



# DECOLONIZING JUSTICE

## Indigenous Feminist Activism in Mary Kathryn Nagle's *Sovereignty*

On March 7, 2013, the US Congress reauthorized the Violence Against Women Act (VAWA) with a new provision (Title IX) that empowered “participating Tribes” with “special domestic violence criminal jurisdiction,” authorizing them to prosecute specific acts of domestic violence, dating violence, and violations of certain protection orders on tribal lands, regardless of the perpetrator’s Native or non-Native status (*Violence Against Women Act 2013*). Initially passed in 1994 under President Bill Clinton, VAWA was reapproved in 2000 and again in 2005. However, the process leading to the 2013 reauthorization proved contentious. In 2012, when a bill to update VAWA that included a new provision aimed at protecting Native women, immigrants, and the LGBTQ community was introduced, it encountered resistance from some Republican congressmen (Deer 131). Their primary concern was the extension of criminal jurisdiction to tribal governments. They argued that tribal juries, which are predominantly composed of Indigenous members, might not ensure a fair trial for non-Native defendants due to potential biases. This opposition faced substantial criticism from Indigenous communities’ members, activists, and writers.<sup>1</sup> They argued that the Republican Party’s stance problematically continues a narrative of cultural inferiority entrenched in federal Indian law since the era of removal, a narrative originally formed to justify the conquest of land and the extermination of its

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1 Anishinaabe author Louise Erdrich pointedly criticized the Republican Party’s attitude and highlighted the severe issues facing Native American women in her New York Times op-ed, “Rape on the Reservation” (*New York Times*). Her 2012 novel, *The Round House*, explores the jurisdictional gaps that hinder the prosecution of violence on reservations.

original inhabitants (Williams 148). This narrative constitutes the basis for the United States Supreme Court's 1978 ruling in *Oliphant v. Suquamish Indian Tribe*, a decision which stripped Tribal nations of the authority to exercise jurisdiction over non-Native individuals on tribal lands. In the *Oliphant* decision, Justice William Rehnquist drew on the precedent from the 1823 *Johnson v. M'Intosh* case. In this earlier case, Chief Justice John Marshall declared that Native peoples could not dispose of their land at will or retain their title, because they were considered "savages" and "an inferior race of people," devoid of the privileges of citizens and perpetually under the government's protection (*Oliphant* 209, quoting *Johnson v. M'Intosh* 8). This decision essentially transformed non-fungible Native communal lands into fungible property, emphasizing their loss of sovereignty to the over-riding power of the United States.

Notably, the decision to deny tribal courts the authority to prosecute non-natives on tribal lands has grave consequences for Indigenous victims of sexual assault. Tribal governments lack jurisdiction to prosecute non-Indians on reservations, deferring this responsibility to state or federal authorities. As a result, *Oliphant* complicates the protection of all Native peoples from crimes by non-Natives and specifically worsens the suffering of Indigenous women facing domestic assault and sexual violence by ensnaring them in a frustrating tangle of legal systems and investigative delays (Suzack *Indigenous Women* 79).

The 2013 reauthorization of VAWA was seen as a significant step towards the restoration of tribal sovereignty. However, the Act also represents a "partial *Oliphant* fix," because it allows tribes to prosecute non-Natives for specific domestic crimes, but only if the offenders have significant ties to the tribe, namely "those who reside in the Indian country of the prosecuting tribe, are employed in the Indian country of the prosecuting tribe, or are either the spouse or intimate partner of a member of the prosecuting tribe" (Douglas 772–3). Following the 2013 approval of the Violence Against Women Act, Cherokee playwright Mary Kathryn Nagle, encouraged by two other Native American lawyers and activists who contributed to the campaign for the reauthorization, started writing a play about the topic. The resulting work, titled *Sliver of a Full Moon*, dramatizes the reauthorization of VAWA by blending testimonies by Native women, often delivered by the survivors themselves, with reenactments of discussions between Native activists and federal lawmakers during the law's revision process. A powerful blend of documentary theatre and live testimonies, *Sliver* was performed for the first time in 2013 in Albuquerque, at the National Indigenous Women's Resource Center's conference "Women Are Sacred" and then

again in 2014 at the US Capitol Visitor Center in Washington, DC and in New York City during the UN World Conference on Indigenous Peoples, as well as in law schools across the US. The play's title points to the fact that although the reauthorization of VAWA is a step forward, it does not fully reverse the jurisdictional limitations set by the *Oliphant* decision, but instead restores a "sliver" of Native sovereignty.

In her 2018 play, *Sovereignty*, Nagle again takes up the subject of VAWA and its implications, this time crafting a fictional narrative that merges personal and political struggle. The play illustrates how VAWA, similar to other federal legislation, represents a continuation of the historical governmental relationship between Native Nations and the United States. This history of this legal relationship represents a key factor shaping the social context of the ongoing violence against Native women (Agtuca 4). Staged for the first time at the Arena Theatre in Washington DC in 2018, *Sovereignty* unfolds over two parallel timelines: present-day Oklahoma, a young Cherokee lawyer, Sarah Ridge Polson, joins Cherokee Attorney General Jim Ross to defend the inherent jurisdiction of the Cherokee Nation. They advocate for the restoration of their Nation's jurisdiction under the Violence Against Women Act in a pivotal case before the US Supreme Court. This modern struggle is juxtaposed with scenes from the early 1800s when the Cherokee Nation was situated eight hundred miles east in the southern Appalachians. During this period, Sarah's and Jim's ancestors faced a bitter division over a proposed treaty with Andrew Jackson's administration. This historical narrative captures the political and legal events that culminated in the signing of the Treaty of New Echota and the subsequent relocation known as the Trail of Tears. By juxtaposing historical and contemporary events, Nagle illuminates the enduring effects of government policies and laws that continue to render Indigenous people, particularly Indigenous women, vulnerable.

