

## **Making Sovereignty Mean Something: Native Nations and Creative Adaptation**

Michelle Watts  
American Public University System, United States of America

## Abstract

Scholarship regarding Native Nations has often focused on the problems of Native Nations caused by a brutal history of genocide, repression and forced assimilation. Relatively little attention has been paid to how Native Nations creatively adapt to their circumstances in a continual process of reinvention. This article provides insights into Native Nations through examples in the lower 48 states and Alaska. This study, based on 16 interviews the author conducted with Native Nations leaders in Alaska and the lower 48 states, demonstrates how Native Nations adapt to their unique circumstances to make sovereignty meaningful, because of and in spite of federal legislation that seeks to govern Nation Nations. Ultimately, I argue that many Native Nations today are purposefully modernizing by creatively adapting to their circumstances, transforming systems of governance, and leveraging economic tools, integrating their own evolving cultural practices. While *modernization* implies following a Western developmental path, *purposeful modernization* is driven by the choices of the people. While change was forced upon Native Nations in numerous, often devastating, ways since colonization, they have nevertheless asserted agency and formed governments and economic institutions that reflect and reinforce their own cultural norms. This article highlights examples of how Native Nations and the lower 48 have adapted given the very different circumstances created in part by state and federal policies such as the Indian Gaming Regulatory Act (IGRA) and Alaska Native Claims Settlement Act (ANCSA).

*Keywords:* creative adaptation, economic sovereignty, gaming, governance, Harvard Project on American Indian Development, indigenous, purposeful modernization, the Indian Gaming Regulatory Act (IGRA) and Alaska Native Claims Settlement Act (ANCSA)

## Introduction

For too long, we have read about the difficulties of Native Nations and depredations against Indigenous people. When scholars have paid attention to Native Nations, it is often to chronicle atrocities, those that are easily seen when the government sought to exterminate Indigenous peoples, as well as the less visible ones inflicted through various federal policies since colonization. This article explores the way Native Nations in the United States employ purposeful modernization, defined as intentional development, and creative adaptation, defined as reacting to circumstances in inventive ways (Hosmer, 1999) to further integrate cultural practices into their communities and make sovereignty meaningful. This article explores examples of Native Nations in the lower 48 and Alaska, discussing how Indian Gaming Regulatory Act (IGRA) and Alaska Native Claims Settlement Act (ANCSA) have influenced their development and notions of sovereignty in very different ways, contributing to distinct ways of reinventing themselves.<sup>1</sup>

### The Meaning of Sovereignty

A brief review of definitions of sovereignty reveals a wide variety of opinions, particularly concerning Indigenous peoples (Porter 2002). At the most basic level, the National Congress of American Indians (NCAI) (n.d., p.18) defines sovereignty simply as “the authority to self-govern.” As Krasner (2001) and Waltz (1979) point out, for most, if not all states, sovereignty is constrained in some way. Ruckstuhl (2017) asserts that sovereignty always falls “within the prescribed conditions dictated by the settler state” (p. 40). The opinions of Supreme Court Chief Justice John Marshall have had a lasting impact on notions of sovereignty in the United States; his depiction is echoed over one hundred years later in President William J. Clinton’s Executive Order 13175, which describes tribes as “domestic dependent nations” with “inherent sovereign powers over their members and territory” (Clinton, 2000).

Hosmer and Nesper (2013) explain that the sovereignty of Native Nations emerges from the competing claims between Indigenous and “colonialist legal/constitutional frameworks” (p. 13–14). Scholars point out that sovereignty is a European rather than Indigenous concept (Ortiz, 2002; Deloria, 1996; Lerma, 2014). Fenelon (2002, p. 134) describes the tension between Native Nation, state, and federal governments as a form of “dual sovereignty” that varies considerably for each Native Nation. Bruyeel explains the notion of a “third space of sovereignty” on the fringes of the US political system, neither in nor out, continually resisting the dictates of prevailing powers in “postcolonial conflict” (2007, xvii). For many Native Nations, power historically was dispersed among many leaders within a Native Nation rather than centered in a hierarchical system; the ability to formulate their own system of governance has far-reaching impact on socio-economic conditions as well as culture. Wilkins (2015) expounds on the all-encompassing nature of sovereignty: “It is about more than political boundaries; it defines nothing less than our living, collective power which is generated as traditions are respectfully developed, sustained, and transformed to confront new conditions” (para. 1). Thus, sovereignty is an underlying force that influences multiple facets of life, allowing Native Nations to exercise agency in the way their communities develop and change.

---

<sup>1</sup> This article developed from a multi-year study conducted in several different states. I have no Indigenous heritage and am a settler in the United States; my interest in these issues came after years of studying Indigenous groups in other countries, which brought forth a desire to know more about the rich heritage of Indigenous peoples in the United States while doing research for my dissertation. This article incorporates Indigenous voices based on 16 interviews conducted for this study; these interviews were held in Alaska, Arizona, New Mexico, and by phone but does not pretend to be representative of any Native Nation.

## **Indigenous Themes in the Social Sciences**

Scholars observe the gaps in past research involving the Indigenous and governance across disciplines. Aufrecht (1999) documents that for many years tribal governments were rarely featured in the field of public administration. He speculates that this paucity is due to assumptions that Native American governance systems do not fit into “our models of the world” (Aufrecht, 1999, p. 375). Cornell opines that Indigenous governments were often viewed as “poor facsimiles” of governments, not worthy of scholarly attention (2020, personal communication). While Ronquillo (2011) counters that by casting a wider net outside of what is strictly considered public administration, neglect of Indigenous themes is less evident, Mason (2000) asserts that “for most Americans and even most elected officials, what happens in Indian Country might as well be happening in Antarctica” (p. 7). Nonetheless, change is on the horizon. Post-colonial theorists and Indigenous scholars challenge Western assumptions about social science concepts, such as the focus on the state as well as the nature of sovereignty (Lightfoot, 2016). Moving away from “intellectual hegemony” (Wilmer, 2016, p. 2) means including Indigenous issues and scholars in all disciplines.

