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IMAGINING NATIVE NATIONHOOD: THE ART AND ACTIVISM OF MARY KATHRYN

NAGLE'S *MANAHATTA* AND *SOVEREIGNTY*

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IMAGINING NATIVE NATIONHOOD: THE ART AND ACTIVISM OF MARY KATHRYN
NAGLE'S *MANAHATTA* AND *SOVEREIGNTY*

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Abstract

Indigenous feminist Mishuana Goeman (Seneca) refers to the engagement with the past to determine an indigenous future as (re)mapping, endorsing literary nationalist Robert Warrior's "assertion that determining our future depends on 'critically reading our own tradition[, which] allows us to see some of the mistakes of the past as we analyze the problems of the present'" (Goeman 13). Following Goeman's model, this paper regards the parallel experiences of the past to explain present issues facing Cherokee Nation and the future possibilities for sovereignty. Cherokee playwright Mary Kathryn Nagle's *Manahatta* (2013) and *Sovereignty* (2018) (re)invoke elements of traditional Cherokee women's roles, Indigenous feminisms, and literary nationalism to (re)claim Cherokee sovereignty. Mary Kathryn Nagle's plays are rooted in Indigenous feminist stories like those of Selu and Núñ'Yunu'Wí, which avow the power of women and their commitment to keeping their communities alive. Drawing on the history of Native theater's role in Indigenous feminist activism, *Manahatta* and *Sovereignty* advocate for Indigenous feminist concerns that transcend time by melding past and present temporalities, (re)writing and (re)righting dominant binary narratives of assimilation or death, by presenting modern Native people as agents of their cultural sovereignty. Nagle positions her protagonists as sites of political protest who (re)stake political authority over their own cultures and bodies, and by extension their nations. Though both *Manahatta* and *Sovereignty* were produced before the U.S. Supreme Court heard or decided *McGirt*, the plays anticipate and engage with tensions surrounding state, tribal, and federal jurisdictions, and thus, sovereignty. Ultimately Nagle imagines an Indigenous feminist future for Cherokee sovereignty that simultaneously tells and (re)creates itself internally and communally, having been and continuing to be without the need for external recognition.

Imagining Native Nationhood: The Art and Activism of Mary Kathryn Nagle's *Manahatta* and
*Sovereignty*¹

**“Nation-Gathering”: A Methodological Framework of Indigenous Feminism, Literary
 Nationalism, and Sovereignty**

In *Mark My Words: Native Women Mapping Our Nations*, Mishuana Goeman (Seneca), emphasizes how national consciousness is borne of and carried through story, insisting, “to exist as a nation, the community needs a perception of nationhood, that is, stories...that help them to imagine who they are as a people, how they came to be, and what cultural values they wish to preserve” (124). In order to be a political nation, Native peoples must first exist as a community aware of their past and present in order to imagine and create a future for themselves. Goeman thus underscores two shared values of literary nationalism and Indigenous feminisms: commitment to community and an active engagement with the past to inform the present and future of Native nations. She refers to the engagement with the past to determine an Indigenous future as (re)mapping, endorsing Robert Warrior’s (Osage) “assertion that determining our future depends on ‘critically reading our own tradition[, which] allows us to see some of the mistakes of the past as we analyze the problems of the present’” (Goeman 13). In *American Indian Literary Nationalism*, Warrior, Jace Weaver, and Craig Womack (Creek, Cherokee) identify nation gathering and enacting sovereignty as crucial elements of literary nationalism for Native nations. The nationalism they define is not one “based on notions of nativism or binary oppositions between insider and outsider, self and other” or on “an idealization of any pre-Contact past” (Weaver, *Literary Nationalism* 244). Rather, nationalism is rooted in shared

¹ The opinions and assertions expressed herein are those of the author and do not represent the official position of the Air Force or the Department of Defense.

experiences, values, and endeavors that simultaneously build a community and a nation. This concept is perhaps best communicated in Weaver's *communitism*.² Weaver argues that community not only is the highest value of Native peoples, but that it defines Indigenous literature which seeks to maintain the very community it seeks to build. This notion of at once envisioning and creating is epitomized in Lisa Brooks' (Abenaki) afterword to *American Indian Literary Nationalism*, when she claims "the process of 'story-making' and the process of nation gathering may be one and the same" (231). Following both Goeman's (re)mapping model and American Indian Literary Nationalism's nation gathering through story, this paper will continually look back to explain the present issues facing Cherokee Nation and the future possibilities created by Mary Kathryn Nagle's plays. *Manahatta* (2013) and *Sovereignty* (2018) (re)invoke elements of traditional Cherokee women's roles, Indigenous feminisms, and literary nationalism to (re)claim Cherokee sovereignty. First, the nonlinear structure of *Manahatta* and *Sovereignty* corrects Historical (capital H intended) inaccuracies. Then, the collaborative and dynamic nature of the theater medium enables the establishment of true Native representation in the present day. Finally Nagle connects the personal authority of her protagonists to their nations' future sovereignties, especially as it relates to reservation jurisdiction post *McGirt v. Oklahoma* (2020).³

Mary Kathryn Nagle specializes in tribal sovereignty and in legislation connected to violence against women. She studied theater as an undergraduate at Georgetown University before going on to graduate summa cum laude from Tulane Law School in 2008 ("Tulane"). As a

² Weaver's *communitism* is a portmanteau of community and activism, coined to express how "Natives define their identity in terms of community and relate to ultimate reality through community" and how "community 'is in fact, the highest value to Native peoples'" (Nelson 56-57).

³ In essence, *McGirt* avowed the present-day continuation of reservation land for the Muscogee Creek, Cherokee, Chickasaw, Choctaw, and Seminole Nations. The *Carpenter v. Murphy* (later known as *Sharp v. Murphy*) (2020) decision referred to the *McGirt* decision's reasoning for giving the same ruling.

feminist author, her plays⁴ including *Manahatta* and *Sovereignty* exhibit themes from her legal work. Nagle credits her grandfather, who was one of the first Native attorneys in the country, with her desire to become a litigator (Herrera). Her ancestors Major Ridge and John Ridge may have also motivated her to pursue a role in which she could advocate for Cherokee sovereignty, though this is hard to know for certain. Mary Kathryn Nagle's sister Rebecca Nagle who is also a Cherokee activist credits their Treaty Party⁵ ancestors with her desire to fight for Cherokee Nation. Additionally, the protagonist of *Sovereignty* who parallels many of Mary Kathryn Nagle's own attributes discusses how her Ridge family members have influenced her career in prosecution. Nagle's career has focused the majority of her efforts on violence against Native women including submitting amicus briefs on behalf of the National Indigenous Women's Resource Center's Violence Against Women Act Sovereignty Initiative⁶ to the Supreme Court and representing numerous families of Murdered and Missing Indigenous Relatives.⁷ The

⁴ Nagle's plays include *Katrina Stories* (2006), *Welcome to Chalmette* (2006), *To the Seventh Degree* (~2006), *Waaxe's Law* (2011), *Miss Lead* (2014), *In My Father's Eyes* (~2013-2014), *Diamonds...Are a Boy's Best Friend* (~2013-2014), *Sliver of a Full Moon* (2013), *Fairly Traceable* (~2016-2017), *Manahatta* (2013), *Crossing Mnisose* (2019), *Sovereignty* (2018), and *On the Far End* (2023). She has also co-written two plays with Suzan Shown Harjo including *My Father's Bones* (2014) and *Reclaiming One Star* (2020). Her plays have focused on justice in many varieties including climate justice, respect for Native lands and rituals, and accurate representation of Native Americans in popular culture.