In this article, I explore how *Sovereignty* exemplifies Indigenous feminist literary activism through performative counter-storytelling (Maxwell and Sonn 48), which enacts decolonization and reframes the stage as a critical space for asserting Indigenous performative sovereignty and self-determination. Performative sovereignty, as described by the editors of the *Critical Companion to Native American and First Nations Theatre and Performance*, connects the act of making Native theatre to the enactment of Native presence, worldviews, and self-governance. They state: "Native artists make a bold, significant statement: Native theatre is performative sovereignty. This concept arises from continuing the vital role of the oral storyteller in Indigenous cultures,

with every contemporary Native play telling a story about the renewal of Indigenous self-understanding that colonization vigorously worked to eradicate through violence, shame, and silencing” (Darby, Mohler, and Stanlake 192). I employ a reading practice informed by Indigenous feminism to examine how legal and literary representations shape Indigenous women’s identities through colonialism, racialization, and gender relations, thus highlighting the importance of these factors in understanding their stories and political struggles. Indigenous feminism represents a critical paradigm that explores how gender injustice against Indigenous women emerges from colonial policies and patriarchal practices that inscribe gendered power dynamics to their detriment (Suzack “Indigenous Feminisms” 261). As a field, it aims to create an intersectional framework that not only views social justice as a goal of community empowerment, but also explains the significance of gender relations in Indigenous emancipation and the practice of tribal sovereignty (Ibid.).<sup>2</sup>

Through this approach, I demonstrate how Nagle constructs an Indigenous feminist subject that advances decolonization by addressing the gendered outcomes of colonial law, challenging patriarchal cultural practices of (mis)representation, and embodying “radical relationality,” a concept of collective political organization based on principles of interdependency and responsibility (Hughes citing Yazzie and Risling Baldy 126). In the character of Sarah Ridge Polson, a Cherokee lawyer, and her activism for restoring sovereignty over her body and her nation, *Sovereignty* serves as a powerful form of Indigenous feminist social justice activism through theater. The play reasserts Indigenous women as crucial carriers of culture and guardians of tribal values, demonstrating that tribal sovereignty and gender empowerment are inherently interconnected and mutually reinforcing.

## INTERGENERATIONAL STORYTELLING

In *Sovereignty*, Nagle masterfully interweaves past and present through a dramatic structure that challenges linear conceptions of time. In the introduction to the printed version of the play, Nagle provides insightful commentary on this temporal framework: “*Sovereignty* takes place in the early 1800s and the present. We transition back and forth in time fluidly and quickly [...] The worlds coexist, since at any given

2 For a comprehensive source of scholarship that links Indigenous-feminist analysis with intersectionality see Shari Huhndorf and Cheryl Suzack, eds. *Indigenous Women and Feminism: Politics, Activism, Culture*. Vancouver: U of British Columbia P, 2010.

moment we are a reflection of our past and present, and we project that into our future” (2). This non-linear time structure is deeply rooted in Native practices, where the boundaries between past, present, and future are fluid and interconnected—a concept Paula Gunn Allen describes as “the ritual nature of time” (94). The ceremonial quality of time is reflected in the play’s narrative approach, which seamlessly blends historical and contemporary elements, employing “storying,” or “the material act of telling Native story” (Stanlake 118), to shape the plot and inform its staging conventions.

The ritual nature of time is reinforced by the play’s vision of place. The opening scene takes place in contemporary Oklahoma, specifically at the Ridge family cemetery, where the young Cherokee lawyer, Sarah Ridge Polson, having returned home after a long absence, meets her aunt Flora, who oversees the cemetery, where their ancestors, Major Ridge and John Ridge are buried. Christy Stanlake notes in her critical work on Indigenous theater that place is so pivotal in Native American plays “that one could argue it carries the same weight as characters as “it dynamically participates in the play’s present actions through the relationship forged between human beings and the land” (41–2).

The Ridge family cemetery serves as both a recurring setting and a place of profound historical and personal significance. It reappears mid-play when Sarah’s boyfriend, Ben, proposes to her, and becomes central in the play’s conclusion, where characters from both historical and contemporary storylines gather on stage. From the start, Sarah Ridge Polson’s return to Oklahoma is portrayed as inseparably linked to her family’s legacy and the larger narrative of colonization. Set in the cemetery, a sacred burial ground, the opening scene frames Sarah’s return as a ceremonial reconnection with her Cherokee identity, her community, and the spiritual realm of her ancestors. Sarah shares with her aunt Flora that she has applied for a position at the Attorney General’s office. Flora, however, warns her about the old family tensions, pointing out that the office is run by a descendant of John Ross—a reminder of the deep-rooted conflicts between the Ross and Ridge families. When Sarah considers not mentioning her family background, Flora responds with a blunt warning: “The moment he finds out you’re a Ridge, he’ll do whatever he can to undermine you, your work, and your reputation. The day you trust a Ross is the day they kill you” (6). Flora’s words point to a historical conflict central to the play’s narrative: the profound division among the Cherokee people between John Ross’s followers, who resisted ceding their sovereign lands in the Southeast, and the Ridge faction, who advocated for relocation to the designated ‘Indian Territory’ in the West. The Ridge faction’s

decision to sign the Treaty of New Echota without John Ross's consent has left a lasting legacy, reverberating through generations and shaping the relationships within the Cherokee community in the present. This treaty ceded Cherokee lands to the United States and triggered the forced relocation known as the Trail of Tears. Following the signing, Cherokee leaders Major Ridge, John Ridge, and Elias Boudinot were assassinated by members of their own community, though John Ross consistently denied any responsibility for these murders.

