Alienable Rights: How the United States Violates and Immures Native Autonomy

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I. Introduction

Volatility breeds peril. The permanent suspension of a community's safety and rights makes attempting to accrue power a futile endeavor. The United States is no stranger to employing this calculus of power denial, as the twin systems that underlie its existence –racism and classism–confirm. The Native nations that inhabit the land the settler country has colonized face one of their most egregious manifestations of this oppression. The United States uses its selective, restrictive granting and rescinding of tribal authority, especially criminal jurisdiction, as a means of controlling and subduing Native power. This paper will review legal policies, practices, and apparatuses including *Cherokee Nation v. Georgia*, *McGirt v. Oklahoma*, the Dawes Act, the Indian Civil Rights Act, the Major Crimes Act, the Forest Service, the Office of Federal Acknowledgement, and the mass incarceration of Native women in an effort to lay clear the myriad of systemic strategies that the US employs in order to undermine the sovereignty and autonomy of Native communities.

The limits the government has imposed on Native authority, while ostensibly representing efforts to support and work with tribal administrations, stem in truth from the desire to confine and disempower Native Americans. In the landmark 1831 Supreme Court case *Cherokee Nation v. Georgia,* the United States denied the Cherokee Nation's statehood, classifying them instead as a "domestic dependent nation" whose "relations to the United States resemble that of a ward to his guardian." The Cherokee Nation was seeking "an injunction to prevent the execution of certain acts"—namely, laws designed to evict them from their homeland—"of the Legislature of the State of Georgia."[1] As a result of the Cherokee Nation's "domestic dependent nation" classification, the Court

[1] Cherokee Nation v. Georgia, 30 U.S. 1, 1 (1831).

decided it had no jurisdiction to arbitrate the dispute.[2] The Court also ordered the government to protect tribes' right to self-rule and to act in the tribes' best interests when tribal and federal concerns collided.[3] Yet Hopi Appellate Court Associate Judge Justin B. Richland offers evidence that the federal government disregarded these orders in *Cooperation Without Submission: Indigenous Jurisdictions in Native Nation–US Engagements*, his analysis of the history and meaning of federal-tribal interactions. In the "mid-1800s to early 1900s," for example, "the prevailing policies called for … Tribal land holdings" to be dissolved, the "cultural assimilation of Native Peoples through forced reeducation," and an end to the United States's recognition of tribes as valid political entities.[4] All of these programs breached Native self-determination and completely disregarded tribal interests. For the two decades following World War II, as Richland explains, policymakers sought to extend their newfound supremacy inward, leading to legislators "attempt[ing] to end the unique relationship between certain select Tribes and the US," to transfer "criminal jurisdiction over Tribal lands"—a right which largely belonged to the tribes—to state governments, and of, course, "to do both without any effort to secure Tribal consent."[5] That the US has deliberately and repeatedly robbed Native nations of their territory, culture, and sovereignty demonstrates its lack of commitment to the duties enumerated in *Cherokee Nation*. Instead of preserving tribal rights like a guardian to its wards, the US has exploited tribes' "domestic dependent" status to erode their legitimacy and threaten their existence. Boarding schools, which perpetuated cultural genocide on hundreds of thousands of Native children from 1869

[2] Cherokee Nation v. Georgia, 30 U.S. 1, 2 (1831).
[3] Cherokee Nation v. Georgia, 30 U.S. 1, 2 (1831).
[4] Justin Richland, *Cooperation Without Submission: Indigenous Jurisdictions in Native Nation–US Engagements* (United Kingdom: University of Chicago Press, 2021), 6.
[5] Richland, *Cooperation Without Submission*, 6.

until the late 20th century;[6] the allotment system, which, starting with the Dawes Act of 1887, splintered communally-owned reservation territory into individual holdings in such a way that caused "communities to lose vast acreage of their tribal lands";[7] and laws like the Indian Civil Rights Act of 1968, which "limited the tribal court's sentencing authority to 6 months in jail and a $5,000 fine,"[8] all point to one truth: boundaries drawn around and within Native communities work to subvert their capabilities ever further.

