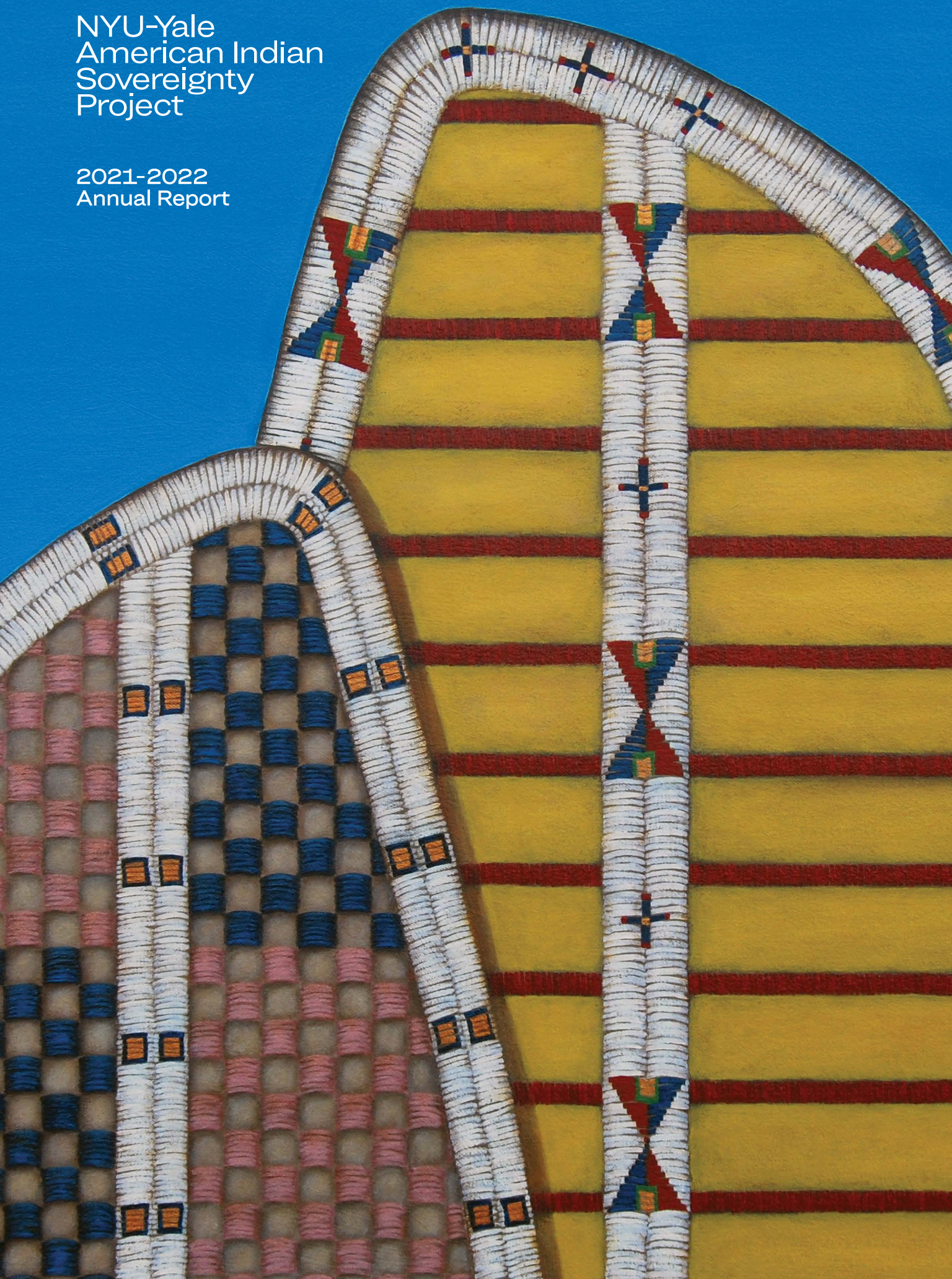
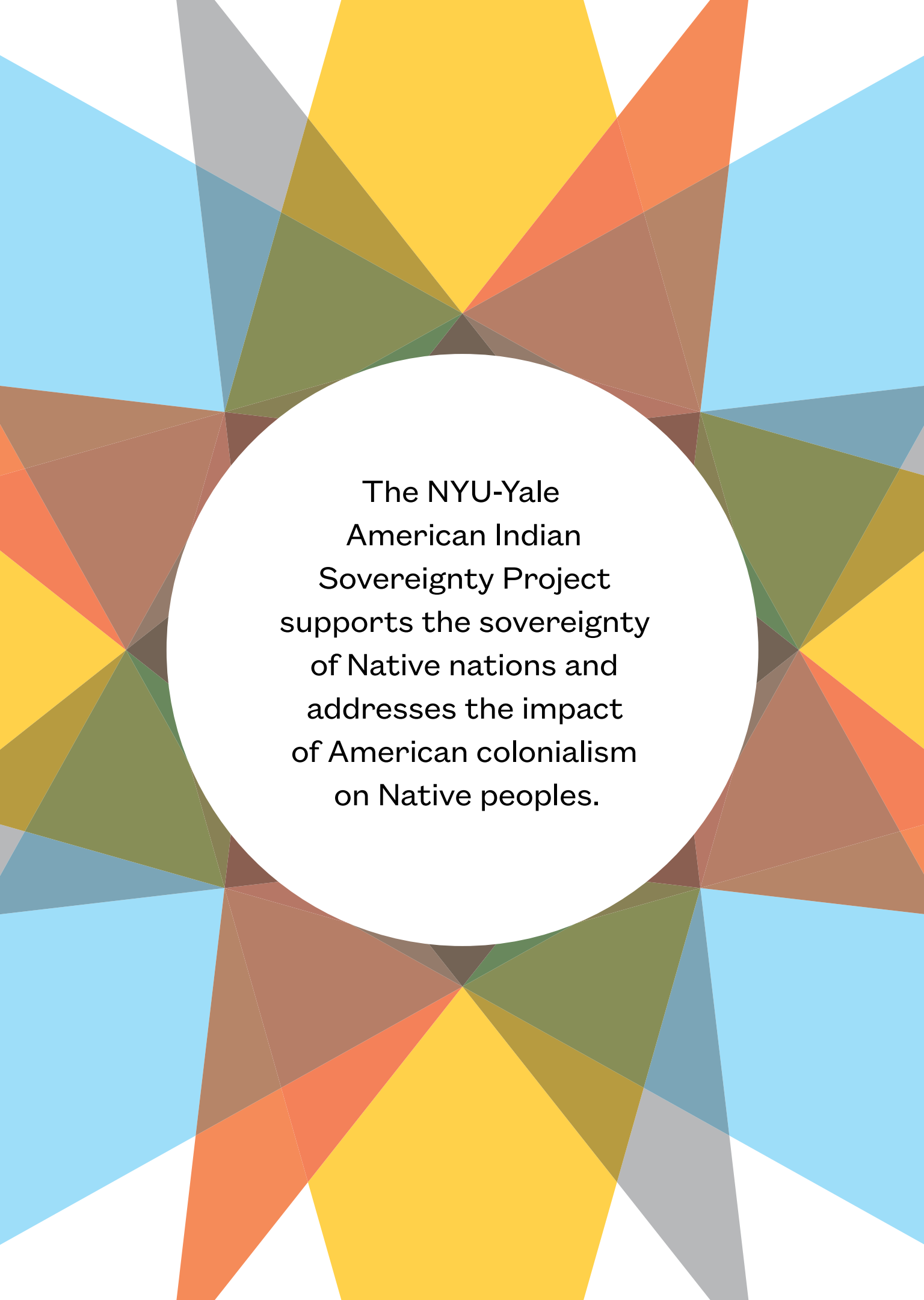


NYU-Yale
American Indian
Sovereignty
Project

2021-2022
Annual Report





The NYU-Yale
American Indian
Sovereignty Project
supports the sovereignty
of Native nations and
addresses the impact
of American colonialism
on Native peoples.

Dear Friends and Colleagues,

It is our great pleasure to share this annual report and to thank you for your sustained support of American Indian sovereignty.

