



# Muscogee (CREEK) Nation

*Executive Office*

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## **Oklahoma Governor's Attack on Judicial Precedent Should Not Prevail**

By Chief David Hill

The U.S. Supreme Court's *McGirt v. Oklahoma* decision affirming the existence of the Muscogee (Creek) Nation reservation is a landmark ruling that recognizes the sanctity and durability of U.S. treaties that assure tribal sovereignty. But before the ink was dry on this monumental decision, politicians began pressing the Supreme Court to reverse itself, which the Court will consider in conference on Jan. 7.

Stepping in now would damage the Court, condone bad behavior by the State, and rob Oklahomans of the opportunity for more safety and prosperity.

Adherence to judicial precedent is a core element of the American judicial system. It promotes predictability in the law and separates the courts from the other political branches of government. Judicial rulings by the Supreme Court create precedents that are to be followed by lower courts and are expected to withstand Court personnel changes and changes in the overall political climate.

Indian law cases are no different. In fact, because much of federal Indian law is based on various Supreme Court rulings rather than statutes, adherence to precedent plays a far greater role in establishing stability in the legal framework applicable for tribal governments and the exercise of governmental authority on Tribal lands.

As Principal Chief of the Muscogee (Creek) Nation, I am well aware how many years of federal court rulings have shaped the dynamics and legal relationships between our Tribal government and the people, Indian and non-Indian, who live and work on Tribal lands.

In affirming the existence of our Nation's reservation, the Court's decision created jurisdictional clarity that offers us a roadmap for collaboration with local officials to have more economic development, more police on the streets, and more courts to prosecute crimes. We've worked with local officials and made significant strides toward creating this future.

Should the Supreme Court ignore precedent and overturn or modify this decision, all this progress will be lost at the expense of public safety in Oklahoma and the Court's integrity.

The Supreme Court reversing or modifying its decision now would also reward extremely bad faith behavior by Oklahoma. In the year and a half since the Court's ruling in *McGirt*, Oklahoma Gov. Kevin Stitt has not held a single meaningful discussion with tribes to discuss ways we can work together to implement it. Instead, he and his allies have used inflammatory rhetoric, misdirection and overt obstruction tactics to convince the public that *McGirt* has caused "chaos."

*McGirt* hasn't caused havoc, and the citizens of Oklahoma know it. A recent poll showed that a mere 23 percent of voters agreed with Gov. Stitt that *McGirt* was the most pressing issue facing the State. However, the Governor and the State of Oklahoma just might create their own form of chaos on the Muscogee Reservation if they are allowed to continue to attack the validity of a judicial precedent established by the Supreme Court just one term ago.

The citizens of Oklahoma aren't buying the State's contrived doomsday scenarios, and neither should the Supreme Court. The time is long past due for Gov. Stitt to shut down his political campaign of obstruction and work with us to embrace a better future. This January, I hope the Supreme Court will take the opportunity to tell him so.

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