⁵ The Treaty Party was a political group within Cherokee Nation led by Major Ridge, John Ridge, and Elias Boudinot. They were in opposition to the National Party comprised of the official Cherokee government under Principal Chief John Ross because they believed voluntarily removing to Indian Territory was in the best interest of Cherokee Nation.

⁶ The Violence Against Women Act was passed in 1994. Though it has many functions not expressly related to Native nations, it exists in part to increase collaboration between jurisdictional agencies at the federal, state, and tribal levels. More importantly for Native nations, after a modification in 2013 it allows tribal courts to prosecute non-Natives accused of domestic and sexual violence offenses in what is called Special Domestic Violence Criminal Jurisdiction (SDVCJ) program. VAWA requires reauthorization every five years, and the contestation around its reauthorization often surrounds the SDVCJ program. Nagle has been deeply involved in VAWA's 2013 and 2022 reauthorizations and wrote her first staged play *Sliver of a Full Moon* (written in 2013, performed in 2015) based on the stories of Native women who experienced abuse at the hands of non-natives.

⁷ Namely, Nagle submitted amicus briefs for *Oklahoma v. Murphy* and *Oklahoma v. McGirt*. *Oklahoma v. Murphy* (previously *Carpenter v. Murphy*) was taken before the U.S. Supreme Court in order to determine whether the Muscogee Creek Nation's reservation continued to exist or if it had been disestablished. The U.S. Supreme Court deferred its decision by a term, ultimately issuing a ruling concurrent with the ruling in *Oklahoma v. McGirt* in 2020. In both cases, the U.S. Supreme Court ruled that the criminal cases could only be tried by the tribe or the federal government, not the state of Oklahoma, because the Muscogee Creek reservation had never been

protagonists in both *Manahatta* and *Sovereignty* are female, Nagle's litigation experience is largely in connection to the Violence Against Women Act (VAWA), and she has counseled for the National Indigenous Women's Resource Center (NIWRC). Her focus on women's issues despite having been largely influenced by her male relatives, thus, is critical to understanding her work. In order to better understand her commitment to Indigenous feminist issues in her dramatic work, this paper will follow the lead of Indigenous feminist authors who have started with the beginning in order to understand the present and imagine a future.

Correcting Narratives of Power: The Circularity of Past, Place, and Politics

Mary Kathryn Nagle's plays are rooted in Indigenous feminist stories like those of Selu⁸ and Nún'Yunu'Wí⁹, which avow the power of women and their commitment to keeping their communities alive. Theda Perdue, a historian who studied the Cherokee through their archival records from the 1990s to 2010s, draws out the sources of power and the subsequent responsibility for Cherokee women in *Cherokee Women: Gender and Culture Change, 1700-*

disestablished. Missing and Murdered Indigenous Relatives (MMIR) was previously called Missing and Murdered Indigenous Women (MMIW) because of its attention to the disproportionate violence Native women face; however, its renaming to Relatives broadened the reach of advocacy to include other vulnerable groups such as Two-Spirit, elderly, infants, boys, and men. One prominent example of a MMIR family who Nagle represents is that of Kaysera Stops Pretty Place ("Mary Kathryn Nagle, Board Member").

⁸ Selu, first woman who was born out of the stalk of corn, knew that two boys wanted to kill her so she told them how to drag her body over the land in order to cultivate corn for future generations (Chiltosky 40-41). Selu embodies the inherent connection between woman and land and establishes the Cherokee women's role in providing for future generations, whether it be through physical sustenance such as food or more abstractly through education and guidance. Selu giving her life for the future of the Cherokee is just one example of the fierce commitment Cherokee women have to their community.

⁹ As recorded by James Mooney in *Myths of the Cherokee*, Nún'Yunu'Wí (also known as The Stone Man, Stone Coat, or Stoneclad), a "wicked cannibal monster," would randomly select entire Cherokee villages to destroy. One day, a man saw Nún'Yunu'Wí select his village to destroy, so he ran home to warn his community. In order to protect the village, seven menstruating women were sent out to line the road leading into the village, with the oldest the furthest out. As Nún'Yunu'Wí came to each woman he remarked, "You're in a *bad* way," but he became weaker as he passed each woman. Finally, he collapsed and as he lay burning in the fire made over him, he began telling the Cherokee medicinal and hunting songs. The women in the story of Stone Coat exemplify the traditional role of women as protectors of their land.

1835. Debunking the declension model,¹⁰ Perdue contends that Cherokee women remained largely culturally persistent throughout contact with Euro-Americans despite their adaptations to new technology and roles within the Nation. Perdue argues that Cherokee women mostly received their power to influence from their ability to confer Cherokee identity through birth or adoption and that they used this power in the political realm by first constituting, and later, appealing to, councils.¹¹ The power of Cherokee women to confer Cherokee identity came from Selu and made Cherokee women responsible for serving as “the thread of cultural continuity from generation to generation” (Perdue 80). By passing culture from one generation to the next, Cherokee women “b[ind] Cherokees to one another” (Perdue 27). Some of the most famous appeals of the Cherokee women to the council were in relation to removal. As Perdue notes, “women often attended treaty conferences and sometimes addressed the assembly, and as late as 1831 they petitioned the council not to sell or allot their national domain...” (104). Perdue remarks that Cherokee women petitioned the National Council on at least three occasions, “not as holders of individual property but as women,” using such rhetoric as “we have understood some of our children wish to go over the Mississippi, but this act of our children would be like destroying your mothers. Your mothers and sisters ask and beg of you not to part with any more of our lands” (156). Their vehement opposition to Cherokee removal parallels the fight of present day Indigenous feminists to fight for tribal sovereignty despite the ongoing colonial forces mounted against it.

¹⁰ The declension model holds that Native women enjoyed equal esteem as Native men up until contact with Europeans, at which time, their power dramatically and continuously declined.

¹¹ Rennard Strickland traces the Cherokee judicial system from 1540 to 1906, paying particular attention to how traditional Cherokee legality evolved as it fused with Anglo-American law in *Fire and the Spirits: Cherokee Law from Clan to Court*. In Chapter Two, Strickland established the clan-based, and thus, female based, legal system pre-contact, arguing, “women constituted a special class within the operation of Cherokee laws” (26). He cites examples of women serving as courts, as well as women being responsible for the enforcement of regulations in the community.

Indigenous feminist authors including Paula Gunn Allen (Laguna, Sioux), Joanne Barker (Lenape), Mishuana Goeman, Cheryl Suzack, and Joyce Green (Kootenai, Cree) have identified some of the most important themes for female Indigenous authors as they work on behalf of their communities to (re)claim traditions to adapt them to modern issues surrounding sovereignty. These leading scholars focus on how the separation of racial and gendered identities from political issues serves to regulate Indigenous power, advocating for the (re)focusing of attention on Native women's issues in order to benefit the entire nation. As opposed to “whitestream” feminism (as coined by Claude Denis in *We Are Not You: First Nations and Canadian Modernity*), Indigenous feminists consider women’s issues to include all concerns of the community, including but not limited to, land rights; violence against Indigenous people, particularly women; and political representation. Because the works of Indigenous feminist authors exist to achieve political ends, their novels, speeches, plays, and poems are forms of activism, paying particular attention to the raising of historically silenced voices and narratives. Mary Kathryn Nagle advocates for Indigenous feminist concerns that transcend time period by melding past and present temporalities through narrative structure, double casting,¹² and repeated dialogue in both *Manahatta* and *Sovereignty*.