### **The Harvard Project**

The Harvard Project on American Indian Economic Development (HPAIED), in conjunction with the Native Nations Institute for Leadership, Management and Policy of the University of Arizona, has been a prolific producer of works relevant to Native Nations. Cornell and Kalt (2003) argue for a nation-building approach that incorporates sovereignty, institutions, and a development strategy that fits the culture of the Native Nation. In this and other HPAIED scholarship (Cornell and Kalt; 1998; 2000; 2003; 2006; Jorgensen & Taylor, 2000), the central findings are reiterated that sovereignty, institutions, leadership and cultural fit, matter in forming and maintaining effective Native Nation governments. The Harvard Project’s work has been criticized by some scholars for being overly simplistic and prescriptive (Mowbray, 2005; Mowbray, 2006; Sullivan, 2006). Mowbray (2006) objects to the uncritical acceptance and application of the Harvard precepts in Australia, which he argues are not justified by the evidence presented. Sullivan (2006) alleges that the Harvard program has become a “product and brand, sold by and selling the Harvard Project itself” (p. 4). Perhaps this critique is reflective of the ways that it is adopted by some rather than the work itself. I argue that Harvard’s work has a significant place in highlighting issues critical to the success of Native Nations that have a practical application for Native Nations, but that more scholarship about Native Nations is needed; in particular, the contribution Indigenous scholars will be invaluable in the academic literature across disciplines.

### **Modernization, Purposeful Modernization, and Creative Adaptation**

Theories of modernization shed light on how the policies of the United States government historically have contributed to the creation of tribal governments that reflect Western norms and structure. Rostow’s (1960) stages of growth provided a foundation for modernization theory; he predicted that countries would pass through five stages as each became a mature capitalist economy, thought to go naturally with a Western-style democracy (Mazrui, 1968). O’Neill (2004) professes, “Clearly ethnocentric and, at best, paternalistic, modernization theory shaped the foundations of American Indian policy from the development of the first boarding schools and reservation land allotments to the Indian New Deal and Termination” (p. 5). Hosmer (1999) adds, “modernization theory argues for the inevitability of assimilation” (p. 8); cultural change was seen as a necessary step in achieving true development defined by Western standards (Hosmer & O’Neill, 2004). While modernization theory is no longer

accepted uncritically, ideas about cultural change and development still favor Western models without adequately accounting for difference (Hosmer & O'Neill, 2004). Purposeful modernization incorporates the idea of agency; development does not have to occur from the top down. Hosmer (1999), through a close examination of two Native Nations, advances the notion of purposeful modernization and creative adaptation. He holds up the examples of the successful transformation of the Metlakatlan and Menominee economies as adaptations without sacrificing culture. This is not to say that cultural change and loss do not occur, but rather to acknowledge the role of Native Nations in influencing transformation.

### **Indian Gaming Regulatory Act (IGRA): Background**

The Indian Gaming Regulatory Act (IGRA) brought important changes and opportunities for Native Nations in the lower 48 (casinos are not legal in Alaska, with just a couple of exceptions). Gaming on reservations began to gain traction in 1987 after the Supreme Court's decision in *California v. Cabazon Band of Mission Indians* sanctioned Indigenous rights to operate casinos without state interference. To increase regulation of gaming, Congress passed IGRA in 1988 (Meister, Rand, & Light, 2009). IGRA has transformed the relationship between the federal government and Native Nations by requiring a compact between the state and Native Nation, forcing Native Nations to negotiate with the state over the terms of gaming, what Corntassel and Witmer (2008) refer to as "forced federalism." States gain leverage over Native Nations by threatening to set up casinos near reservations unless Native Nations pay for exclusivity rights (Meister, Rand, & Light, 2009; Corntassel & Witmer, 2008; Hansen & Skopek, 2011). Nevertheless, some Native Nations employ gaming and other economic endeavors as tools of economic sovereignty.

Native Nations consider gaming a sovereign right; several respondents (R. Smith, personal communication, July 26, 2017; A. Crotty, personal communication, April 17, 2018; D. Montoya, personal communication, February 2, 2018) noted that casinos have cultural foundations in traditional Indian games. Gaming has become an important economic force for many Native Nations; moreover, respondents in the lower 48 mentioned several ways that gaming has benefited the community, including raising cultural awareness, improving education and infrastructure, as well as providing public services, such as police and fire departments. It is important to note that gaming has uneven and often negative effects.<sup>2</sup> Below, this article discusses specific examples of Native Nations in the Lower 48 using gaming as well as other economic and political tools to purposefully modernize.

#### **Acoma Pueblo**

The Acoma Pueblo Tribe of New Mexico was among the first to establish gaming facilities in the Southwest; leaders have used the profits to benefit community and culture. Acoma members were able to purchase back lands taken away during colonization. While casino profits have diminished considerably as competition has increased, the Acoma continue to move forward with cultural initiatives, such as a project with the Language Conservancy to develop an 11,000-word Karis electronic dictionary, workbooks and a language app to preserve and spread knowledge of the language (R. Concho, personal communication, April 18, 2018).

---

<sup>2</sup> These effects are not the focus of this current study but are discussed in depth in sources such as Cornell (2008) Corntassel and Witmer (2008), Light (2008), Lee (2014), Akee, Spilde and Taylor (2015), Wilkins and Wilkins (2017) and Hansen (2010; 2020). In addition, discrepancies in earnings from gaming between Native Nations are well documented by the American Gaming Association.

The Acoma realized that cultural loss was likely to occur because so many of their children left the Pueblo to go to school. The quality of the Bureau of Indian Affairs School spurred many to travel away from the Pueblo daily, some even going to boarding schools. To reverse this trend and afford children better opportunities on Acoma territory, the Acoma people opened a new school in July 2018 with a focus on STEM and Native language immersion (R. Concho, personal communication, April 18, 2018).

