the Final Rolls.

B. The Registrar will issue tribal citizenship to a person who can prove that he or she is an original enrollee listed on the Final Rolls by Blood or who can prove to at least one direct ancestor listed by blood on the Final Rolls.

§ 13. Procedures

A. Applications for tribal citizenship should be completed by the applicant. A sponsor may complete the application, if the person is legally incompetent or a minor child.

B. Requests for applications for tribal citizenship should be made to the Registrar.

C. If the Registrar determines that the person has failed to submit acceptable documentation to establish his or her identity as the tribal citizen named in the records or his or her relationship to an ancestor by blood named in the records, the Registrar must deny the request. The denial must be in writing and mailed by certified mail. It must be received by the addressee only and a return receipt requested. The denial letter shall explain fully the reason(s) for rejecting the application and the right of appeal of the applicant.

§ 14. Documentation

A. Tribal citizenship applications must be completed and submitted with required documentation.

1. Acceptable forms of documentation for establishing relationship are:

a. Birth certificates. The document must be a state-certified, full image/photocopy of the original birth record showing parentage and containing the state seal, state registrar's signature, and the state file number. In those states where state law prohibits the release of full photocopies without a court order, computer generated or transcribed records are acceptable; however, these must be verified by a sworn statement or affidavit from the Indian parent. Individuals born outside the United States must obtain a certified copy of the official State Department record showing parentage. In cases where the State Department record is not available, then the foreign agency responsible for recording vital records must be contacted for a certified copy of the birth record. The certified foreign record must be submitted with the State Department notice of no record on file and a certified translation if needed.

b. Delayed certificates of birth. This document must be state-certified, full image/photocopy showing parentage and containing the state seal, state registrar's signature, and the state file number. State regulations cover the requirements for issuing these; however, for this purpose they are not fully acceptable by themselves and must be verified by at least one supporting document.

c. Certificate of death. This record must be state-certified, full image photocopy of the original record showing parentage and containing the state seal, state registrar's signature, and state file number. Death certificates must be verified by at least one of the supporting documents for

verification that must help define the relationships as claimed.

d. Certificate of Degree of Indian Blood (CDIB). This record is the formal certification document issued by the Bureau of Indian Affairs.

2. Acceptable supporting documents must be original or certified copies and are listed as follows:

a. County and district court records

b. Hospital birth certificates

c. Birth certificates issued by the Bureau of Census

d. U.S. federal census records

e. Per capita payment records

f. Enrollment census cards

g. Social Security numident or extract

h. Affidavits. Affidavits are written declarations made under oath before a notary public, must be submitted in original form and are used for the following:

(1) For identification. Many people use more than one name. An affidavit may be used to certify that one person goes by two names or that two or more names actually refer to the same person.

(2) To clarify discrepancies in names for identification purposes. If identification is not questioned, minor variations in spelling, etc., may not require further proof.

(3) To help establish relationship.

(4) To establish paternity of children born out of wedlock. An acknowledgment of paternity must be signed by the natural father and presented to the Bureau of Vital Statistics and his name must be added to the birth record.

i. Other documents. Other documents that define relationship may be considered.

3. Adoption documentation:

a. Adoption decree signed by the judge of the county where adoption proceedings occurred.

b. Replacement birth certificate showing new name and name(s) of the adoptive parent(s).

c. In some cases, the name(s) of the natural parent(s) will not appear on the adoption decree;

therefore, other pertinent records will be required for verification of the Indian parent(s). These records may include the original birth certificate established at birth, hospital birth certificate containing the name(s) of the natural parent(s), or other legal documents at the discretion of the Registrar.

CHAPTER 3

APPEAL FROM ADVERSE ENROLLMENT ACTION

§ 21. Who may appeal

A person who is the subject of an adverse enrollment action may file or have filed on his or her behalf an appeal.

§ 22. Appeals generally

A. The requirements in this part are to provide procedures for the filing and processing of appeals from adverse enrollment actions by the Registrar.

B. Appeals from actions taken by the Registrar must be in writing and must be filed pursuant to 11 CNCA § 23.

C. The decision of the Supreme Court shall be final.

§ 23. Appeal procedure

A. An appeal must be in writing and must be filed with the Registrar designated in the notification of an adverse enrollment action.