This historical schism drives the plot and exposes the enduring impact of colonialism on Native communities across generations. The cemetery, located just miles from where John Ridge was murdered, becomes a site imbued with historical and spiritual significance. It serves as both a contested space and a sacred burial ground, embodying "the process by which [the old spirits of place] might be made to speak again—how the land may become numinous once more and speak to its dwellers" (Pommersheim 14). As a descendant of Cherokee Nation members who were forced from their homelands, Sarah's personal, cultural, and political perspectives are deeply rooted in her connection to the sacred spaces of her heritage. These spaces are intertwined with the haunting legacy of the Trail of Tears—a deep wound in the heart of the Cherokee community—and the continuing impact of modern federal policies on her life. Her connection to this legacy deepens through the portrayal of her ancestors' united resistance against Andrew Jackson's removal policies. The historical timeline stages the friendship and collaboration among the leaders of the Cherokee nation, John Ross, Major Ridge, and his son John Ridge, alongside Elias Boudinot, as they collectively resist the removal policies of Andrew Jackson's presidency. Nagle introduces them in a scene set in 1827, during which they discuss their opposition to the unlawful policies of the state of Georgia:

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JOHN ROSS: Major Ridge, sir.

[*Major Ridge turns to see John Ross.*]

JOHN ROSS: Two more.

MAJOR RIDGE: When?

JOHN ROSS: Just last night.

[*Beat.*]

Governor Forsyth's instructed—he's actually ordered the militia to violate our women. Any woman who does not obey their command.

MAJOR RIDGE: On Cherokee lands?

JOHN ROSS: They say this is Georgia.

MAJOR RIDGE: We'll go to Washington. Get this all straightened out.

JOHN ROSS: We need to do something more.

MAJOR RIDGE: What do you suggest?

[John Ross places a draft bill on the table and Major Ridge regards the paper before him.]

MAJOR RIDGE: You drafted this?

JOHN ROSS: It's a rough sketch.

MAJOR RIDGE [*reading*]: "That any citizen of Georgia—" The law is targeted to citizens of Georgia?

JOHN ROSS: We need to make clear the law applies to everyone, Cherokees, non-Cherokees, citizens of Georgia, any non-Indian...

MAJOR RIDGE: Whatsoever, who shall lay violent hands upon any female, by ... abusing her person and committing a rape upon such female [...] shall be punished."

JOHN ROSS: We will prosecute anyone who rapes a woman on Cherokee lands.

[Major Ridge nods] (32–34.)

This detailed historical scene dramatizes the state of Georgia's 1820s assault on Cherokee sovereignty linking it to the violation of Cherokee women. During this period, Georgia passed laws aimed at undermining Cherokee autonomy and eroding their territorial rights. These laws included measures to invalidate Cherokee legal systems, appropriate their lands, and nullify their governmental authority. This legal onslaught was accompanied by physical and sexual violence, illustrating the nexus between legal and sexual violence at the core of the American colonization project. This portrayal illustrates how the systematic dismantling of Cherokee sovereignty was intertwined with broader patterns of exploitation and oppression. As legal scholar Amy Casselman observes, "throughout the history of Euro-American colonization, sexual violence became a central tool of federal law and policy, shaping legal frameworks and policies" (25). In his endeavor to counteract Georgia's unlawful extension of jurisdiction, John Ross embodies what Daniel Heath Justice, in his thorough examination of Cherokee literature and social history, refers to as "Chickamauga Consciousness" (34–8). This term, originating from the nationalist resistance movement of the late eighteenth and early nineteenth centuries, signifies a "spirit of defiance," both physical and rhetorical, within Cherokee culture. The resistant Chickamauga consciousness is contrasted with the Beloved Path, which, as Justice argues, "places peace and cultural continuity above potentially self-destructive rebellion" (39–40). Justice's analysis proposes that Cherokee literature throughout the centuries is deeply influenced by enduring cultural traditions, which involve a balance between negotiation and accommodation, represented by the Beloved Path, and defiance, embodied by the Chickamauga consciousness. While Ross's overt resistance to removal embodies the Chickamauga spirit, Justice observes elements within the Treaty of New Echota that also reflect elements



of rhetorical defiance. Through his analysis, Justice demonstrates that despite historical tensions, both negotiating parties prioritized the best interests of the Cherokee people and that these two approaches “strategic accommodation and tactical defiance, work together to preserve the spiritual commitments, physical bodies, and cultural lifeways of the Ani-Yunwiya, maintaining an ever-fluid balance (42).

## RESISTANCE VERSUS NEGOTIATION

Sarah Ridge Polson embodies both the resistant tendencies of the Chickamauga consciousness and the nurturing aspects of the Beloved Path. Her efforts to restore sovereignty over her nation and protect Native women through legal activism align with the Chickamauga consciousness. Simultaneously, she reclaims her role as a Cherokee leader, matriarch, caregiver, and healer. These roles connect Sarah to the historical figure of Nanye’hi (Nancy Ward), whom Justice identifies as embodying the Beloved Path. Nanye’hi, who took up arms in 1755 and gained acclaim as a war leader, became renowned as a Beloved Woman, saving the lives of many Euro-American captives and negotiating with the US government. Justice writes that “Nanye’hi lived during times of extraordinary cultural change and conflict, rising to prominence due to her intelligence, charisma, courage, and endurance, supported by a tribal power structure that provided women with a forum to exercise their abilities. She fought to maintain balance between her people’s world and the encroaching European influences” (38). Thus, the character of Sarah not only honors the legacy of Nanye’hi but also challenges stereotypical depictions of Native women. In fact, traditional Western narratives have often portrayed such figures as Sacajawea and Pocahontas as sexualized “traitors” to their communities. These narratives redefined the roles of Indigenous women to diminish their power, serving as instruments of erasure and political containment with enduring consequences in both Native and non-Native communities (Huhndorf 107). By contrast, Sarah honors Nanye’hi’s legacy and subverts these damaging stereotypes, transforming them into powerful models for individual identity reconstruction and anti-patriarchal, anti-colonial politics.

