Chief Hoskin:
Osiyo, as you no doubt have heard, the Supreme Court of the United States issued last week its historic ruling for Indian Country in McGirt v Oklahoma. The Court affirmed what we have always known to be true--that our reservation was never disestablished, and that our tribal governments have always continued in full force and effect. As monumental as this ruling is, it has raised questions about how we move forward in light of the decision with our state and federal partners. I know many of you have questions too, which is why I want to set the record straight.
Cherokees have and will always fight to protect our sovereignty, reservation, and our treaty rights. We have sovereignty over our reservation and our people and last week, the U.S. Supreme Court affirmed our position.
The Court’s decision made national headlines, leading some people with little knowledge about the history of Native American treaties to make alarmist and false assumptions about the ruling’s impact.
But I assure you, the Cherokee Nation has been working for more than a year with the state of Oklahoma, U.S. Attorneys, members of Oklahoma’s congressional delegation, other tribal nations to establish the framework for closing any jurisdictional gaps that may arise from the Court’s decision. We’ve been working toward this goal so that there would be little to no disruption of daily lives.
Congress ultimately has the authority to close jurisdictional gaps by approving legislation, and this is why we started working with our state and federal partners before the case was even decided by the Supreme Court. But let me be clear about this-- in developing legislation, Cherokee Nation will never agree to undo what ultimately the McGirt decision affirmed. We will protect our reservation boundaries and our sovereignty. As we always have, we will continue to work with the State of Oklahoma and our federal partners to ensure the safety of the public.
Tribal governments have been partners with state and federal law enforcement agencies since our reservations were formed by treaties, generations ago. The Court’s ruling does not change this partnership. As your Chief, what I won’t do is sit back and wait for other interests to push legislation that affects our sovereignty. That’s why I have been fully engaged in this process and that is what I will continue to do.
I’ve asked Attorney General Hill to provide more details about our legislative proposal and this court ruling.

Attorney General Hill:
Thank you, Chief Hoskin.
I’d like to speak about the agreement in principle recently announced with the Oklahoma Attorney General. The McGirt decision is a critical one for the Five Tribes, and setting a course through these new opportunities and the challenges ahead will require both informed leadership and strong intergovernmental collaboration.
For decades, the Cherokee Nation has entered into cross-deputization agreements with Oklahoma towns, cities, counties and other law enforcement agencies. These agreements created a stable and comprehensive law enforcement presence both on and off the reservation. The decision in McGirt has not changed that: you should still call 9-1-1 in case of an emergency, and you will receive the same service as before the Court’s ruling.
Under the agreement in principle, a similar jurisdiction sharing would occur and affirm the tribe’s sovereignty and jurisdiction throughout the reservation. Tribal courts will
maintain criminal jurisdiction over individuals throughout the reservation boundaries. State courts will also have jurisdiction to enforce state criminal laws and arrest and prosecute both Indians and non-Indians who commit crimes on the reservation.

By pooling our resources and sharing jurisdiction, communities across the reservation will be more safe and secure. This also ensures the offenders are held accountable for the crimes they commit on the reservation.

The decision in the McGirt case did not involve civil jurisdiction on the reservation. The only question before the Supreme Court in McGirt was an issue of federal criminal law under the Major Crimes Act. The decision did not make it clear how the civil jurisdiction of the Five Tribes may be altered on the reservation.

Under the agreement in principle, however, the civil jurisdiction of the Five Tribes is affirmed throughout the reservation. The tribal courts will retain jurisdiction to hear disputes between citizens, the Cherokee Nation may pass civil regulations within the reservation. This broad acknowledgment of tribal authority within the reservation boundary ensures that the Cherokee Nation’s sovereignty is protected.

The agreement in principle also affirms state authority over both Indians and non-Indians on non-trust and non-restricted land, which was not changed by McGirt. However, the state would continue to lack any authority over the Cherokee Nation, the Nation’s wholly-owned entities, and Cherokee Nation employees and officials who are working in their official capacity on the reservation. This would mean that an Indian living on the reservation could still be required to follow state regulations that require any dog to be on a leash in a city park, for instance. But it would not permit state officials to dictate how the tribe governs itself, its own citizens, or its businesses.

Many non-Indians may wonder: what does this mean for me? Under what circumstances can an Indian tribe exercise jurisdiction over me? The truth is that tribal jurisdiction over non-Indians is limited by federal law.

Specific questions arise on Indian reservations every day regarding jurisdiction, and although these issues may seem new to Oklahomans, there is actually well-settled law on these issues. The proposed agreement does not propose to change the well understood and well settled principles that govern tribal jurisdiction over non-Indians.

Although many issues and questions will continue to arise, the Cherokee Nation remains dedicated to working with the Oklahoma Attorney General, U.S. Attorneys, and members of Oklahoma’s congressional delegation on these issues. The Court’s ruling does not affect land ownership, contracts, leases, the boundaries of the state of Oklahoma or the fact that those of us living in Oklahoma retain all the rights and responsibilities as all other Oklahomans. All of our agreements with the state remain intact. Special domestic violence criminal jurisdiction over non-Indians remains intact, as provided for by the 2013 reauthorization of the Violence Against Women Act. I want to assure you that our office will continue to seek justice and hold people accountable when they break the law, and the McGirt decision does not prevent us from
pursuing those goals in any way.

Chief Hoskin:

Thank you, General Hill.

We have worked before with the other Tribes and the state on federal legislation. Cherokees have never sat on our hands silently while waiting for Congress to write laws that affect our citizens, and we won’t start now. We are taking proactive steps to address the Court’s ruling, and we will now work with Congress to ensure our reservation is recognized as a matter of federal law with our sovereignty preserved.

In closing, I’d like to reflect on the historic nature of the Court’s ruling. Cherokees have long asserted that our original homelands were exchanged for a new reservation by the U.S. government. Our tribal Constitution has long affirmed its boundaries and established our authority to govern ourselves and this land. We will continue to do so, as we always have.

More than anything else, the U.S. Supreme Court has finally put an end to any question about our sovereignty. It’s fitting that the theme to this year’s Holiday focuses on a celebration of Cherokees’ sovereignty, because now the U.S. and Oklahoma governments are now also focusing on sovereignty issues. I am confident that our longstanding collaboration with these governments will continue, enabling us to ensure the protection of our citizens and our citizens’ rights.

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