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## **McGirt Decision Dividing Oklahoma; Creating Safety Issues**

**Oklahoma City**—Oklahoma is quickly becoming a divided state due to a ruling in 2020 by the U.S. Supreme Court over the jurisdiction of the State versus tribal nations in half the state regarding criminal and property issues.

The case revolves around Jimcy McGirt, an enrolled member of the Seminole tribe, who was convicted in an Oklahoma court in 1997 and was given a life sentence without parole for sexually abusing a four-year-old girl. McGirt claimed that since he was Native American and the crime happened on an area of Oklahoma considered within the boundaries of a Native American reservation, the State had no jurisdiction to try his case. Surprisingly, the U.S. Supreme Court ruled in his favor by a 5-4 vote, stating that because Congress never disestablished the Creek reservation boundaries, even at Oklahoma statehood, and the case should have been tried in tribal or federal court.

Since then, at least five other tribal reservations have been reaffirmed in the courts, and thousands of cases have been turned over to federal and tribal courts, both of which have

been unprepared for the onslaught. This has resulted in convicted criminals and those charged with dangerous crimes to remain free. Many cases are being dropped and many remain unprosecuted, creating a danger to both Natives and non-Natives alike. A recent article in the Tulsa World stated that more than 5,800 cases have been declined for prosecution, primarily because tribal courts are not prepared to handle the case load, meaning criminals are walking free on Oklahoma streets and in Oklahoma neighborhoods.

“This decision isn’t so much about boundaries, it’s about jurisdiction and the obligation and responsibility of the U.S. government, the State, and tribes, regarding the safety of all Oklahomans, both Native and non-Native,” said Dr. Randy Grellner, candidate for U.S. Senate.

Besides the criminal court cases, there are other issues that both tribal leaders, non-Native residents, and state officials are asking. These issues include taxation and regulation of land owned by non-Natives, including homes, farms, ranches, mineral estates, and commercial property.

“The more the McGirt case is looked at, the more it appears the socialist elitists are pushing the envelope in the name of sovereignty to tear Oklahoma and its common citizenry to pieces,” Grellner said. “The real goal is to transform Eastern Oklahoma into 19<sup>th</sup> century-like federal enclave and from a deep red state into something else by effectively eliminating property rights through regulation and taxation without representation or remedy.”

The Biden administration has already begun the move to accomplish this by claiming that surface mining is controlled by the federal government in eastern Oklahoma. Recent court precedent in the Tenth Circuit have held that surface mining is part of the mineral estate. See *United States v. Osage Wind, LLC*, [871 F.3d 1078, 1081-82](#)(10th Cir. 2017).

The property jurisdiction issue has opened a Pandora’s box of questions and confusion. Before statehood, Natives settled 160-acre allotments on an individual basis as opposed to a collective reservation system. Many Natives sold their allotted land to non-Natives, and over the decades, family members have sold their inherited land to non-Natives all with legal and federal approval. A huge question now becomes do the tribes still have jurisdiction over those allotted lands even though they have been owned by non-Natives for decades. Under the law, these allotments were to remain under Indian Country unless Indian title had been extinguished (Title 18U.S.C. 1151(c)).

However, the Supreme Court in the McGirt decision did not analyze the jurisdictional issues as a separate matter, stopping the entire analysis at the question of whether the boundaries of the reservations were still intact at statehood. Since the Indian Country law under 18 USC 1151 (a) says “all lands within the limits of a reservation....under the jurisdiction of the United States.....” where federal laws apply, it seems there would be areas of a reservation where the laws of the of the United States wouldn’t apply, otherwise why not stop the statute right after “all lands within the limits of a reservation”?

Seizing on the opportunity, the socialistic elitists and career politicians are looking to capitalize on the McGirt case and are moving toward what appears to be total separation from the state,

including claiming the rights to tax land and to tax surface and mineral rights on land not owned by Natives but instead owned by non-Natives. This would include the right to require permits in drilling, development, zoning, environmental regulation, and taxation.

Grellner said casino bosses and socialist elitists are looking to continue to pocket millions of dollars without transparency as required of other governments and not using all the funds to help those in need, and that career politicians are helping. The issue has gotten so bad that the leader of one of the state's largest tribes signed an executive order this past week that the tribe would no longer fly the Oklahoma state flag on its properties, which now are in some circles being claimed as half the state. After a huge pushback from tribal members, that order was rescinded after a few days. This was because most tribal members understand that they were granted American citizenship and Oklahoma citizenship in the 1924 tribal citizenship act.

“Several years ago, the tribal nations and the state worked in partnership that benefited all those residing in our state,” Grellner said. “Now, socialist elitists and have joined forces with big casino bosses to break up the state. The Native American people who live here don't want that, and it was shown in the pushback over the refusal to fly the state flag. Regardless of whether a person is Native or non-Native, we are all Oklahomans. We all want the best for Oklahoma and our communities collectively. The solution is simple, although the court ruled the boundaries were never erased, we need a jurisdictional fix to clarify jurisdiction over non-Native owned property in eastern Oklahoma. We don't need the law of protection for the monopolies of big casino bosses or any other changes without them having to go through federal process. Career politicians in Oklahoma have pushed for this, and that is why I am campaigning against them.”

Grellner said many Oklahomans are not aware of the underlying issues of McGirt, and some in this campaign are running from the issue because they are tribal members or are controlled by the actual casino bosses and social elitists that will benefit financially from the McGirt decision without regard to the safety and well-being of all Oklahomans.

He added, though, that it is important to remember the history of the Native people and that those who wish to merely erase the reservation boundaries have no reference to the sensitivities of how the 19<sup>th</sup> century played out and the parade of horrible events visited upon our Native population. However, he said he has a solution.

“There are at least eight states where state law applies inside a reservation. The fix to this issue is not a foreign concept,” he said.

Grellner also pointed out that in this specific instance, the Supreme Court said it was up to Congress to fix the issue.

“With governance comes responsibility. It is important for the law to show consistency and transparency, and that it not happening,” Grellner said. “The Supreme Court said only Congress can fix this issue, and that is exactly what Congress needs to do for the benefit of all the people who live in Oklahoma. That is the right thing to do. Boundaries are one issue. Natives deserve their common heritage. However, jurisdiction over non-tribally owned property is entirely

another matter. I will continue to fight the casino bosses, social elitists and career politician cronies who are trying to divide our state and divvy up the spoils."

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Dr. Grellner is a candidate for U.S. Senate from Oklahoma. Additional information can be found at [www.drgrellnerussenate.com](http://www.drgrellnerussenate.com).