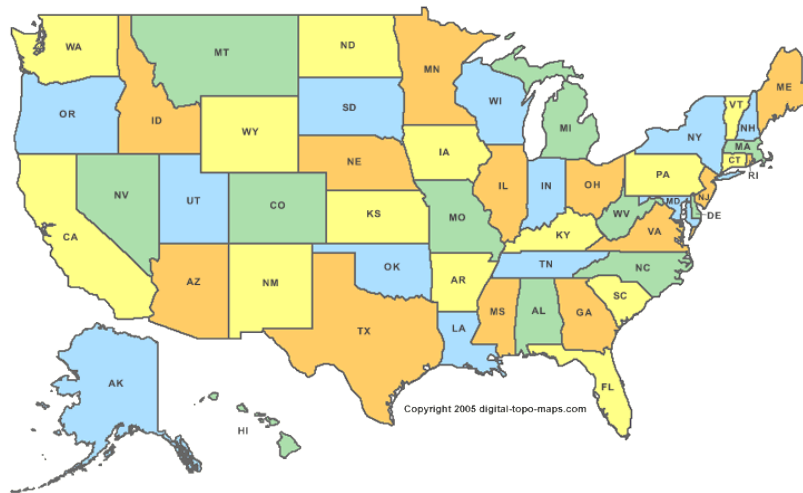


THE INDIAN STATES OF AMERICA: PARALLEL UNIVERSES & OVERLAPPING SOVEREIGNTY

*Joseph William Singer**

I. Why Do We Have Tribal Sovereignty?

We live in the United States of America. Or do we? Look at a typical map of the United States. It shows the external borders of the country and, of course, the states, which are pretty important in our political system, as the meeting of the Electoral College following the 2012 popular election reminded us. This is the map most of us grew up with. Some of us had puzzles that taught us to place the states where they belonged on the map, and many of us had to memorize state capitals in geography classes. But I have to tell you that there is something wrong with this map. And the thing that is wrong is something most Americans do not even know about. This map is not actually a map of the United States. It is a map of a country that does not exist. Of course it exists in people's minds and as Albus Dumbledore reminds us, the fact that it exists only in our minds does not



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mean it is not real. But it is not an accurate map of the United States. What is wrong with it?

The map erases the 566 federally recognized Indian nations within the borders of the country. The map renders them invisible; it pretends they do not exist. Well, they may be invisible to most Americans, but that does not make them unreal. Those who do not want to see things that are there wield immense power over those they have rendered invisible. And if one thing is certain, it is that we must be careful how we exercise power.

Here is a map of Indian Country today. The gray areas represent the lands currently under tribal jurisdiction. They are what remain after the United States took territory from Indian nations during the eighteenth and nineteenth centuries. They represent some two percent of the land in the continental United States.¹ Some of the Indian lands are quite large. You can see that Navajo country down in Arizona and New Mexico is larger than my home state of Massachusetts.²



1. About "56.2 million acres of land are now held in trust by the United States for Indian tribes and individuals." COHEN'S HANDBOOK OF FEDERAL INDIAN LAW § 15.01, at 995 (Nell Jessup Newton et al. eds., 2012) [hereinafter COHEN'S HANDBOOK]. That amount is about two percent of the landmass of the continental United States. *An Introduction to Indian Nations in the United States*, NAT'L CONG. OF AM. INDIANS, 13 (Nov. 11, 2003), http://www.ncai.org/about-tribes/Indians_101.pdf.

2. Unless otherwise noted, the Indian Country maps in this article are reprinted with permission from CARL WALDMAN, *ATLAS OF THE NORTH AMERICAN INDIAN* 174, 176, 177 (3d ed. 2009) (maps by Molly Braun).

I teach and write about federal Indian law, the area of federal law that regulates the relations among the tribes, the states, and the federal government. It is not a subject most lawyers know about, and it is not part of the basic curriculum in most law schools. But there are several states in the West that now make it a basic part of the curriculum because it is so important to state affairs that it is on the bar exam. However, that is not the case here in the East. My colleagues know of my interest in the field of federal Indian law, and they frequently ask me a seemingly simple question: Why do we have tribal sovereignty? This question is followed by several others: Isn't tribal sovereignty an outdated relic? Doesn't it treat Indians as second-class citizens? Didn't *Brown v. Board of Education* reject "separate but equal" as a legitimate philosophy? How can it be democratic to have sovereigns that confer citizenship based on ancestry? Doesn't that constitute race discrimination?