Manahatta,¹³ written in 2013 as part of The Public Theater’s Emerging Writers Group and first performed at the Oregon Shakespeare Festival in 2018, tells the story of Jane Snake, a Lenape woman who has just received a job on Wall Street. She struggles with the guilt of leaving her family in Oklahoma as well as the persistent racism of the Wall Street world while her

¹² Double casting means that one actor is responsible for multiple roles. In the case of *Manahatta* and *Sovereignty*, actors are double cast to perform as one character from the past in addition to his/her present-day counterpart.

¹³ *Manahatta*, like all but one of Mary Kathryn Nagle’s plays, is unpublished. As such, all material content from the play used in this paper is based off of notes taken during its staging at the Aurora Theater in Berkeley, California in 2024.

mother, Bobbie, struggles to maintain their family home and her sister, Debra, struggles to start a language revitalization program. It is through *Manahatta*'s attention to the predatory loan practices Bobbie is struggling with and the importance of the Lenape language revitalization program Debra is setting up that Nagle connects her play to legal issues of Indigenous economic and cultural sovereignty. *Manahatta* jumps between Jane's story and that of her intended counterpart, Le-le-wa'-you who is living in the 1600s in the Lenape homeland of Manahatta dealing with the invasion of Dutch fur traders, known in the play as the Dutch West India Trading Company. Despite the parallels between Le-le-wa'-you's and Jane's experiences, Jane almost begins to mirror the assistant director of the Dutch West India Trading Company, who is overcome by the wealth generated by beaver pelts, when she hungers for promotions and pay raises at the expense of her health, family life, and Native identity. Ultimately, she must be reminded that her counterpart should be Le-le-we'-you and not the assistant.

The switching between Jane's and Le-le-wa'-you's stories is indicative of Nagle's desire to continuously remind her audience of the parallel experiences of Native women and nations regardless of the era. However, Nagle demands that these two storylines be viewed as interwoven during the climax. Leading up to the climax, the small stage has only hosted one time period's storyline at a time, alternating between the past and the present, but at the sound of the gunshot that kills Se-ket-tu-may-qua, Le-le-wa'-you's love, the two time periods collide. There is much chaos as characters from both time periods swirl around the small stage, confounding the certainty that events are happening in the past or present. This confusion is elevated by the fact that *Manahatta* has a very small cast of actors, nearly all double cast, with only their costumes to help distinguish which role they are in. The gunshot cuts through all the noise of Western values that the assistant of the Dutch West India Company and Jane Snake are both becoming beholden

to. It is the assistant who fires the shot, killing Set-ket-tu-may-quā, despite having befriended him because he believes “there is no such thing as enough in the New World.” The assistant has completely lost his humanity because of his desire for material wealth in the form of beaver pelts. Jane Snake is poised to become like him until the gunshot sounds. The gunshot serves as her wake-up call that she wanted to go to Wall Street to open the door for other Native women to follow. In the closing scene of *Manahatta*, Jane Snake exclaims, “This (Manhattan) is my home. The Dutch built a wall to keep our people out, but I came back.”¹⁴ Not only does Jane’s rejoicing emphasize that she had returned home after centuries of her tribe’s removal, but she hints at the metaphorical wall being knocked down for Native women to enter institutions traditionally run exclusively by white men. By the end of the play, Jane is standing exactly where Le-le-wa’-you once did, (re)claiming the history of Manhattan as Lenape, not Dutch.

Jane’s (re)clamation of Manhattan as Lenape in the same place Le-le-wa’-you once stood is further complicated by their roles being played by the same actress. The double casting highlights complementary roles regardless of time period, though visually the separation between the past and present becomes increasingly blurry over the course of the play as elements of past clothing make their way into the present plotline. This happens especially with elements of traditional Native clothing and jewelry that the protagonist dons in the past and carries with her into the present, showing her maturation into her cultural identity. For example, the actress who plays Jane and Le-le-wa’-you wears a pantsuit when acting as Jane and a shawl with a whelk and quahog shell necklace obscuring the pantsuit when playing Le-le-wa’-you. The pantsuit not only represents Western attire indicative of the powerful, professional level job in a Western system

¹⁴ Jane is referencing the wall built by the Dutch in the 1650s after the death of Set-ket-tu-may-quā that is not explicitly mentioned in Le-le-wa’-you’s storyline.

that Jane holds; it is also a distinctly masculine choice of wardrobe as opposed to having Jane wear a skirt suit. The shawl, especially when wrapped around the waist instead of the shoulders as it sometimes is by Le-le-wa'-you, represents an embrace of the character's femininity even as Jane rejects hers. By the final scene of Act II of *Manahatta*, Jane wears Le-le-wa'-you's necklace in her office on Wall Street, adding a feminine element to her pantsuit and suggesting that she will not forsake her Native identity as she pursues her career.

In addition to using visual cues to alert her audience that the past and present are intertwined, Mary Kathryn also employs the exact dialogue in past and present to stress their resemblance. Nagle's repeated dialogue operates as what Mishuana Goeman refers to as rememorative words, or "words that remind us of a past and its meaning in the present [that] carry important weight for our futures" (Goeman 162). Already, the link between past, present, and future is explicit here. Nagle uses repeated dialogue to stress the pervasiveness and timelessness of certain stereotypes about Native people. Most emblematic of this function of repeated dialogue is when the director of the Dutch West India Trading Company and a loan officer named Michael echo each other, both claiming at different instances that Natives "have no grasp of basic concepts like capital commerce [or] ownership. They have no idea how an economy actually works." Both of these men epitomizing capitalism, greed, and extortion or other predatory practices believe that Natives are inferior. Of course, like most stereotypes, this particular one has existed for centuries despite the fact that Native communities had and have their own modes of trade, wealth, and payment that pre-existed capitalism and colonial influence. Ironically, too, Jane Snake, a Native woman, has such stellar comprehension of the U.S. economy that she graduated with a degree in mathematics from Stanford and received a job on Wall Street.

Similar to *Manahatta*, *Sovereignty*¹⁵ contains elements of narrative structure, double casting, and repeated dialogue that cross over between the past and present storylines.

Sovereignty, commissioned by Arena Stage's Women's Voices Power Play Cycle in 2015 and staged in 2018, is the story of Sarah Ridge Polson, a Cherokee attorney who is fighting for the recognition of tribal sovereignty through the Violence Against Women's Act, paying particular attention to cases involving (sexual) abuse of Native women by non-Native perpetrators, her own included. Her story is juxtaposed with scenes from 1835 of her ancestors, Major Ridge and John Ridge, fighting for Cherokee sovereignty in their homeland in present-day Georgia. This play connects the concept of sovereignty to both women's bodies and tribal land.