A direct descendant of Major Ridge herself, Mary Kathryn Nagle crafts in Sarah Ridge Polson a semi-autobiographical character who embodies the spirit of the resistant Chickamauga consciousness in her role as a lawyer advocating for Native sovereignty and the rights of Indigenous women. During her job interview with Jim Ross at the Attorney General’s office, Sarah strategically avoids mention-



ing her family background. Despite her disagreement with Ross, who labels her ancestors as “traitors,” her commitment to restoring Cherokee sovereignty compels her to overlook their differences and pursue the job. When Ross asks, “If you could accomplish one thing while working in this office, what would it be?” Sarah confidently replies: “I want the Cherokee Nation to implement it [VAWA]” (17). The dialogue places the action post-2013, following the reauthorization of VAWA, with a focus on implementing its provisions. Sarah decisively wins the job interview by stating, “for me, VAWA is no different than treaty signing. It’s a modern-day treaty from one sovereign to another” (17). She makes it clear that, like treaties, VAWA represents a crucial element of the legal relationship between the US and Native Nations, emphasizing how only their active participation will ensure effective implementation. In doing so, Sarah highlights that without actual implementation, the Act would do very little for Native people, a fact that she reiterates later on: “If Cherokee Nation were to actually get off its butt and implement VAWA, we could prosecute domestic violence crimes perpetrated by non-Indians” (17).

Jim suggests that they travel to Washington DC immediately, representing the Cherokee Nation to discuss the implementation of VAWA with the Department of Justice. Later in the narrative, they return to Washington to meet with the US President, who has “some questions about the legitimacy of tribal jurisdiction” (75). Jim and Sarah’s activism indicates the vital relationship between the federal US government and Native nations, highlighting the importance of dialogue and cooperation in order to restore tribal sovereignty. Sarah’s willingness to set aside intergenerational conflicts in her collaboration with Jim and to mediate on behalf of the Cherokee Nation demonstrates the “Beloved Path” of cooperation and negotiation. Nagle frames this approach as a crucial aspect of legal and social activism, essential for both Native communities and the US government. In her portrayal of Sarah’s activism, Nagle employs counter-storytelling to challenge colonial law and Western legal scholarship, which often detach legal issues from their colonial context. In fact, by placing the federal government at the center of jurisdictional conflict resolution, Western legal narratives obscure the colonial roots of these problems (Cheyfitz 226). Nagle’s work uncovers the legal realities concerning historical injustices by addressing the relationship between tribal sovereignty and colonial intrusions. She stresses the importance of dialogue between sovereign nations, pointing out that this sovereign-to-sovereign relationship is crucial for resolving conflicts and ensuring that legal interactions between the US and Native nations do not perpetuate past injustices.

## PERFORMATIVE COUNTER-STORYTELLING FOR SOCIAL CHANGE

In *Sovereignty*, Nagle employs performative counter-storytelling, a powerful tool for achieving social justice by counteracting conventional narratives upheld by the US legal system that further assimilative governmental objectives. Performative counter-storytelling involves the use of narrative and performance to challenge dominant discourses, reveal hidden truths, and promote social change (Maxwell and Sonn 48). Nagle's narrative exposes the legal realities surrounding historical injustices and connects them to contemporary issues, thereby addressing the gaps and biases in conventional legal and social narratives. In this play, Nagle does more than merely recount past events; she employs storytelling as a transformative tool to redefine the present and future. By highlighting the enduring impacts of colonial intrusions on tribal sovereignty, she repositions jurisdictional conflicts within a colonial narrative, both historically and through the contemporary activism enacted by her protagonist. This approach not only illuminates the legal complexities faced by Native communities but also challenges the erasure of historical gender inequalities that persist in legal discourses.

In the second scene of the play, Nagle sets the stage for a profound exploration of the interplay between legal issues and violence, underscoring the complexity of the challenges that Sarah and her community face. This scene, set in the Cherokee Nation Hard Rock Casino, opens with Ben, a non-Indian Special Victims Unit police officer, and Mitch, a non-Native lawyer, meeting with Watie, a tribal police officer and Sarah's brother. When a drunk man becomes unruly and assaults Watie, a jurisdictional dilemma arises: Ben cannot arrest the assailant on Cherokee land, and Watie, as a tribal officer, cannot arrest a non-Native who attacks a Native person. The absence of federal agents, the only authority capable of intervening, shows the legal limbo and governmental failure to protect Native victims of violence on tribal lands. Nagle adeptly highlights the absurdity and gravity of this jurisdictional conflict, emphasizing the vulnerability of Native communities under current legal frameworks. Her choice to stage this event at a Cherokee Casino is significant. Casinos have brought considerable economic prosperity to Native people. Thus, by choosing this setting, Nagle shows how attacks on tribal sovereignty can occur even within spaces that symbolize Native economic independence. After the attacker leaves, Sarah enters the Casino to find her brother injured. In an exchange with Ben and Watie, Sarah reiterates the history of legal decisions that precipitated such attacks, using storytelling

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to underscore the dysfunction of federal Indian law and its devastating impacts on tribal communities:

BEN: So crazy to be standing there—you know, two sets of police, and neither one of us could do anything.

SARAH: Because of *Oliphant*.

BEN: An elephant?

MITCH AND SARAH: *Oliphant*.

[...]

SARAH: In 1978 the Supreme Court said Tribes can no longer exercise criminal jurisdiction over non-Indians who come onto tribal land and commit a crime [...] You could set my house on fire, graffiti our courthouse, kill someone, basically do whatever you want, and Cherokee Nation could never prosecute you (17).

In this scene, Nagle demonstrates her mastery of dramatic conventions. First, she vividly illustrates the material consequences of the lack of tribal jurisdiction on Native land through the physical attack on Watie and the subsequent inability to arrest the attacker. Then, Nagle stages a dialogue among the characters that is both humorous and educational, effectively engaging audience members—especially non-Indigenous communities—while commenting on the absurdity and gravity of the jurisdictional conflicts on Native lands.