II. Undermining Tribal Jurisdiction

Today, the federal relationship with Native nations reflects the attitude that the US can and should undermine rather than undergird tribal authority. One such dynamic concerns the Hopi Tribe of northeastern Arizona. Given the slew of governmental organizations, from the Forest Service to the Bureau of Indian Affairs, encroaching upon Hopi sovereignty, the tribe founded a Hopi Cultural Preservation Office in 1990 to protect its heritage.[9] The HCPO is tasked with supervising research conducted by outsiders on Hopi land to ensure that it occurs "in conjunction and collaboration with the Hopi Tribe and that the researcher advocates for Hopi cultural property rights off the reservation."[10] The office has "represented the Tribe in a host of engagements with its federal counterparts" and qualifies as an official consultant under "United States regulatory regimes," requiring federal agencies to work with tribes on policies involving

[6] The National Native American Boarding School Healing Coalition, "US Indian Boarding School History," accessed November 10, 2023, https://boardingschoolhealing.org/education/us-indian-boarding-school-history/.
[7] National Archives, "Dawes Act (1887)," 2022, https://www.archives.gov/milestone-documents/dawes-act.
[8] Office for Victims of Crime, accessed November 10, 2023, "Tribal Law," https://www.ovcttac.gov/saneguide/legal-and-ethical-foundations-for-sane-practice/tribal-law/.
[9] Richland, *Cooperation Without Submission*, 15.
[10] Richland, *Cooperation Without Submission*, 15.

them.[11] In practice, no such arrangement exists. The United States Forest Service is in charge of overseeing "several historic Hopi sites," and, in 2013, USFS and HCPO agents convened to discuss "the handling … and sale" of part of this land.[12] Hopi negotiators attempted to explain "the trouble that disturbing itaakukveni," culturally significant archaeological remains, raises: "we believe that people are still there. Their spirits are still there. So… [if] we disturb that, or somehow allow for it to be disturbed, it's a form of, ah, taboo … It's something that we highly respect."[13] Yet the federal agents' disinterest in itaakukveni stewardship quickly proved to the Hopi team that the sole reason for the meeting was for the USFS to learn of "the significance of the site to aid… in justifying the expenditure of federal funds to excavate them for the archaeological record"—a plan already in the works, on which the HCPO was supposed to merely provide corroborating commentary.[14] Where the HCPO could have been a meaningful intermediary between Hopi scholars and non-Hopi anthropologists, federal agents instead treat it as a rubber stamp at best and a roadblock at worst. The USFS utilized its authority over Hopi archaeological sites not to safeguard the itaakukveni or to bolster the HCPO's limited resources, but to exploit access to a fascinating site whose symbolic significance was merely text for a plaque rather than a cornerstone of a living culture. Even while blocking the Hopi from holding full legal control over their land, the US still had the opportunity to support the tribe, but, as the 2013 meeting exemplifies, the limitations on Hopi self-rule serve only to override their voices. In the end, the USFS dug up the site, then sold off the land to a private consortium, using a so-called "Finding

[11] Richland, *Cooperation Without Submission*, 16.
[12] Richland, *Cooperation Without Submission*, 115.
[13] Richland, *Cooperation Without Submission*, 122.
[14] Richland, *Cooperation Without Submission*, 121.

of No Significant Impact" to circumvent further HCPO involvement.[15] USFS archaeologists did not even notify the office, theoretically intended to maintain communication with US authorities, when they excavated the itaakukveni.[16]

The tribal acknowledgement system offers similar lessons in federal duplicity. The Office of Federal Acknowledgment determines which tribes qualify for official federal recognition and which do not. Such status grants a Native nation a multitude of rights, including jurisdiction over most disputes concerning members of the nation and "a government-to-government relationship" with the US.[17] Consequently, obtaining recognition is imperative. Yet this procedure represents the United States "assessing the validity" of Native "norms, knowledge, and relations" through "settler colonial evidentiary criteria"[18]—it implies Native nations lack authority and sovereignty, conceptions defined in the Western, nation-state, colonial sense, unless they meet standards which non-Native lawmakers craft and a non-Native office enforces. Furthermore, that they "find themselves blamed for their own," often forced, "assimilation," and that this often disqualifies them from acknowledgement demonstrates profound dishonesty on the part of the OFA.[19] Brushing off the history of American colonialism does not nullify its effects; it perpetuates them. Instead of acting as a mechanism that strengthens the federal government's relationship with Native nations and protects their cultures and communities, the policy of acknowledgement places the onus for legal existence on the tribes and conveniently erases the centuries-old, ongoing oppression of Native Americans. More egregiously still, the

[15] Richland, *Cooperation Without Submission*, 122-123.
[16] Richland, *Cooperation Without Submission*, 122-123.
[17] Richland, Cooperation Without Submission, 140.
[18] Richland, *Cooperation Without Submission*, 31.
[19] Richland, *Cooperation Without Submission*, 145.