The Acoma Pueblo form of government does not follow a Western model; instead, its government follows tradition in several ways. First, there are no elections; government positions, including governor, lieutenant governor, a 12-member tribal council, and sheriffs are appointed by *caciques*, the traditional tribal leaders. Appointments are often a surprise to those appointed. Second, women do not hold office. Third, there is no separation between church and state in their government. Finally, those in government participate in almost all aspects of the community—Lt. Gov. Concho might be sitting in an office on one day; on another, he is performing a traditional duty (many of which are secret to those outside the community) or helping to dig an irrigation ditch (R. Concho, personal communication, April 18, 2018). The Acoma Pueblo's style of governance falls outside of the Western model but is not unusual for the pueblos of New Mexico; most do not allow women to hold political positions (Gilbert, Muller, Day, & Sanchez, 1999; Prindeville, 2004). Thus, even while they are running businesses such as casinos, hotels, and travel stops, and becoming increasingly connected to the outside world through the Internet, they are closely guarding and nurturing their own traditional values.

### **The Navajo Nation**

In relatively proximity to Acoma Pueblo, the Navajo Nation is strikingly different, in size and cultural adaptations. The Navajo is the largest tribe in the United States, with over 300,000 enrolled members spread over territory in Arizona, New Mexico, and Utah that stretches over 27,000 miles. A brief look at history sheds light on how the Navajo are adapting despite historical repression.

The Navajo Nation has a tribal court system that it considers a cornerstone of cultural preservation (A. Crotty, personal communication, April 17, 2018); this system was established after many decades of battles with the federal government. Historically, Navajo cultural norms were actively repressed by the military and federal government. The Navajo people were held at Bosque Redondo in the mid-1860s; there the U.S. army divided them into villages and set up a system of justice with the commander of Fort Sumner as judge. In 1883, the Commission of Indian Affairs set up “Courts of Indian Offenses” that allowed Navajo judges, but only if they followed Western cultural norms and styles of dress. Some traditional practices, such as polygamy, acting as or seeing a medicine man or woman, and even giving wedding gifts were classified as crimes (Yazzie, 2003). Nonetheless, the courts began to shift toward Navajo customs in the 1890s, with courts conducting proceedings in a manner more similar to tribal meetings. The Navajo Nation worked against federal attempts to exert greater control over the Navajo by creating its own court system, modeled after the state court system, essentially co-opting the dominant system as a way of warding off federal control. In the 1980s, the Navajo reintroduced Navajo methods and conceptions of justice, including “peacemaking” and the “Fundamental Laws of the Dine” (Yazzie, 2003, para. 10). This system incorporating traditional values has thrived: Navajo Nation Supreme Court Raymond Austin explains that the Navajo Nation has been on the forefront of the tribal legislative movement, establishing tribal laws and courts that reflect Navajo culture (Austin, 2009).

The Navajo face significant economic challenges, suffering from a brain drain and economic drain; 80 cents of every dollar leaves Navajo territory to be spent outside the reservation (A. Peterman, personal communication, April 16, 2018). To change this, Navajo leaders are exploring many options, including bringing data centers to Navajo land, training Navajo youth as tour guides and engaging in ethnotourism. Synthesizing definitions from Ethnotourism.org, this term refers to travel in which tourists participate in the activities and culture of distinct tribal or ethnic communities (2016). Some Navajo offer tourism experiences that take advantage of the lack of electricity and communications in some areas to allow tourists to experience views unobstructed by power lines, a chance to get away from electronic distractions, and the opportunity to stay in traditional Navajo Hogan (A. Crotty, personal communication, April 17, 2018). An example of a Hogan offered on the Air BnB website how the lack of infrastructure is turned into an asset, rather than a deficit, while bringing up questions of cultural appropriation:

The Hogan is a traditional Navajo dwelling. First and foremost a home, a traditional Navajo Hogan is also the center of Navajo ceremonial activity. It is considered sacred. A stay here is an experience. This experience will offer one an insight as to how the Navajo lived not terribly long ago... It is a place of quiet positivity. A lovely place to rest and experience life, if for a brief while as the Navajo did. Again, it is an experience. An interaction with Navajo culture. A place of learning. It is not the Marriot. It is not a five star hotel. It is a five billion star in the sky hotel. (Hogan 2 Glamping on Navajoland)

Ethnotourism is a form of creative adaptation to the Western model of economic development. On one hand, it takes the traditional model of Western tourism, often well-insulated from local culture, and transforms it into a potentially mutually beneficial cultural exchange. Delegate Crotty points out, it is a way for tourists to learn about the Navajo and find out they are not “the stoic peoples that live in teepees or whatever they have watched in movies” (A. Crotty, personal communication, April 17, 2018). In a 2005 Master’s thesis, Malecki argues that the commoditization of culture can promote cross-cultural exchange. This kind of economic development, while not without drawbacks, presents an alternative for local communities who might not be able to sustain other types of enterprises and discourages development that might alter the landscape. On the other hand, it must be acknowledged that renting a Hogan to tourists could be seen as harmful to culture, monetizing it and sharing it with those who lack a full comprehension of it.<sup>3</sup>

### **Port Gamble S’Klallam Tribe**

The Port Gamble S’Klallam Tribe of Washington State has struggled historically after losing an estimated 90% of the tribe during colonization, according to its website. The tribe obtained federal recognition and reservation land in the 1930s. It was one of the first 10 tribes to be self-governing (W. R. Allen, personal communication, August 9, 2017). Moreover, they, along with 26 other tribes in Washington State, forged an agreement with the governor, providing for yearly meetings, facilitating a closer relationship and greater potential to work out mutually beneficial solutions to issues facing the Native Nation and the community at large (W. R. Allen, personal communication, August 9, 2017).

---

<sup>3</sup> Unfortunately, at the current time in the Fall of 2020, tourism on the Navajo reservation, like many economic endeavors, is simply not possible during the pandemic.

To facilitate economic development, they created an Economic Development Authority, the Noo-Kayet Development Corporation (NKDC), that facilitates Native Nation enterprises. Currently, the tribe is one of the largest employers in its area. It has leveraged casino revenue to diversify its own economic activities, as well as to leverage federal, state, or non-profit resources. This has been a boon for infrastructure (on and off the reservation), community services, and cultural programs. They invest in their youth through a strong educational support system that includes a scholarship program.