While the past twelve months have highlighted the legal challenges that Native nations and their advocates confront within the U.S. court system, we believe that our collective efforts reveal how coordinated research, advocacy, and training can effectively address these challenges. It has been a busy year, one filled with unanticipated achievements, new collaborations, and well over one hundred pages of briefs filed on behalf of Indian Country.



Maggie Blackhawk

Co-director, NYU-Yale
American Indian
Sovereignty Project
Professor of Law,
New York University
School of Law

When we first conceived of a joint venture to bring together the resources and capabilities of our two incredible institutions—NYU School of Law and Yale University Faculty of Arts and Sciences (FAS)—we had little sense of the many obstacles, and opportunities, ahead of us.

From hiring a dedicated team to obtaining requisite office space, the early months of the Sovereignty Project centered on building infrastructure and organizational capacity. Fortunately, we were assisted in these endeavors by capable campus leaders, particularly within NYU Law and Yale FAS. Without their critical efforts and enthusiastic support, our work would not have proceeded, and we extend our deep appreciation to these offices and campus officers.

Even more remarkably, the Project has undertaken so much in 2022 that the foundational work of 2021 has faded into the background. In partnership with the Native American Rights Fund (NARF) and the National Congress of American Indians (NCAI), the Native Amicus Briefing Project soared into action, taking on four United States Supreme Court amici briefs in under eight months. Filed on behalf of members of Congress, leading Indian legal scholars and historians, and professional and scholarly history organizations, our amici briefs became central to the merit briefs in each case. We are immensely proud of the impact that the briefs had on each case, particularly in *Denezpi v. United States*, when Justice Stephen Breyer referenced our brief during oral argument. The enclosed “Advocacy” section outlines these efforts in detail.

From the outset, we have always envisioned the Project as a collaboration to cultivate support for the field of Indian law and to work institutionally to build academic infrastructure. We have already seen meaningful progress toward our goals—and, more excitingly, we are already expanding our scope, as institutions and scholars approach us with new partnerships and initiatives. Several are detailed in this report, including both the “Tribal Constitutions Project” at Northwestern University and the 2022 Institute for Constitutional Studies.

These are but a few of the wonderful developments that have enriched our work over the past year. As we reflect, we are truly grateful for the Project’s rich collaborations among our students, faculty, and staff; with NCAI and NARF; and with our law firm partners. These relationships have formed enduring bonds that will, like the Project itself, continue to grow in new and promising ways.

Please enjoy learning more about our remarkable progress, as well as peruse the student profiles enclosed within. Thank you again for your ongoing support.

Very Sincerely,

A handwritten signature in blue ink, appearing to read 'Maggie B'.

Maggie Blackhawk

A handwritten signature in blue ink, appearing to read 'Ned B'.

Ned Blackhawk

Advocacy

The Sovereignty Project aims to assist Native nations and their citizens by researching, drafting, and filing briefs on cases central to Indian Country, while also developing new collaborative methods for tracking federal court cases involving Indian affairs. Such work and study are critical to further developing the nation's community of federal Indian law and policy advocates, particularly within the Tribal Supreme Court Project, coordinated by the Native American Rights Fund and the National Congress of American Indians, while also training current law students in the applied and clinical dimensions of federal Indian law. Nearly four dozen students at Yale, NYU, and other law schools worked on Project briefs in 2021-22 and aided in implementing our newly developed methodologies for tracking Indian law cases.

Native Amicus Briefing Project

The Native Amicus Briefing Project—in partnership with the Native American Rights Fund and the National Congress of American Indians’ Tribal Supreme Court Project—is a collaborative research effort coordinated by the Sovereignty Project to develop briefs and track ongoing cases related to Indian law in the federal courts.

The Native Amicus Briefing Project—in partnership with the Native American Rights Fund and the National Congress of American Indians’ Tribal Supreme Court Project—is a collaborative research effort coordinated by the Sovereignty Project to develop briefs and track ongoing cases related to Indian law in the federal courts.

Over the course of the past year, the Native Amicus Briefing Project has filed four amici briefs in the United States Supreme Court—*Penobscot Nation v. Frey*, *Denezpi v. United States*, *Oklahoma v. Castro-Huerta*, and *Brackeen v. Haaland*. The rulings of these cases have had and will have far-reaching consequences across Indian Country.

Each of the Project’s amici briefs provided a critical perspective largely missing from the merits briefs. Our briefs have both supplemented necessary information for the Court’s guidance and interpretation and allowed for individuals not party to the case to have a voice in the proceedings. Furthermore, they have influenced the merits briefs, as well as other amici briefs, with their novel arguments and significant research. Thus far, the Project has seen success in one of the three cases decided and has influenced dissents in others. *Brackeen* is set for oral argument this coming term.

A second element of the Native Amicus Briefing Project is our tracking work, where our team monitors ongoing cases related to Indian law in the federal courts. This enables our staff, partners, and students to understand key trends in Indian Country and to develop long-term strategies for supporting tribal sovereignty through the courts. Tracking cases supports the Project’s parallel goal of drafting amici briefs in the lower federal courts that educate and assist with the interpretation of laws.

Dedicated law students from NYU and Yale have been at the heart of our advocacy efforts, while students from Harvard and Stanford have also worked in varying capacities with the Project. In fall 2021, fifteen students collaborated with Project co-director Maggie Blackhawk and clinical fellow Amanda L. White Eagle to research and draft briefs and to track cases. In spring 2022, we were grateful to have twenty-two students on our team, with five staying on for summer 2022. This upcoming semester, we have a total of twenty-six students collaborating on this critical work. As students contribute to vital efforts to protect Indigenous sovereignty, they are also able to hone their research and legal writing skills under the guidance of Blackhawk and White Eagle, preparing them for civil and appellate litigation.

Our Partners

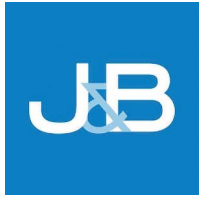


Native American Rights Fund and National Congress of American Indians's Tribal Supreme Court Project

The Sovereignty Project is proud to work with the [Tribal Supreme Court Project \(TSCP\)](#), a joint project between the [Native American Rights Fund \(NARF\)](#) and the [National Congress of American Indians \(NCAI\)](#). Over the past year, the Sovereignty Project, in coordination with the TSCP, has drafted four amici briefs in cases before the Supreme Court and has also conducted independent legal and historical research for Tribal parties and interests.

Founded in 2001, the Tribal Supreme Court Project works to strengthen tribal advocacy before the U.S. Supreme Court by developing new litigation strategies and coordinating tribal legal resources, in order to ultimately improve the win-loss record of Indian tribes. The TSCP is staffed by attorneys with NARF and NCAI and consists of a Working Group of over 200 attorneys and academics from around the nation who specialize in Indian law and other areas of law that impact Indian cases, including property law, trust law, and Supreme Court practice. In addition, an Advisory Board of Tribal Leaders assists the TSCP by providing the necessary political and tribal perspective to the legal and academic expertise.

As part of its Working Group, the TSCP assembles a diverse group of stakeholders in Indian Country, including professionals ranging from academics and practitioners to tribal leaders and tribal governments to allies, to discuss cases before the U.S. Supreme Court that affect Indian Country. These sessions, facilitated by TSCP, play an essential role in the Project's mission of both engaging in legal advocacy and training the next generation of legal scholars in the field of Indian law. At each meeting, co-director Maggie Blackhawk provides updates on the Project's amici briefs, including potential legal arguments and relevant research conducted by Project students. Our students gain key experience in national advocacy efforts by participating in these meetings and engaging with the many stakeholders present, as well as by receiving and contributing feedback to brief drafts. These TSCP Working Group meetings often also result in additional collaborations and solutions for evaluating and analyzing federal Indian law case concerns. For example, clinical fellow Amanda L. White Eagle testified with legal scholars at an online event hosted by NCAI and NARF regarding a potential "Castro-Huerta fix."