B. A sponsor may file an appeal on behalf of another person who is subject to an adverse enrollment action.

C. An appeal filed by mail or filed by personal delivery must be post-marked and received in the office of the Registrar by close of business within thirty (30) days of the notification of an adverse enrollment action, unless the appeal is mailed from outside the United States, in which case the appeal must be postmarked and received by the close of business within sixty (60) days of the notification of an adverse enrollment action.

D. The appellant or sponsor shall furnish the appellant's mailing address in the appeal. Thereafter, the appellant or sponsor shall promptly notify the Registrar with whom the appeal was filed of any change of address; otherwise, the address furnished in the appeal shall be the address of record.

E. An appellant or sponsor may request additional time to submit supporting evidence. A ninety-(90) day period for such submission may be granted by the Registrar with whom the appeal is filed. However, no additional time will be granted for the filing of the appeal.

EXHIBIT 3

however, prior to issuing the form the Registrar shall enter thereon the name of the citizen, the citizen's Registry number, the sponsor's name (if any), and the date of issuance of the form. No authorization form issued pursuant to this section may be used to obtain information or records relating to any citizen other than the citizen whose name and Registry number is entered on the form by the Registrar.

D. Whenever authority to release information or records cannot be obtained from the tribal citizen or sponsor, the Principal Chief or the Principal Chief's designee may authorize the release of such records or information to any person if the Principal Chief or the designee determines that the release of same would be appropriate under the circumstances of the request.

E. Nothing in this section shall prevent the Registrar from releasing copies of records or information pursuant to a bona fide request from a law enforcement official.

F. Listings, statistics, and labels from the tribal citizenship database must be approved by the Principal Chief or designee. The receiving of such requests are routed through the Registrar, who obtains the Chief's approval, and coordinates with other departments to facilitate the request.

G. The status of a person as an enrolled citizen of Cherokee Nation is hereby deemed to be public information. In addition to any other tribal citizenship information that the Registrar is now or may hereafter be authorized to release or otherwise make public under the laws of the Cherokee Nation, the Registrar is authorized to disclose to any person, upon request, the following tribal citizen information:

1. Whether or not a person is currently enrolled as a citizen of Cherokee Nation, and, if so, the date on which the person became enrolled as a tribal citizen;
2. Whether or not a person has relinquished his or her tribal citizenship one or more times, and, if so, the date or dates on which the relinquishment of his or her tribal citizenship became effective under 11 CNCA § 34; and
3. Whether or not a person, having relinquished his or her tribal citizenship one or more times, has re-enrolled as a tribal citizen, and, if so, the date or dates upon which such person re-enrolled as a tribal citizen.

H. The Registrar shall maintain and keep current a list of the names of all persons who have relinquished their tribal citizenships, together with their former enrollment numbers and the effective dates of relinquishments of tribal citizenship. If any person appearing on the list re-enrolls pursuant to the Tribal Citizenship Act, the person's name shall remain on the relinquishment list but notation shall be made thereon of the re-enrollment and each of the date or dates on which such person re-enrolled as a citizen.

§ 34. Relinquishment

A. Any citizen or sponsor of a citizen of Cherokee Nation may request a tribal citizenship

relinquishment form, which shall be furnished directly to the citizen or sponsor by the Registrar. Provided, however, if the person whose citizenship is to be relinquished is a minor child, the sponsor, in addition to the requirements of 11 CNCA § 3(O), must also be that minor child's biological parent or adoptive parent. A sponsor who is not a minor child's biological parent or adoptive parent shall have no authority to act on such minor child's behalf in the relinquishment of the minor's tribal citizenship. The request for a tribal citizenship relinquishment form shall be made in person or in a writing signed by the citizen or the citizen's sponsor and delivered to the Registrar.

B. The Office of the Attorney General of Cherokee Nation is hereby authorized to prepare the tribal citizenship relinquishment form and any other necessary forms, which shall be consistent with the provisions of this section, to be used in connection with the relinquishment of tribal citizenship.

C. Upon receipt of a request pursuant to subsection (A) of this section, the Registrar shall issue to the citizen or sponsor a tribal citizenship relinquishment form. Provided, however, prior to issuing the form the Registrar shall enter thereon the name of the citizen, the citizen's registry number, the sponsor's name (if any) and the date of issuance of the form. No tribal citizenship relinquishment form may be used to relinquish the citizenship of any person other than that of the citizen whose name and registry number is entered on the relinquishment form by the Registrar.