The collision of past and present storylines are crucial to Nagle's mode by which she underscores the cyclical, rather than linear, nature of history. In *Sovereignty*, the past and present share space for the first time in Act I, Scene I which takes place in the Ridge Polson cemetery where Sarah looks at John Ridge's grave. The past and present also intersect with the circularity of scenes' appearances throughout the play. The second scene of both Act I and Act II take place in a casino bar, lending to the audience recognizing violence and abuse, at the hands of the U.S. government and domestic violence perpetrators, as circular and difficult to break. Just as in *Manahatta*, *Sovereignty* also has a scene in which the past and present collide when Sarah Bird Northrup and Sarah Ridge Polson appear onstage simultaneously, clutching their babies close to them (Brickman).¹⁶ This collision scene is much softer, less violent and intense than the one in

¹⁵ *Sovereignty* is Nagle's only published play besides *Welcome to Chalmette*, and, thus, the examples provided in this paper are mostly from its printed, rather than performed, version.

¹⁶ Sarah Bird Northrup was the daughter of a white school master at the American Board of Commissioners for Foreign Missions School. She met John Ridge while he was attending the school, and they later married. Bird Northrup raised seven children, assisted at the Fayetteville Female Seminary, and settled her husband's estate after his murder. Like Nagle's protagonist Sarah Ridge Polson, Bird Northrup was a mother and educator who, despite living in politically tense times, remained determined to benefit Cherokees and retain some independence and authority as a female (evident in her choosing to marry John ridge despite both his and her parents disapproving).

Manahatta, invoking a reflective atmosphere in which there is time for other connections around motherhood, education, and activism between past and present to be drawn. While it is unclear when this collision scene occurs in the published version of *Sovereignty*, it likely occurs in the final scene which takes place in the same space as the opening scene from the 1830s, thereby completing a full revolution around the circle of time. The placement of this scene in the same location as the first one is reminiscent of when Roger, Sarah's father, connects the future of Cherokee Nation all the way back to its origins when he tells Sarah's baby the Cherokee creation story in both Cherokee and English in Act II, Scene X. Both the collision scene and the one with the Cherokee creation story ground Sarah Ridge Polson's present experience, including the need for ongoing work related to violence against Native women, in the experiences of her ancestors. Again, like in *Manahatta*, Nagle spotlights attacks against Native women and nations as permeable across centuries.

Sovereignty employs double casting similarly to *Manahatta* in its treatment of Ben, Sarah Ridge Polson's fiancé and perpetrator, yet a lack of double casting of Sarah Ridge Polson's character ultimately lends *Sovereignty* to a radically different epistemological ending than *Manahatta*. Just as how double cast characters in *Manahatta* help the audience to understand a character's disposition, *Sovereignty*'s pairing of Ben with Andrew Jackson primes the viewer for his inevitable attack on Sarah Ridge Polson's sovereignty. Ben originally seems like a naïve white man who is genuinely trying to understand his fiancée's culture and community. He progresses from such sweeping statements as "Indians have weird names" (16) when he first meets Sarah Ridge Polson to proposing marriage in her family's cemetery because she said it was her favorite place and he "wanted to ask [...] in front of [her] family." (62) Yet, his growth is revealed to be superficial when he rapes Sarah Ridge Polson in Act II, Scene III; Ben is no more

than a modern-day Andrew Jackson who believes himself entitled to take what he wants regardless of the sovereignty Sarah Ridge Polson maintains over her own body. In contrast to Ben's double casting which reveals him as no better than his past counterpart, Sarah Ridge Polson's lack of a double, despite her shared name and scene with Sarah Bird Northrup of the 1830s, allows her to reflect on her ancestors while not being expressly tied to them or their history, thereby establishing her own personal sovereignty. In *Sovereignty*, Nagle begins to separate the past from the future by creating space in which Sarah Ridge Polson can be influenced by her ancestors, but not feel bound by their actions. Sarah Ridge Polson begins to create a new future for herself and the women she fights for that is influenced, but not limited by, the Treaty Party's past. Likewise, Jim Ross, Sarah Ridge Polson's colleague who helps her defend Cherokee sovereignty before the U.S. Supreme Court, is granted a future separate from that of his ancestor John Ross¹⁷ in that he believes in finding common ground with Sarah Ridge Polson despite her representing the lineage of the Treaty Party. In Act II, Scene XI, Jim blurts out:

John Ridge betrayed our nation. You think he saved it. We won't resolve this in a day, or a month or even a year. But we have something now, something just as pressing, if not more pressing, before us. So could we, maybe just this once, leave all of that behind us and fight for what both of our grandfathers fought for, and that is the sovereignty of Cherokee Nation? (120)

Recognizing how the past still impacts their present interaction as well as Cherokee sovereignty, Jim Ross suggests putting the history behind them in order to move forward with the same struggle their ancestors bore. It is also in this interaction that Sarah Ridge Polson's last name becomes a marker of her cultural pride like Le-le-wa'-you's whelk and quahog shell necklace

from *Manahatta*. At the beginning of the play, Sarah attempts to hide her last name as she interviews at the district attorney's office because of its connection to the Treaty Party, a still contested group in Cherokee Nation. By this scene, though, when Jim Ross says, "I'm asking you, Sarah Polson—" (120) that she interrupts him to correct him: "Sarah *Ridge* Polson" (120, italics original). Two scenes later in Act II, Scene XIII, Sarah proudly asserts her full name before her oral argument before the U.S. Supreme Court, signaling that she is comfortable in her cultural and ancestral identity.

In addition to Sarah Ridge Polson's last name operating as a sort of prop to connect the past and present, other props pass fluidly between the two storylines of *Sovereignty* in order to obscure delineations between past and present. For example, in Act II, Scene VI, the *Cherokee Phoenix*¹⁷ is stretched out as the Treaty Party members work on a political campaign to try to save Cherokee Nation. In the following scene, Sarah's father is reading the *Cherokee Phoenix* in present day, explicitly linking the past to the present as if Elias Boudinot had handed the paper directly to him. The *Cherokee Phoenix* is an ever-present prop asserts that Cherokee culture, literature, history, and enterprise has always and will always exist regardless of how the times change, or do not change as the case may be for Native sovereignty being recognized and respected.

Though dialogue is not repeated as in *Manahatta*, *Sovereignty* has certain repeated elements that operate "like the chorus in Western drama, serving to reinforce the theme and to focus the [audience's] attention on central concern[s]" (Gunn Allen 63). It is hard to know which

¹⁷ The *Cherokee Phoenix* is a Cherokee Nation newspaper with roots as far back as 1828 when it was first printed in New Echota. It was originally edited by Elias Boudinot and published in both English and Cherokee syllabary. Both the Treaty Party and National Party used the *Cherokee Phoenix* to advocate their position on removal. The paper faced censorship, an office fire, a name change, and funding challenges until it was officially reconstituted in 1975 and returned to the original name in 2007 ("About Us").

elements Nagle determined needed reinforcement since the White Chorus Man has no lines in the published version of *Sovereignty*, though he is listed as a cast member in production history (ix). In a review of the play's 2018 performance at Arena Stage, Brickman remarks that the man cast as White Chorus Man, Todd Scofield, "observ[es] it all, give[s] voice and reason to the sometimes confusing events...[and] is an excellent one-man-Greek-chorus" (Brickman). It is interesting to ponder how the White Chorus Man may act as a cultural mediator, understanding cyclical time, but delineating past and present for a white or Western audience. His presence as a white figure and as one voice instead of a true chorus with multiple voices, is striking given Nagle's nonlinear chronology and collaborative medium being cornerstones in her plays. The introduction of a one-man-chorus does allow for communication directly with the audience, "evok[ing] a realization that despite attempts to erase, co-opt, or destroy them, Native women continue to survive and will forever by 'telling' themselves into being through stories" (Suzack 270). This "telling themselves," though may be limited by the chorus being a singular white male. While Nagle's blended past and present storylines emphasize a persistent colonial attack on tribal sovereignty, she begins to use memory and storytelling to "break the linearity and material accumulation of colonial dispossession" (Barker 119). Through her repeated spaces, scenes, characters, and dialogues, Nagle ultimately erodes preferential treatment of Western colonial history and instead (re)claims a tribal understanding of time and place.