### **Pala Band of Mission Indians in California**

Likewise, the Pala Band of Mission Indians in California have used their political and economic resources to empower their people and create economic sovereignty. It has leveraged casino funds and other business endeavors, such as a quarry, to produce opportunities for the tribe and local community. They contribute substantially to local infrastructure projects that benefit communities off the reservation: they run a charter school open to non-natives and have started Native language programs in the elementary schools as well as online (R. Smith, personal communication, July 26, 2017).

The Pala Band of Mission Indians use casinos to highlight culture and advance education. Their casinos have displays that draw attention to the cultural sites casino visitors might not be aware of. Their website emphasizes the “Planet Pala” approach to conservation and explains the casino’s sustainable practices and “green culture” (Pala Casino website, accessed 6/26/20). According to Chairman Robert Smith, casino funds allow all of their young people who want to attend college to do so, funding the majority of their education and only requiring some contribution by the student to ensure the student is invested in completing their education. Moreover, gaming funds have been used to build traditional structures, such as sweat lodges (R. Smith, personal communication, July 26, 2017). Thus, the funds from casinos not only make Pala Band a powerful economic force locally, they also allow for cultural revitalization.

### **Wyandotte Nation**

Lacking a land base, the Wyandotte Nation has forged its own economic path by forming a corporation, the Wyandotte Tribe of Oklahoma (WTOK) to handle economic development and sharing the fruits of its labor with the local community. The tribe owns three casinos, in addition to enterprises in the food and entertainment industry. The Wyandotte provide considerable revenue to the state through casinos and taxes. Moreover, when the town could no longer afford a local police force, the tribe took on this responsibility- their police department serves both the town of Wyandotte as well as the Wyandotte Nation. Through Wyandotte enterprises, the tribe has been able to provide health care funds for every member each year, scholarships for all who attend college, and funds toward masters’ degrees as well (Chief Friend, personal communication, June 13, 2018; Wyandotte Nation website).

The Wyandotte Nation proactively promotes culture and education, such as through an innovative internship program students gain experience in Wyandotte enterprises. Moreover, the students are given an orientation to the Wyandotte culture, which includes traveling to important historic sites to learn about their ancestors (Chief Friend, personal communication, June 13, 2018). In fact, according to the Wyandotte’s website, WTOK developed “Wyandotte YOUiversity’s Leadership Development Program” a 4-year program to develop leadership skills that was awarded a bronze achievement medal in August 2020 by the Brandon Hall Group.



The examples above show how Native Nations are forging their own paths, seeking to modernize in ways that often incorporate tribal values. The circumstances that each Native Nation faces are influenced by a long history of depredations and problematic federal policies that have sought to forcibly incorporate the Indigenous into mainstream society. As it became clear that neither trying to force Native Nations to remain on reservations or force them to assimilate into mainstream society were successful, Congress, in coordination with a small group of Alaska Native leaders, attempted a profoundly different system in Alaska. Below, the article explores the unique circumstances in Alaska that have influenced Native Nation adaptation.

### **Alaska Native Claims Settlement Act (ANCSA)**

Alaska's history and its late entry to the United States has meant different paths for Alaska Natives than the Indigenous peoples in the lower 48 states. Alaska's system is unique in that Alaskan Native land claims were settled by the formation of native corporations mandated by the Alaska Native Claims Settlement Act (ANCSA) of 1971, an experiment that remains controversial. One reason for this is the corporate, for-profit culture, which necessitates responsiveness to shareholders, many of whom no longer reside in the community which the corporation purports to serve (Blatchford, 2013). Tribes who chose to participate in ANCSA, which the vast majority of Alaskan tribes did, renounced claims to land and were required to form regional and village corporations to manage the land and economic activities (Dombrowski, 2007). Only Alaskan Natives born by December 18, 1971, received shares in the corporations. The corporations gained title to 45.5 million acres of land and the gradual transfer of \$962.5 million. In exchange, Alaskan Natives gave up claims on 360 million acres of land—all of Alaska (Chaffee, 2008; Blatchford, 2013). ANCSA has shaped the Alaska Native experience in many ways, including making recognition of sovereignty and the very existence of tribes in Alaska a contested issue, demonstrated by varying legal opinions and decrees from Alaskan governors over the years. In 1988 the state Supreme Court Alaska ruled that tribes do not exist in Alaska; it held that Stevens Village, "like most native groups in Alaska, is not self-governing or in any meaningful sense sovereign... there are not now and never have been tribes of Indians in Alaska as that term is used in federal Indian law" (*Native Village of Stevens v. AMP* 2d 32, Alaska 1988). Subsequent orders from the governor's office did little to clarify the situation, such as Governor Steve Cowper's vague acknowledgment that "We contend that many Native Alaskan groups could qualify for tribal recognition under federal law, although some would not" (Cowper, 1990, para. 3). Governor Walter Hickel argued that recognition was incompatible with the policy "that Alaska is one country, one people. The state of Alaska opposes expansion of tribal governmental powers and the creation of 'Indian Country' in Alaska" (Hickel, 1991). In 2000, Governor Tony Knowles pointed out that "Tribes existed in Alaska before the formation of the United States and the State of Alaska. The existence of tribes in Alaska, and their inherent sovereignty, has been recognized by all three branches of the federal government" (Knowles, 2000, para. 3). It was not until 2017 that Alaska State Attorney General Lindemuth issued a definitive opinion; she elucidates that tribes have always existed and have the full recognition of all level of the U.S. government "The law is clear. There are 229 Alaska Tribes and they are separate sovereigns with inherent sovereignty and subject matter jurisdiction over certain matters" (Lindemuth, 2017, p. 16). Lindemuth's opinion is a milestone for Native Nations in Alaska in terms of legal recognition that may help tribes struggling for political power and resources (R. Peterson, personal communication, February 23, 2018). The fact that the very existence of tribes in Alaska was still in question in 2017 is emblematic of the struggle of Native Nations in Alaska. Some Native Nations have thrived in conjunction with Alaska Native corporations; others have thrived despite them.