system of recognition helps "setter state representatives claim… evidence of [the] settler state's own reformation" into an entity disavowing its violent supposedly-past behavior in favor of supporting its Native peoples.[20] The Vernon's Ridge Tribal Nation epitomizes the injustice of recognition.[21] The tribe has "sought, and has for over forty years continuously pressed, its claim for legal recognition."[22] An OFA delegate visited an assembly of VRTN members while Richland was staying with the tribe, and, despite the petition meeting multiple of the acknowledgement criteria, only one of which is necessary for approval, the delegate turned it down before reading it. "The very people before him in their Tribal headquarters," Richland writes, highlighting the simultaneous absurdity and powerlessness intrinsic to the recognition process, "were people who, for federal purposes, did not exist as an Indian Tribe."[23]

The United States uses ambiguity as a tool to subvert tribal sovereignty, a tactic that extends to recognized tribes. The tangled, arbitrary network of constraints on Native nations' purview creates confusion and a lack of clarity regarding tribal criminal jurisdiction that inherently leans toward undermining tribal power and bolstering US influence. Legal scholar Addie C Rolnick compiles a greatly abridged version of this maze in "Tribal Criminal Jurisdiction Beyond Citizenship and Blood," her investigation of the unique and unequal limitations Native nations face when enforcing criminal law. Tribes possess criminal jurisdiction over most tribe members, "unless those powers have been explicitly taken away by Congress or held by the Supreme Court to have been implicitly divested"; the Supreme Court has invoked this ability twice, though Congress

[20] Richland, *Cooperation Without Submission*, 145-146.
[21] This is a pseudonym that Richland uses in *Cooperation Without Submission* to protect the tribe's anonymity.
[22] Richland, *Cooperation Without Submission*, 140.
[23] Richland, *Cooperation Without Submission*, 142.

has retroactively repealed parts of both of these rulings.[24] Tribes typically only wield jurisdiction over non-Native offenders when they are domestic abusers with "sufficient ties to the tribe."[25] "[C]rimes between Indians and non-Indians and certain enumerated major crimes involving only Indians" are the domain of the federal government.[26] However, certain states operate in their stead when arbitrating these crimes and cases involving only non-Native parties.[27] The exceptions to tribes' jurisdiction over intratribal crimes are ten crimes and three felonies enumerated in the Major Crimes Act of 1885 and a series of subsequent laws.[28] This convoluted set of rules utterly lacks a unifying vision or principle, existing instead as the product of a scattered array of legislation, policies, rulings, doctrines, and personal ideologies. A coherent framework might offer unambiguous definitions of key legal terms, clearly lay out the spheres in which each level of governance (tribal, state, federal) operates, and enumerate tribes' jurisdictional rights and responsibilities. What exists instead is a messy patchwork that blurs the borders between tribal, state, and federal courts' areas of oversight and forces Native leaders to somehow tread the thin line between overstepping their confines and letting the US annex yet more areas of jurisdictional power. Uncertain definitions of central concepts, like what counts as "sufficient ties to the tribe" in the clause about domestic abusers, enable federal and state courts to reinterpret tribal purview into narrower and narrower boxes, and push Native courts toward relying on the United States for definitions and demarcations. The US holds the ability—ever-looming over projects of tribal sovereignty—to further shrink the boundaries of tribal criminal jurisdiction. It

[24] Addie Rolnick, "Tribal Criminal Jurisdiction Beyond Citizenship and Blood," American Indian Law Review 39, no. 2 (2014): 348, http://www.jstor.org/stable/43857888.
[25] Rolnick, "Tribal Criminal Jurisdiction," 349.
[26] Rolnick, "Tribal Criminal Jurisdiction," 350.
[27] Rolnick, "Tribal Criminal Jurisdiction," 350.
[28] "Tribal Law."

also utilizes its power to imperil and confine to keep Native communities in check.

