

On August 18, 2026, President Trump nominated Trevor Pemberton to the United States District Court for the Eastern District of Oklahoma. Pemberton has built his career on a foundation of Republican patronage and a demonstrated hostility to tribal sovereignty. After serving as an Oklahoma state judge at the trial court and court of appeals levels from 2017-2021, Pemberton left the bench to serve as Oklahoma Gov. Kevin Stitt's (R) general counsel, helping the governor establish his reputation as the most anti-Native American governor in Oklahoma history through repeated efforts to limit tribal sovereignty.

Since returning to private practice, Pemberton has represented Oklahoma district attorneys who defy federal law by prosecuting Native Americans on tribal land, served as counsel for the Oklahoma Republican Party in efforts to block open primaries, written an amicus brief in a Supreme Court case advocating for the public funding of religious schools, and represented a utility giant seeking to pass construction costs onto ratepayers. If confirmed, Pemberton would sit in the Eastern District of Oklahoma, a jurisdiction encompassing a significant portion of tribal land, where his consistent record of attempting to limit tribal sovereignty poses an acute threat to the rights of Native Americans who would appear before him.

REPEATEDLY WORKED TO LIMIT TRIBAL SOVEREIGNTY

Pemberton's hostility to tribal sovereignty is the defining thread of his career, encompassing both his time in private practice and as Gov. Stitt's general counsel.

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. Treat 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. Thankfully, the court rejected Pemberton's arguments and allowed the legislature's tribal-compact-related bills to proceed.

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. The Oklahoma Supreme Court had already found those compacts violated state law, yet Pemberton continued to defend the governor's position, prolonging a legal battle that unnecessarily wasted state resources.

REPEATEDLY WORKED TO LIMIT TRIBAL SOVEREIGNTY (CONT.)

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."

Pemberton's consistent demonstrated bias against tribal sovereignty raises serious concerns about his ability to adjudicate cases involving tribal rights impartially.

ADVANCED GOVERNOR STITT'S FAR-RIGHT AGENDA

Beyond his work fighting to limit tribal sovereignty, Pemberton also 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. Before the case was appealed to the Supreme Court, the Oklahoma Supreme Court had ruled 6-2 that St. Isidore violated both the Oklahoma Constitution and the Establishment Clause by using public money to fund religious instruction. The court found that the school was "an instrument of the Catholic church" that would "further the evangelizing mission of the Catholic church in its educational programs."

ADVANCED GOVERNOR STITT'S FAR-RIGHT AGENDA (CONT.)

Despite this, Pemberton explicitly argued for the public funding of religious education, contending that St. Isidore's exclusion from the charter school program violated the Free Exercise Clause, unreasonably limited parental choice, and harmed Oklahoma's education interests. A divided Supreme Court by a vote of 4–4 narrowly affirmed the Oklahoma Supreme Court's ruling. 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.

CONSISTENTLY FOUGHT AGAINST AVERAGE INDIVIDUALS' RIGHTS

In private practice, Pemberton has continued to take cases that align with a far-right political agenda and against the interests of ordinary Oklahomans.

Pemberton served as counsel for the Oklahoma Republican Party in Oklahoma Republican Party v. Setter. In this case, the Oklahoma Republican Party was attempting to block State Question 836, a ballot initiative that would replace Oklahoma's closed primary system with an open, top-two primary. Under the proposed initiative, all candidates for a specific political office would appear on a single ballot regardless of party affiliation, and any registered voter could participate. The initiative was designed to give a voice to nearly 500,000 independent Oklahoma voters currently shut out of the primary election process. Despite this, Pemberton argued that the initiative should be blocked, asserting that the First Amendment prohibits the compelled association the open primary would cause. Thankfully, the Oklahoma Supreme Court rejected Pemberton's arguments in a 6–3 decision, holding that the petition was legally sufficient.

Pemberton's work to suppress voting access did not end there. He currently represents the Oklahoma secretary of state in the related In re Initiative Petition No. 448, State Question No. 836, in which the petitioners are challenging the state's signature verification process for the ballot initiative after the secretary of state rejected over 57,000 of the approximately 209,000 total signatures. The petitioners argue that the machine-matching methodology imposed an unconstitutional burden on Oklahomans' right to petition their government. Pemberton is working hard on multiple fronts to keep the initiative off the ballot and prevent Oklahoma voters from choosing a more inclusive election system.

CONSISTENTLY FOUGHT AGAINST AVERAGE INDIVIDUALS' RIGHTS (CONT.)

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. The Commission voted 2-1 to deny OG&E's original CWIP request. Rather than accept 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.

CONCLUSION

With an established record of hostility toward tribal sovereignty, advocacy for the further dismantling of the separation between church and state, opposition to voting access, and alignment with powerful corporate interests, Pemberton's confirmation to a lifetime seat on the federal bench in a jurisdiction that encompasses vast tribal lands would pose a serious threat to the rights of Native Americans, consumers, and all Oklahomans who depend on a fair and impartial judiciary.