As the play progresses, the historical scenes depicting the fragmented factions led by Ridge and Ross illustrate the political and legal events culminating in the signing of the Treaty of New Echota and the Trail of Tears. These historical vignettes serve as a backdrop to Sarah's contemporary struggles, providing context and depth to her personal story, which further illustrates the enduring impact of colonial legal policies hinted at in the scene at the Casino. Sarah begins working for Jim Ross at the Attorney's General Office and she encounters Ben, a white police officer. The two fall in love and Ben later proposes to her at the Ridge cemetery. Ben affirms that he knows that the cemetery is Sarah's favorite place, adding "I wanted to ask you in front of your family" (49). The proposal, meant to be respectful, is marred by Ben's earlier disrespectful act of urinating on the cemetery fence, symbolizing his ignorance and foreshadowing his racism and violence, qualities that emerge later in the story. This transformation becomes evident as Ben grows increasingly jealous of Sarah's work, culminating in a harrowing scene where he physically assaults and rapes her. Nagle's portrayal of the violence of a white police officer on a Native woman inscribes the broader narrative of Euro-American colonization within the body of her protagonist, taking the history of colonial oppression to the present moment. Sarah's story highlights the inter-

sections of gender, law, and colonialism, addressing the broader implications of legal and sexual violence against Native women. Legal scholar Amy Casselman asserts, “The creation of the United States as we know it was made possible through the violent relocation of Native people [...] to reservations [...] This violent process was legitimated both through a legal system that viewed Native people as problematic and in need of removal, and through social discourse that constructed Native women as inherently rapeable and violable” (22).

During her recovery from abuse, Sarah gives birth to her son and decides to pursue legal action against Ben. This decision, despite the complexities of navigating justice within tribal communities, embodies the resistant tendencies of the Chickamauga consciousness. In Sarah’s oral argument before the Supreme Court, Nagle stages a powerful legal counter-narrative that challenges the US federal government’s authority to define Indigenous identity and sovereignty. Sarah’s argument not only contests the power dynamics imposed by the federal government but also secures the sovereignty and safety of Native communities on their own terms. In doing so, she enacts what Scott Lyons terms “rhetorical sovereignty,” “the inherent right and ability of peoples to determine their own communicative needs and desires in this pursuit [for self-determination], to decide for themselves the goals, modes, styles, and languages of public discourse” (Lyons 459–50). In her argument, Sarah compellingly refutes the notion that tribal governments, courts, and laws are inferior to those of the states and the federal government. She passionately asserts that tribal jurisdiction over non-Indians predates the US Constitution, emphasizing that “tribal jurisdiction isn’t unconstitutional; it’s pre-constitutional” (125). Sarah concludes her argument with a powerful affirmation of her nation’s inherent sovereignty: “No sovereign, not even the United States, can strip my nation of its inherent right to protect me and my fellow Cherokee women. Thank you. Wado” (Ibid).

## CHALLENGING PATRIARCHAL POLICIES OF (MIS) REPRESENTATION

In the introduction to Muscogee (Creek) poet laureate Joy Harjo’s book *Wings of Night Sky, Wings of Morning Light*, Mary Kathryn Nagle emphasizes the interconnection between the cultural representation of Native women and the legal storytelling perpetuated by Supreme Court decisions. She asserts that these representations were deliberately created to propagate a false, demeaning narrative that supported and justified Supreme Court decisions instrumental in the removal and genocide of Native peoples (12). In fact, Red Face

performances gained popularity in the 1830s, coinciding with Andrew Jackson's presidency and his aggressive removal policies against Native nations. This era saw the proliferation of the so-called "Indian plays" in theater, which became a primary tool for creating and spreading stereotypes of Indigenous people, typically depicting them as either bloodthirsty savages or noble "Indians" doomed to extinction. Nagle points out that these portrayals were often performed by white actors in red face, further marginalizing Native peoples in mainstream culture. This exclusion reinforced harmful stereotypes and denied Native peoples the opportunity to represent themselves authentically. By delegitimizing Native voices and perpetuating false narratives, these performances played a significant role in justifying and maintaining colonial oppression. Both the anachronistic portrayals and the exclusion of Native actors normalized the disappearance. The theater, more than any other artistic genre, played a crucial role in embedding these racial caricatures within American culture. Moreover, Nagle observes that the sexualized image of the "Indian princess," originating in nineteenth-century plays, has persisted in American stage productions, Hollywood films, and even in Halloween costume shops (15). This portrayal reduces Native women to sexual objects, depicting them as figures to be conquered and perpetuating a deeply ingrained stereotype across multiple aspects of American culture. Amy Casselman writes, "American colonization has always been characterized by both legal and sexual violence. Since first contact, law has been used to legitimate the theft of Native resources and control Native communities" (25). The sexualized image of the "Indian princess" constructed Indigenous women as the virgin frontier, the pure border waiting to be crossed. This imagery created a Native female archetype which, as Elizabeth Cook-Lynn has pointed out, could then be "used for the colonizer's pleasure and profit." The enormous popularity of the "Indian princess" lay in her erotic appeal to covetous European males eager to claim "new" territory. This equation of Indigenous women with virgin land, open for consumption, perpetuates their exploitation and objectification (Anderson 270). Moreover, it works in tandem with legal narratives that depict Indigenous peoples as "savages" incapable of self-governance and stewardship of their lands. An example of this dynamic is the above-mentioned Supreme Court decision in *Johnson v. McIntosh* (1823), which established a precedent still referenced today to justify federal actions against Native jurisdiction. Nagle, a direct descendant of Major Ridge, passionately believes that Native activism and discourse can counter injustice. She articulates that assaults on the status of Native women

are, in essence, assaults on Native sovereignty itself. Colonialism, she emphasizes, is inherently gendered, illustrating how the historical and ongoing oppression of Native peoples has always included specific attacks on women's rights and status. In *Sovereignty*, Nagle offers a powerful counter-narrative to damaging stereotypes through the character of Sarah. In staging her activism, Nagle connects Sarah with historical figures Ghigau, or Beloved Woman, who were accorded great honor and responsibility in Cherokee society. Although the role has evolved, the Eastern Band of Cherokee Indians still recognizes and upholds the title of Beloved Women today. This portrayal challenges colonial stereotypes and highlights the importance of women's knowledge and leadership in preserving and restoring their cultural heritage and sovereignty.