Jenner & Block Appellate and Supreme Court Practice and Native American Law Practice

The Sovereignty Project is also proud to be a partner of the [Appellate and Supreme Court and Native American Law Practices](#) of Jenner & Block, a law firm with global reach and offices in Chicago, London, Los Angeles, New York, San Francisco, and Washington, D.C. The firm is known for its prominent and successful litigation practice, global investigations, and experience handling sophisticated and high-profile corporate transactions.

Its clients include Fortune 100 companies, technology companies, large privately held corporations, emerging companies, Native American tribes, and venture capital and private equity investors. *American Lawyer* has recognized Jenner & Block as the number one pro bono firm in the United States in eleven of the last fifteen years.

Jenner & Block and the Project entered a formal partnership to assist with Supreme Court amicus briefs on an annual and ongoing basis. This innovative partnership between the Project and one of the preeminent law firms working on federal Indian law matters before the U.S. Supreme Court merges resources and expertise to support tribal sovereignty.

“This past year the NYU-Yale American Indian Sovereignty Project has been an invaluable partner to Jenner & Block in Indian law cases before the U.S. Supreme Court. We were proud to formally partner with the Project to submit an amicus brief on behalf of federal Indian law scholars and historians in Denezpi v. United States, where the Supreme Court reaffirmed that

Native American Tribes are separate sovereigns for the purposes of the Double Jeopardy Clause. The Project’s brief was cited at oral argument by Justice Stephen Breyer, who ultimately voted in favor of the tribal position. Being cited at oral argument is a rare achievement for any amicus brief, and it underscores the serious attention the Justices paid to the brief.

We also benefited enormously from the Project’s collaboration in two critical Indian law Supreme Court cases where we represented parties—Oklahoma v. Castro-Huerta and Brackeen v. Haaland (still pending). In both, the Project submitted exceptional amicus briefs providing the Court with crucial historical context. That work, in our view, is essential, as modern Indian law is deeply rooted in history.”

—Leonard R. Powell, Senior Associate,
Jenner & Block Appellate and Supreme
Court Practice and Native American
Law Practice

Penobscot Nation v. Frey

On January 6, the Project, in partnership with NARF, NCAI, and Deutsch Hunt PLLC, filed its first amicus brief with the Supreme Court in *Penobscot Nation v. Frey*, on behalf of Native American Caucus Co-Chair and U.S. Representative Sharice Davids and Native American Caucus Vice Chair and U.S. Representative Raúl Grijalva.

In *Penobscot Nation v. Frey*, the Supreme Court had the opportunity to correct a recent First Circuit decision that upended established Indian law canons of construction and undermined the principles of sovereign-to-sovereign relations that govern engagement between Native nations and the United States. The First Circuit's decision forced the Penobscot Nation to cede, without compensation, sovereignty over the only place where the Nation's fishing rights matter—the Main Stem of the Penobscot River—on the unprecedented theory that inter-sovereign agreements between the United States and Native nations, such as statutes, are analyzed differently than formal treaties.

As elaborated in the brief, the First Circuit's decision violates the sovereignty of the Penobscot Nation and unsettles expectations of other Native sovereigns whose relationships with the United States are governed by non-treaty agreements.

The brief, filed in support of the Penobscot Nation's petition for a writ of certiorari, argued that the First Circuit's approach disregarded Supreme Court precedent by treating formal treaties differently than other inter-sovereign agreements. The brief also argued that the First Circuit's decision ignores trends away from the formal treaty

process toward “treaty substitutes” in all areas of foreign relations, including relations with Native nations. Rather than applying established rules that place treaties and treaty substitutes on equal footing, the First Circuit created a new doctrine for inter-sovereign agreements ratified by statute.

As elaborated in the brief, the First Circuit's decision violates the sovereignty of the Penobscot Nation and unsettles expectations of other Native sovereigns whose relationships with the United States are governed by non-treaty agreements. The Appendix to the brief listed the more than ninety Native nations with reservation boundaries set by statute or executive order whose ability to govern sovereign lands and to exercise rights protected by treaty substitutes is threatened. In a footnote, the brief also notes that the decision could introduce uncertainty to non-treaty agreements with foreign sovereigns.

In April, the Supreme Court denied the Nation's petition for cert, declining the opportunity to reverse the injustice to the Penobscot Nation and bring the First Circuit's law in line with long-standing principles of Indian law. Unfortunately, the practical result means that the Penobscot Nation does not have regulatory authority over the river surrounding their reservation islands. Lacking regulatory authority negatively impacts their sovereign rights for subsis-

Student Profile: Sonora Taffa

Originally from St. Louis, Missouri, Sonora Taffa is Quechan. She received her B.A. in English and Anthropology from Yale College in 2018 and is currently pursuing a J.D. at Yale Law School and M.E.M. at the Yale School of the Environment.

What inspired you to join the Sovereignty Project? I took federal Indian law my 1L year of law school. It's a fascinating area of law—and one in which students can have a big impact. Our federal court system hears hundreds of cases involving tribal interests every year, but not all lawyers and judges are versed in Indian law. Our work ensures that tribal interests are fairly considered.

What work have you done with the Project over the past year? I tracked cases involving tribal interests in the Fourth Circuit, flagging and summarizing issues that may impact Indian Country. I also researched ways in which the Indian Child Welfare Act relates to the anticommandeering principle and international consular law in preparation for the Project's amicus brief in *Brackeen v. Haaland*.

What have you learned from being involved in the Project? The Project has strengthened my analytical skills. Reading active Indian law cases is not like reading a textbook—the key questions and issues are sometimes muddled or entirely neglected. I have been challenged to independently identify and analyze legal issues in the first instance.

What have you enjoyed most about your work with the Project? My favorite part of working with the Project has been meeting with other Native students and students interested in Indian law. This community has reminded me that legal work can be collaborative and creative.

How has your involvement with the Project shaped your academic and professional goals? My work with the Project has made me realize that federal Indian law is a very horizontal subject. It touches virtually every other area of law imaginable—from tax, to property, to family law. Thanks to the Project, I now read cases in my other classes with an eye toward potential issues and applications in Indian Country.

What other activities are you involved in at Yale Law School? I served as the 2021 Chair of the Native American Law Students Association (NALSA). I am also a member of the Veterans Legal Services Clinic.



tence, such as fishing, hunting, and trapping rights. Despite this disappointing decision, the Project's brief provided a necessary historical perspective on behalf of Representatives Davids and Grijalva through the contributions of the NYU Law and Yale Law students who assisted the Project with their diligent and detail-oriented historical research, treaty research, pinpoint cita-

tions, and citations. According to professor Amanda L. White Eagle, "Most significantly, the brief, or portions of it, can be used in the future to address similar issues regarding the interpretation of treaty and treaty substitute cases, as the merits briefs did not address this broad concern over the wide-ranging impact of this case on other treaties and treaty substitutes."

Denezpi v. United States

On January 18, the Project filed its second amicus brief in *Denezpi v. United States*. Members of the project, including students from NYU, Yale, and Stanford, worked with federal Indian law scholars and historians, the Native American Rights Fund, and Jenner & Block to file this brief.

By the
numbers

4

Supreme
Court Briefs
filed

The double jeopardy case presented the question of whether the federal government can prosecute Merle Denezpi, a Navajo citizen, for the federal-law offense of aggravated sexual abuse, after he was already prosecuted for the same incident in the Ute Mountain Ute Tribe's Court of Indian Offenses, where he was convicted of the tribal-law offense of assault and battery.

The Supreme Court has recognized that a single act violating two sovereigns' laws comprises two distinct offenses for which the Constitution's Double Jeopardy Clause permits two prosecutions. The Court has also recognized that, for the purpose of double jeopardy, Indian tribes and the United States are distinct sovereigns, because tribes' authority to prosecute and punish conduct stems from inherent sovereignty and not a grant of federal authority. Applying that precedent, both the federal district court and the Tenth Circuit held that the Double Jeopardy Clause did not bar federal prosecution in this case.