### **Cook Inlet Region**

Greg Razo, a lawyer and Vice President for the Government Contracting for the Cook Inlet Region, Inc. (CIRI), an Alaska Native Corporation, opines that federal Indian policy toward Alaska has created “some amazing institutions” (G. Razo, personal communication, July 6, 2017). Many of these institutions have generated resources used to benefit Native Nation members and promote cultural preservation. For instance, CIRI is a hugely profitable corporation; CIRI’s website points out that as of 2013, CIRI has distributed over \$1 billion to shareholders, more than the total awarded to all corporations in Alaska with the ANCSA settlement, \$962.5 million. In 2003, CIRI set up an Elders’ Trust, which confers \$450 per quarter to elders deemed eligible as long as trust money remains. The CIRI Foundation, according to their website, has given away over \$30 million in grants and scholarships to further Alaska Native education.

Razo notes that ANCSA did, in effect, stop the development of tribes in many ways and take away their source of revenue by giving corporations the land. Rick Harrison, Co-Chairman of the of the Chickaloon Village Traditional Council, explains that from his perspective, corporations have diminished the status of tribes by taking away their traditional land base and creating a divide between those born before 1971 and those born after 1971 (the “after-borns”) that were not part of the ANCSA settlement. In his view, some corporations do not “play well with the tribes” (R. Harrison, personal communication, July 27, 2017). Despite this tension, the Chickaloon Village has found ways to bridge some of the gaps they encounter such as by finding funding, and working with one of the CIRI non-profits, to establish a clinic that is open not only to tribal members but also the community around them. Moreover, the Chickaloon Nation has established a tribal court, an Elder’s Council as a local dispute mechanism, and a peace officer program to provide tribal policing, allowing for the insertion of culturally appropriate resolutions to conflicts. The tribe negotiated a memorandum of understanding with the state court so that when possible the tribe is given an opportunity to be part of the sentencing, a relatively unusual relationship with state courts. Their tribe has also established a school that is open to non-native children, one of the few tribal schools that goes all the way from kindergarten to twelfth grade (R. Harrison, personal communication, July 27, 2017). The Ya Ne Dah Ah School “Ancient Teachings School” was singled out for an award by Harvard Project in 2002 (Venegas 2005).

### **Southeastern Alaska**

The Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA) is the tribal governing council located in southeastern Alaska. CCTHITA is not affiliated with the Alaska Native Corporation of the area, Sealaska Corporation, but it does collaborate with it on economic and cultural initiatives to benefit Alaska Natives in the region. In a phone interview, the President of the CCTHITA, Richard Peterson, notes that tribes in Alaska have empowered themselves in a struggle has been shaped in many ways by ANCSA. President Peterson explained that the council’s structure was modeled after Western constructs, with cultural adaptations over time (R. Peterson, personal communication, February 2018). CCTHITA has developed a legal system based on traditional values and norms. Moreover, CCTHITA has its own enterprises through the Tlingit-Haida Tribal Business Corporation (THTBC). Through THTBC, CCTHITA acquired KIRA, a Colorado-based federal contracting firm that has administered over one billion dollars’ worth of government contracts; President Peterson described KIRA as “a major force in government contracting. KIRA is the vehicle the tribe needs to generate unrestricted revenue to eventually give us the ability to expand service to our tribal citizens regardless of service area” (Central Council of the Tlingit and Haida Indian Tribes of Alaska [CCTHITA], 2018, para 2). In other words, these resources facilitate the

provision of services for its geographically dispersed population. CCTHITA is striving for “economic sovereignty” (Schoenfeld, 2017, para. 2), which in turn allows for greater cultural salience, such as the construction of a cultural immersion park in Juneau Alaska (R. Peterson, personal communication, February 23, 2018).

### **Metlakatla**

The Metlakatla Indian Community resides on the Annette Islands Reserve and provides a different perspective on the impact of ANCSA and how it has shaped Native Nations’ ability to forge their own destiny. The people of Metlakatla opted out of ANCSA; their territory is more akin to reservations in the lower 48 than the situation of the majority of Alaska Natives. Respondents in Metlakatla took clear pride in the choice their community made to not join the ANCSA settlement and become the only reserve in Alaska. Gavin Hudson, a member of the tribal council, asserts that this path was chosen in order “to maintain sovereignty over our land, water, and people. We determine our future. No amount of money can compensate us for those things, which are priceless” (G. Hudson, personal communication, June 13, 2017). A long-serving tribal council member explained that, by declining to join ANCSA, those in Metlakatla did not “extinguish our right to subsist or our sovereignty,” whereas tribes who are part of ANCSA have to fight for sovereign rights (Anonymous, personal communication, June 12, 2017). Metlakatlans operate the “largest tribally-managed fishery in the United States” (Department of Fish and Wildlife Metlakatla Indian Community, 2017, p. 9). The wealth of their salmon hatchery is shared on feast days when possible, with food provided for the whole community (G. Hudson, personal communication, June 13, 2017). Metlakatlans forge their own path on an island, geographically isolated but increasingly connected to the world through commerce and the Internet.

It is fascinating to note that among those interviewed, those in Metlakatla were passionate about the benefits of not partaking in ANCSA, while many of those interviewed on the mainland appear to feel just as strongly that ANCSA had allowed them to pursue sovereign development (G. Razo, personal communication, July 6, 2017, R. Worl, personal communication June 15, 2017). It is somewhat ironic that leaders Alaska’s only reserve sees itself as a better alternative to the system set up to avoid historical issues of reservations in the lower 48. Of course, it’s important to bear in mind that Metlakatla has a unique historical path, and it cannot be easily compared either to reservations in the lower 48 or the situation of Native Nations in Alaska. Outcomes have been shaped by unique circumstances as well as the choices leaders have made.

### **Policy and Culture**

Federal policies that affect Native Nations have contributed to what one respondent characterized as a pendulum-relationship, as policies and relations swing back and forth over time (A. Crotty, personal communication, April 17, 2018). These changing policies have often made traditional practices more challenging. For example, in 1871, the young United States ended the policy of making treaties with Native Nations and began policies that encouraged assimilation, dislocation, and termination of Native Nation tribes before swerving into an era self-governance and self-determination, later tempered by the forced federalism wrought by IGRA (Corntassel & Witmer, 2008). Under the Trump administration, there have been numerous obstacles. Many positions at the BIA have gone unfilled or only briefly occupied, creating obstacles for Native Nations seeking to work with the BIA on projects and goals, such as converting land to trust (R. Peterson, personal communication, February 23, 2018).

