

FILED

IN THE SUPREME COURT OF THE CHEROKEE NATION

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CHEROKEE NATION
SUPREME COURT
KENDALL BIRD, COURT CLERK

In re: Effect of *Cherokee Nation v. Nash* and)
Vann v. Zinke, District Court for the District of)
Columbia, Case No. 13-01313 (TFH) and Petition)
For Writ of Mandamus requiring the Cherokee Nation)
Registrar to Begin Processing)
Citizenship Applications,)

Case No. SC-17-07

PRELIMINARY ORDER GRANTING DECLARATORY ACTION
AND PETITION FOR WRIT OF MANDAMUS

This matter comes before the Court on a Petition for Declaratory Action, Petition for Writ of Mandamus and request for preliminary order filed by the Cherokee Nation Attorney General, requesting that this Court issue a preliminary order and writ of mandamus based upon the memorandum opinion issued by the District Court for the District of Columbia in combined case no. 13-01313 on August 30, 2017 so that the legal determinations made by the D.C. Court will be binding against the Cherokee Nation, its Governmental branches, and its offices, including the Cherokee Nation Registrar.

The Court finds that original jurisdiction is proper in this Court under Article VIII, Sections 1 and 4, and Title 20 C.N.C.A. §51(A) pursuant to Supreme Court Rule 4.

The Court further finds that the D.C. case was entered into voluntarily by the Nation, that the Nation had a full and proper presentation of its case, and that the Nation is therefore now subject to the opinion of the D.C. District Court. Further, this Court recognizes that the Treaty of 1866 has been and remains fully binding upon both the Cherokee Nation and the United States, and to recognize the rights of those individuals who can trace an ancestor to the Dawes Freedmen rolls to obtain citizenship within the Nation.

Therefore, the Court hereby Orders, Adjudges, and Decrees that the memorandum opinion issued August 30, 2017 by the District Court of the District of Columbia in case no. 13-01313 is enforceable within and against the Cherokee Nation, and that therefore the Cherokee Nation Registrar, and the Cherokee Nation government and its offices, are directed to begin processing the registration applications of eligible Freedmen descendants, and that such Freedmen descendants, upon registration as Cherokee Nation citizens shall have all the rights and duties of any other native Cherokee, including the right to run for office. Because it violates

the Treaty of 1866 between the Cherokee Nation and the United States, the 2007 amendment to the Constitution that purported to limit citizenship within the Cherokee Nation to Cherokees by blood, Delaware Cherokees and Shawnee Cherokees is held to be void and without effect,

This order shall remain in effect until further order of the Court.

It is so ordered this 1st day of September, 2017.



Chief Justice of the Supreme Court