## RE-MEMBERING CHEROKEE JUSTICE

In staging the activism of a Cherokee woman and lawyer, *Sovereignty* emerges as a powerful counter-narrative that not only challenges stereotypes but also communicates “radical relationality.” This concept was coined by Melanie Yazzie (Diné/Navajo) and Cutcha Risling Baldy (Hupa, Yurok, Karuk) to explain Indigenous feminist actions that provide “a vision of relationality and collective political organization that is deeply intersectional and premised on values of interdependency, reciprocity, equality, and responsibility” (2). Nagle stages radical relationality by narrating a story that reintegrates Cherokee legal values and traditional clan systems, challenging and reshaping mainstream narratives to align with social justice goals. By doing so, the play revives alternative forms of justice deeply embedded in Cherokee legal traditions, effectively intertwining the restoration of personal and communal integrity with the reaffirmation of cultural identity and legal sovereignty.

Significantly, Sarah's decision to prosecute her abusive white fiancé in the Supreme Court aligns with her fully embracing her heritage as a Ridge. She tells John Ross: “I'm a Ridge [...] I'm a direct descendant. He is my grandmother's great-grandfather. I should have told you. A long time ago, I know. But then you wouldn't have hired me. Or maybe you would have fired me. And what am I supposed to say? I am who I am. I can't change that.” In the same dialogue, Sarah tells Ross that she agrees to fight in court, affirming, “If he [Ben, my fiancée, who abused me] can erase sovereignty over my body, he can erase sovereignty over my nation.” Sarah affirms the indivisibility of her body from her nation and the bodies of other Indigenous

women. Through her actions, she chooses to perform her activism in a way that emphasizes the interconnectedness of Indigenous peoples and the enduring values that sustain their communities. Notably, this speech follows the historical scene in which Major Ridge signs the Treaty of New Echota. By emphasizing these intergenerational connections, Nagle frames Sarah's legal action as one that honors the legal obligation to make decisions considering both past and future generations. Moreover, since the legal decision could set a precedent in Federal Indian Law, her actions have the potential to impact Indigenous peoples in the US. By taking this stand, Sarah embodies the values of interdependency, reciprocity, equality, and responsibility rooted in radical relationality. In affirming her legacy and deciding to pursue legal action, Sarah argues a case that is deeply personal but also, as Jim Ross affirms, significant to the entire Cherokee nation: "Look, I know this is personal to you. Deeply personal. But this case is personal to me too. To most Cherokees. To me, it's a responsibility. A duty. An obligation. It's my grandfather's legacy" (109).

In the previous scenes, while recovering from the abuse at the hands of her white fiancé, Sarah expressed doubts about prosecuting her fiancé due to the potential consequences of losing the case in the Supreme Court. She says, "If we drop the charges, if we let him go, his constitutional claims will be moot and there won't be anything for the Supreme Court to decide." John Ross responds, "We've worked so hard for this," to which Sarah replies, "We could lose our jurisdiction. The court could say tribal jurisdiction over non-Indians is unconstitutional" (109). By staging Sarah's doubts about the fairness of Supreme Court judgments, Nagle highlights the limits of Federal Indian law, which has the tendency to "harmonize" ongoing political conflicts and, as Cheryl Suzack observes, provides a barrier to "alternative accounts of Indigenous political authority and cultural practice" (*Indigenous Women* 8–9). I argue that in *Sovereignty*, Nagle employs performative storytelling to explore what justice means for Indigenous people and she proposes that lawsuits are essential acts of decolonization that enact "radical relationality," because, as Bethany Hughes observes about Nagle's 2015 play *Fairly Traceable*, such legal actions "dismantle settler colonial harms and authorities rooted in historical and material reality" and are inherently relational, as "every decision handed down impacts both the present and future" (139). However, Hughes also argues that "the playwright also realizes that utilizing settler colonial laws is insufficient to fully express the resistance and sovereignty of Indigenous nations" (Ibid). Although in *Sovereignty* Nagle stages legal activism as essential for restoring tribal sovereignty



and protecting Native women, she also expresses the limits of Federal law and the necessity of what Richard Knowles terms “embodied cultural re-memberment” (136). This approach provides an alternative response to the individual and community dismemberment caused by colonial violence. It emphasizes Indigenous cultural practices as vital to restoring sovereignty and re-centers women’s roles as powerful agents of healing and cultural continuity across intergenerational and tribal lines. This approach offers a vital response to the individual and community dismemberment inflicted by colonial violence. I use the term “re-membering” because this concept aligns with the usage by legal scholars Eva Tuck and K. Wayne Yang, who emphasize “re-membering” as a critical process in addressing and overcoming the impacts of colonization. Knowles uses the term to make visible the artistic task of reconstructing “coherent psychological and social subjectivities through embodied cultural memory” (143). Similarly, in their article “What Justice Wants,” Tuck and Yang argue that “demands for justice *re-member*; they are a kind of ghosting that refuses to forget abduction, violation, displacement, dispossession, and death. They also re-member the fragmented social body back together as life that matters in ways beyond the ontological cages of pained plaintiff or object in need of subjection” (7, emphasis mine). In articulating what justice means for Indigenous people, Nagle employs re-membering as an act of decolonization. Specifically, the character of Sarah Ridge Polson *re-members* Cherokee matrilineal law by acting as a healing agent for her family, community, and nation.

Midway through the play, we are introduced to Sarah’s family when she and her fiancé, Ben, go to lunch with them. Sarah calls her father and asks him to come back to Talequeaus for her wedding. The dialogue escalates as Roger learns about Sarah working with John Ross and being engaged to Ben, whom he does not like. Roger asks Sarah and Ben if they are planning to have children.

[SARAH and BEN look at one another.]

SARAH: I think so, yes.

BEN: Yeah.

ROGER [to BEN]: They’ll be Cherokee Nation citizens?

BEN [looks around for help]: Can they? I don’t have any Indian blood.