These are good questions, and they deserve an answer. But I first want to complain a bit about the way the questions are posed. If you ask, "Why should we have tribal sovereignty?" you are suggesting that we are in a situation of neutrality, and we are making a choice about whether or not to recognize such sovereignty in the first place. The question assumes we are writing on a blank slate. But that is *not* our current situation. Like the incorrect map of the United States, this question erases our history; it erases our law; and it pretends that we are in a position very different from reality.

The reality is that we *have* tribal sovereignty. We have always had it. The map of the United States that excludes the tribes is a false map. We imagine that non-Indians conquered the tribes, and they somehow went away or were fully assimilated as U.S. citizens. While Indians are U.S. citizens today, many are also dual citizens of the United States and their respective tribes. The fact is that the United States never fully conquered the Indian nations. Their sovereignty preexists the United States; it was diminished by the exercise of federal power but never fully obliterated (at least for most tribes).

So if you ask why we should have tribal sovereignty, you are really asking, "Why shouldn't we get rid of the tribal sovereignty that we currently have?" And that question really means, "Why shouldn't the United States withdraw its recognition of tribal governments and end the government-to-government relationship that the United States now enjoys with 566 Indian nations?"

Well, abolishing tribal sovereignty by federal fiat against the will of the Indian nations would be an astounding thing to do. It would be equivalent to an act of conquest. Once we understand that, it becomes clear that asking

whether we should *have* tribal sovereignty is actually asking whether we should *abolish* it. And that is the same as asking, “Why don’t we conquer the Indians today?” or saying, “The United States conquered the Indians. Why don’t we keep doing it? Why don’t we finish the job?”

It is one thing to imagine that conquest happened, that it was morally problematic, and that we cannot undo it and somehow have to live with the consequences. It is another thing entirely to suggest we should continue to engage in it ourselves today in the twenty-first century. Asking why we should have tribal sovereignty is a polite way of asking why we should not engage in conquest. Of course, those who question tribal sovereignty do not think they are proposing conquest; what is apparent is that they do not realize the actual state of affairs within which that question is posed.

It should be noted that invading another country against its will to colonize it violates contemporary norms of international law.³ Indeed, the United States went to war with Iraq the first time because Iraq invaded and occupied a defenseless, small nation that Iraq argued was an errant lost province that really belonged to Iraq. That act of war by Iraq induced the United States to invade Iraq to protect Kuwait’s sovereignty. We did so to protect Kuwait’s right to self-determination—a right enshrined in international law and one of the core tenets of democratic theory.

The casual question “Why should we have tribal sovereignty?” betrays a view of the world that is based on the false map and a false history. Yet it is the way the world is viewed by many, including politicians in positions of power and many judges serving on our courts. But coexisting with that imaginary world is another where tribal sovereignty is a reality. It was not erased by history, and it is recognized by United States law. That world coexists with the fantasy world where conquest was completed.

I want to emphasize that the fantasy world where conquest was completed and tribal sovereignty was abolished completely is a world that is both true and false. It is false because, as a matter of historical fact and current law, conquest was not completed. It is true because it is what many Americans believe, and beliefs shape attitudes and actions, as well as public policy. The world of conquest is both real and unreal.

3. See COHEN’S HANDBOOK, *supra* note 1, at § 5.07[2][a], at 453–54 (describing the U.N. Charter’s fundamental commitment to the “self-determination of peoples”).

II. Parallel Universes

I am a fan of fantasy and science fiction. We ordinarily think of science fiction as writing about imaginary worlds. But a fascinating recent book by literary theorist Seo-Young Chu argues that science fiction is not about imaginary worlds.⁴ Rather, she argues, science fiction concretizes and describes reality.⁵ It describes not imaginary things but real things that are hard to represent in ordinary language.⁶ The reality that science fiction describes is concepts that are hard to understand by reference to ordinary criteria.⁷ They are what she calls “cognitively estranging referents.”⁸ Such objects are real, but they are hard for us to grasp, to understand, to explain, and to describe.⁹ Chu says, “[L]et us consider the cognitively estranging referent as an object of wonder.”¹⁰ She further explains:

Objects completely unknowable (objects with respect to which our intellects remain completely “unawakened”) are merely estranging. Objects completely knowable (objects with respect to which our knowledge is “so complete that there no longer exists anything unexpected”) are merely accessible to cognition. But objects of wonder (objects that produce in us “a horizon-effect of the known, the unknown, and the unknowable”) are cognitively estranging. These are the objects represented in science fiction.¹¹

Cognitively-estranging objects are things that are real but are hard to wrap our minds around. Chu argues that one of the main functions of art is to represent such objects and to make them accessible to our understanding and to enrich our experience of them.¹² Science fiction does this by naming those objects and giving them concrete form. The work of making objects of wonder accessible is the same work done by metaphors and literature and music. We need ways to express what cannot be easily reduced to simple words or concepts. One such object of wonder might be the concept of the

4. See SEO-YOUNG CHU, *DO METAPHORS DREAM OF LITERAL SHEEP? A SCIENCE-FICTIONAL THEORY OF REPRESENTATION* (2010).

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.* at 3.

9. *Id.* at 3–5.

10. *Id.* at 5.

11. *Id.*

12. *Id.* at 73–75.

parallel universe—something physicists play around with and sometimes argue actually exists.

I want to argue that parallel universes are real and that we experience them in the plural communities in which we live. People in different communities see the world from very different perspectives. We look at the same facts and see different things; we evaluate the same facts and come up with very different normative judgments. Think of the conflict between American free speech norms and Islamic demands to regulate offensive portrayals of the prophet Mohammed. Think of the different worldviews represented by Fox News and MSNBC. Think of the worldviews of those who see same-sex marriage as a threat to the order of things and those who see its prohibition as simple denial of human rights.

A Gahan Wilson cartoon shows an artist painting a couple of bare trees. His painting does not look like what we see. It shows not a tranquil fall day but a world filled with monsters. The artist explains to a spectator, “I paint what I see.”¹³ In looking at the world and telling it like it is we paint what we see. But we do not all see the same thing when we look at the world. And as Oscar Wilde reminds us, “Things are because we see them, and what we see, and how we see it, depends on the Arts that influenced us. To look at a thing is very different from seeing a thing.”¹⁴

In one world we have the United States of America, where conquest was completed and tribal sovereignty does not exist. In another world we have tribal sovereignty: It has always existed; it has been diminished but never abolished; and it coexists with the sovereignty of the United States, occupying the same space-time continuum and exerting substantial force on events in the real world. Here are two very different universes; yet, somehow they both exist and exert force on each other. How do we manage in a world of parallel universes?

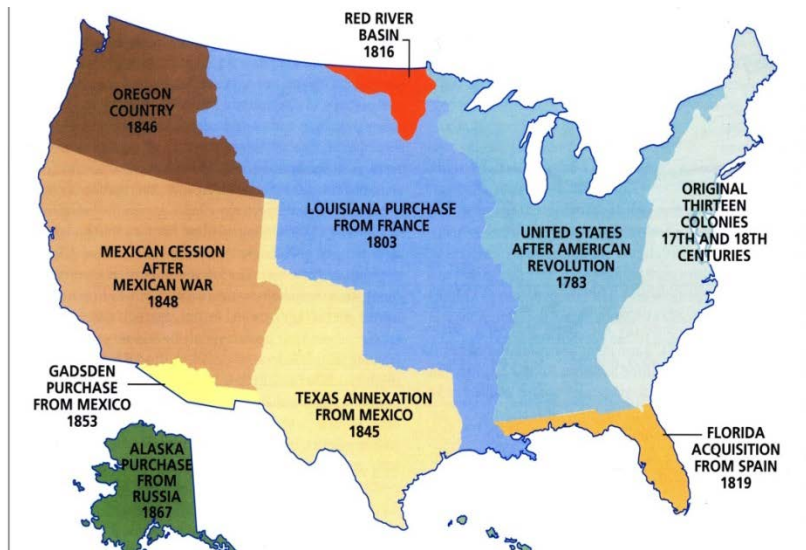
III. The United States of America v. the Indian States of America