Accordingly, the Project's brief focused on the ultimate source of the prosecutorial power of the Courts of Federal Regulations (C.F.R. Courts). Historical research concluded that C.F.R. Courts derive their prosecutorial power from the tribes they serve. As the brief's careful look at history

provides, present-day independent tribal courts established under tribal constitutions trace their origins to the Courts of Indian Offenses, which later became C.F.R. courts. Today, C.F.R. Courts remain functionally tribal courts. They differ from other tribal courts only in that they receive direct federal financing and logistical assistance.

In its brief, the Project notes that in the nineteenth century, the federal government routinely sought, sometimes heavy-handedly, to shape its federal aims and policies through C.F.R. Courts. The courts, however, failed in achieving this objective because they were controlled by Native people. Native judges rarely punished community members for cultural practices and, instead, made decisions based on tribal law and customs through informal adjudications, often carried out in Indigenous languages. Nonetheless, at the time of the courts' creation, Congress had foreclosed federal criminal jurisdiction over the categories of crimes prosecuted in the Courts of Indian Offenses due to the U.S. Supreme Court's decision in *Ex parte Crow Dog*. When the federal government shifted its policy to goals more closely related to the restoration of tribal self-governance, there was a resulting impact on Courts of Indian Offenses. Efforts to punish practices of Native culture were abandoned, and tribes could enact their

own criminal laws instead. When Congress enacted the Major Crimes Act, it recognized the Courts of Indian Offenses were an inadequate substitute for federal criminal jurisdiction because they relied upon tribal prosecutorial authority. The courts were also renamed C.F.R. Courts at that time.

Many tribes have shifted away from C.F.R. Courts toward wholly independent tribal courts. However, not every tribe has had the resources to create tribal courts independent of the C.F.R. Court infrastructure, and today, five C.F.R. Courts continue to serve fifteen tribes. These remaining C.F.R. Courts enforce tribal law with federal administrative and financial support.

Ultimately, the Supreme Court sidestepped the question of the source of the prosecutorial power of C.F.R. Courts. Writing for the majority, Justice Amy Coney Barrett concluded that the laws of the Ute Mountain Ute Tribe's Court of Indian Offense proscribed a different offense than federal law and ruled that double jeopardy does not prohibit successive prosecutions for separate offenses. Though the court did not rule

on the source of the prosecutorial power of C.F.R. Courts as explained in the Project's brief, Justice Breyer referenced the brief during oral arguments.

Professor Amanda L. White Eagle states, "The brief provides a nuanced, historical overview that was largely unaddressed by the merit briefs; nevertheless, it remains critically important to discuss and understand tribal sovereignty."

The Project was one of five amici briefs in this case. Indian law scholars and historians, along with dedicated students, provided the framework and expertise that enabled the Court to gain a broad, historical understanding of federal power and tribal court systems to render its decision. The amicus brief provided seven law and graduate students from Stanford Law and Yale with the opportunity to research primary and secondary sources and draft memoranda, specifically regarding the formation of Courts of Indian Offenses and C.F.R. Courts, as well as to gain historical perspective regarding the formation of tribal judiciaries.

Oklahoma v. Castro-Huerta

In early April, the Project filed its third amicus brief in *Oklahoma v. Castro-Huerta*. Members of the Project, including students from NYU, Yale, and Stanford, worked with federal Indian law scholars, the Native American Rights Fund, and the law firm Akin Gump Strauss Hauer & Feld to file this brief.

The Supreme Court considered whether a state has authority to prosecute non-Indians who commit crimes against Indians in Indian Country. In the case, Victor Manuel Castro-Huerta, a non-Indian, challenged his Oklahoma state court conviction of child neglect committed against a Native American child within the Cherokee Reservation. Castro-Huerta, who already pleaded guilty to federal charges, argued that under *McGirt v. Oklahoma*, the state lacked jurisdiction over crimes committed in Indian

Country without federal approval, and the Oklahoma Court of Criminal Appeals overturned his state court conviction.

Seeking to limit the scope of *McGirt*, Oklahoma appealed the case to the Supreme Court and argued that because Castro-Huerta is non-Indian, *McGirt* does not bar his prosecution by the state (*McGirt* involved an Indian defendant) and more broadly, that the state should retain jurisdiction over non-Indian defendants for crimes against Indians committed in Indian Country.

By the
numbers

48

students
engaged
from

4

academic
institutions

The Project's amicus brief sought to help the court understand the history of federal and state jurisdiction over crimes committed by non-Indians against Indians in Indian Country. As elaborated in the brief, Indian Affairs has long been a domain of traditional and exclusive federal power. The Founders understood the exclusion of state power was necessary to stabilize relations with Native nations, and states recognized Indian Affairs were an area of federal jurisdiction. When states tried to challenge federal power, they were met with repeated assertions of federal power.

The brief went on to explain the history of legislation on criminal jurisdiction in Indian Country. Though Congress has experimented with narrow grants of jurisdiction to state governments, it has moved away from such delegations in favor of strengthening tribal criminal jurisdiction. Congress has legislated criminal jurisdiction in Indian Country against a backdrop of exclusive federal power and the absences of state jurisdiction since the founding of the United States. Any state jurisdiction over crimes committed by or against Indians in Indian Country was affirmatively conferred on or delegated to Congress.

Accordingly, the brief argued that the two-hundred-year-old historical and legal record did not support Oklahoma's argument for jurisdiction over this case and asserted that the federal government has exclusive jurisdiction to prosecute non-Indians who commit crimes against Indians in Indian Country, unless Congress affirmatively confers or delegates such authority to states. Fifteen students performed complex research from primary and secondary sources and drafted memoranda with both broad principles and nuanced pinpoint citations to assist Federal Indian law scholars and historians in drafting the brief.

In June, in a 5–4 decision, the Supreme Court held that “the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian Country.” Professor Maggie Blackhawk states that the Court's decision goes “against hundreds of years of congressional action, against solid SCOTUS precedent, and against hundreds of years of history, leading to a devastating result for our democracy.”

In the coming year, the Project intends to support our partners on a legislative fix for this strike against the sovereignty of Native nations.

Brackeen v. Haaland

In August the Project filed its fourth amicus brief in *Brackeen v. Haaland*, on behalf of the [American Historical Association](#) and the [Organization of American Historians](#).

The American Historical Association is the largest professional organization in the United States devoted to the study and promotion of history and historical thinking, while the Organization of American Historians is the largest scholarly organization devoted to the history of the United States and promotes excellence in the scholarship, teaching, and presentation of that history.

Members of the Project, including students from NYU, Yale, and Stanford, worked with Akin Gump to file this brief. Fourteen

graduate and undergraduate students from across disciplines collaborated with the Project's seven law students to begin work on the brief in the fall of 2021, completing more than twenty-five initial memos around broadly defined research questions. After compiling their findings into an outline, students continued to work on research assignments throughout the year. The law students also had the opportunity to aid in drafting portions of this brief.

Student Spotlight: Ronan Campbell (Snohomish), Yale Law School

Working on the Sovereignty Project with a close-knit team of dedicated lawyers, scholars, and students has been a true highlight of my legal education. As a 1L, I had the opportunity to conduct legal research that contributed to an amicus brief for the Supreme Court case, *Oklahoma v. Castro Huerta*. The experience was invaluable and left me with a sense of reverence for the power and responsibility that come with practicing law. I am incredibly grateful to have been part of a team so committed to the immutable and unwavering sovereignty of Indian Country.



The case is scheduled for oral argument before the Supreme Court on November 9. In the lawsuit, several plaintiffs are challenging the constitutionality of multiple provisions of the Indian Child Welfare Act (ICWA), a forty-four-year-old federal law protecting the best interests of Indian children and families. Research fellow Rebecca Plumage explains, “ICWA has been recognized as the gold standard of child welfare practice for all children, and this case poses a significant threat to Indian children, families, and tribes.” Though the facts of this case involve ICWA, a ruling on the constitutionality of the act could significantly impact other areas of federal Indian law, stripping away other protections for tribes and chipping away at the sovereignty of Native nations. The significance of this case is illustrated by the immense support for upholding the act, including twenty-one amicus briefs.

The care and education of Native children falls squarely into the constitutional powers of Congress, and the Court should uphold the challenged provisions of ICWA in full.