Ben’s argument gestures at the issue of blood quantum, a concept rooted in white settlers’ conception of race relations and historically used to disenfranchise Indigenous peoples from their lands. During the allotment era, the federal government connected the title to the land to “competence,” determined through blood quantum distinctions. This

indicates the process of moral regulation to which American Indian peoples were subjected. Through the application of the procedures for land allotment in the General Allotment Act of 1887, blood quantum codes also became the means to acquiring citizenship<sup>3</sup> (Suzack *Indigenous Women* 145n12). The theory behind blood quantum, rooted in the legacy of the General Allotment Act and its legislative successors, defined Indian identity based on measurable “Indian blood,” erasing considerations of kinship duties and obligations. These communal bonds were far more significant to Cherokee nationhood than the arbitrary designations of blood authenticity. Justice affirms that since distinctive kinship practices and understandings have been primary sources of Indigenous strength and resistance, they have also been primary targets of settler-state policy and practice, with devastating results. Sarah opposes the idea of blood quantum when she affirms: “Sovereignty isn’t about race. It’s about citizenship” (63), and she answers her father’s question: “My kids will be Cherokee because I am Cherokee” (Ibid). Here Sarah is reaffirming the matrilineal clan law which in determining legitimate membership in the Cherokee Nation.” Under the traditional clan system, Cherokee tribal membership was conferred by birth to a Cherokee woman; as a matrilineal society, the Cherokee were indifferent to the father’s race. The formation of the Cherokee Nation disrupted this system, displacing the exclusive right of Cherokee women to define tribal membership.

Sarah affirms her agency in response to an incredulous Ben, who embodies the white settler mentality that invades the private space of the home, just as he previously invaded the cemetery. When Ben asks, “Do Cherokees follow their mother?” Sarah reaffirms the centrality of women in the clan system and the Cherokee community, emphasizing the importance of women in maintaining and defining tribal identity. Cultural continuity and tradition are further reaffirmed through Sarah’s agency in the healing of family wounds caused by settler colonial actions. During the lunch, Sarah accuses her father of abandoning the family. However, the birth of Sarah’s child restores the father–daughter bond as we witness Roger’s transformation from a cranky and, given his past actions, irresponsible man, to a loving grandfather who babysits the child. The audience

3 For a comprehensive treatment of blood quantum codes and their role in defining membership rights for Indigenous peoples see Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity*, Duke University Press, 2011.

understands the reasons behind Roger's abandonment of his family from the stories he tells the child:

ROGER [holds BABY RIDGE, asleep in his arms]: OK, first things first. When you wake up, Mom's not gonna be here. And that, well, it might feel like a surprise. And you'll be like, who is this guy? He smells like cashews. And Lucky Strikes. But don't tell your mom I smoke. She thinks I stopped. I'm your grandpa. You're my first grandkid. So, you know, I've never done this before. But I raised your mom. And your uncle. They think they had it rough. But me, shit, I was ten when I went to Chilocco. I know the slap you get for speaking your language, and I know the laugh when someone's laughing at you 'cause of who you are. Your mom named you Ridge. Ridge, John Ridge, was my mom's great-grandfather. That's something to be proud of—he was a brilliant man, a fighter. His blood runs through your veins. Never forget that. Just don't tell anyone you're named after him. It's, like, between you and me. Our little secret. The day they find out you're a Ridge is the day they kill you. (101)

Roger shares his story with his infant grandson, illustrating another way colonialism attacks Native sovereignty by severing cultural ties. He reveals that he attended Chilocco, a residential school founded in 1883 to civilize, Christianize, educate, and transform American Indian youth. The purpose of boarding schools, such as Chilocco and others across the nation, was to remove Native Americans from their cultures and assimilate them into white society, under the infamous motto coined by founder Richard H. Pratt, "Kill the Indian, save the man" (Barrows 46). Despite this attempted cultural genocide, where children were forbidden to speak their languages and engage in cultural practices, many used traditional stories to make sense of their experiences afterward (Lomawaima 167). Roger demonstrates the power of stories and cultural continuity that he retained despite the attempted cultural genocide he experienced firsthand. When he relates the traditional Cherokee creation story, partially in the Cherokee language, to his infant grandson, he is affirming the inherent sovereignty over his cultural heritage, encapsulated in his ancestor John Ridge's words: "Sovereignty is when I speak my language" (70). Affirming her role as a matriarch and mother, Sara is able to restore and heal the wounds of colonial oppression and transmit the sovereignty of her cultural heritage to her child. In the final scene of the play, we return to the cemetery where Sarah Bird Northrup is burying her husband, Major Ridge, who has been assassinated after signing the Treaty of New Echota and prepares to flee to Arkansas with her children. Jim Ross and Sarah Ridge Polson enter the Polson Ridge Cemetery with Sarah's infant son. At this moment, the two sets of characters occupy the same space, erasing temporal divisions. The returning of the cemetery as a setting

evokes an Indigenous cosmological world with a cyclical and circular understanding of responsibilities. This longer temporal horizon of legal obligation is evident, showing that actions in the present are driven by responsibilities to the past and, presumably, to the future. Nagle stages the powerful healing effect of Sarah's actions to mend the wounds at the heart of her community. As Jim Ross carries Baby Ridge in his arms, this act symbolizes the resolution of the longstanding conflict between the two factions within the Cherokee community. The newborn embodies the reconciliation and newfound strength that the community has achieved. This process of reconciliation is mediated through Sarah and subsequently passed on to her son, allowing him to acknowledge and honor his ancestors' legacy and carry it forward:

JIM ROSS [to BABY RIDGE]: This is your great-great-great-grandfather Major Ridge. Your grandfather, John Ridge, fought to save the sovereignty of the Cherokee Nation. And he won his case in the Supreme Court. Just like your mom.

The reconciliation between the Ridges and the Rosses occurs through Sarah's regained role as a matriarch, where she embraces the responsibilities and obligations inherited from her ancestors. This extended temporal perspective of legal obligation contrasts with Western linear understandings of time, emphasizing responsibilities rooted in the past and extending into the future, represented by Sarah's son.

In the final lines of the play, Nagle blurs the distinction between past and present, enabling Major Ridge's wife, Sarah Bird Northup, and Sarah Ridge Polson to engage in an intergenerational dialogue across time:

SARAH BIRD NORTHRUP: Someday, my children will return.

