

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

Acting Ranking Member Obernolte

OPENING STATEMENT

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Good afternoon and thank you, madam chair.

As you mentioned, the subcommittee will be receiving testimony on the effect of the June 2022 United States Supreme Court ruling in Oklahoma versus Castro-Huerta.

In Oklahoma versus Castro-Huerta, the court held that that states have inherent concurrent jurisdiction over non-Indians when they commit crimes against Indians in Indian country. I'll note that I'm using the terms Indian, non-Indian, and Indian country within their legal meanings here and do not intend them to be pejorative.

But I think we also need to be clear about what we are speaking about here during this hearing and use the proper legal terms when necessary. The Castro-Huerta decision mitigates the effects of the 2020 Supreme Court decision of *McGirt versus Oklahoma*.

That decision held that the Muscogee Creek reservation was never clearly disestablished by Congress.

Oklahoma courts then held that the Cherokee, Choctaw, Seminole, and Chickasaw reservations, along with the Muscogee reservation were never disestablished by Congress.

This had the legal effect of declaring that most of eastern Oklahoma is Indian country, which had an immediate impact on what kind of criminal jurisdiction – federal, state, or tribal – existed, both going forward and looking back.

Many Oklahoma State criminal convictions are being challenged because of this change of the status of the land in eastern Oklahoma. And many convictions have also been dismissed from state jurisdiction and have been or are being refiled in federal and tribal courts.

Castro-Huerta obviously will practically affect what cases and convictions from Oklahoma must be retried in federal and tribal courts because of the McGirt decision. It is less clear how both Supreme Court decisions may impact other states and other tribes with lands outside of the eastern part of Oklahoma.

I look forward to hearing concrete, current examples of what some of our witnesses will have to say on that.

I'll also note that we are having this hearing less than 12 weeks after the Castro-Huerta decision was handed down.

Respectfully, I do not think that is enough time for the Five Tribes, the state of Oklahoma, other states and tribes to fully grapple with what is a way forward and what is the best solution for tribes, states, and victims of crime. And, through all these

discussions and testimony today, I believe we should remember the practical effects on victims and families of victims that in many cases are now being asked to relive what likely was the worst day of their lives.

I want to thank our witnesses for being here today and look forward to their testimony.

Thank you, madam chair, I yield back.