Moreover, a former Trump-appointed Bureau of American Indian Affairs official, Gavin Clarkson, lectured tribal delegates at the Tribal Interior Budget Council meeting in 2017 on how privileges, such as the subsistence rights considered essential by Native Nations, constitute special privileges and added that special considerations are racist (G. Clarkson, personal communication, July 27, 2017). It is this very notion, that achieving equality means that Native Americans and Alaska Natives be denied the right to exclusive practices such as hunting and fishing on their lands, which jeopardizes their ability to live a traditional life. These rights are not “equal” in the sense that they are not the same rights as everyone else- for instance, giving everyone the same rights to traditional Indigenous hunting grounds means that Indigenous inhabitants have to compete with the larger populace of residents and tourists. Respecting cultural norms and ancestral lands is not a matter of seeking equality, but gaining or preserving certain traditional ways of life. This cannot be achieved by seeking to make everyone the same, but rather by recognizing difference.

In 2017, the Alaska Governor’s office reached an agreement with 17 Native Nations allowing them to begin the process of taking over child protection services. The Alaska Tribal Child Welfare Compact, put into force in 2017, gradually transfers much of responsibility for child welfare to 18 Native Nations in Alaska with the possibility of tribes eventually assuming control of all of the child welfare services. The compact recognizes the capacity of Native Nations to handle child welfare situations, reduces the workload for the Office of Child Services, and results in better, more culturally appropriate outcomes for Indigenous children (Alaska Tribal Child Welfare Compact, 2017, p. 2). This agreement is unprecedented in the United States; the vice president of the Alaska Federation of Natives noted that it will “change the trajectory of our future” (Borromeo quoted in Tiano, 2018); in other words, this is a transformative agreement likely to lead to more such accords. Transitioning duties to Native Nations fosters better relations and likely more efficient services (Cornell & Kalt, 2003). Such accords are essential in enabling Native Nations to follow their own cultural norms and practices while increasing the likelihood that Indigenous children can remain in their communities. This act is not without controversy; when challenged in court a U.S. District has ruled that the law is based on race and therefore parts of it are unconstitutional (Kelly 2018). Nonetheless, the Fifth Circuit Court of Appeals affirmed the constitutionality of the ICWA in its 2019 ruling deciding *Brackeen v. Bernhardt*.

### Conclusions

In spite of the obstacles of state and federal policies, Native Nations today are asserting their culture and political power, often modifying governance structures to combine elements of Western and traditional Native American systems. As Cornell and Jorgensen (2020, p. 13) point out, Indigenous Peoples are involved in “nation rebuilding, a return to the tradition of collective self-government that sustained those peoples for many generations before European arrival on the North American continent, revitalized and revamped to serve Indigenous purposes in today’s very different circumstances.” Moreover, Native Nations are transforming their positions vis-à-vis colonizing powers through economic sovereignty (Schoenfeld, 2017). Economic power is not just coming from gaming and Alaska Native corporations; while both are sources of increased economic and political power, a subtler and less studied force is that of Native Nation leaders as entrepreneurs and chief financial officers of their economic resources through a diverse array of economic initiatives.

While this article seeks to highlight the positive developments of Native Nations in the United States, it cannot be denied that modernization has been historically forced upon Native Nations,

and that if colonization had not taken place, their paths would have likely been completely different (Johnson 2010). One can question whether or not purposeful modernization is possible in this historical context. This article argues that within the context of a history of exploitation and dominance, creative adaptation leads to intentional development, allowing some Native Nations to change in the way they see fit, implementing cultural practices in their own way. Native Nations have overcome tremendous obstacles to continue to care for their communities and self-govern. Sovereignty has many meanings; it is not merely the ability to govern without interference from other government entities but rather to operate in one's interests with the constraints imposed by other powers in a continual give and take. Sovereignty is the right of Native Nations to express their own distinct cultures and traditions in the way that they choose. It is part of the way Native Nations continue to reinvent themselves, forming new institutions that reflect an evolving culture that remembers the past while adapting and innovating for the future.

### **Acknowledgments**

I would like to thank all those referenced in the article who generously gave me their time for interviews and follow up questions. Thank you to Dr Stephen Cornell, who provided comments on drafts of this paper. I would like to acknowledge the assistance of my dissertation committee in conducting the initial research, Dr Kenneth Hansen, Dr Robert Pauly and Dr St. Marie. All errors and omissions are my responsibility.