SARAH RIDGE POLSON [to BABY RIDGE]: Your name is Ridge.

SARAH BIRD NORTHRUP: I want them to find him. [Sarah kneels next to John's body.]

JIM ROSS: You were born with sovereignty in your blood (130).

Staging a dialogue between future and past generations, Nagle offers a model rooted in Indigenous epistemologies that centers on "relationality, obligation, and active caretaking" (Hughes 146). This model of "radical relationality" encompasses acts of decolonization and the creation of a future that sustains Indigenous sovereignty, communities, and relatives. As Hughes affirms, "radical relationality is a how, not a what; it is a way of being and acting that aligns with specific values – values that depend upon and demand kinship, obligation, reciprocity, and action" (128). Thus, Nagle affirms that radical relationality goes beyond decolonial

legal actions, emphasizing the intrinsic link between relationality, responsibility, Indigenous existence, and the future (ibid.). By challenging colonial narratives, *Sovereignty* highlights the crucial role of Indigenous women in preserving and transmitting cultural heritage and matrilineal traditions, ensuring the continuation of Indigenous sovereignty through future generations.

## CONCLUSION

This article has shown how *Sovereignty* exemplifies Indigenous feminist literary activism through performative counter-storytelling. The play enacts decolonization and reframes the stage as a space for asserting Indigenous performative sovereignty and self-determination. Using an Indigenous feminist literary critical approach, it has explored how Nagle constructs an Indigenous feminist subject that advances decolonization by addressing the gendered outcomes of colonial law, challenging patriarchal cultural practices of misrepresentation, counteracting stereotypes, and embodying “radical relationality.” Through the character of Sarah Ridge Polson, Nagle powerfully illustrates the interconnectedness of tribal sovereignty and gender empowerment, showing how these elements are mutually reinforcing. Her character bridges past and present, emphasizing the fluidity of time in Native practices and the continuous impact of historical traumas on contemporary struggles. Far from just exposing historical wrongs, the play’s engagement with intergenerational storytelling and the reassertion of matrilineal clan systems underscores the resilience and continuity of Cherokee cultural and legal traditions. Sarah’s journey highlights the importance of reclaiming Indigenous women’s roles as cultural carriers and guardians of tribal values, countering the erasure, marginalization, and stereotypes perpetuated by colonial and patriarchal narratives. By staging this narrative, Nagle challenges conventional legal frameworks that often marginalize Indigenous voices and reaffirms the importance of Indigenous legal and cultural practices in the fight for justice and sovereignty. *Sovereignty* thus emerges as a powerful example of how storytelling in theater can serve as a powerful tool for social justice, decolonization, and the affirmation of Indigenous sovereignty.

*Abstract:* This article offers an analysis of the 2018 play *Sovereignty* by Cherokee playwright, lawyer, and activist Mary Kathryn Nagle. First performed at the Arena Stage Theatre in Washington DC, *Sovereignty* unfolds over two parallel timelines: present-day Oklahoma and the early 1800s in the southern Appalachians. In the present day, young Cherokee lawyer Sarah Ridge

Polson and Cherokee Attorney General Jim Ross defend the inherent jurisdiction of the Cherokee Nation under the Violence Against Women Act in a pivotal case before the US Supreme Court. This modern struggle is juxtaposed with scenes from the 1800s, where their ancestors grapple with a proposed treaty with Andrew Jackson's administration, leading to the signing of the Treaty of New Echota and the Trail of Tears. By juxtaposing historical and contemporary events, Nagle illuminates the enduring effects of government policies and laws that continue to render Indigenous people, particularly Indigenous women, vulnerable. This article explores how *Sovereignty* exemplifies Indigenous feminist literary activism through performative counter-storytelling, a method that enacts decolonization and reframes the stage as a critical space for asserting Indigenous performative sovereignty and self-determination. Using an Indigenous feminist literary critical approach, this article shows how Nagle constructs a counter-narrative that advances decolonization by addressing gendered outcomes of colonial law, challenging patriarchal cultural practices of misrepresentation, and embodying "radical relationality"—a concept of collective political organization based on principles of interdependency and responsibility. Through the character of Sarah Ridge Polson and her activism to restore sovereignty over her body and her nation, *Sovereignty* exemplifies Indigenous feminist activism through theater, reasserting Indigenous women as agents of cultural transmission and tribal values, illustrating that tribal sovereignty and gender empowerment are inherently interconnected and mutually reinforcing.

**Keywords:** Cherokee literature, Native American theater, Indigenous feminist literary activism, performative counter-storytelling, radical relationality, decolonization, tribal sovereignty, Mary Kathryn Nagle, Cherokee Law, Federal Indian Law

**Bio:** Sara Riccetti is a PhD candidate in Studies in English Literatures, Language, and Translation, enrolled in a joint degree program between the University of "La Sapienza" in Rome, Italy, and the University of Silesia in Katowice, Poland. Her doctoral research focuses on exploring the intersection of law and literature in contemporary Indigenous drama by women playwrights from the US and Canada. In 2023, Sara Riccetti was awarded the International Council for Canadian Studies Graduate Student Scholarship, facilitating her research at the University of Victoria, BC. Alongside her academic pursuits, Riccetti is an experienced theatre director and practitioner, having received professional training as an actor in the UK. She also holds an MA in directing opera. Her Italian translation of the play *The Unplugging* by Algonquin playwright Yvette Nolan received the Translation Grant from the Canadian Council for the Arts in 2024. She is currently curating and directing a performance of the play set to premiere in Naples, Italy, in October 2024. An alumna of the Emerging Scholars program of the International American Studies Association, Sara Riccetti is co-editing a special issue of *JamIt* (Journal of American Studies in Italy) on Indigenous resurgence, scheduled for publication in 2024. She is actively involved in several academic associations including IASA (International American Studies Association), AISNA (Italian Association of North American Studies), and AISC (Italian Association of Canadian Studies). Her research interests encompass North American Literature and Theatre, Indigenous Drama from North America, Law and Literature, Indigenous Feminist Theory, and Decolonial Studies.

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