D. The tribal citizen or sponsor shall complete and sign the tribal citizenship relinquishment form before a notary public, and file the notarized form with the Clerk of the District Court of Cherokee Nation, who shall open a civil case styled "In re the relinquishment of citizenship of ____, a Tribal Citizen," without charging a filing fee, and shall assign the case a number. The relinquishment case so opened shall be set for an initial hearing on a date not more than thirty (30) days after the date of filing of the notarized form. The court clerk shall cause notice of the initial hearing to be delivered to the citizen at the time of filing or subsequently by first-class mail. Notice of the hearing shall also be mailed to the Cherokee Nation Department of Justice.

E. At the initial hearing, the tribal citizen or sponsor shall be placed under oath, and the Court or the Nation's attorney shall inquire of the citizen or sponsor who is relinquishing citizenship:

1. in any case where the tribal citizen whose citizenship is being relinquished is a minor, whether the sponsor is the biological parent or adoptive parent of the minor citizen and is otherwise qualified to act as a sponsor under 11 CNCA § 3(O); whether the minor citizen is currently the subject of a deprived child, juvenile delinquency, adoption or other proceeding involving the custody of the minor; and whether any person with parental or custodial rights to the child disputes the relinquishment or who, if unaware of the relinquishment proceeding, would likely dispute the relinquishment if he or she were aware of same;

2. whether the tribal citizen or sponsor is aware that by relinquishing tribal citizenship, all benefits and privileges to which the citizen is entitled as a consequence of being a citizen will be forfeited upon the effective date of relinquishment of citizenship; and

3. if the person whose citizenship is being relinquished is eighteen (18) years of age or older or will

be of such age by the time the relinquishment form will be submitted to the Registrar pursuant to subsection (A) of this section, whether the tribal citizen or sponsor is aware that said person will not be eligible to re-enroll as a tribal citizen for a period of five (5) years following the effective date of the relinquishment.

F. At the conclusion of the initial hearing, the Court shall issue a written order authorizing the citizen or sponsor to submit the tribal citizen relinquishment form to the Registrar unless, based on the citizen's or sponsor's testimony, the Court finds:

1. in any case where the person whose citizenship is to be relinquished is a minor, that the person acting as a sponsor is not the child's biological parent or adoptive parent or is not qualified to act as a sponsor under the provisions of 11 CNCA § 3(O); that the minor citizen is the subject of a deprived child, juvenile delinquency, adoption or other custodial proceeding pending in any court; or that another person with parental or custodial rights with regard to the minor citizen disputes the relinquishment or, if such other person is unaware of the relinquishment request, he or she would likely dispute the relinquishment if he or she were aware of same; or

2. that the citizen or sponsor indicates that he or she had been unaware of the consequences of relinquishment and requests of the Court additional time in order to reconsider the decision to relinquish, in which event the Court shall reschedule the hearing for a later date to determine whether the citizen or sponsor wishes to proceed with relinquishment. If at the rescheduled hearing the citizen or sponsor thereafter indicates that he or she no longer wants to relinquish citizenship, or fails to appear at the rescheduled hearing without first requesting a continuance, the Court shall dismiss the action without prejudice. Otherwise, the Court shall issue an order authorizing submission of the relinquishment form to the Registrar in accordance with this section.

G. If at the conclusion of the initial hearing the Court finds that the person whose citizenship is to be relinquished is a minor child and that the person seeking the relinquishment of the minor child's citizenship is not the child's biological parent or adoptive parent or is not otherwise qualified to act as the child's sponsor, the Court shall issue an order dismissing the case without prejudice. If the Court finds that the person is qualified to act as the minor child's sponsor but that the minor is the subject of a deprived child, juvenile delinquency, adoption or other custodial proceeding, or that another person has parental or custodial rights with regard to the child and disputes or would likely dispute the relinquishment, the Court shall schedule another hearing no more than thirty (30) days after the initial hearing and shall require that notice of same be given to all persons known to the Court to have parental or custodial rights with regard to the minor citizen. All such persons, including the Nation through its attorneys, may appear at the subsequent hearing and present evidence and testimony of witnesses on the issue of whether or not relinquishment of tribal citizenship would be in the best interest of the minor citizen. Within fifteen (15) days after the conclusion of the subsequent hearing the Court shall issue its order and decision on whether relinquishment would be in the best interests of the minor citizen. The party seeking to have the child's citizenship relinquished shall have the burden of proving such by a preponderance of the evidence.

