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PRESIDENT

Rachel Rossi

CHAIR

Madeline deLone

September 9, 2026

Senator Charles Grassley
Chair, Senate Judiciary Committee

Senator Richard Durbin
Ranking Member, Senate Judiciary Committee

Dear Chair Grassley and Ranking Member Durbin,

On behalf of the Alliance for Justice (AFJ), a national association representing nearly 140 public interest and civil rights organizations, we firmly urge you and your colleagues on the Senate Judiciary Committee to reject the nomination of Trevor Pemberton to the United District Court for the Eastern District of Oklahoma. In private practice and as general counsel for Oklahoma Governor Kevin Stitt, Pemberton has shown consistent hostility toward tribal sovereignty and the rights of ordinary Oklahomans. If confirmed to a lifetime seat on the federal bench, Pemberton's demonstrated commitment to furthering far-right ideologies will drive his decision making, undermining the Constitution, fairness, and equal justice for all.

The Eastern District of Oklahoma is home to the headquarters of tribes that include the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations. Federal courts within this district play a significant role in adjudicating cases that will impact Native people and tribal sovereignty. And yet, Pemberton has demonstrated a history of advocating policies and legal positions adverse to Native people and tribal sovereignty.

During his time in Stitt's office, Pemberton was the chief advocate of Stitt's legal strategy to undermine tribal rights. He personally argued before the Oklahoma Supreme Court in Stitt v. Trea t that the Oklahoma legislature had overstepped its authority by extending state-tribal tobacco and motor vehicle compacts. Pemberton specifically sought to concentrate compact negotiating power in the governor's hands during a period when Stitt was actively hostile to tribal interests. Additionally, Pemberton sent letters to legislative leaders arguing that Attorney General Gentner Drummond (R) lacked authority to take over the defense of a federal lawsuit brought by four major tribal nations challenging gaming compacts Stitt had unilaterally negotiated.

Since returning to private practice, Pemberton has become the go-to attorney for state officials seeking to prosecute Native Americans on tribal land. He currently represents District Attorney Steve Kunzweiler in *Muscogee (Creek) Nation v. Kunzweiler*, in which the Muscogee (Creek) Nation is seeking to prevent Oklahoma from prosecuting non-member Native Americans for crimes allegedly committed on the Muscogee reservation.

In Oklahoma v. Castro-Huerta, the Supreme Court opened the door for states and the federal government to assert criminal jurisdiction over non-Native Americans who commit crimes against Native Americans on tribal land. In Kunzweiler, Pemberton is now pushing to extend that state power even further to reach Native Americans who are not members of the specific tribe whose reservation the relevant crime allegedly occurred on. The case is currently before the Tenth Circuit, where Pemberton's arguments could set a dangerous precedent for tribal sovereignty across the country.

Pemberton also currently represents District Attorneys Matt Ballard and Carol Iski, both of whom have been sued by the U.S. Department of Justice and multiple tribal nations for prosecuting tribal citizens for crimes allegedly committed on tribal land. In those cases, Pemberton called the tribes' intervention an "attack on an elected Oklahoma district attorney and this state's judicial system."

Beyond his work fighting to limit tribal sovereignty, Pemberton sought to advance Stitt's broader far-right agenda, including the further erosion of the separation between church and state. Most notably, Pemberton served as the counsel of record on an amicus brief before the Supreme Court in St. Isidore of Seville Catholic Virtual School v. Drummond. Pemberton's brief sided with St. Isidore's efforts to create the nation's first publicly funded religious charter school. Pemberton's zealous advocacy in this case demonstrates his willingness to further erode the already crumbling wall between church and state in service of the far right's agenda.

Pemberton also currently represents Oklahoma Gas and Electric Company ("OG&E") in OG&E v. State ex rel. Okla. Corp. Comm'n. In this case, OG&E is seeking to charge customers for the construction costs of two new natural gas turbines at its Horseshoe Lake Power Plant before the turbines are even operational, using a controversial financing mechanism known as Construction Work in Progress ("CWIP"). Consumer advocates and the Oklahoma Corporation Commission itself argued that the CWIP mechanism forces ratepayers to act as involuntary investors, bearing financial risk for projects that may be delayed, run over budget, or never completed. Rather than accepting the Commission's decision to protect consumers from involuntary financial risk, Pemberton, on behalf of OG&E, appealed the decision to the Oklahoma Supreme Court, seeking to force ratepayers to subsidize OG&E's construction costs.

For all these reasons, Alliance for Justice strongly opposes the confirmation of Trevor Pemberton to the United States District Court for the Eastern District of Oklahoma.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Rossi".

Rachel Rossi
President, Alliance for Justice