(Re)presentation and Public Engagement: Performing Political Concerns

Nagle's choice of drama as her medium elicits connections to the rich history of Cherokee playwrights as well as the history of Native theater's role in Indigenous feminist activism more broadly. *Manahatta* and *Sovereignty* both complicate the relationship of past and present as linear in order to challenge dominant narratives of Natives as either vanished or

assimilated. Instead, through representation, collaboration, and orature, Nagle (re)claims a present with modern Native people exercising their cultural sovereignty.¹⁸

It is impossible to read a contemporary Cherokee playwright such as Nagle's works without thinking about Lynn Riggs.¹⁹ While this paper does not have the scope with which to explore the similarities and differences between their themes and approaches, it should be noted that both Riggs and Nagle embed Cherokee experience in a genre typically associated with Euroamerican culture. In addition to calling back to Cherokee playwright Riggs, Nagle is relying on a history of Indigenous feminists utilizing theater for their activism. Suzack associates the "indigenous feminist project" with "Native theater in the 1980s and 1990s," claiming that during these decades, "playwrights and performers...began to challenge patriarchal colonialism by exploring Native women's shared experiences of sexual violence, social marginalization, and political containment across boundaries of nation, language, and culture" (183-184). She cites Spiderwoman Theater, "the first Native feminist drama company," as a prime example of theater as a response to sexism and other issues faced by Native women (187). Thus, Nagle's decision to use theater to present Indigenous feminist concerns should be considered explicitly political given the history of "theater and politics [as] closely tied" since the inception of drama (Suzack 188).

The most overt way in which Nagle makes her plays political is through the (re)presentation of Native characters. While dominant narratives portray Natives as non-existent

¹⁸ Cheryl Suzack defines cultural sovereignty as "represented by the 'effort of Indian nations and Indian people to exercise their own norms and values in structuring their collective futures'" (38).

¹⁹ Lynn Riggs (Cherokee) was a poet, screen writer, and playwright who completed twenty one full-length plays, the most famous of which is *Green Grow the Lilacs* (1931) because of its adaptation into the Broadway musical *Oklahoma!*. He is best remembered for his commitment to authentic dialect and folk songs, as well as his representation of Indian Territory with tragic realism, but also comedy.

either via completely assimilating them past recognition or by dooming them to a brutal death instead of allowing them a future, Nagle portrays realistic, modern Natives in *Manahatta* and *Sovereignty*.²⁰ Having control over representation was one of Nagle's driving factors for choosing theater as her medium. During her presentation at the University of Michigan's Berkhofer Lecture in 2019, Nagle expressed her belief that, "by having a Native person stand in front of you and tell their story, you are far more likely to understand their point of view" ("Mary Kathryn Nagle on Native Theater"). She went on in this presentation to express how she believes accurate and responsible Native representation can lead to legislative impacts as the general public becomes more aware of Native Americans and their treatment by the United States judicial branch. This conviction that "degrading stereotypes...prop up discriminatory legal frameworks" is reiterated two years later in an interview with *The New Yorker* (Pollack-Pelzner). Powerfully, Native representation here exists as both the representation of Natives in media and as legal representation of Native people and tribes especially in cases against the United States. Both forms of representation challenge U.S. hegemony and both are forms of representation Nagle actively engages in. Nagle's roles as litigator and playwright begin to reconcile more when both are seen as Indigenous feminist activism on behalf of Cherokee Nation and other sovereign tribal nations. The connotations of performance as false or pretention can also be complicated by Nagle's work as a litigator, a job in which written briefs are often orally performed in front of a judge or jury. A litigator's performance is not false, but rather a tactic of persuasion. Thus, it can

²⁰ While there has been much debate over whether Mourning Dove's *Cogewea* is truly assimilationist or whether it was limited by the time period in which it was written, it may be taken as an example of a narrative in which the Native is assimilated past recognition. Perhaps equally difficult to determine its extent as a story of assimilation or merely contextual constraints, the popular narrative of Pocahontas focuses on her assimilation as a choice rather than as a result of force. Popular narratives dooming Natives to death include *Wind River* and *Dance Me Outside*.

be argued that *Manahatta* and *Sovereignty* both perform political concerns of Native nations as a means of appealing to their audiences to take notice and to enact social change.

Nagle even goes so far as to invert the conception of performance and costume as contradictory to the real by positioning her costumed performers as more real than stereotypes perpetuated by ethnographers and anthropologists, representatives and creators of History (capital H intended). While Euroamerican stereotypes of Native people “render...Indigenous culture and identity obsolete but for the costume” (Barker 3) (think the buckskin dress or feathered headdress supposedly representative of a “real Indian”), *Manahatta* and *Sovereignty* make the costume real again. Persistent representations of Natives in “fashion, film, music, and politics” (Barker 2-3) flatten Native culture and identity to a mere costume necessitating a public, visual counter response such as is possible through theater. Paula Gunn Allen lends credence to the cruciality of “image casting and image control” of Native women by Native women in order to resist cultural and spiritual genocide (42, 192). Gunn Allen implies that Native women’s agency is returned in the present when they retain the power to represent themselves. In fact, past, “timeless” representations of Native women are interrupted when present-day Indigenous women (re)right inaccurate and destructive representations of Native women as helpless victims to the domination of the supposedly peaceful formation of the United States. Part of the correction of History also requires the presentation of “tribal- or community-specific...identities and...roles” (Barker 128-129) instead of collapsing all Native experience into a singular that would be just as destructive as other stereotypes. Being keenly aware of the dangers of a single story or one person speaking on behalf of a diverse group of people, Nagle involves others including Indigenous actors, songwriters, cultural advisors, and her audience in representing themselves and in (re)writing the historical narratives of Indigenous communities.

In both *Manahatta* and *Sovereignty*, Nagle prioritized Native cast and staff members. In *Manahatta*, three of the seven original cast members are Native.²¹ The cast of *Manahatta* consisted of two members with tribal affiliation including the Lenape cultural consultant Curtis Zunigha (Lenape).²² *Sovereignty* arguably did an even better job with cast representation since four out of the nine original cast members were not only Native, but held the most prominent roles, including that of the protagonist Sarah Ridge Polson.²³ *Sovereignty*'s staging involved Ed Littlefield (Lingít), who as sound designer created music that “merges Native American drum beats and chants with contemporary music and jazz” (Brickman). While the artistic director, Molly Smith, is herself non-Native, she has been overseeing “productions drawing on Indigenous voices and stories” at both Alaska’s Perseverance Theatre and Arena Stage for over twenty years (Wren). Her interest in elevating Native voices may be due to her partner Suzanne Blue Star Boy (Sioux) (Wren). The small quantity of Native staff members relative to cast members may be due to pressures from the theater to involve their selected staff members as opposed to allowing Nagle more freedom to select her own. Alternatively or conjunctively, the disparity could be due to a lack of insistence on involving Native staff members since they are less visible to the audience.