The first world I described was the world of conquest. This is the world described in many history textbooks that show the United States moving west, acquiring territory from other colonial powers. Here is the map most of us learned in school that shows the great land transfers among colonial powers. (see next page) We see transfers of land from France, from England, from Spain, and from Mexico. What are missing from this picture

13. See GAHAN WILSON, *I PAINT WHAT I SEE* (1971).

14. OSCAR WILDE, *THE DECAY OF LYING* (1889), available at http://www.sscnet.ucla.edu/comm/steen/cogweb/Abstracts/Wilde_1889.html.

are the Indian nations that inhabited all these territories. Look at the Louisiana Purchase. It looks empty. The map suggests that in 1803 in the instant a few men signed a piece of paper, the U.S. borders moved dramatically westward.



Yet, this is a lie. The U.S. borders moved *as between the United States and France*. Those two nations agreed on the western border of the United States, and the United States began to draw its maps thusly. But the Indian nations inhabiting those lands did not sign the treaty of 1803, and it required many more years and many more treaties and many wars before the United States actually established sovereignty over the Louisiana Purchase.¹⁵ Here is another map of the Louisiana Purchase from my daughter's high school history textbook—a really good book, one that has substantial information about Indians.¹⁶ (see next page) Look at it. Empty. And the caption calls it “the largest peaceful acquisition of territory in U.S.

15. ALAN BRINKLEY, *THE UNFINISHED NATION: A CONCISE HISTORY OF THE AMERICAN PEOPLE* 166 (7th ed. 2013) (noting that the treaty involved a payment of 80 million francs, or \$15 million, to France).

16. JOHN MACK FARAGHER, MARI JO BUHLE, DANIEL CZITROM & SUSAN H. ARMITAGE, *OUT OF MANY: A HISTORY OF THE AMERICAN PEOPLE* 284 (5th ed. 2007).

history.”¹⁷ I didn’t know whether to laugh or cry when I read that. Remember Custer’s Last Stand? There were at least five major wars between the United States and the Sioux Indians.¹⁸ Peaceful acquisition? Not true. Not even close to true.



MAP 9-2

Louisiana Purchase The Louisiana Purchase of 1803, the largest peaceful acquisition of territory in U.S. history, more than doubled the size of the nation. The Lewis and Clark expedition (1804–06) was the first to survey and document the natural and human richness of the area. The American sense of expansiveness and continental destiny owes more to the extraordinary opportunity provided by the Louisiana Purchase than to other factors.

After acquiring lands in the West from France and England and Mexico, the United States had to acquire all the lands a second time from the Indian nations that inhabited those territories. The next map shows the large land cessions from tribes to the United States that occurred in the nineteenth century. (see next page) The Indian land cessions overlap the state borders so you can see where they are located and also see that the lands were not empty of people or devoid of nations. When the French withdrew from the Louisiana Purchase, it was not an empty land ready for settlement. It was filled with Indian nations, nations erased from our history by the maps we have been taught.

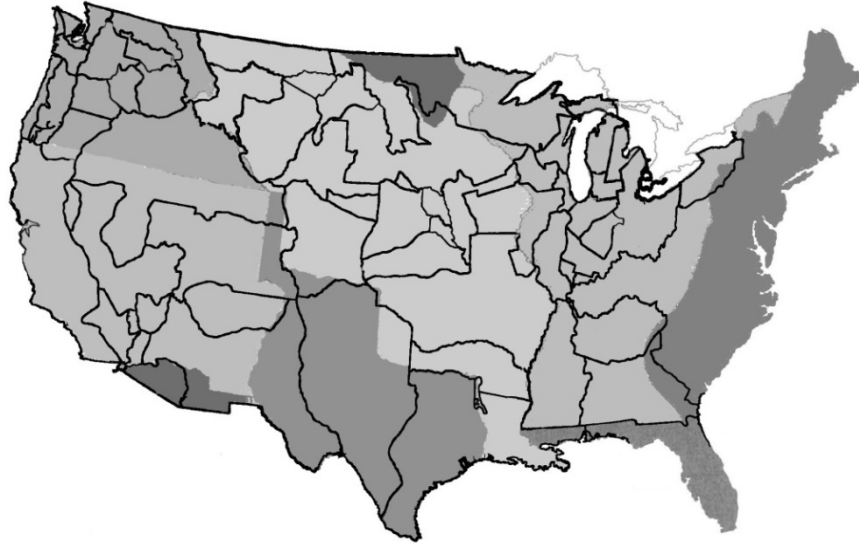
17. *Id.*

18. *Sioux Wars*, ENCYCLOPEDIA OF THE GREAT PLAINS, <http://plainshumanities.unl.edu/encyclopedia/doc/egp.war.044> (David J. Wishart, ed.) (last visited May 29, 2014).



