

**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***

**Question from Rep. Teresa Leger Fernández** for Hon. Bryan Newland, Assistant Secretary for Indian Affairs, U.S. Department of the Interior

1. As Assistant Secretary for Indian Affairs, what is the agency's view of the *Castro-Huerta* ruling?
  - a. In addition to the listening sessions referenced in your testimony, how is the Department working to communicate with and assist tribal governments in the aftermath of the *Castro-Huerta* ruling?

**Questions from Rep. Teresa Leger Fernández** for Hon. Kevin Killer, President, Oglala Sioux Tribe

1. Does the State of South Dakota provide support or resources to public safety services on tribal lands?
  - a. Since the *Castro-Huerta* ruling, has the State government communicated with the Oglala Sioux Tribe about the expected impacts?
2. If you are able to, can you provide a rough comparison of the resources available to the Oglala Sioux Tribe for public safety services and the resources at the disposal of the State of South Dakota for its own public safety services?

**Question from Rep. Teresa Leger Fernández** for Hon. Cheryl Andrews-Maltais, Chairwoman, Wampanoag Tribe of Gay Head Aquinnah

1. In your opinion, how does the *Castro-Huerta* ruling create “incentives” for the federal government to move public safety funds away from tribal governments and to other agencies?

**Question from Rep. Teresa Leger Fernández** for Hon. Whitney Gravelle, President, Bay Mills Indian Community

1. What are the civil jurisdictional impacts related to the *Castro-Huerta* ruling?

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**Question from Rep. Teresa Leger Fernández** for Hon. Teri Gobin, Chairwoman, Tulalip Tribes

1. The underlying presumption of the *Castro-Huerta* ruling is—as you say in your testimony—that “States will do a better job of protecting our children than our own governments.”
  - a. Based on the Tulalip Tribes’ experiences in a P.L. 280 state, is this presumption accurate?

**Questions from Rep. Teresa Leger Fernández** for Ms. Mary Kathryn Nagle, Counsel, National Indigenous Women’s Resource

1. Your testimony states that, due to the *Castro-Huerta* ruling, federal authorities will begin to pull their public safety resources out of Indian Country altogether.
  - a. Why do you think this will be the case?
  - b. What would be the result of a federal withdrawal?

**Question from Rep. Teresa Leger Fernández** for Ms. Bethany Berger, Wallace Stevens Professor of Law, University of Connecticut School of Law

1. In your testimony, you note that the *Castro-Huerta* ruling implies that Congress has been “spinning its wheels” for decades in the passage of legislation that grants State jurisdiction over certain crimes committed in Indian Country.
  - a. Can you elaborate on this idea?

**Questions from Rep. Teresa Leger Fernández** for Ms. Carole Goldberg, Jonathan D. Varat Distinguished Professor of Law Emerita, University of California Law School

1. Can you speak more on the findings and verdicts of the Indian Law and Order Commission?
  - a. How do these bipartisan efforts compare to the Court’s recent ruling in *Castro-Huerta*?
2. In your work examining Public Law 280, how will the *Castro-Huerta* ruling affect the State and tribal governments that are currently operating under this law?

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