The public nature of a play put on in a public theater beckons a large, diverse attendance. Interested, involved audience members attend and benefit from seeing a story akin to their own

²¹ Tanis Parenteau (Métis) played Jane and Le-le-wa’-you, Rainbow Dickerson (Powhatan) played Debra and Toosh-ki-pa-kwis-i (Le-le-wa’-you’s older sister), and Steven Flores (Comanche/Mexican Aztec Mestizo/adopted Lakota medicine man in study) played Luke (Jane’s childhood friend) and Se-ket-tu-may-qua in the Oregon Shakespeare Festival’s 2018 production of *Manahatta* (“*Manahatta*”).

²² The other Native staff member was Ty Defoe (Oneida, Ojibwe) who served as movement director (“*Manahatta*”).

²³ Kyla García (Taíno) played Sarah Ridge Polson; Kalani Queypo (Blackfeet, Hawaiian) played John Ridge; Andrew Roa (Shasta, Azteca) played Major Ridge and Roger Ridge Polson; and Jake Hart (Cherokee, Chicano) played Elias Boudinot and Watie (Sarah Ridge Polson’s brother) (“*Sovereignty*”). All four of them are connected with the Native Voices Theater at the Autry Museum as well.

experience in a popular format. Theater, too, is dynamic in its spoken nature, allowing for audience engagement with the stories told similar to how the audience members of an oral story become co-creators by being active listeners. In other words, Native audience members profit from seeing a model example of Native representation on stage. Besides Native audience members, though, the public popular genre of drama garners the general public's attention with the hopes that when they leave the theater some of their misconceptions about Native identity or Native life will have been corrected. Mary Kathryn Nagle garners audience engagement through the medium of theater which is more public, yet more intimate, than many forms of activism. The combination of audience members who are personally attracted to the social issues of Nagle's plays and those who attend as outsiders lends itself to an intimate space in which demands can be placed on the audience. This intimacy is created by how theater acts as "an invitation [in which] the spectators who gather to watch [may] respond" (Suzack 293). Expanding on this, Suzack offers that "presence, enacted through spectatorship, signals solidarity with the artist and solidarity with the feminist tenor of her performance" (293). Essentially, being present alone can signal a kind of investment in the issues portrayed in the play. Theater is reminiscent of orature in its demand for audience engagement. Using his coined portmanteau *communitism*, Weaver explains, "orature provided identity but it also placed demands upon the individual whose identity it helped shape" (Weaver, *That the People* 47). Thus, Nagle's formation of community through activist plays such as *Manahatta* and *Sovereignty* requires audience members "scrutiniz[e] social relations and....act...aimed at social transformation" (Suzack 189).

The programs for *Manahatta* and *Sovereignty* stagings are a prime example of Nagle's commitment to audience engagement because of how they both teach history and probe

individual analysis and accountability. In the program from *Manahatta*'s first staging at the Oregon Shakespeare Festival, the history of the Lenape is provided along with connections between Nagle's work and Gerald Vizenor's *survivance* and LeAnne Howe's *tribalography* (dAngelo). Mentions and explications of such niche topics as *survivance* and *tribalography* not only establish Nagle's faith in her audience's ability to be life-long learners, but, furthermore, it expresses Nagle's dedication to having her plays exist as agents of accountability to the viewer to know Native history and to reckon with their role in perpetuating settler colonialism. Similarly, in her note from the author included in the program from Arena Theater's staging of *Sovereignty*, Nagle offers a legal history lesson as well as a crucial question: "What is the consequence of [most theaters in the United States hav[ing] never produced a play by a Native playwright]" (*Sovereignty*: 2017/2018 Season 9). Not only are Nagle's programs educational, but she also engages in question and answer sessions around her plays in order to engaged her audience more directly. She held one such after a reading of *Manahatta* in 2021 at the Lensic Performing Arts Center which had previously held a similar event for *Sovereignty* (Levin). Nagle's most recent play, *On the Far Side*, is an even further embodiment of her presence at her plays' stagings in order to enter into conversation with her audience; Nagle does not only attend, but *becomes* the performance in her one-woman play where she is self-cast to tell the story of her mother-in-law Jean Hill Chaudhuri. Unfortunately, one of the unforeseen consequences of Nagle's focus on educating is that her plays can seem more didactic than dramatic, yet orature's dynamism that allows for the adaptation of subject matter to different time periods and their unique social issues redeems Nagle's instructive, rather than artistic, tendency. Dynamism in Nagle's plays exist in their staging, rather than in their printed form. While *Sovereignty* has been published, and concretized to an extent in print, *Manahatta* has remained unpublished, and more fluid for it.

Despite one being published and the other not, because both share a theme of settler imposition on Indigenous lives, cultures, and lands, their stories are transferrable to many spaces, times, and issues. The transferability of subject matter to multiple times and places will reemerge with the generative possibilities of sovereignty explored in the final section.

By selecting theater as a space rich in political, representational, collaborative, and oratory components, Nagle resists attempts by colonizers to erase Cherokee culture, identity, story, and thus, futurity. Through theater, Nagle performs story in such a way as to (re)claim Native women's personhood and the political space of their nations. Malea Powell describes a space akin to the one Nagle envisions and creates: "a place that has been practiced into being through the acts of storied making, where the past is brought into conscious conversation with the present and where—through the practices of making—a future can be imagined" (388). Through the (re)creation of story, a future that colonialism tried to deny is made possible.

Litigating the Future of Art and Authority: Women's Political Authority in Post-*McGirt* Oklahoma

In the 1970s, many pan-Indian groups gained attention for large scale occupations of sites including Alcatraz Island (1969-1971), the Bureau of Indian Affairs (1972), and Wounded Knee (1973). Grounded in this history of Native occupations, Mary Kathryn Nagle positions her protagonists as sites of political protest who (re)stake political authority over their own personhood, and by extension their nations.

Manahatta and *Sovereignty* first (re)claim their protagonists' personhood by connecting them to the stories and languages of their respective tribes. Bobbie tells Jane the story of Lenape removal from Manahatta, tracing the story through the necklace Le-le-wa'-you and Jane share:

“...from Manhattan to Pennsylvania, Pennsylvania to Ohio, Ohio to Missouri, Missouri to Texas, Texas to Oklahoma.” Given that earlier in the play Bobbie asserts that the problem is that Jane “ain’t got a clue where [she] comes from,” it is stirring to know that Bobbie is doing everything in her power to make sure Jane learns where she came from so she can decide where she is going. Bobbie also encourages her other daughter Debra to learn and teach the Lenape language, urging her along with the reminder that “our language is who we are.” While Le-le-wa’-you felt the need to learn English to operate in the new market, and the new world so to speak, the (re)focus on Native language signals a (re)concentration on internal sovereignty, both in the sense of being individually personal, but also community oriented, rather than external-recognition seeking. The emphasis on knowing both origin and language is fused in *Sovereignty* through Roger’s telling of the Cherokee creation story in Cherokee to his grandson in Act II, Scene X. With their beings now (re)claimed as sites of cultural knowledge and futurity, Lenape and Cherokee women in *Manahatta* and *Sovereignty* (re)assert their authority over their own futures, and, thus, the futures of their nations.