The Project’s brief details the historical understanding and practice of federal and state power over Indian Affairs and the welfare of Native children, as well as the historical context leading to and surrounding the enactment of the Indian Child Welfare Act. As described in the brief, the federal government has exercised authority over Native children since the founding of the United States, and early efforts to provide education to Native children in the early nineteenth century grew into a nationwide program under which the federal government created and ran boarding schools. The brief goes on to describe how states and local governments were complicit in the creation and operation of such schools: states and localities sold the land upon which the schools were built and provided services to the schools, seeing Native children as a source of additional revenue rather than a responsibility.

Although boarding schools were ultimately recognized as failed federal policy by the mid-twentieth century, the policy shaped the way states viewed their role in the education and general welfare of Native children. At this time, the federal government shifted away from boarding schools and towards education and welfare policies administered at the state and local level. However, states initially refused to provide general welfare benefits to Native children and families. In an attempt to remedy the failures of its boarding school policy and entice states to provide for Native children, the federal government entered into contracts with states to fund welfare programs.

As the brief describes, states began to assume more responsibility over the welfare of Native children over time. In an effort to reduce the associated increase in welfare costs, the states began to remove Native children from their homes at unprecedented rates because Native children required fewer welfare dollars when placed into a middle-class or wealthy foster or adoptive home. As a result, an extraordinary number of families were separated, and those Native children were raised in homes with no political, cultural, or linguistic connection to their nations. The alarming rate of removal of Native children eventually led to the passage of ICWA in 1978; however, as the Project’s brief highlights, ICWA must also be viewed against the complete historical record of federal and state power over Indian Affairs and the welfare of Native children.

The care and education of Native children falls squarely into the constitutional powers of Congress, and the Court should uphold the challenged provisions of ICWA in full.

Student Spotlight: **Rhiannon Bronstein,** **Stanford Law School,** **J.D. '22**

I was part of the student research team for the Sovereignty Project's amicus brief in *Oklahoma v. Castro-Huerta*. While working on this project, we had the opportunity to see how our initial research findings shaped the arguments that went into the brief. I appreciated being able to see how tribal sovereignty advocates can and should employ thoughtful historical scholarship in their legal arguments.



Tracking

In September, the Sovereignty Project launched the tracking component of its Native Amicus Briefing Project. Under the direction and supervision of clinical fellow Amanda L. White Eagle and co-director Maggie Blackhawk, students monitored and documented ongoing Indian law cases in the federal courts, with each assigned to particular federal jurisdictions.

**By the
numbers**

217
cases
tracked

After receiving training by a research librarian, students provided weekly docket searches through Public Access to Court Electronic Records (PACER), made possible by their access to Bloomberg Law, LEXIS, and Westlaw. Over the course of the semester, the students engaged in weekly conversations about their findings and drafted a concise summary of each case, noting its potential significance to Indian Country and federal Indian law. Students benefited from weekly feedback on their legal research, writing, and analysis.

The students' findings were compiled into a report that enables the Project to monitor important cases and issues in Indian Country and serves as a valuable resource for the Project's partners. Project members are working to standardize the students' research to make it easily accessible to other interested parties. Law students at NYU and Yale will continue this important work in fall 2022 as part of a Project course.

Education

In addition to offering formal courses at NYU and Yale, Sovereignty Project members have also organized educational initiatives designed to deepen scholarly familiarity with federal Indian law and policy. Such efforts have included campus workshops, presentations, and guest speakers at NYU and Yale, as well as summer training programs, including the annual seminar for the Institute for Constitutional Studies. Such programmatic efforts and intensive training expose participants to the diversity and dynamism of the field of federal Indian law and also provide opportunities for sustained engagement. Supporting the growth of federal Indian legal studies—across each campus community and within a range of scholarly disciplines—is one of the cornerstone commitments of the Project.

Institute for Constitutional Studies

On June 19–24, the Sovereignty Project hosted the annual Institute for Constitutional Studies at Yale, in partnership with the Institute for Constitutional History at the New-York Historical Society and the George Washington University Law School. The Institute for Constitutional History is the nation’s premier institute dedicated to ensuring that future generations of Americans understand the substance and historical development of the U.S. Constitution.

This year’s seminar, titled “Native Peoples, American Colonialism, and the U.S. Constitution,” brought together fourteen professionals from varied academic backgrounds to explore the historical and legal literature on the centrality of Native peoples to the U.S. Constitution and to the development of constitutional law. The interdisciplinary summer seminar aimed to assist participants—scholars and college instructors from across disciplines—in their scholarship and pedagogy.

The seminar began with a reflection on the erasure of Native peoples and American colonialism in the current literature in legal history, history, and law. Participants then turned to literature that aims to combat these erasures, engaging in discussions about building an American history that centers Native peoples and American colonialism. Examinations focused on whether a new history of the United States, inclusive of Native peoples and American colonialism, could shift broader approaches to constitutional and legal history. A commitment to building new collaborations and paradigms emerged from these spirited conversations. Throughout the week, Project staff offered supplemental presentations that examined the Project’s recent briefing and advocacy



efforts, interinstitutional partnerships, and the Ho-Chunk Nation’s constitutional structures, as well as resources for legal history held in the Beinecke Rare Book and Manuscript Library on Yale’s campus.

Seminar leaders included Gregory Ablavsky, Professor of Law and History, Stanford University; Maggie Blackhawk, Professor of Law, New York University School of Law; and Ned Blackhawk, Professor of History and American Studies, Yale University. Participants included professors, assistant professors, graduate students, and attorneys.

Participant Spotlights



Craig Green

**Professor of Law, Temple University
Beasley School of Law**

"The seminar has already been a powerful influence on my academic and intellectual work. The organizers did such a great job of gathering materials from the cutting edge of current scholarship to introduce and develop ideas about Native sovereignty's constitutional significance. Additional sessions helped illuminate Supreme Court litigation, legal experience with tribal constitutions, and rare historical source materials as further important dimensions of interdisciplinary thought and practice. Other participants in the seminar were extraordinary, with at least one lasting professional friendship, but I'll just say that the Sovereignty Project delivered an intellectually powerful, logistically exceptional seminar at every level of the experience.

Discussing the seminar with other scholars has introduced me to unfamiliar international developments, including Chile's efforts at plurinational constitutional reform. One of the most important moments in the seminar for me was Professor Ned Blackhawk's discussion of tribes as potentially multiracial political entities. That insight, along with discussion of the Ho-Chunk Constitution, helped me study the White Earth Nation's historical efforts at constitutional reform this week, and the Minnesota Chippewa Tribe's recent referendum on blood quantum.

The seminar was one of the most important intellectual and professional experiences I have had as a law professor."



Nazune Menka

**(Koyukon Athabascan and Lumbee),
Adjunct Professor and Supervising
Attorney at the Environmental Law Clinic
at Berkeley Law**

"In reimagining the Constitution at Yale with the cohort in June, I found hope for the first time in the words 'We the People.' We discussed the Constitution's foundations in the settler-colonial project, why it is important to name it, and how doing so might shape a more liberatory future. We were no longer ignoring the colonial elephant in the room that has served as an intellectual wedge between my Indigenous identity and U.S. citizenship. It was powerful, and an important paradigmatic moment for me as an early law scholar."



Keith Richotte Jr.

**(Turtle Mountain Chippewa),
Assistant Professor of American Studies,
University of North Carolina at
Chapel Hill, and Associate Justice,
Turtle Mountain Tribal Court of Appeals**

"I am at a midpoint in my career and have been to my share of conferences, seminars, and other academic gatherings. I can say with no reservations whatsoever that the ICS seminar was the most important and impactful seminar I have ever been a part of. It was a true blessing to participate, particularly as I embark on my next major project about the constitutional origins over Native peoples. I am grateful that I was accepted, and I look forward to collaborating with the many fine scholars I met during the seminar. In short, it was the perfect thing and the perfect time for me and undoubtedly for others as well."