H. All Cherokee Nation District Court hearings required under this section involving minor

citizens, and the Court files associated therewith, shall be confidential and closed to the public as in other juvenile cases; provided, copies of any court order authorizing or denying relinquishment shall be made available to the Registrar for filing in the minor child's citizenship records in accordance with this section but shall not otherwise be subject to public disclosure under this or any other law of Cherokee Nation. The Registrar shall not reproduce, release or disclose the contents of any such order to any person except as expressly authorized by order of Cherokee Nation District Court or Supreme Court.

I. If after any hearing authorized by this section the Court, having determined that the relinquishment process should proceed, issues an order allowing the citizen or sponsor to submit the tribal citizenship relinquishment form to the Registrar, the citizen or sponsor must, within sixty (60) days following the issuance of the order, deliver certified copies of the order and the notarized relinquishment form to the Registrar, which copies shall be made available to the citizen or sponsor by the court clerk without charge. Upon timely receipt of the certified copies of the Court's order and the relinquishment form, the Registrar shall stamp both with the date on which they were received by the Registrar and place them in the tribal citizen's file. The Registrar shall not accept the relinquishment form without the certified copy of the Court's order authorizing relinquishment to proceed. The relinquishment of the person's tribal citizenship shall become effective sixty (60) days after the date on which the certified copies of the Court's order and tribal citizenship relinquishment form were delivered to the Registrar in accordance with this subsection, unless prior to the expiration of said sixty- (60) day period the Registrar receives a written request from the citizen or sponsor that the tribal citizenship relinquishment form be revoked or withdrawn. If a written request by the tribal citizen or sponsor to revoke or withdraw his or her tribal citizenship relinquishment form is delivered to the Registrar prior to the expiration of the sixty- (60) day period, the tribal citizenship relinquishment form shall be deemed withdrawn and the person's status as a tribal citizen shall continue as if the relinquishment form had never been received by the Registrar.

J. Except as provided in subsections (K) and (M) of this section, any person who has relinquished his or her tribal citizenship may re-enroll at any time as a tribal citizen pursuant to 11 CNCA §§ 11, 12, 13 and 14.

K. Any person who relinquishes his or her own tribal citizenship in accordance with the provisions of this section shall be ineligible to re-enroll as a tribal citizen for a period of five (5) years following the effective date of his or her relinquishment of tribal citizenship if, but only if:

1. the certified copies of the notarized tribal citizenship relinquishment form and the Court's order authorizing relinquishment to proceed were received by the Registrar on or after the effective date of the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002, LA 16-02; and
2. the tribal citizen whose citizenship was relinquished was eighteen (18) years of age or older on the date on which the certified copies of said relinquishment form and order were received by the Registrar.

Upon the expiration of said five- (5) year period following the effective date of his or her

relinquishment, such person shall be eligible to re-enroll as a citizen in accordance with the provisions of this Title; provided, however, no person subject to the five- (5) year ineligibility period of this subsection shall be eligible to re-enroll as a citizen if, at any time after the effective date of his or her relinquishment, the person was convicted of a felony or of any crime involving moral turpitude under the laws of any federally-recognized Indian tribe, state or the United States; and provided further that in addition to all other requirements for enrollment under this Title, any person subject to the five- (5) year ineligibility period of this subsection who thereafter seeks to re-enroll as a tribal citizen must also execute an affidavit affirming under oath that at no time subsequent to the effective date of his or her relinquishment had he or she been convicted of any such felony or crime of moral turpitude. Said affidavit must be presented to the Registrar together with the application to re-enroll.

L. The provisions of subsection (K) of this section shall not apply to any person who was under the age of eighteen (18) years of age at the time his or her tribal citizenship relinquishment form was received by the Registrar or whose citizenship was relinquished through a sponsor, or to any person, regardless of age, whose tribal citizenship relinquishment form or other document requesting or declaring his or her relinquishment of tribal citizenship was received by the Registrar prior to the effective date of the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002, LA 16-02.