III. Oppression of Native Women

The violence and criminalization Native women face are manifestations of the United States' agenda of social control. As part of its colonial enterprise, the US seeks to eradicate the culture and restrict the social and geographic mobility of Native peoples. It limits the space they can occupy and traverse and immerses their lives in carcerality and criminality. This "control and denial," as Salish scholar Luana Ross frames it in her critical study *Inventing the Savage: The Social Construction of Native American Criminality*, "is clearly evidenced by the number of incarcerated Native Americans and by their experiences in prison."[29] Ross describes how, during her childhood, "[p]eople from my reservation simply appeared to vanish and magically return" with "exceedingly familiar" regularity and normalcy, illustrating the colonial status of Native reservations and communities.[30] Criminalizing their members is one of the methods by which the US robs Native nations of sovereignty, with systems of law and justice "repeatedly [being] used … to coerce racial/ethnic group deference to Euro-American power."[31] This colonial context is necessary to understanding Native incarceration, as viewing individual actions as isolated events "overlooks the social and historical origins of the behavior."[32] It would be specious to view the mass incarceration of Black Americans as a consequence of some innate Black waywardness rather than the realization of the United States's pursuit of subjugating Black bodies. The same is true for Native peoples,

[29] Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998), 4.
[30] Ross, *Inventing the Savage*, 1.
[31] Ross, *Inventing the Savage*, 12.
[32] Ross, *Inventing the Savage*, 12.

for whom the speciousness also lies in the reality that the notion of a singular "Native America" is a colonial taxonomy that brush-paints over a diverse continent of nations. Investigating how the United States exercises its power over Native people is key to grasping its use of confinement to repress Native individuals and communities.

Native women, in particular, face a landscape heavily populated by the prison, which usurps spaces theoretically promising socioeconomic stability and advancement, such as marriage, the workplace, and the school. Incarcerated Native women, already overrepresented in the national prison population by a factor of 3.5,[33] have typically not had the chance to complete their education or hold well-paying jobs, with "53 percent … not employed prior to their incarceration" and most of the remainder having been in "service jobs or other poorly paid positions."[34] It is essentially punishment targeting the poor, and racial and gender pay gaps ensure that Native women face exceptional difficulty in escaping this cycle of imprisonment and hardship. In systematically hindering Native women's ability to achieve prosperity and retain freedom, the United States uses its near-monopoly over the law to exert social control.

The causes of conviction reflect this phenomenon. Of the Native women in state prisons, one-third are detained for drug offenses, making it the most common charge for which they are incarcerated.[35] Nearly half "were under the influence of drugs or alcohol when they committed the crime of which they were convicted,"[36] demonstrating the United States's targeting of drug use, which for most is not a voluntary choice but the result of generational addiction or the need for a coping mechanism. By situating Native

[33] "Native incarceration in the U.S.," Prison Policy Initiative, accessed April 3, 2025, https://www.prisonpolicy.org/profiles/native.html.
[34] Ross, *Inventing the Savage*, 75.
[35] Ross, *Inventing the Savage*, 75.
[36] Ross, *Inventing the Savage*, 75.

women in a political and psychological landscape rife with structural stressors such as wage inequality and barriers to education, the US steers them toward substance abuse, then locks them away for drug offenses.

A similar pattern exists for violent crimes. Of the thirty-two percent of incarcerated Native women so convicted, nearly one in three "were at one time victims of sexual or physical abuse," the vast majority of whom "committed a violent act against a relative or intimate partner," usually a male abuser.[37] Punished for defending themselves at home and for seeking economic self-sufficiency, Native women are hemmed in from all sides. The state not only neglects to attend to their social and economic needs, but it also uses the law to actively endanger them, situating them at the perilous intersection of domestic and vocational vulnerability. Some of the other prevalent grounds for prosecution include "writing 'bad checks' to adequately care for their children"; pleading guilty to share sentencing years with their spouses, who too face disproportionate policing and sentencing; and cases involving married couples with foster children, in which "judges assumed the wives were also responsible" for their husbands' assaulting of the adoptees, even when the men "recognized their wives' innocence."[38] For Native women, escaping the risk of incarceration poses an immense challenge—if one is not imprisoned for being poor or living in a toxic household, resorting to substances to cope with unending oppression is a likely candidate for criminal conviction. This difficulty points to targeted systemic marginalization aimed at exerting social control. If no emphatic assurance exists that they can live non-criminalized lives, and if attempts to travel beyond the socioeconomic or

[37] Ross, *Inventing the Savage*, 76.
[38] Ross, *Inventing the Savage*, 90.

geographic site to which they supposedly belong are routinely met with incarceration, then Native women's chances of finding safety, amassing meaningful power, or charting a path out of the bottom tiers of the United States's socioracial hierarchy plummet.