Looking Ahead: Potential Projects on the Horizon

Judicial Education Project

Currently, there are just four Native American judges serving on the federal bench out of nearly nine hundred federal judgeships. Beyond this lack of diversity in the federal judiciary, there is a critical lack of knowledge about federal Indian law, which has led to the curtailing of Native sovereignty in key areas, often due to court decisions that have undermined well-established federal Indian policy. Sovereignty Project leaders have begun conversations with the Institute for Judicial Administration at NYU School of Law to develop a Judicial Education Project aimed at crafting educational programming for the federal judiciary. Providing opportunities for federal judges to expand their understandings of federal Indian law is essential to promoting and maintaining tribal sovereignty.

Tribal Leadership Initiative

Sovereignty Project leaders have also begun conversations about the creation of a potential tribal leadership initiative. While still in its formative stages, this proposed undertaking might provide summer training programs for emerging and contemporary tribal leaders that focus on legal challenges within Indian Country, issues of mental health and Indian Health Service funding, sovereign wealth management, and leadership education, among others.

Student Spotlight: **Brittany Lee,** **NYU School of Law**

The Sovereignty Project has helped me better understand the importance of historical context when interpreting legal documents. Learning how to conduct detailed legislative history research for incredibly important cases that I care about has been a highlight of my legal education, along with getting to work with students from other institutions.

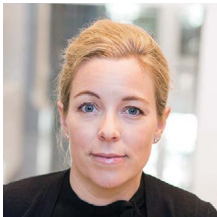


Research

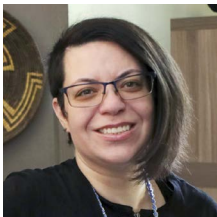
Empirical rigor, measured analyses, and historical contextualization are among the primary attributes of advanced legal history, and Sovereignty Project members have assisted numerous scholars across the nation in their own research and studies. Over a dozen Project students have aided in the Tribal Constitutions Project at Northwestern, with collaborative direction from Northwestern faculty partners. The Project additionally has assisted in convening scholarly workshops for anticipated publications, bringing together field leaders to discuss ways of further advancing the study of Native America. Supporting the development of scholarly projects in the field is another key feature of the Project.

Tribal Constitutions Project

In fall 2021, the Sovereignty Project began working with Northwestern Professor of Law Erin Delaney and Northwestern Assistant Professor of Sociology Beth Redbird on the [Tribal Constitutions Project](#), which is supported by the National Science Foundation. Delaney and Redbird started the Constitutions Project to examine the evolution of tribal sovereignty through constitutionalization. The project has access to over one thousand tribal constitutions—including original documents and subsequent amendments—that span a 150-year period. These constitutions draw from over three hundred tribal nations.



Erin Delaney
Professor of Law,
Northwestern



Beth Redbird
Assistant Professor of
Sociology, Northwestern

Over the course of the year, fourteen Project students have joined the Tribal Constitutions Project. The students have worked with Delaney and Redbird to code each constitution and draw comparisons across tribal nations. Such comparative analysis reveals a series of themes in the development of tribal sovereignty.

First, the project considers the colonial origins of tribal constitutionalization. Many tribes adopted constitutions following the passage of the Indian Reorganization Act (IRA) in 1934, a Congressional statute that began a series of reforms of federal Indian policy during the New Deal. While the IRA encouraged tribes to adopt constitutions through appropriations, the scholarly literature on IRA constitutions is unclear and often contradictory about the intentions of the federal government in enacting this legislation. Thus, the project aims to better understand the origins of these constitutions and their ultimate relationship with federal authority.

Second, the project seeks to understand the development of tribal citizenship. Tribal sovereignty includes the right of a tribe to define its citizenship; however, membership requirements have been heavily influenced by the imposed racial constructs of “blood quantum,” which were designed to reduce tribal enrollment and, in the process, create more available reservation lands for white settlement. The project traces evolving definitions of tribal citizenship.

Finally, the project examines the different ways legislative power is constructed in tribal constitutions. The structuring of legislative authority varies significantly across tribal communities. In some cases, legislative authority lies with all tribal members, while in others it lies with delegated representatives. Often tribal legislation can be structured through tribal councils or delegated to subject-matter specific committees. The project will assess the impact different structures of legislative authority have had on the expansion, as well as diminution, of tribal sovereignty.

Yale Law student Helen Malley is a member of the Project's law student research team. Most recently Malley has been coding constitutions and constitutional amendments for the Catawba and Cheyenne River Sioux tribes. "One exciting part about working on this project has been seeing the coding document evolve over time, as we amend it to account for the nuances of the constitutions we're coding," explains Malley.

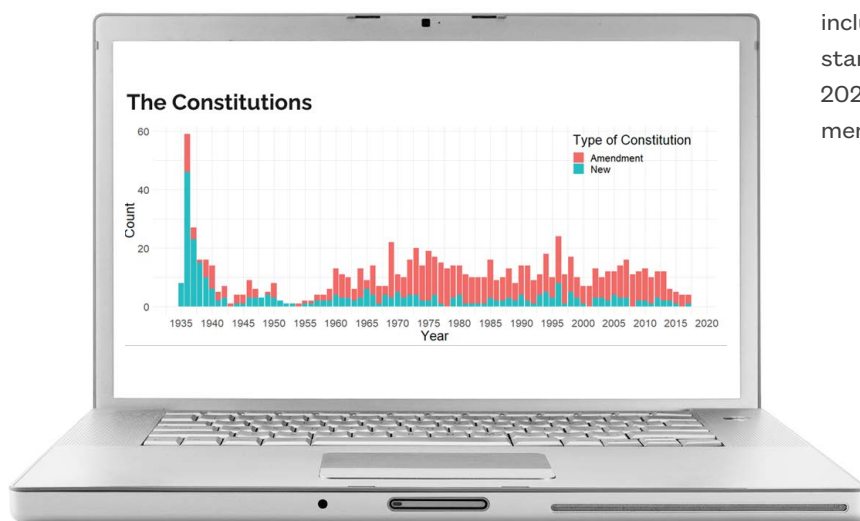
When coding is complete, the database will be publicly accessible and searchable, and the codes and findings will be accessible to tribal leaders to help them explore how other tribes are addressing a variety of shared issues. In addition, the team will create an interactive data-visualization tool to allow policy makers and stakeholders opportunities to examine the data in depth.

Delaney and Redbird also hope this project brings tribal governance into the scholarly discussion of comparative constitutional development. Redbird reflected on the collaboration, stating, "We've been thrilled to partner with the Sovereignty Project, which brings invaluable insight on the critical importance of contemporary tribal sovereignty. The study of history is incomplete without a way to make that history relevant to today." As of July, Project students have coded 146 constitutions. In fall 2022, a new cohort of students will join the existing team to continue work on this exciting initiative through the next academic year.

Beth Redbird is an Assistant Professor in the Department of Sociology at Northwestern University. She is also a faculty fellow with the Institute for Policy Research and the Center for Native American and Indigenous Research. Her work focuses on how between-group boundaries impact interaction, conflict, and inequality. Boundaries can be as formal as borders between nations, or as informal as cultural differences. Whether they are geographical, political, legal, or social, boundaries create inequality because they limit the free flow of resources; restrict knowledge and ideas; and draw distinctions between 'us' and 'them.' Her current work focuses on two areas: the ways in which modern settler-colonial boundaries constrain and influence native nations and the flow of human movement within and between spaces.

Erin F. Delaney is Professor of Law with a courtesy appointment in the Department of Political Science at Northwestern's Pritzker School of Law. Her scholarship explores constitutionalism in comparative perspective, focusing on federalism and judicial design. She was named the 2022 Federal Scholar in Residence at Eurac Research's Institute for Comparative Federalism in Bolzano, Italy, and held the Fulbright Visiting Research Chair in the Theory and Practice of Constitutionalism and Federalism at McGill University. She has also held research fellowships at Edinburgh University and the Université Libre de Bruxelles. She has been honored with a number of teaching awards, including the 2015 Childres Award for outstanding teaching at Northwestern and the 2020 Harvard Law School Student Government Teaching and Advising Award.

