

**COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE FOR INDIGENOUS  
PEOPLES OF THE UNITED STATES**

1324 LHOB & CISCO WEBEX  
September 20, 2022 at 11:00 a.m. ET

**Questions for the Record**

**Oversight Hearing on *Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court's Ruling on Tribal Sovereignty***

Hon. Sara Hill, Attorney General, Cherokee Nation

**Question from Rep. Stansbury**

1. What can Congress do to hear from Tribal nations in order to find a reasonable consensus in Indian Country to respond to *Castro-Huerta*?

Response of Attorney General Hill:

There is rarely a 'one size fits all' solution among tribes. Some tribes have hundreds of thousands of citizens on their reservation, while others have dozens. Some reservations are developed and urban, while others lack basic infrastructure or access to essential services. Given this diversity, providing forums for tribal governments to speak directly with U.S. officials and each other about common concerns is one way to begin to identify areas where there would be broad-based, intertribal support. In the context of *Castro-Huerta*, there are many tribes that may still be unaware of the decision, or be unaware of how it will impact them over the short and long term. Consensus building should be viewed as a valuable process worthy of considerable time and energy, and not rushed to justify imposing a predetermined solution upon Indian country.

**Questions from Rep. Westerman**

1. Lead Up: Collaboration among tribal, state, federal, and local law enforcement and legal systems is needed to cover the complicated jurisdictional system that exists in Indian country.

Question: Could you provide examples of the best collaborative connection not included in your written testimony that your tribe has with non-tribal law enforcement, and how that may help inform discussion about public safety in Indian country?

Response of Attorney General Hill

Oklahoma and the tribes within its exterior boundaries have, by and large, found ways to successfully negotiate mutually acceptable agreements that have benefited both state and tribal communities. Often, litigation triggered the ultimate agreement. This was the case even post-*McGirt*.

Many small municipalities contacted the Cherokee Nation, concerned that the loss of revenue from traffic tickets would gut the small town police forces on the Cherokee Nation Reservation. The Nation's elected leaders felt that maintaining local municipal police was a top priority, and agreed to

donate traffic ticket revenue back to the municipality. Today, there are twenty such agreements with local municipalities, and it has helped keep local police in place where they are most needed. This type of cooperation with non-tribal law enforcement has not been the exception in Oklahoma, but indeed the rule.

Question: Could you provide further information and data about how plans to increase resources to the Cherokee Nation's tribal court system have or have not changed both pre- and post- the *McGirt* decision, and also pre- and post- the *Castro-Huerta* decision, including staff increases, staff position additions, funding increases, and other similar metrics?

Response of Attorney General Hill:

Post-*McGirt*, the Cherokee Nation has made unprecedented investments in its law enforcement and justice systems. Among other investments, the Nation has hired additional law enforcement officers, prosecutors, and judges to help with the additional workload. In an average year prior to *McGirt*, the Cherokee Nation would file between 50 and 100 criminal cases. In comparison, from March 11, 2021, through March 10, 2022, the Cherokee Nation's Office of the Attorney General filed 3,700 criminal cases in our tribal court, including 533 domestic violence cases. In 106 of those cases—roughly 20%—a non-Indian defendant was charged under the Nation's special domestic violence jurisdiction.

In fiscal year 2022 alone, the Cherokee Nation invested in excess of \$30 million to expand and improve the delivery of justice-related services across our Reservation. Among other investments, this funding was used to increase the capacity of the Cherokee Nation Office of the Attorney General ("OAG"). Specifically, the OAG has added 7 full-time prosecutors, and has budgeted to hire 5 more full-time prosecutors in the next fiscal year. The OAG has also added numerous support staff, including 8 full-time and 2 part-time staff, with additional hiring ongoing to meet need. Additionally, the OAG has recently added 2 full-time investigator positions, including an investigator dedicated to domestic violence prosecutions, and 2 full-time victim witness coordinators.

As the Cherokee Nation continues to carry out its sovereign duty to provide public safety and justice within our Reservation, our needs and specific priorities for investment will continue to change and evolve—just as they have over the last few years. Flexibility in tribal reprogramming requests will allow us to address new and evolving challenges and priorities, as we continue to identify them.

For instance, post-*McGirt* expansion of our justice systems has recently led to the creation of entirely new departments within the Cherokee Nation that we identified as necessary. A new probation services division was recently established, which employs 3 full-time probation officers. A Cherokee Nation Department of Juvenile Justice was also established to handle the increase in delinquent cases. The Cherokee Nation's Department of Juvenile Justice employs 9 full-time staff members, including a Director of Juvenile Justice, intake officers, probation officers, and support staff. In July 2021, the Cherokee Nation opened a new Juvenile Justice Center in Muskogee, Oklahoma, to house these new staff members and provide a convenient location to hold juvenile court.

As recently as July of this year, the Cherokee Nation committed an additional \$10 million to increase the size of the Cherokee Nation Marshal Service. To date post-*McGirt*, the Cherokee Nation has added

18 officers to its Marshal Service, and we are in the process of adding 35 more officers for a target number of 102. These officers will be stationed throughout the Cherokee Nation Reservation to improve response times to calls for assistance. In addition to the personnel expansion, the Cherokee Nation Marshal Service has seen an exponential increase in its pre-trial and post-conviction detention budget. Cherokee Nation averages 200 detainees daily. Currently, these detainees are housed in county jails that the Nation contracts on a per inmate daily rate. The Nation recently entered into a contract to provide longer-term detention for inmates, but that option comes with an increased daily rate.

With the passage of the Violence Against Women Reauthorization Act of 2022, the Cherokee Nation's jurisdiction again increased on October 1st of this year. The Cherokee Nation is now able to assert jurisdiction over non-Indians who perpetrate sexual assault, child abuse, stalking, sex trafficking, or assaults on tribal law enforcement within the Cherokee Nation Reservation. This increased jurisdiction will create additional and new demand for certain tribal justice services throughout our Reservation.

Accordingly, as the Cherokee Nation's needs and priorities post-*McGirt* and post-*Castro-Huerta* are still emerging and shifting and the Nation will continue to respond with what resources it has to address issues of public safety.