For years I was complaining about maps of the Louisiana Purchase and the way they misrepresented reality. Our daughter Mira Singer heard me talking about this and asked why I was so upset. I told her I wanted a map that showed the Louisiana Purchase filled with Indian nations. It was wrong that it looked empty when it was actually inhabited by sovereign nations. Without those Indian nations, the map was like a map of Europe that did not show France or Spain or Italy. I wanted a historian or a geographer or someone with expertise to create those maps. I am just a lawyer. But Mira looked at me and asked if I had the maps of the Indian nations. I said, "Yes." Then she asked, "And you just want to put the maps of the Indian nations on top of the map of the Louisiana Purchase, right?" I said, "Yes."

She looked at me and said, “Well, I could do that.” And voilà. Through initiative and her skill with Adobe Photoshop, Mira created the map I always wanted. And here it is:



According to the conventional map, the United States spread from sea to sea by about the time of the Civil War. But if we look at the timing of the Indian land cessions, it was not until the end of the nineteenth century that that was the case, and even then the tribes retained large swaths of land.¹⁹

It is not a minor thing to ignore millions of people or hundreds of nations. But the universe that erases Indian nations has consequences for them. When Indian nations exercise their inherent sovereignty, they often face opposition from non-Indians skeptical of their right to exist. And at various times in our history, the United States has acted as if tribal sovereignty is a relic of the past that should be on its way out. The U.S. Supreme Court has also been skeptical when Indian nations exercise sovereignty over non-Indians and has severely limited their powers to do so.²⁰

19. WALDMAN, *supra* note 2, at 216 (map showing times when land cessions were made by Indian nations to the United States).

20. COHEN'S HANDBOOK, *supra* note 1, at § 6.02[2], at 506–11 (explaining common law limitations the Supreme Court has imposed that limit tribal sovereignty over nonmembers).

At the same time, we live in a parallel universe where tribal sovereignty is real and enshrined in both law and public policy. Rather than asking why we should have tribal sovereignty, I will ask, “Why has tribal sovereignty persisted?” I noted above that some non-Indians worry that tribal sovereignty is inconsistent with U.S. sovereignty, and that it clashes with our ideals of democracy and equality. These concepts are complicated both in the ways we understand them and in thinking about them normatively. I will give three arguments for tribal sovereignty based on history, democracy, and equality. The ultimate task is not only to explain why tribal sovereignty is consistent with U.S. sovereignty, but also why the recognition of tribal sovereignty is compelled by American values. A free and democratic society that treats each person with equal concern and respect would choose to recognize tribal sovereignty rather than abolish it.

IV. Three Arguments for Tribal Sovereignty

The first argument for tribal sovereignty is based on *history*. As a matter of historical fact, tribal sovereignty and tribal property rights *precede* the United States. Under federal law those rights persist to the extent they have not been diminished by federal action.²¹ Contrary to what many assume, conquest was never completed. And even when the United States has historically diminished tribal sovereignty and property, it remains open to us to consider whether those infringements were lawful or justifiable. If they were illegitimate, that fact places an obligation on us to decide what to do about it today.

Contrary to the fears of those who believe that sovereignty is unitary and that there cannot be more than one sovereign over a particular land, the truth is that tribal sovereignty is fully compatible with U.S. sovereignty. We know this because it has in fact coexisted with U.S. sovereignty since the beginning. The history of the United States, as told by those great maps, is not the history that actually happened. As the maps I showed you illustrate, conquest was partial, not total. And while it is true that U.S. policy has fluctuated over time between protecting tribal sovereignty and diminishing

