

# MUSCOGEE (CREEK) NATION CODE ANNOTATED

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## TITLE 25. INTER-GOVERNMENTAL AND INTER-TRIBAL RELATIONS

### ENRAKRAKV SVPVKE HVTVM ETVLWV SVPVKE EMPVLSVLKE

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### CHAPTER 1. OTHER MUSCOGEE (CREEK) TRIBES OR BANDS

#### Subchapter

1. General Provisions
2. Poarch Band of Creek Indians of Atmore, Alabama

#### SUBCHAPTER 1. GENERAL PROVISIONS

#### Section

1-101. Declaration of policy.

#### § 1-101. Declaration of policy

It is the policy of the Muscogee (Creek) Nation to study Federal Acknowledgement Petitions by groups claiming to be Muscogee (Creek) Indian in origin on a case-by-case basis, and to approve the results of such study by Tribal law. [NCA 83-31, § 102, approved Aug. 5, 1983.]

#### Library References

Indians ⇄104.  
Westlaw Topic No. 209.  
C.J.S. Indians §§ 3, 25 to 31, 140.

**Code of Federal Regulations**

Procedures for establishing that an American Indian group exists as an Indian tribe, see 25 CFR 83.1 et seq.

**SUBCHAPTER 2. POARCH BAND OF CREEK  
INDIANS OF ATMORE, ALABAMA**

**Section**

- 1–201. Recognition.
- 1–202. Formal relations.
- 1–203. Informal relations.
- 1–204. Joint projects.
- 1–205. Disclaimer.
- 1–206. Intervention as to treaty claims.
- 1–207. Conflicting interests.
- 1–208. Negotiations.

**Historical and Statutory Notes**

NCA 92–153, §§ 110, 111, provide:

“§ 110. Special Finding.

“The National Council finds that the Poarch Band of Creek Indians has taken actions which, although in their economic interest, are threatening the cultural, historical and archeological integrity of Hickory Ground, Alabama. Said actions are contrary to the culture, traditions and best interests of all Muscogee people. Said actions have been taken without consultation with the Muscogee Nation nor with the people of Hickory Ground Tribal Town and Hickory Ground Ceremonial Ground, who are located here within the boundaries and within the body politic of the Muscogee Nation. The Nation recognizes the difficult questions which arise when one Tribe owns land which contains the

cultural artifacts and human remains of another Tribe, but feels that when two groups of one culture are involved, and that culture has specific answers to those questions, that to ignore those cultural precedents is to break the only bonds we have in common.

“Section 111. The government-to-government relationship between the Muscogee Nation and the Poarch Band of Creek Indians which was established by Ordinance NCA 83–32 is hereby suspended until such time as the Principal Chief certifies in writing to the Speaker of the National Council that Hickory Ground, in Alabama, is protected by any means recommended in this Ordinance (or otherwise) to restore its cultural, historical and archeological integrity.”

**§ 1–201. Recognition**

The Muscogee (Creek) Nation hereby recognizes the Poarch Band of Creek Indians as a distinct and separate band of Muscogee (Creek) Indians.

[NCA 83–32, § 101, approved Aug. 5, 1983.]

**Library References**

Indians ⇄103.

Westlaw Topic No. 209.

C.J.S. Indians §§ 3, 25 to 35, 46 to 47, 140.

**§ 1–202. Formal relations**

Formal relationship between the Muscogee (Creek) Nation and the Poarch Band shall be established between the Principal Chief of the Muscogee (Creek) Nation and the Chairman of the Poarch Band.

[NCA 83–32, § 102, approved Aug. 5, 1983.]

**§ 1-203. Informal relations**

Section 25-1-202 shall not preclude informal relations or communications between officers, citizens or staff of the Muscogee (Creek) Nation and the Poarch Band.

[NCA 83-32, § 103, approved Aug. 5, 1983.]

**§ 1-204. Joint projects**

Joint projects between the Muscogee and the Poarch Band shall require a Tribal resolution of the Muscogee (Creek) Nation approving each project. The Muscogee (Creek) Nation shall not enter into such projects without evidence of a Resolution or other act of the Poarch Band.

[NCA 83-32, § 104, approved Aug. 5, 1983.]

**§ 1-205. Disclaimer**

The Muscogee (Creek) Nation disclaims all interest in the internal affairs of the Poarch Band, effective March 24, 1832.

[NCA 83-32, § 105, approved Aug. 5, 1983.]

**§ 1-206. Intervention as to treaty claims**

A. In claims filed hereafter by the Muscogee (Creek) Nation for matters arising under, pursuant to or in conflict with the Treaty of March 24, 1832, or any prior treaty of the Muscogee (Creek) Nation, the Poarch Band may file a petition to be recognized as a Plaintiff-Intervenor, and said petition shall be considered upon its merits.