By the
numbers
146
constitutions
coded



Essay Series

In June, Sovereignty Project staff hosted an essay series in partnership with historians Philip J. Deloria (Dakota descent) and Nick Estes (Lower Brule Sioux Tribe) and journalist Rebecca Nagle (Cherokee Nation). The Series laid the groundwork for an ongoing project that will examine how the history of genocide and Indigenous resistance have shaped U.S. laws, politics, culture, and land.



Rebecca Nagle, Nick Estes, Philip J. Deloria, Maggie Blackhawk, and Ned Blackhawk

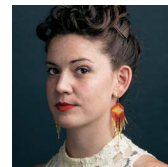


Philip J. Deloria (Dakota descent) is the Leverett Saltonstall Professor of History at Harvard University, where he chairs the Committee on Degrees in History and Literature. A longtime trustee of the National Museum of the American Indian, he is the author of *Playing Indian* (1998), *Indians in Unexpected Places* (2004), *Becoming Mary Sully: Toward an American Indian Abstract* (2019), among other works on Native American and Indigenous history.



Nick Estes (Lower Brule Sioux Tribe) is a professor at the University of Minnesota and the author of *Our History is the Future: Standing Rock Versus the Dakota Access*

Pipeline, and the Long Tradition of Indigenous Resistance (2019). His writing and research engage decolonization, Indigenous histories, and environmental justice and have been featured in the *Guardian*, *Nation*, *NBC News*, and *Intercept*. Estes is also the host of *The Red Nation Podcast*.



Rebecca Nagle (Cherokee Nation) is an award-winning journalist and the writer and host of the podcast *This Land*. Her writing on Native representation, federal Indian law, and tribal sovereignty has been featured in the *Atlantic*, *Washington Post*, *Guardian*, *USA Today*, and more. Rebecca Nagle is the recipient of the American Mosaic Journalism Prize, Women's Media Center's Exceptional Journalism Award, a Peabody Nominee, and numerous awards from the Native American Journalist Association.

Building Community

In addition to the Sovereignty Project's advocacy, education, and research initiatives, the Project is committed to building community around Native Studies and Indian Law. This year, Project leaders cultivated relationships with Native American law student associations by attending conferences at Cornell Law School, joining panels at NYU Law, and hosting brunches at Yale. The Project worked closely with Yale's Native American Cultural Center to bring students and the broader Native community together for exciting events, such as the opening of the 1491s first play, *Between Two Knees*, at the Yale Repertory Theatre. Strengthening a sense of community around Native studies and Indian Law promotes further innovation and interdisciplinary collaboration, expanding opportunities for future education, research, and advocacy work.



NALSA Launch Event: Emerging Indigenous Legal Issues Panel

In April, co-director Maggie Blackhawk and clinical fellow Amanda White L. Eagle spoke at the NYU Native American Law Students Association Launch Event, along with Ambassador Keith Harper, the Chair of Jenner & Block's Native American Law Practice. Speakers and attendees connected virtually out of concern about COVID-19 cases. Despite these challenges, the panel provided an opportunity for the Sovereignty Project team to build relationships and valuable connections with NYU NALSA students. Indigenous students at NYU Law have worked tirelessly over the last year to revitalize their NALSA, and the Project was honored to be part of this inaugural event.



2022 Tribal Summit: ICWA and its Impact on Tribal Communities

In April, co-director Maggie Blackhawk and research fellow Rebecca Plumage both spoke at the 2022 Tribal Summit: ICWA and Its Impact on Tribal Communities, hosted by Cornell and Yale Law School Native American Law Students Associations. Plumage spoke on the summit's first panel, providing historical context for ICWA, while Blackhawk spoke on the second panel, titled "ICWA Today and its Future."



The 1491s *Between Two Knees* at the Yale Repertory Theatre

In May, the first play by intertribal sketch comedy troupe the 1491s premiered at the Yale Repertory Theatre. With dark humor, *Between Two Knees* tells an inter-generational story spanning from the 1890 Wounded Knee Massacre to the 1973 Wounded Knee Occupation. In celebration of the event, the Sovereignty Project hosted a community pizza truck dinner at Yale's Native American Cultural Center, followed by a special viewing of the play's dress rehearsal.



Mashantucket Pequot Museum Three Sisters Community Fundraiser

On August 11, the Sovereignty Project sponsored six Yale students to attend the Mashantucket Pequot Museum's Three Sisters Community Fundraiser. A celebration of the Museum's twenty-fourth anniversary, the fundraiser featured song and dance performances, raffles, and a silent auction and was an excellent opportunity for the Project to support a local Native nation. Yale Law School student Kathryn Bussey (Cherokee Nation) remarked, "it was an honor to visit the Pequot Museum for the Three Sisters Community Fundraiser. After enjoying traditional foods, and celebrating the transmission of cultural knowledge, I hope to have the opportunity to return and explore the museum's exhibits and learn more about the Mashantucket Pequot Tribal Nation."

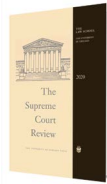
Student Spotlight: **Dov Korff-Korn,** **NYU School of Law**

As a participant in the NYU-Yale American Indian Sovereignty Project's Native Amicus Briefing Project, I have learned immeasurably from the chance to contribute, in research and writing, to amicus briefs to the Supreme Court. The opportunity has enabled me to both enhance my legal writing and research skills, as well as my literacy of federal Indian law issues at the federal appellate level. After two semesters with the Briefing Project, I feel more grounded in my goal to pursue work in litigation and advocacy for Indigenous sovereignty after law school. I am particularly grateful for the guidance of professors Maggie Blackhawk and Amanda L. White Eagle, whose expertise and dedication to strengthening tribal sovereignty have energized me tangibly this year.

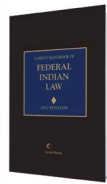


Publications and Media

Over the course of the year, Sovereignty Project co-directors and staff have written and edited numerous publications and contributed to various news outlets, producing new scholarship and drawing attention to issues of Native sovereignty.



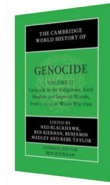
This year, **co-director Maggie Blackhawk** contracted her first book project with Harvard University Press. The project highlights the centrality of Native nations, Native peoples, and American colonialism to the constitutional law and constitutional history of the United States. She also published an essay titled “On Power and the Law: *McGirt v. Oklahoma*” in Volume 2020 of *The Supreme Court Review*.



Along with Laura Edwards (Princeton, History) and Naomi Lamoreaux (Yale, History and Economics), Blackhawk is co-editing two volumes for the Tobin Project’s Institutions of Democracy Initiative on Rethinking the History of American Democracy, which challenge widely held presumptions of how American democracy has functioned over time. She also serves as an executive editor for *Cohen’s Handbook of Federal Indian Law* and is writing a new chapter for the most recent revision.

In addition to her publications, she has contributed to numerous media outlets, including appearing on KOSU NPR in June to discuss the Supreme Court decision in *Oklahoma v Castro-Huerta* and on *Broken Law*, the American Constitution Society podcast, in July.

This year, **co-director Ned Blackhawk** completed *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, which shows how recent studies of Native American history have fundamentally recast the study of U.S. history and is forthcoming from Yale University Press in spring 2023.



With Ben Kiernan, Benjamin Madley, and Rebe Taylor, Blackhawk also co-edited *The Cambridge World History of Genocide Vol. II: Genocide in the Early Modern, Indigenous, and Imperial Worlds, from c. 1535 to World War One*. He co-authored a TED-Ed video titled “The Dark History of Mount Rushmore” with Jeffrey D. Means.

In addition to his publications and media appearances, Blackhawk was named the Howard R. Lamar Professor of History and American Studies at Yale and chaired the Ethnicity, Race, and Migration search committee that yielded two new faculty appointments in Native American and Indigenous Studies at Yale.

Research Fellow Rebecca Plumage wrote articles on Sovereignty Project briefs in *Denezpi v. United States* and *Penobscot Nation v. Frey* for *Just Security*’s ongoing series on issues of Native sovereignty before the U.S. Supreme Court.