21. See *Michigan v. Bay Mills Indian Cmty.*, No. 12-515, 2014 WL 2178337 (May 27, 2014) (“Although Congress has plenary authority over tribes, courts will not lightly assume that Congress in fact intends to undermine Indian self-government”); *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 202 (1999) (“Congress may abrogate Indian treaty rights, but it must clearly express its intent to do so.”). “[F]ederal statutes will not be interpreted to ‘interfere[] with tribal autonomy and self-government . . . in the absence of clear indications of legislative intent.’” COHEN’S HANDBOOK, *supra* note 1, § 2.02[1], at 114 n.5 (quoting *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 59–60 (1978)).

it, our current policy promotes self-determination. That policy has been in effect since the 1970s when it was implemented by President Nixon. Every president since then, Republican or Democrat, has affirmed the government-to-government relationship between the United States and the tribes. And though the United States has abrogated many treaties and unilaterally ignored many of its promises, several hundred of those treaties remain in effect and are the supreme law of the land under the Constitution. An entire title of the U.S. Code, Title 25, is devoted to Indian affairs.

The fact of the matter is that the Indian States of America have existed since the beginning, continue to exist, and can exist in harmony with the United States and state governments. While it is true the United States has the military power to wipe out Indian nations, it has refrained from doing so. Partly on its own initiative and partly because of treaties entered into with Indian nations, the United States has agreed to limit its exercise of sovereignty over Indian Country by recognizing the preexisting governments of Indian nations.²²

Indian nations in fact exercise governmental powers over their citizens and over non-Indians who enter tribal lands and engage in commerce with the tribes. Indian nations have legislatures, courts, jails, governing laws, administrative agencies, tribal colleges, and tribal businesses. The scope of tribal sovereignty is complex under federal law; it cannot be described in a few sentences. Suffice it to say that tribal power over their own citizens is robust and equivalent to the power that states exercise over their citizens. Tribes have traffic regulations for tribal roads; they regulate marriage and child custody and adoptions; they enforce contracts among tribal members; and they protect their citizens from criminal assaults by other tribal citizens. The U.S. Supreme Court has substantially curtailed tribal powers over non-Indians, but it has not completely abolished them. For example, tribes have no power to impose criminal penalties on non-Indians or to apply their zoning laws to non-Indians who own property within reservation borders.²³ But if a non-Indian visits a tribal casino on reservation land and gets injured

22. COHEN'S HANDBOOK, *supra* note 1, §§ 4.01 to 4.07, at 203–379 (explicating the scope of tribal sovereignty recognized by federal law).

23. *See* *Brendale v. Confederated Tribes & Bands of the Yakima Indian Nation*, 492 U.S. 408 (1989) (holding that Indian nations generally have no power to apply their zoning laws to non-Indian owners of property held in fee simple within reservation borders); *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978) (holding that Indian nations have no criminal jurisdiction over non-Indians).

inside the casino, she has to sue the tribe in tribal court for a remedy rather than going to state court for redress.²⁴

The power of the states is generally deemed plenary, meaning they can exercise their sovereignty to promote legitimate government purposes within their territorial boundaries. However, to the extent that Indian nations share those same territories, the tribes' preexisting sovereignty is undiminished and the state's power cannot extend to regulations that infringe on the tribes' inherent rights to govern themselves and their territory.²⁵ Similarly, to the extent the United States has refrained from interfering with the tribes' inherent sovereignty, tribal powers are preserved intact. Tribal, state, and federal sovereignty overlap, and each government must accommodate (or recognize) the others' legal authority over certain people and certain matters within their borders. We have parallel universes coexisting within our borders.

The argument from history is that conquest was never completed; we have tribal sovereignty. To ask why we should not abolish it is the same as asking, "Why not conquer Mexico?" To ask the question is to answer it. It violates our values and the norms of international law to invade another country and occupy it by force of arms unless we are acting in self-defense. While many non-Indians are not aware of it, federal law does recognize tribal sovereignty; it always has. While the exact contours of tribal powers have waxed and waned with time, the current policy of both Congress and every President since Nixon has been to respect tribal sovereignty and defer to the tribes in governing their own lands and their own people.