In *Manahatta*, Nagle links the repression of Lenape women’s political authority at the hands of Dutch colonizers to the theft of Manahatta, the Lenape homeland. Colonial devaluation of Lenape women is persistent in the 1600s and present-day storylines of *Manahatta*. In a meeting between the Dutch and the Lenape, the traders continually seek conversation and negotiation with Se-ket-tu-may-qua rather than with his partner Le-le-wa’-you and her mother despite Le-le-wa’-you having learned English in order to sell her own beaver pelts at market. Se-ket-tu-may-qua corrects the director of the Dutch West India Trading Company’s misconception, stating, “our women make the important decisions,” yet the director continues to largely ignore the women just as he ignores Se-ket-tu-may-qua telling him that Manahatta does not belong to

the Lenape because he wants to “not over complicate things.” Thus, the director views women holding power and the land being communally held—though not owned in the capitalist sense—as barriers to his goal of buying the land from the Lenape. In truth, the sale ends up being a pitiful trade of three guns, six axes, twelve kettles, and six guns along with a treaty that none of the Lenape could read or understand. Significantly, despite the treaty being illegible to them, Le-le-wa'-you and her mother both sign it along with Se-ket-tu-may-quā, asserting the political power they hold alongside Lenape men. In the present storyline of Jane, predatory practices are still employed in order to steal Native land, especially from Native women. Bobbie, Jane's mother, is on the verge of losing her family home to foreclosure because of a loan she cannot repay. She recounts the history of the place to Jane: “Grandpa bought this land in the allotment, built this whole house all by himself...I was born here. And then I married Charlie (Jane's dad) and he moved in...So for my family, this house, for all these years, this has been our home.” The loan itself had an incredibly high interest rate that Michael, who convinced Bobbie to take the loan, knew about and knew Bobbie could not afford. Michael represents the colonizer who, as Bobbie says, “will break the treaty you make with him, take the home you build, and take the land you curate.” In other words, the white man has been preying on Native women's economic vulnerability since contact in order to take their homes, whether land, physical structure, or both. Jane, though, represents a powerful figure of a Native women educating herself so as to not be so easily dismissed by capitalist colonizers. Bobbie recognizes the importance of Jane “walking in both worlds” in order to provide protection for Lenape women and lands, though she also demonstrates where Jane is still misguided. Jane writes a check to pay off her mother's loan, but Bobbie tears it up saying that some things are not for sale. This is reminiscent of Se-ket-tu-may-quā trying to explain to the director that the Lenape do not own Manahatta and of another scene

in which Le-le-wa'-you's mother tells her that the Lenape do not trade *for* wampum, but *with* it. While Jane has learned mathematics at Stanford, she has yet to internalize how culture and generational connection to place are beyond price. Despite continued attacks on women's political power and their homes, Bobbie declares the Lenape tribe will continue because of its culture that cannot be bought, sold, or traded: "We are Lenape; we're never homeless...they (the white man) can try (to take our home). We know they will. They always have, but they'll never take our home. Every time they make us leave, we carry our home with us." In both Le-le-wa'-you's signing of the treaty and Bobbie's affirmation that the Lenape home will always exist, Nagle regards Native women's personal choices as pivotal to tribal futurity.

In *Sovereignty*, Nagle continues this exploration of political disempowerment of Native women that she began in *Manahatta*, this time focusing on judicial, rather than economic disenfranchisement. The crux of Nagle's argument that Native women need to be esteemed and protected by their tribes in order for their tribes to remain politically sovereign is evident in both the past and present storylines of *Sovereignty*. In the 1830s, Major Ridge succinctly claims, "Our women are the foundation of our sovereignty. Without them, we have no nation" (34). When the Georgia militia comes to exercise Georgia state law within Cherokee land in explicit disregard for Cherokee sovereignty, it is women whom they threaten in order to gain compliance.²⁴ One such militia guard looks directly at Sarah Bird Northrup, John Ridge's wife, and flippantly remarks, "You know, we've been instructed to violate Cherokee women who do not obey our

²⁴ This is following the Supreme Court's *Worcester v. Georgia* (1832) decision in which Chief Justice John Marshall ruled that tribes were not subject to state laws due to their status as "domestic dependent nations." The status as a "domestic dependent nation" in *Cherokee Nation v. Georgia* (1831) was used to justify the U.S. Supreme Court claiming it did not have the jurisdiction to hear Cherokee Nation's case against the state of Georgia. Following the decision in *Worcester v. Georgia*, President Jackson refused to enforce this ruling, however, and the Georgia militia encroached on Cherokee lands, forcing removal to Indian country. The 1830s storyline of Sarah Bird Northrup in *Sovereignty* follows the *Worcester v. Georgia* case and the implications of its non-enforcement.

commands” (55). Perhaps ironically, Sarah Bird Northrup is non-Native presenting, but is seen as Cherokee by the Georgia guard member because she is married to John Ridge; the guard depreciates Sarah Bird Northrup to the same level as her husband because women were seen as means of gaining control of Cherokee land.²⁵ The connection between rape of the female body and land rape have been remarked on by many scholars including Sarah Deer²⁶ who calls them both “intrusion[s]...by an exterior, hostile outsider” (Deer xiv). Deer thus correlates political sovereignty to the personal sovereignty Native women have over their own bodies which Nagle addresses in the present-day storyline of Sarah Ridge Polson who expresses how Violence Against Women’s Act (VAWA) restores “a piece of our (Cherokee) criminal jurisdiction. The criminal jurisdiction that *Oliphant*²⁷ took away” by allowing the tribe to prosecute non-Natives who commit crimes of violence against women on Cherokee land (17). In this early scene, Nagle spotlights how VAWA is requisite in (re)claiming Cherokee political sovereignty because of its attention on (re)elevating Native women’s position in their tribes. *Sovereignty* (re)claims Native women’s bodies as sites of political protest by having Sarah Ridge Polson speak on behalf of herself and other victims of domestic and sexual violence in front of the U.S. Supreme Court. In Act II, Scene XIII, Sarah Ridge Polson stands in front of the Supreme Court to deliver an oral argument, asserting her Cherokee heritage first and foremost and then contrasting the state of

²⁵ Likely Sarah Bird Northrup became a naturalized citizen of Cherokee Nation following her marriage to John Ridge, though further research with Cherokee Nation’s Tribal Registration and/or Records Departments is necessary to positively determine whether Bird Northrup became Cherokee or not.

²⁶ Sarah Deer is a lawyer who along with Mary Kathryn Nagle submitted an amicus brief for the U.S. Supreme Court’s hearing of *Dollar General v. Mississippi Band Choctaw Indians* in which the U.S. Supreme Court upheld the lower courts’ rulings that the Choctaw had jurisdiction to prosecute Dollar General, a non-Native entity, due to it being a civil, not a criminal, case.