M. Any person who relinquished his or her citizenship but, as of the effective date of the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002, L.A. 16-02, had not re-enrolled as a citizen, may apply for re-enrollment by delivering to the Registrar a completed application to re-enroll no later than two hundred seventy (270) days following the effective date of said Act. Any such person who fails to deliver to the Registrar a completed application to re-enroll prior to the expiration of said two hundred seventy- (270) day period following the effective date of the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002 shall be ineligible to re-enroll as a citizen for the remainder of the five- (5) year period commencing on the effective date of said act. Provided, however, the re-enrollment ineligibility period of this subsection shall not apply to any person who was at the time of his or her relinquishment less than eighteen (18) years of age or whose relinquishment was procured through a sponsor. For the purposes of this subsection, the term "**completed application**" means an application to re-enroll as a citizen that substantially complies with the provisions of 11 CNCA §§ 11, 12, 13 and 14 and is submitted to the Registrar simultaneously with all documentation required by 11 CNCA § 14. No later than thirty (30) days after the effective date of LA 16-02, the Registrar shall cause notice of the provisions of this subsection (M) to be sent by first-class mail to the last known address of all persons who are subject to the re-enrollment ineligibility period of this subsection. The Registrar shall also cause notice of this subsection to be published in the next issue of the *Cherokee Phoenix* and *Indian Advocate* published after the effective date of said LA 16-02.

N. Commencing on the effective date of the Tribal Citizenship Relinquishment and Technical Amendments Act of 2002 (LA 16-02), all tribal citizenship relinquishment forms shall include the following language above the signature line:

NOTICE: THE RELINQUISHMENT OF

YOUR TRIBAL CITIZENSHIP HAS SERIOUS CONSEQUENCES

I, THE UNDERSIGNED, UNDERSTAND THAT ANY PERSON 18 YEARS OF AGE OR OLDER WHO RELINQUISHES HIS OR HER TRIBAL CITIZENSHIP DOES THEREBY ALSO WAIVE THE RIGHT TO RE-ENROLL AS A CITIZEN OF CHEROKEE NATION FOR A PERIOD OF FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF THE CITIZENSHIP RELINQUISHMENT.

I UNDERSTAND THAT BY RELINQUISHING MY TRIBAL CITIZENSHIP I WILL LOSE ALL BENEFITS THAT I MAY BE ENTITLED TO BY VIRTUE OF MY STATUS AS A CITIZEN OF CHEROKEE NATION.

I UNDERSTAND THAT THIS RELINQUISHMENT OF TRIBAL CITIZENSHIP WILL BECOME EFFECTIVE 60 DAYS AFTER THE DATE ON WHICH THIS RELINQUISHMENT FORM IS RECEIVED BY THE REGISTRAR UNLESS, BEFORE THE END OF THAT 60-DAY PERIOD, I DELIVER TO THE REGISTRAR A WRITTEN REQUEST TO REVOKE OR WITHDRAW THIS RELINQUISHMENT FORM.

§ 35. Recognition of Delaware Tribe of Cherokee Nation—Rights and duties of Delaware Tribe and Cherokee Nation and citizens thereof—Proposal of and conduct of referendum upon governing document for Delaware Tribe—Election of tribal officers

A. Cherokee Nation hereby recognizes that since 1867 the Delaware Tribe of Indians has maintained a separate, distinct identity within Cherokee Nation with its citizens having full rights of Cherokee citizenship.

B. Cherokee Nation does recognize the Delaware citizens to be citizens of the separate, domesticated Delaware Tribe with all inherent rights retained by the Delaware Tribe not specifically restricted by the Congress of the United States.

C. Cherokee Nation shall assist, as requested by Delaware Tribal resolution, to purchase and have placed in trust, land on which to develop income generating economic business and industry. No monies shall be committed for this purpose from Cherokee Nation except as shall be authorized and appropriated by Cherokee Nation. Revenues derived from land so placed in trust or businesses established are to be used for the exclusive benefit of the Delaware Tribal Council by such resolutions as may be appropriate.

D. Cherokee Nation will permit independent operation of the Delaware Tribe, its elected officials, citizens and businesses, except upon request by resolution from Cherokee Nation.

E. The Delaware Tribe will conduct its business in a manner to permit independent operation of Cherokee Nation, its elected officials, citizens and businesses, except upon request by resolution from Cherokee Nation.

F. Delaware Tribal citizens that are on or descendants from the Dawes Roll, June 21, 1906 (34