B. In claims filed hereafter by the Poarch Band for matters arising under, pursuant to or in conflict with the Treaty of March 24, 1832, or any prior treaty of the Muscogee (Creek) Nation, the Muscogee (Creek) Nation may file a petition to be recognized as a Plaintiff-Intervenor, and said petition shall be considered upon its merits.

C. The Muscogee (Creek) Nation and the Poarch Band shall not intervene in claims filed by the other party concerning matters arising after the Treaty of March 24, 1832.

[NCA 83-32, §§ 106 to 108, approved Aug. 5, 1983.]

**§ 1-207. Conflicting interests**

In any matters where the interests of the Muscogee (Creek) Nation conflict with the interests of the Poarch Band, the Principal Chief shall report such conflicts to the National Council.

[NCA 83-32, § 109, approved Aug. 5, 1983.]

**§ 1-208. Negotiations**

The Principal Chief, or his authorized representative, is empowered to negotiate with the Poarch Band of Creek Indians on any subject whatsoever, subject to ratification by the Muscogee (Creek) National Council.

[NCA 83-32, § 110, approved Aug. 5, 1983.]

**Title 25, § 1–208**

**INTER-TRIBAL RELATIONS**

**Library References**

Indians ↻216.  
Westlaw Topic No. 209.  
C.J.S. Indians § 59.

## **CHAPTER 2. INTER-TRIBAL COUNCIL OF THE FIVE CIVILIZED TRIBES OF OKLAHOMA**

### **Section**

2-101. Declaration of policy.

2-102. Delegation.

### **§ 2-101. Declaration of policy**

It shall be the policy of the Muscogee (Creek) Nation:

A. To abide by Article VI, Section 6(b) of the Muscogee (Creek) Nation Constitution.

B. Inter-Tribal organizations are hereby put on notice the policy positions of the Muscogee (Creek) Nation are to receive approval by law of the Muscogee (Creek) Nation.

[NCA 92-03, § 103, approved Jan. 29, 1992.]

### **§ 2-102. Delegation**

A. The delegation of the Muscogee (Creek) Nation to the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma shall consist of the following:

1. Principal Chief
2. Second Chief
3. Speaker (or his delegate)
4. Second Speaker (or his delegate)
5. Supreme Court Justice or District Court Judge (selection by entire Judiciary)

B. Each individual delegate shall serve during their tenure of office with the Creek Nation.

C. This chapter serves as notification to the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma that the delegation specified in subsection A is the authorized delegation to the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma.

[NCA 92-03, §§ 104, 105, approved Jan. 29, 1992.]

## **CHAPTER 3. NATIONAL CONGRESS OF AMERICAN INDIANS**

### **Section**

3-101. Delegate and alternate delegates.

### **§ 3-101. Delegate and alternate delegates**

The following persons are designated as delegate and alternate delegates, and they are instructed to become individual members in good standing of the National Congress of American Indians in order to fulfill their responsibilities as official delegates to the National Congress of American Indians Annual Convention and Executive Council meetings. This designation shall remain in effect until otherwise provided by law.

DELEGATE: Principal Chief

ALTERNATE DELEGATES: Second Chief, Speaker and Second Speaker

[NCA 92-144, § 105, approved Nov. 25, 1992; amended by NCA 96-11, § 102, approved Feb. 24, 1996.]

### **Cross References**

Budget, National Congress of American Indians, dues, see Title 37, § 2-107.

## **CHAPTER 4. SELF-GOVERNANCE COMPACT AND ANNUAL FUNDING AGREEMENT**

### **Section**

4-101. Compact authorization.

4-102. Compact negotiation and execution.

### **§ 4-101. Compact authorization**

The Muscogee (Creek) Nation authorizes the Principal Chief to enter into and sign the Compact of Self-Governance between the Muscogee (Creek) Nation and the United States of America, and the Annual Funding Agreement for Fiscal Year 1994, signifying the approval of the Nation of said Compact and said Annual Funding Agreement(s) thereafter, for the Department of the Interior and the Indian Health Services.

[NCA 93-55, § 102, approved June 2, 1993; amended by NCA 03-159, § 1, approved Nov. 26, 2003.]

#### **Library References**

Indians ☞210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

### **§ 4-102. Compact negotiation and execution**

The Principal Chief, or in his absence the Second Chief or the designate of the Principal Chief, is hereby authorized to negotiate, sign and execute the Compact of Self-Governance and Annual Funding Agreement or any modifications thereto.

[NCA 93-55, § 103, approved June 2, 1993.]

#### **Library References**

Indians ☞210, 216.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