## References

- Air BNB Website (n.d.). Hogan 2 glamping on Navajoland-Earth houses for rent in page. <https://www.airbnb.com/rooms/15389211?guests=1&adults=1>
- Alaska Department of Health and Social Services (2017, December 12). *Alaska tribal child welfare compact*. <http://dhss.alaska.gov/ocs/Documents/Publications/pdf/TribalCompact.pdf>
- American Gaming Association. (2018). *The economic impact of tribal gaming: A state-by-State analysis*. <https://www.americangaming.org/research/reports/economic-impact-tribal-gaming-state-state-analysis-0>
- Aufrecht, S. E. (1999). Missing: Native American governance in American public administration literature. *The American Review of Public Administration*, 29(4), 370–390. <https://doi.org/10.1177/02750749922064481>
- Austin, R. D. (2009). *Navajo courts and Navajo common law: a tradition of tribal self-governance*. Minneapolis: University of Minnesota Press.
- Blatchford, E. (2013). Alaska Native claims settlement act and the unresolved issues of profit sharing, corporate democracy, and the new generations of Alaska Natives. PhD diss., University of Alaska Fairbanks.
- Bruyneel, K. (2007). *The third space of sovereignty: The postcolonial politics of US-Indigenous relations*. U of Minnesota Press.
- Chaffee, E. C. (2008). Business organizations and tribal self-determination: A critical reexamination of the Alaska Native Claims Settlement Act. *Alaska Law Review*, 25, 107–55.
- Central Council of the Tlingit and Haida Indian Tribes of Alaska. (2018). *Tribe's property management department transferred to KIRA services. March 5th office of the president*. [http://www.ccthita.org/info/press/releases/2018releases/PR03052018\\_Tribe'sPropertyManagementDepartmentTransferredtoKIRA.pdf](http://www.ccthita.org/info/press/releases/2018releases/PR03052018_Tribe'sPropertyManagementDepartmentTransferredtoKIRA.pdf)
- Clinton, W. J. (2000). Executive order 13175-Consultation and Coordination with Indian Tribal Governments. November 6, 2000. *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/index.php?pid=61665%23axzz1LRLPHEvH>
- Cornell, Stephen, and Miriam Jorgensen. (2020). Indigenous nations in postracial America: Rethinking social inclusion. *The Review of Black Political Economy*, 47. <https://doi.org/10.1177/0034644620966033>
- Cornell, S. & Kalt J. (1998). Sovereignty and nation-building: The development challenge in Indian country today. *American Indian Culture and Research Journal* 22(3), 187–214. <https://doi.org/10.17953/aicr.22.3.lv45536553vn7j78>
- Cornell, S., & Kalt J. (2000). Where's the glue: Institutional and cultural foundations of American Indian economic development." *Journal of Socio-Economics*, 29, 443–70. [https://doi.org/10.1016/S1053-5357\(00\)00080-9](https://doi.org/10.1016/S1053-5357(00)00080-9)
- Cornell, S. & Kalt J. (2003). Reloading the dice: Improving the chances for economic development on American Indian reservations. *The Harvard Project on American Indian Economic Development Working Paper Series* (2).

- Cornell, S. & Kalt J.P. (2006). Two approaches to the development of Native nations: One works, the other doesn't. *Rebuilding Native nations: strategies for governance and development*, 3(6), 3–33.
- Cornell, S. (2008). The political economy of American Indian gaming. *Annual Review of Law and Social Science*, 4, 63–82.  
<https://doi.org/10.1146/annurev.lawsocsci.4.110707.172343>
- Cornstassel, J. & Witmer, R.C. (2008). *Forced federalism: Contemporary challenges to Indigenous nationhood*. Norman, OK: University of Oklahoma Press.
- Cowper, S. J. (1990). Administrative Order No. 123. September 10, 1990. Office of the Governor. <https://gov.alaska.gov/admin-orders/123.html>
- Deloria Jr. V. (1996). Reserving to themselves: Treaties and the powers of Indian tribes. *Arizona Law Review* 38, 963-980.
- Department of Fish and Wildlife Metlakatla Indian Community. (2017). 2017 Salmon Fishery Management Plan.  
[http://www.metlakatla.com/assets/documents/fish\\_management.pdf](http://www.metlakatla.com/assets/documents/fish_management.pdf)
- Dombrowski, K. (2007). Subsistence livelihood, native identity and internal differentiation in Southeast Alaska. *Anthropologica*, 49(2), 211–229.
- Ethnotourism.org. (2016). What is ETHNO TOURISM? <http://www.ethnotourism.org/#/>
- Fenelon, J. V. (2002). Dual sovereignty of native nations, the United States, & traditionalists. *Humboldt Journal of Social Relations*, 106–145.
- Ferguson, K. (2016). Why does political science hate American Indians?" *Perspectives on Politics* 14(4), 1029–1038.
- Friedman, L. (2020, March 25). Standing Rock Sioux Tribe wins a victory in Dakota Access Pipeline case. *The New York Times*.  
<https://www.nytimes.com/2020/03/25/climate/dakota-access-pipeline-sioux.html>
- Gilbert, R., Muller, H. J., Boone, E., Day, C., & Sanchez, A. (1999). The business of culture at Acoma Pueblo: Case study and teaching notes.  
<http://www.unm.edu/~hmuller/The%20Business%20of%20Culture%20at%20Acoma%20Pueblo.htm>
- Hansen, K. N., & Skopek, T.A. (2011). *The new politics of Indian gaming: The rise of reservation interest groups*. Reno, NV: University of Nevada Press.
- Hansen, K. N. (2020). Uncivil Rights: The abuse of tribal sovereignty and the termination of American Indian tribal citizenship. *IAFOR Journal of Cultural Studies*, 5(1).  
<https://doi.org/10.22492/ijcs.5.1.03>
- Hickel, W. J. (1991). Administrative Order No. 125. July 1, 2015. Office of the Governor. Retrieved from <https://gov.alaska.gov/admin-orders/125.html>
- Hosmer, B. C. (1999). *American Indians in the marketplace: Persistence and innovation among the Menominees and Metlakatlans, 1870-1920*. Lawrence, KS: University Press of Kansas.
- Hosmer, B.C., & O'Neill, C. Eds. (2004). *Native pathways: American Indian culture and economic development in the twentieth century*. Boulder, CO: University Press of Colorado.