For Native women, facing violence on a daily basis is the norm. Being women, people of color, Native, and beneath the poverty line at a higher rate than any other gender-racial demographic in the country,[39] the US's systems of power situate them at the intersection of several avenues of brutality. A study conducted at the Montana Women's Correctional Center "exposes that 90 percent of the imprisoned women are victims of prior abuse," mostly perpetrated by family.[40] One prisoner's haunting account tells of her white stepfather and mother assaulting her: "[W]hen I was seven years old, my adopted father out-and-out raped me. And my mother told me, 'That's what you deserve. You're an Indian—that's what you deserve.' I can't forgive her for that."[41] Another cannot even remember details of her youth, with the "few memories of my early childhood" being "sporadic, traumatic, laced with violence towards me"; as for the rest, she says, "I've done a pretty good job of blocking them out … I don't want to remember."[42] Abuse by police officers and prison guards is widespread, too, though considerably less testimony exists due to the magnified power disparity between the violators and those violated.[43] Trapped in a revolving door that rotates them at a dizzying rate from legal, carceral injustice to familial and economic brutality and back again, Native women seldom achieve refuge from systemic violence, obfuscating their prospects of reaching positions threatening to their persecutors. Perpetually suffusing

[39] "Poverty rate in the United States in 2022, by race and ethnicity," Statista, November 3, 2023, https://www.statista.com/statistics/200476/us-poverty-rate-by-ethnic-group/.
[40] Ross, *Inventing the Savage*, 93.
[41] Ross, *Inventing the Savage*, 96.
[42] Ross, *Inventing the Savage*, 94.
[43] Ross, *Inventing the Savage*, 98.

their lives with physical and emotional trauma robs them of the capacity to grow comfortable, safe, and prosperous, and allows the United States to dictate the confines of their existence. The unclear, disjointed nature of policies surrounding tribal criminal jurisdictional power and the lack of guarantee that Native nations will possess purview over those who victimize their members mean the United States's oppression of Native women both patrols the limits of what they are permitted to do and cripples tribal power by rendering tribes unable to safeguard their members—one of the most basic requirements of a government.

IV. Recent Federal Rulings

Although representing a major victory for tribal sovereignty, the 2020 Supreme Court ruling in *McGirt v. Oklahoma* was not indicative of systemic change in the United States' treatment of tribes and tribal purview, but rather the result of a confluence of favorable factors for the Five Tribes. As the Choctaw legal student Adam Goodrum explains in his 2022 journal article "Meeting the *McGirt* Moment: The Five Tribes, Sovereignty & Criminal Jurisdiction in Oklahoma's New Indian Country," the Court decided in a 5-4 vote "that the [Creek] Nation's reservation in eastern Oklahoma … was never disestablished by Congress," and indicated openness to similar findings concerning the other nations of the Five Tribes, whose treaties with the US resemble the Creek Nation's.[44] The first US-Creek treaty, ratified in 1832, "solemnly guarantied land" and "boundary lines which… secure a… permanent home," and a later treaty from 1856 confirmed that the reservation was "forever set apart as a home" for the Creeks, who

[44] Adam Goodrum, "Meeting the McGirt Moment: The Five Tribes, Sovereignty & Criminal Jurisdiction in Oklahoma's New Indian Country," *American Indian Law Review* 46, no. 1 (2021-2022): 201-202, https://www.jstor.org/stable/27154777.

held "the unrestricted right of self-government" free from annexation into "any Territory or State."[45] As a consequence of *McGirt*, the Creek Nation gained criminal jurisdiction over large swaths of Oklahoma home to millions of people. The Court's ruling in favor of tribal jurisdiction may appear to be a step in the right direction for Native sovereignty and the United States' treatment of Native peoples.

However, the jurisprudence of Neil Gorsuch—the case's swing vote—and the need for Supreme Court intervention prove this is not accurate. Rather than forecasting systemic change, the result of *McGirt* stemmed from Gorsuch's doctrinal inclination toward honoring treaties that proclaim tribal sovereignty. That Gorsuch's personal inclinations decided the direction in which the Court decided *McGirt* indicates that change at the roots of the United States's relationship with Native nations has yet to come. It would require real institutional progress, which one justice's unexpectedly favorable attitude toward tribal autonomy does not qualify as. Some argue Gorsuch's partiality originates in his experience on the 10th Circuit Court of Appeals, where he adjudicated numerous cases involving Native nations and supposedly built up an intimate understanding of the importance of tribal self-determination, or in his upbringing in the West, where the increased presence of reservations would have exposed him to Native marginalization.[46] In truth, his literalist principles produced the signs of sympathy in *McGirt*. While countering Oklahoma's claims that "historical practices and demographics" and the allotment system "proved disestablishment,"[47] he cited the original text of the treaties to explain why the reservations still existed, stating that, "[w]hen interpreting Congress's work in this arena, no less than any other, our