²⁷ *Oliphant v. Suquamish Indian Tribe* (1978) is a landmark case in which tribal jurisdiction was harmed because the Supreme Court ruled that tribes lost the authority to try non-Natives when they became dependents of the United States. This would prove especially problematic for the prosecution of non-Native perpetrators of sexual violence against Native women on Native land, hence the introduction of VAWA.

violence against women prosecution between the 1820s and 30s and the present day. She declares:

At that time (1825 when the Cherokee Nation opened its Supreme Court), like today, our Cherokee women were raped and assaulted by non-Natives who visited and lived on Cherokee lands. At that time, like today, Cherokee Nation passed a law criminalizing the rape of women on Cherokee lands. And Cherokee Nation prosecuted perpetrators regardless of whether they were Indian or not. If you raped a woman on Cherokee lands, you would be prosecuted by Cherokee Nation. (124)

Sarah Ridge Polson then outlines how Cherokee Nation's "exclusive and inherent" jurisdiction was upheld, but not enforced, in *Worcester*, and then eliminated in *Oliphant*, leading to an increase in violence against Native women at the hands of non-Natives (124-125). By having a woman and a victim of sexual violence by a non-Native give this argument, Nagle contends that Native women are (re)gaining their political power and wielding it for the benefit of tribal sovereignty.

The very end of Sarah Ridge Polson's argument before the U.S. Supreme Court gets to the heart of how Nagle's plays imagine tribal political sovereignty. Sarah stresses, "Tribal jurisdiction over non-Indians predates the United States Constitution. So tribal jurisdiction isn't unconstitutional. It's preconstitutional" (125). Just as tribal jurisdiction is preconstitutional, so too is tribal sovereignty. As John Ross in *Sovereignty* tells John Ridge, the first thing George Washington did after the signing of the U.S. Declaration of Independence in 1776 was sign a treaty with the Delaware Lenape.²⁸ John Ross alleges that this was because "the whole world

²⁸ This is reference to the Treaty of Fort Pitt signed in 1778.

recognized the sovereignty of Indian Nations, but no one recognized the United States” (69). In both cases, the United States relied on the jurisdiction and sovereignty of Native nations in order to establish its own power before seeking the destruction of tribal land, government, and futurity.

Though both *Manahatta* and *Sovereignty* were produced before the U.S. Supreme Court heard or decided *McGirt*, they anticipate and engage with tensions surrounding state, tribal, and federal jurisdiction, and thus, sovereignty. The *McGirt v. Oklahoma* (2020) ruling affirmed the existence of the Muscogee Creek Nation’s reservation and reiterated the necessity of federal or tribal prosecution in cases that occurs on tribal land. What is so revolution(ary) about the *McGirt* decision is that it harkens back to the decision in 1832 in *Worcester* in both promising and troubling ways; *McGirt* could be landmark in Federal Indian Policy if, and only if, the decision is respected, enforced. Otherwise, *McGirt*’s destiny is the same as *Worcester*’s, which despite being a ruling that recognized Cherokee sovereignty, was ultimately not one that led to respect for Cherokee sovereignty. Ben’s position at the end of *Sovereignty* is a good case to consider with respect to *McGirt*. In Act II, Scene VIII, he is sitting in the Hard Rock Casino on Cherokee land only having lost his job, but not behind bars. He complains to his attorney that a domestic violence conviction in a tribal court, “doesn’t count,” suggesting that they appeal to the Supreme Court because “they ‘granted cert’ in Dollar General’s case” and “Gorsuch and Kavanaugh are gonna vote against tribal jurisdiction” (102-103). Ben then pitches the exact argument that would come before the U.S. Supreme Court in *McGirt*: “tribal jurisdiction...over American citizens—is unconstitutional” (103). At the same time that Ben is wanting to mount an appeal to the U.S. Supreme Court, Sarah Ridge Polson is having to decide whether she wants to prosecute him at all since she risks losing custody of her child, as well as harming Cherokee sovereignty more broadly. Despite Cherokee society being matrilineal as expressed earlier in the play by Sarah

Ridge Polson saying, “our kids will be Cherokee because I’m Cherokee,” (65) her custody is challenged by Ben who tries to hold it as a bargaining chip for getting her to drop charges against him. However, Ben’s council knows that given the Indian Child Welfare Act (ICWA)²⁹ and Ben’s domestic violence charge, they would likely lose the custody battle. This small victory does not negate the threat of Cherokee sovereignty writ large that Ben’s case poses, however. Ben’s freedom to walk around on Cherokee land after a domestic violence conviction lends some credence to his view of the conviction as unauthorized which is precisely why Sarah Ridge Polson needed to argue Cherokee sovereignty in front of the U.S. Supreme Court, just as Muscogee sovereignty needed to be argued in front of the U.S. Supreme Court in *McGirt*; the very danger of re-arguing tribal sovereignty in front of the U.S. Supreme Court, as had been done in *Worcester v. Georgia*, is what could enable Ben’s tribal conviction to actually be respected and enforced. Nagle’s plays are pivotal post-*McGirt* because they avow the power of story to sustain sovereignty and educate large audiences about abuses on sovereignty enabled by Federal Indian Policy.

Closing Argument: Collapsing Binaries to (Re)claim Sovereignty

As a seventh generation³⁰ descendant from Major Ridge and John Ridge, Mary Kathryn Nagle regards her responsibility as a fighter for Cherokee sovereignty as an opportunity to (re)create the very idea of sovereignty. In both *Manhatta* and *Sovereignty*, Mary Kathryn Nagle parallels the past with the present to underscore repetitions in history, while also acknowledging

²⁹ The Indian Child Welfare Act (1978) was passed to help keep Native children within their families, larger community, or at the very least, within a Native home, in cases of adoption and child welfare.

³⁰ Originally a Haudenosaunee principle often related to climate justice, the Seventh Generation Principle is a philosophy of looking three generations back and three forward—or sometimes simply seven generations—in order to positively impact the future. The Cherokee Nation’s mission reads “The Cherokee Nation is committed to protecting our inherent sovereignty, preserving and promoting Cherokee culture, language and values, and improving the quality of life for the next seven generations of Cherokee Nation citizen” (*Osiyo!*).

that the present and future will, and maybe even should be, different from the past. Nagle, then, does not desire a return to the days of *Worcester*, when Cherokee Nation was considered sovereign, but had no recourse when President Andrew Jackson directed their removal. Rather, the Cherokee future Nagle envisions embodies what Joshua Nelson and Joyce Green respectively illustrate, specifically how literary nationalists and Indigenous feminists conceive of what Nelson calls progressive traditions, or the adaptation of tradition to modern contexts. Crucially, both literary nationalists and Indigenous feminists collapse the binary between traditionalism and progressiveness which is often read as an irreparable rift between traditionalists and assimilationists. Green puts this idea simply, yet profoundly: “for Indigenous women, tradition and modernity are not antithetical and they can change while continuing to be Indigenous” (229). Thus, Nagle (re)claims Cherokee voice, story, and agency in order to assert that Cherokee Nation’s sovereignty was, is, and always will be, regardless of whether it is recognized by the United States or any other external body. The Cherokee sovereignty that Nagle gives voice to in both her litigation and in her plays is one that exists internally through the persistence of culture, identity, and agency carried through story. While the past was characterized by stolen lands, languages, and opportunity and the present is riddled by the continuous work of (re)presenting Native life to outsiders, the future Nagle imagines is one in which Cherokee Nation’s sovereignty is internally and communally created and practiced.

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