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LDF, Lawyers' Committee File Amicus Brief Urging Court to Protect Rights of Creek Freedmen

Muscogee Creek Nation failing to comply with Tribal Supreme Court ruling by denying Creek Freedmen their citizenship

The Legal Defense Fund (LDF) and the Lawyers' Committee for Civil Rights Under Law have filed an [amicus brief](#) to the Muscogee (Creek) Nation Supreme Court in the case of *Muscogee Creek Nation v. Grayson and Kennedy*, urging the court to protect the rights of Creeks of African descent (Creek Freedmen Descendants) by ordering the MCN Citizenship Board to immediately process pending citizenship applications from Creek Freedmen. This action is needed to ensure that the Freedmen's votes are counted in upcoming elections.

Following the Civil War, Article II of the Treaty of 1866 guaranteed Creeks of African descent full and equal citizenship in the Muscogee (Creek) Nation—protections akin to those embodied in the 13th, 14th, and 15th Amendments. Despite that binding obligation, the Nation's 1979 Constitution unlawfully excluded Creek Freedmen and their descendants from citizenship.

When Rhonda Grayson and Jeff Kennedy were denied citizenship in 2019, they challenged that exclusion in tribal court. After a full trial, the MCN District Court held in 2023 that the Citizenship Board acted "contrary to law" by failing to apply the Treaty. In July 2025, the MCN Supreme Court unanimously affirmed, holding that the "by blood" requirement is unlawful and that Creek Freedmen and their descendants are entitled to citizenship under the Treaty of 1866.

As MCN citizens, the Freedmen have the right to vote in tribal elections. After that MCN Supreme Court ruling, however, MCN Principal Chief David Hill issued an executive order, pausing the processing of all Creek Freedmen citizenship applications. Subsequently, he initiated a change to the MCN Constitution that would expand term limits – a measure that would allow him to run for a third term. For that change to take effect, it must be approved by MCN voters in a special election set for this May, an election Creek Freedmen are locked out of because their citizenship applications are in limbo.

“Today, the Legal Defense Fund stands with the Creek Freedmen in their quest for full citizenship—including their right to cast their ballot in the special election this May,” **Janai S. Nelson, LDF President and Director-Counsel, said.** “The highest court of the Muscogee (Creek) Nation has spoken: the Creek Freedmen are citizens. That ruling must be honored. Defiance of court orders by government officials and agencies is all too familiar to Black people across America. These courts have stood resolutely for the rule of law and the Muscogee (Creek) Nation Supreme Court must do the same today.”

“The right to vote is a hallmark of full citizenship and is foundational to a people’s ability to exercise self-determination. The Supreme Court of the Muscogee (Creek) Nation has unanimously and unambiguously affirmed that Black Muscogee Creek Freedmen are equal citizens of the Muscogee (Creek) Nation, and they must be allowed to vote in upcoming elections,” said **Damon T. Hewitt, president and executive director of the Lawyers’ Committee for Civil Rights Under Law.** “To further delay their right to vote is to extinguish it. We stand with the Creek Freedmen in their fight for equal rights and the rule of law.”

“The involvement of the Legal Defense Fund and the Lawyers’ Committee confirms this is not just a tribal matter, but a national test of whether the rule of law will be enforced when Black voting rights are on the line. When a unanimous court ruling is ignored, that is not just delay. It is defiance, and Black people in this country know that pattern all too well,” said **Damarion Solomon-Simmons, President and Chief Legal Counsel for Justice For Greenwood and lead counsel for Grayson and Kennedy.** “My clients and I are grateful for their support and leadership, because if the law can be ignored here, it can be ignored anywhere and should concern every American who believes in democracy.”

A full copy of the amicus brief can be found [here](#).

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Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation’s first civil rights legal organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957, though it was founded under the leadership of Thurgood Marshall while he was at the NAACP. LDF’s Thurgood Marshall Institute (TMI) is a division of LDF that undertakes innovative research and houses LDF’s archive. In all media attributions, please refer to us as the Legal Defense Fund or LDF (do not include NAACP) and refer to the Institute as LDF’s Thurgood Marshall Institute or TMI.