[45] Goodrum, "Meeting the McGirt Moment," 205-206.
[46] Mark Joseph Stern, "The Surprising Reason Neil Gorsuch Has Been So Good on Native Rights," Slate, June 15, 2023, https://slate.com/news-and-politics/2023/06/neil-gorsuch-so-good-native-americans-scotus.html.
[47] Goodrum, "Meeting the McGirt Moment," 206-207.

charge is usually to ascertain and follow the original meaning of the law before us."[48] That is, led by Gorsuch, the Court relied on originalism and textualism to rebut Oklahoma's arguments. This method of interpreting the law does not inherently favor tribes, as the steadfast anti-sovereignty track records of other justices with similar doctrines show. Antonin Scalia, who "embraced originalism," voted against tribal interests five-sixths of the time during his Supreme Court tenure, making him "'one of the most rabidly anti-Native justices' ever to serve on the court."[49] Current justice and notorious originalist Clarence Thomas is no less vehement in his anti-Nativism. He believes the Supreme Court ought to "clarify … the idea of a generic trust relationship"—the ward-guardian dependency established in *Cherokee Nation* nearly two centuries ago—because it does not exist in the Constitution.[50] Not only could Gorsuch certainly have been against tribal rights without his jurisprudence, but most other justices who do share his originalist, textualist lens have a far less favorable attitude toward Native Americans.

Moreover, although *McGirt* is a triumph for the Five Tribes, it perpetuates rather than rectifies the system of management with which the United States treats tribes. That, without the *McGirt* decision, its consequences would not have transpired is obvious, yet what this signifies is that Native communities seeking political power must still rely on policies and verdicts handed down from US authorities. In this case, the territory and jurisdiction of the Creek Nation were beholden to what the Supreme Court decreed—an instance of the United States's judgment determining which tribes deserve

[48] McGirt v. Oklahoma, 591 U.S. 1, 18 (2020).
[49] Adam Liptak, "Justice Neil Gorsuch Is a Committed Defender of Tribal Rights," *The New York Times*, June 15, 2023, https://www.nytimes.com/2023/06/15/us/politics/neil-gorsuch-supreme-court-opinions.html.
[50] Matt Ford, "Clarence Thomas Wants to Demolish Indian Law," *The New Republic*, June 23, 2023, https://newrepublic.com/article/173869/clarence-thomas-wants-demolish-indian-law.

certain rights and which do not, in which both Gorsuch and the liberal justices were complicit. The US still owns the rights of the Creek Nation, and just as it can give, so too can it take away. Despite transferring power from a state to a tribe, *McGirt* is not a break from the United States' techniques of control. The continuing Native dependence on legal success, combined with *McGirt*'s outcome having relied on Gorsuch's unique blend of conservative originalism and honest textualism, does not suggest systemic shifts.

V. Conclusion

The US manipulates tribal authority, both expanding and shrinking it, to maintain a steady erosion of Native power. By confining and confusing tribal influence, the federal government cuts away at Native peoples' sovereignty, denying them their rights to culture, land, and well-being. Enlarging it, although ceding jurisdiction to tribal leaders, ultimately reinforces the vector of recognition pointing from the settler toward the Native. The consequent volatility brings its own social control to bear on Native communities by denying tribal governments the basic guarantee that they can protect their people. The United States's relationship with Native nations rests upon a perniciously destructive framework that attacks Native self-determination from innumerable angles while legitimizing itself through claims of care or cooperation. Through judicial cases like *Cherokee Nation v. Georgia* and *McGirt v. Oklahoma*, as well as federal policies like the Dawes Act and the practices of agencies like the Forest Service and the Office of Federal Acknowledgement, the US actively limits and fragments Native autonomy. These legal and bureaucratic mechanisms, although internally disjointed, work in concert to destabilize tribal authority, ensuring that sovereignty and jurisdiction remain conditional, partial, and revocable. Similarly,

federal gestures toward recognition or progress camouflage, and thus help to perpetuate, the keeping of Native political capacities contingent on settler terms. By instating boundaries within and around Native communities' scopes of authority, particularly their legal jurisdiction, the United States works to erode Native power.