Clinical Fellow Amanda White Eagle published an article in *Slate* on the Supreme Court’s June 2022 *Denezpi v. United States* decision. Citing research from the scholar’s brief filed by the Sovereignty Project, White Eagle broke down the majority and minority opinions. Her analysis and brief history of Courts of Indian Offenses (C.F.R. Courts) illuminate how the opinions omit key historical facts about C.F.R. Courts that, if recognized, may have resulted in a decision that more substantially bolstered tribal sovereignty.

Publication Highlights

Blackhawk, Maggie and Lindsay Langholz. "Episode 60: Yet Another Supreme Court Power Grab." *Broken Law*, July 26, 2022.

Blackhawk, Maggie. "On Power and the Law: *McGirt v. Oklahoma*." *The Supreme Court Review* 2020 (2021): 367–421.

Blackhawk, Ned and Jeffrey D. Means. "The Dark History of Mount Rushmore." *TED-Ed*, December 16, 2021.

Gonzalez, Susan. "Project Engages Federal Indian Law to Protect Tribal Self-Determination." *YaleNews*, April 7, 2022.

Herrera, Allison. "Will the Supreme Court Decision in *Oklahoma v. Castro-Huerta* Leave States with an Unfunded Mandate?" *KOSU NPR*, June 13, 2022.

Huang, Nina. "Joint NYU-Yale Project Addresses the Impact of U.S. Colonialism on Indigenous Communities." *Washington Square News*, September 16, 2021.

Maier, Savannah. "Supreme Court Decision Creates Uncertainty for Businesses Operating in Indian Country." *Marketplace Morning Report*, July 4, 2022.

Menka, Nazune. "Overturning *Roe*: The Supreme (ly Colonial) Court." *Native News Online*, June 27, 2022.

Plumage, Rebecca. "*Penobscot v. Frey*: A Chance to Correct Course on Sovereignty Jurisprudence." *Just Security*, February 1, 2022.

Plumage, Rebecca. "*Denezpi v. United States*: Double Jeopardy, Dual Sovereignty, and Tribal Courts," *Just Security*, February 12, 2022.

White Eagle, Amanda L. "Amy Coney Barrett Sidestepped a Critical Detail About the History of Tribal Courts in SCOTUS' Double Jeopardy Decision." *Slate*, June 16, 2022.

**Who
We Are**



Maggie Blackhawk

Maggie Blackhawk (Fond du Lac Band of Lake Superior Ojibwe) is a Professor of Law at NYU School of Law and an award-winning scholar and teacher of constitutional law, federal Indian law, and legislation. Blackhawk was awarded the American Society for Legal History's William Nelson Cromwell Article Prize, and her research has been published or is forthcoming in the *Harvard Law Review*, *Stanford Law Review*, *Yale Law Journal*, *Columbia Law Review*, and the *Supreme Court Review*, among others.

Blackhawk also writes about her research for general audiences, such as in the *New York Times*, and serves as an academic consultant to a range of public projects focused on the First Amendment, constitutional history, and Native peoples—including the Obama Presidential Center, documentarian Ken Burns, and the National Constitution Center's First Amendment exhibition, among others. Her empirical projects have been supported by the American Political Science Association, the Edmond J. Safra Center for Ethics, and other organizations.

Before coming to NYU, she served as Professor of Law at the University of Pennsylvania, where she was awarded the Harvey Levin Award for Excellence in Teaching by the graduating class of 2021. She was also elected and served a term as President of the AALS section on Legislation and Law of the Political Process and was appointed Senior Constitutional Advisor to the President of the Minnesota Chippewa Tribe. Before entering the legal academy, she practiced union-side labor law at Bredhoff & Kaiser in Washington, D.C., and clerked for Judge Susan Graber of the Ninth Circuit and Chief Judge James Ware of the Northern District of California.



Ned Blackhawk

Ned Blackhawk (Western Shoshone) is the Howard R. Lamar Professor of History and American Studies at Yale University and was on the faculty at the University of Wisconsin, Madison, from 1999 to 2009. A graduate of McGill University, he holds graduate degrees in History from UCLA and the University of Washington and is the author of *Violence over the Land: Indians and Empires in the Early American West* (Harvard, 2006), a study of the American Great Basin that garnered half a dozen professional prizes, including the Frederick Jackson Turner Prize from the Organization of American Historians. His most recent book, *The Rediscovery of America: Native Peoples and the Unmaking of U.S. History*, will be published in April 2023 with Yale University Press, as part of the Henry Roe Cloud Series on American Indians and Modernity, which he founded in 2012. A regular commentator on academic works, Blackhawk has published reviews or has forthcoming reviews in the *Washington Post*, *New York Times Book Review*, *Reviews in American History*, *American Quarterly*, *American Indian Culture and Research Journal*, and *Atlantic Studies*, among others.

In addition to serving in professional associations and on the editorial boards of *American Quarterly* and *Ethnohistory*, Professor Blackhawk has led the establishment of two fellowships, one for American Indian Students to attend the Western History Association's annual conference and the other for doctoral students working on American Indian Studies dissertations at Yale, named after Henry Roe Cloud (Winnebago, Class of 1910). At Yale, he serves as a faculty advisor to the Native American Cultural Center, which opened its own autonomous, three-story facility designed to support Native American students in 2013. He also coordinates the Yale Group for the Study of Native America, the oldest-running academic working group for Native American Studies in the Ivy League.

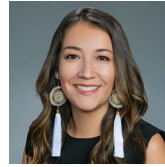


Amanda L. White Eagle, Clinical Fellow

Amanda L. White Eagle is an enrolled member of the Ho-Chunk Nation and resides in Black River Falls, Wisconsin, with her husband, children, and French bulldogs. With more than fifteen years of experience in tribal law, White Eagle provides advice and counsel to the Ho-Chunk Nation government as a Senior Tribal Counsel and since 2021, has served as the Clinical Fellow for the Sovereignty Project.

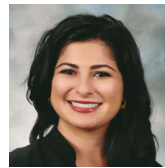
White Eagle previously served as a judicial officer (an Interim Chief Judge and Associate Judge), as well as the tribe's Attorney General and Executive Director, for the Ho-Chunk Nation Department of Justice. She is admitted to the Ho-Chunk Bar Association, the State Bar of Wisconsin, the United States Supreme Court Bar, and the Federal Bar Association. Additionally, she serves as a tribal court judge or justice to tribal governments throughout the United States, including the Wampanoag Judiciary, Prairie Island Indian Community Court of Appeals, and Santee Sioux Nation Judiciary. Her previous experience includes serving as a State of Wisconsin County Court Commissioner, as well as an Adjunct Law Professor at the University of Wisconsin Law School.

White Eagle graduated from the University of Wisconsin-Madison with a B.A. in Anthropology and French and a Certificate in American Indian Studies. She received her Juris Doctor degree from University of Wisconsin Law School.



Rebecca Plumage, Research Fellow

Rebecca Plumage is Nakoda Aaniiih of Fort Belknap in Montana and originally from South Dakota. Plumage previously worked as a law clerk for Greenberg Traurig and with a corporation in her tribal community on community and economic development projects. Admitted to the Colorado Bar, she has experience in social work and Indian Child Welfare. Plumage received her Bachelor's in psychology from Ohio State University, Master's in social work from Washington University in St. Louis, and Juris Doctor degree from University of Denver. She also attended the American Indian Law Center's Pre-Law Summer Institute in 2016.



Leah Tamar Shrestinian, Program Manager

Leah Tamar Shrestinian co-curated the first exhibition of Native American art at the Yale University Art Gallery, titled *Place, Nations, Generations, Beings: 200 Years of Indigenous North American Art* (November 2019–February 2021), in addition to co-authoring the accompanying catalogue. She previously worked as a Project Manager at a national nonprofit in Washington, D.C., and holds a Certified Associates in Project Management certification. Shrestinian graduated from Yale College in 2019 with a B.A. in Ethnicity, Race, and Migration.



NYU-Yale American Indian Sovereignty Project

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On the cover:
Dyani White Hawk
Čanté Skúya (Sweetheart), 2012
24 x 30 in.
Acrylic on canvas
Image courtesy of the artist