- Hosmer, B. C., & Nesper, L. Eds. (2013). *Tribal worlds: Critical studies in American Indian nation building*. New York, NY: Suny Press.
- Jorgensen, M., & Taylor, J. B. (2000). *What Determines Indian Economic Success?: Evidence from Tribal and Individual Indian Enterprises*. Cambridge, MA: Harvard University.
- Kelly, J. (2018, November 21). Tribes Appeal, Seek Stay on Indian Child Welfare Act Ruling; Feds Yet to Act. *The Chronicle of Social Change*. Retrieved from <https://chronicleofsocialchange.org/adoption/tribes-appeal-seek-stay-indian-child-welfare-act>
- Knowles, T. (2000). Administrative Order No. 186. September 29, 2000. Office of the Governor. Retrieved from <https://gov.alaska.gov/admin-orders/186.html>
- Krasner, S. D. (2001). Sovereignty. *Foreign Policy*, 122 (January-February), 20–29. <https://doi.org/10.2307/3183223>
- Lee, L. L., Ed. (2014). *Diné Perspectives: Revitalizing and reclaiming Navajo thought*. Tucson, AZ: The University of Arizona Press.
- Lerma, M. (2014). *Indigenous sovereignty in the 21st century: Knowledge for the Indigenous spring*. Gainesville, FL: Florida Academic Press.
- Lightfoot, S. (2016). *Global indigenous politics: A subtle revolution*. New York, NY: Routledge. <https://doi.org/10.4324/9781315670669>
- Lindemuth, J. (2017). Legal status of tribal governments in Alaska. Letter from the Attorney General of Alaska to Governor Bill Walker October. 19, 2017. Retrieved from <https://s3.amazonaws.com/arc-wordpress-client-uploads/adn/wp-content/uploads/2017/10/21021026/AG-Opinion-re-Tribal-Government-in-Alaska.pdf>
- Malecki, J. D. (2005). *Tourism and native American culture in the American Southwest*. California State University, Fullerton, ProQuest Dissertations Publishing.
- Mason, W. D. (2000). *Indian gaming: Tribal sovereignty and American politics*. Norman, OK: University of Oklahoma Press.
- Mazrui, A. A. (1968). From social Darwinism to Current Theories of Modernization: A Tradition of Analysis. *World Politics*, 21(1), 69–83. <https://doi.org/10.2307/2009746>
- Meister, A. P., Rand, K. R. L., & Light, S. A. (2009). Indian gaming and beyond: Tribal economic development and diversification. *South Dakota Law Review* 54 (3), 375–396.
- Mowbray, M. (2005). What matters? Policy driven evidence, Indigenous government and the Harvard Project. Australian Social Policy Conference, University of New South Wales.
- Mowbray, M. (2006). Localising responsibility: The application of the Harvard project on American Indian economic development to Australia. *Australian Journal of Social Issues* 41(1), 87–103. <https://doi.org/10.1002/j.1839-4655.2006.tb00012.x>
- National Congress of American Indians. (n.d.). *Tribal Nationals & the United States: An Introduction* Washington, D.C. Embassy of Tribal Nations. [http://www.ncai.org/tribalnations/introduction/Tribal\\_Nations\\_and\\_the\\_United\\_States\\_An\\_Introduction-web-.pdf](http://www.ncai.org/tribalnations/introduction/Tribal_Nations_and_the_United_States_An_Introduction-web-.pdf)



- O'Neill, C., & Hosmer, B. C. (Eds.). (2004). *Native pathways: American Indian culture and economic development in the twentieth century* (Introduction). Boulder, CO: University Press of Colorado.
- Ortiz, J. (2002). Tribal governance and public administration. *Administration & Society*, 34(5), 459–481. <https://doi.org/10.1177/009539902237271>
- Porter, R. B. (2002). The meaning of indigenous sovereignty. *Arizona State Law Journal*, 34, 76–112.
- Prindeville, D. M. (2004). Feminist nations? A study of native American women in southwestern tribal politics. *Political Research Quarterly*, 57(1), 101–112. <https://doi.org/10.2307/3219837>
- Ronquillo, J. C. (2011). American Indian tribal governance and management: Public administration promise or pretense? *Public Administration Review*, 71(2), 285–292. <https://doi.org/10.1111/j.1540-6210.2011.02340.x>
- Rostow, W. W. (1960). *The Stages of Economic Growth: a non-Communist Manifesto*. Cambridge: Cambridge University Press
- Ruckstuhl, K. (2017). A shift in the playing field: Indigenous sovereignty and the philosophy of Jacques Ranciere. *AlterNative: An International Journal of Indigenous Peoples*, 13(1), 35–42. <https://doi.org/10.1177/1177180116689024>
- Schoenfeld, E. (2017, April 28). Southeast Alaska tribal government moves into defense contracts. *Alaska Public Media*. <https://www.alaskapublic.org/2017/04/28/southeast-alaska-tribal-government-moves-into-defense-contracts/>
- Speier, M. (2019, updated July 18). Trump removed the only native American member from the Cultural Property Advisory Committee. *Pacific Standard*. Retrieved from <https://psmag.com/news/trump-removed-the-only-native-american-member-from-the-cultural-property-advisory-committee>
- Sullivan, P. (2006). *Indigenous governance: The Harvard Project on Native American Economic Development and appropriate principles of governance for Aboriginal Australia*. Research Discussion Paper. Australian Institute of Aboriginal and Torres Islander Studies, Australia.
- Tiano, S. (2018). Alaska transfers child welfare services for native Alaskans to tribes. *Chronicle of Social Change*. <https://chronicleofsocialchange.org/child-welfare-2/alaska-transfers-child-welfare-services-for-native-alaskans-to-tribes>
- Venegas, K. (2005). The Ya Na Da Eh school: Melding traditional teachings with modern curricula. Excellence in Tribal Governance: An Honoring Nations Case Study. The Harvard Project
- Waltz, K. N. (1979). *Theory of International Politics*. Long Grove, Illinois: Waveland Press Inc. Kindle.
- Wilkins, D. E. (2015, May 12). The sovereignty of everything, the power of nothing. *Indian Country Today*. <https://indiancountrymedianetwork.com/news/opinions/the-sovereignty-of-everything-the-power-of-nothing/>
- Wilkins, D., & Wilkins, S. H. (2017). *Dismembered: Native disenrollment and the battle for human rights (Indigenous confluences)*. University of Washington Press.

Wilmer, F. (2016). Indigenizing *Political Science* or *Decolonizing Political Scientists?* *Perspectives on Politics*, 14(4), 1050–1051.  
<https://doi.org/10.1017/S1537592716002966>

Ya Ne Dah Ah School | Government Innovators Network. (n.d.). Retrieved October 16, 2020, from <https://www.innovations.harvard.edu/ya-ne-dah-ah-school>

Yazzie, R. (2003, February 11). History of the Courts of the Navajo Nation. Prepared for the Orientation of the Judiciary Committee of the Navajo Nation. from <http://www.navajocourts.org/history.htm>

**Corresponding author:** Michelle A. Watts

**Contact email:** [Mwatts@apus.edu](mailto:Mwatts@apus.edu)