

Senate Panel Advances Historic Nomination of Native American Woman for Federal Judgeship in Oklahoma



In a historic move on Thursday, a U.S. Senate panel progressed the nomination of Sara Hill, a former attorney general for the Cherokee Nation, towards becoming the first Native American woman to serve as a federal judge in Oklahoma. This significant development occurred despite opposition from the state's Republican governor, Kevin Stitt.

Bipartisan Support for Biden's Nominees

Sara Hill, nominated by President Joe Biden, emerged alongside John Russell as nominee for the U.S. District Court for the Northern District of Oklahoma. The bipartisan votes from the U.S. Senate Judiciary Committee mark a crucial step for their consideration by the full Democratic-led chamber. Notably, Hill garnered less support from Republicans than Russell, with votes of 14-7 and 18-3, respectively.

Crucial Support from Oklahoma Republicans

Oklahoma's two Republican senators, James Lankford and Markwayne Mullin, played pivotal roles in advancing both nominees. According to Senate custom, home state senators must submit "blue slips" for district court nominees to move forward. Mullin, the second Cherokee Nation member in the Senate, praised Hill and Russell as "solid candidates." He expressed gratitude for Hill's 19 years of service, including her role as attorney general from 2019 to 2023.

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Urgency in Filling Judicial Vacancies

Senator Lankford emphasized the urgency of filling judicial vacancies during a Nov. 15 hearing. This urgency stemmed from the 2020 U.S. Supreme Court ruling in *McGirt v. Oklahoma*, which recognized parts of the state as Native American reservation land. The ruling barred state prosecutions of crimes in these areas, leading to a significant shift in the jurisdiction of certain crimes from state to federal or tribal court in parts of Oklahoma.

Criminal Case Surge and Judicial Shortage

The impact of the *McGirt* decision was evident in a 66% increase in criminal cases in the Tulsa-based court from 2020 to 2021. This trend continued with a 27.8% rise in cases from 2021 to 2022, resulting in 511 cases filed. Despite this surge, the court currently operates with only one full-time judge due to multiple vacancies. Lankford highlighted that the Northern District no longer handles civil cases, creating a backlog that has persisted for years.

Hill's Stance on Supreme Court Decisions

Sara Hill supported the *McGirt* decision, aligning with Senator Lankford's urgency to address the ensuing legal challenges. However, she criticized the Supreme Court's 2022 ruling in *Oklahoma v. Castro-Huerta*, which limited the scope of *McGirt*. Hill's advocacy on these issues drew criticism from Governor Kevin Stitt, who publicly opposed her nomination.

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Opposition and Concerns from Republicans

In a statement on Wednesday, Governor Stitt raised objections to Hill's nomination, citing her efforts to challenge the state's authority and overturn over a century of statehood. Senator John Cornyn, a Republican from Texas, expressed concerns about Hill's ability to

treat the United States fairly in disputes with Oklahoma tribes, contributing to his negative vote on Thursday.

This nomination process unfolds against a complex legal landscape and growing challenges in the Oklahoma judicial system. The outcome remains uncertain as the nominees await consideration by the full Senate.

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