

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

Opening Statement

- Good afternoon. I would like to thank the witnesses and the Assistant Secretary for being here. I think this is an important issue that we will be discussing today and I thank the Chair for holding this timely and important hearing.
- Protecting and upholding tribal sovereignty has always been the policy of this Committee, and like most I am concerned about the legal reasoning and disregard of legal precedent behind the *Castro-Huerta* ruling and its implications for Indian Country.
- As many of you know, tribal criminal jurisdictions were initially diminished decades ago under the Court's *Oliphant* ruling—when the Court found that tribes do not have inherent criminal jurisdiction over non-Indians.
- The *Oliphant* ruling led to fearmongering that framed tribal lands as lawless zones where only the federal government could maintain order. This ruling also diminished tribal sovereignty.
- Since the *Oliphant* ruling, the federal government has consistently failed to provide adequate public safety resources and funding to tribal communities. Further, the federal government has consistently failed to prosecute offenses committed against Native victims.

- The federal government's failure to prosecute has resulted in mass public safety crises like the Murdered and Missing Indigenous Peoples (MMIP).
- One thing's clear: tribes care most about the safety and wellbeing of their communities. Therefore, tribal governments should have the complete authority to investigate and prosecute crimes committed against their citizens.
- In the last two reauthorizations of the Violence Against Women Act (VAWA) this intent was embedded with the inclusion of tribal elders and children. The passage of the 2016 VAWA and 2022 VAWA clarified some aspects of the *Oliphant* ruling and it also gave tribal governments the authority to better respond to domestic violence incidents.
- The *Castro-Huerta* ruling ignores the intent of tribal sovereignty, as well as centuries of legal precedent, by determining that State authorities hold concurrent jurisdiction over major crimes committed in Indian Country.
- This ruling's impact will impact all 574 tribes and states, so I think it's important that we hear from everyone today about what those impacts might look like for all individual tribal governments.
- Since the Administration is here, I also hope to hear what plans are in place for coordination between the Departments of the Interior and the Department of Justice, who have the most influence over these topics in Indian Country.

- I also want to note that the Supreme Court's ignorance of the legal precedent, established at the founding of this country, related to federal Indian law is troublesome and I hope that we can hear from everyone today about the vast impact of that ignorance.
- Thank you again to our witnesses, I look forward to today's discussion.