

1. Good morning. Thank you all for joining us today at this important oversight hearing titled, “*Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court's Ruling on Tribal Sovereignty.*”
2. As many remember, the 2020 landmark U.S. Supreme Court ruling in *McGirt v. Oklahoma* recognized that Congress had never disestablished the Creek Reservation in eastern Oklahoma, reaffirming that it remained Indian Country.
3. The *McGirt* ruling was a victory for tribes across the country, as it indicated the Court’s commitment to upholding treaty rights through historic legal precedent.
4. Unfortunately, two years later the Court’s ruling this summer in *Oklahoma v. Castro-Huerta* now serves as a sharp contrast to the *McGirt* ruling. In a 5-4 majority opinion, the Court determined that state governments maintain inherent concurrent criminal jurisdiction over Indian Country.
5. More importantly for many, the *Castro-Huerta* case overturned almost 200 years of precedent that was known as the Marshall Trilogy that is at the bedrock foundation of Indian law. *Worcester v. Georgia*, the third case in the trilogy, was decided in 1832, which as Justice Gorsuch stated in his dissent, established the foundational rule that Native American tribes retain their sovereignty unless and until Congress ordains otherwise.
6. The Marshall Trilogy underpins not only recognition of tribal-state criminal relations, but many other foundational legal precedents governing tribal-state precedent. This

trilogy of cases also implicates federal-state relationships in a wide range of circumstances.

7. *Castro-Huerta*, understandably, sent shock waves across Indian country and in the legal community, which understood its potential vast implications.
8. The murdered and missing indigenous peoples crisis, the aftermath of the McGirt case, and many other examples of the federal government's failure to recognize its trust responsibilities to investigate and prosecute crimes in Indian country are rooted in the federal government's failures to adequately fund and prioritize the safety of tribal communities.
9. The implications of *Castro-Huerta* vary deeply amongst tribes. Until *Castro-Huerta*, states were largely excluded from Indian Affairs unless Congress provided otherwise.
10. Today, we are here to listen. To learn what this decision means from tribal leaders and experts themselves.
11. This is the beginning of our discussion on *Castro-Huerta*. This hearing is not to advance particular solutions or legislation. It is to better understand the nuances and impacts of the decision.
12. The Court's expansion of state criminal jurisdiction may add greater uncertainty over whom tribal citizens may call in response to a public safety emergency, what police force may be allowed to respond, and what authority may prosecute a case.
13. Prior to *Castro-Huerta*, existing jurisdictions in Indian Country were already complicated. The standard framework consisted of the federal government maintaining criminal jurisdiction alongside tribal governments

depending on the offenses committed and the political status of both the offender and victim.

14. Exceptions to this framework—such as Public Law 280 States— existed. Importantly, though, Congress, not the Supreme Court, enacted these exceptions.
15. *Castro-Huerta* has complicated this existing patchwork of jurisdictions by adding in state authorities, leading to uncertainty about who will address tribal public safety concerns on the ground.
16. Tribal governments already face a variety of public safety crises—the murdered and missing indigenous peoples crisis being one—for which they lack jurisdictional authority to respond or prosecute because of *Oliphant*.
17. As I noted earlier, the precise impacts of this case will look different for each tribe.
18. That’s why it’s important for us to have this hearing today. Our witnesses hail from across the country and represent different legal perspectives, as well as different tribal nations.
19. I am grateful that we will hear testimony from the Cherokee Nation, where the *Castro-Huerta* case originated, and from another Oklahoma Tribe, the Muscogee Creek Nation where the *McGirt* decision originated.
20. Supreme Court cases rarely confine their impact to the jurisdictions where they originate. Indeed, the Supreme Court’s decision to take a case often is precisely because of the national impact. Tribes in P.L. 280 states and tribes in non-P.L. 280 states who have fought intense battles within their states to protect tribal sovereignty from state intrusion are also present here today. We will also hear from legal experts and the administration about the impacts that

*Castro-Huerta* may have in Indian Country and more broadly.

21. I look forward to this discussion and want to again extend my thanks to the witnesses for being present today.
22. I would now like to recognize Ranking Member Obernolte for his opening statement.