The second argument for tribal sovereignty is based on *democracy*. Tribal sovereignty is not only compatible with the ideals of democracy but may even be required by it. I noted above that democracy is partly premised

24. In *Merrion v. Jicarilla Apache Tribe*, the Supreme Court held that Indian nations may tax non-Indians who lease tribal land. 455 U.S. 130 (1982). Justice Marshall explained that this power derives from the tribe's power "as sovereign, to control economic activity within its jurisdiction." *Id.* at 137; *see also* *Montana v. United States*, 450 U.S. 544, 557 (1981) (if a tribe permits nonmembers on to tribal land, it can "condition their entry" on complying with tribal law); COHEN'S HANDBOOK, *supra* note 1, at § 7.02[1][a], at 600 n.9. *Cf.* *Webb v. Paragon Casino*, 03-1700 (La. App. 3 Cir. 5/12/04); 872 So. 2d 641 (holding that non-Indian employee of tribal casino who was injured on the job must file a workers' compensation claim in tribal court).

25. *Williams v. Lee*, 358 U.S. 217, 220 (1959) ("Essentially, absent governing Acts of Congress, the question has always been whether the state action infringed on the right of reservation Indians to make their own laws and be ruled by them."); COHEN'S HANDBOOK, *supra* note 1, at §§ 4.01[1][a]–[b], at 206–12 (detailing inherent tribal rights to exercise sovereignty over their citizens and their lands).

on the idea of self-determination. Democracy is government by the people. Tribes have been self-governing sovereigns for millennia. Tribal sovereignty exists not because the United States granted special rights to some ethnic group but because, unique among the colonial nations of the world, the United States did not completely abolish the preexisting sovereignty of Indian nations. The states joined the Union by signing onto the Constitution through expressions of popular will. The tribes did not sign the Constitution and were never asked to do so. How then did they ever come within the sovereign power of the United States?

If they ever did, it was through treaties. Legal scholar Philip Frickey argued that we should therefore see those treaties as quasi-constitutional documents that regulate the terms of association between the tribes and the United States.²⁶ And we should be especially careful about infringing on the sovereignty of tribes with whom we never negotiated a treaty. Just as we respect the Constitution as our foundational document, the treaties represent foundational sources of authority for the relationship between the federal government and the Indian nations. Those treaties were not treaties of surrender; rather, they represented formal recognition by the United States of tribal sovereignty and also acknowledgement that the tribe exercised governmental powers over its remaining land base. Subsequent legislation has affirmed this many times.²⁷

Recent legislation promotes self-determination for tribes and seeks to transfer federal programs to tribal management. For example, the federal Environmental Protection Agency has delegated authority to many tribes to enforce federal environmental statutes within reservation borders.²⁸ Tribal members vehemently want tribal sovereignty to continue, and by entering treaties with Indian nations, the United States has promised to respect their inherent and continuing sovereignty. Democracy does not require abolition of tribal sovereignty. On the contrary, the norms of free and democratic societies support it.

26. Philip P. Frickey, *Marshalling Past and Present: Colonialism, Constitutionalism, and Interpretation in Federal Indian Law*, 107 HARV. L. REV. 381, 408–17 (1993).

27. See Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 450–58 (2012) (an act seeking to enhance tribal self-determination by transferring regulatory powers from the United States to Indian nations); COHEN'S HANDBOOK, *supra* note 1, at § 22.02, at 1386–96 (explaining the Act).

28. See, e.g., Clean Water Act, 33 U.S.C. § 1377(e) (2012) (authorizing the Administrator of the Environmental Protection Agency to treat an Indian tribe as a State for purposes of the Act); Clean Air Act, 42 U.S.C. § 7601(d) (2012) (same); Safe Drinking Water Act, 42 U.S.C. § 300j-11 (2012) (same).

The third argument for tribal sovereignty is based on *equality*. Tribes do not violate equality norms, even though most tribes limit citizenship to those who can show ancestry from tribal members. The tribes limit membership to those who are descendants of existing tribal members, while sometimes allowing non-Indians who marry into the tribe also to obtain citizenship. While we normally judge racial discrimination harshly, consider what would happen if tribes started to let anyone become a member regardless of their connection to the tribe.²⁹ This would mean that anyone who was granted membership would become subject to tribal law and governed by the tribe rather than the state. Tribes have powers to govern their own citizens, but they also have the power to govern anyone who enters tribal land. If everyone joined and gave their land to the tribe, the tribe could effectively eat up part of the state and expand its sovereignty over both persons and territory. It is clear that the federal government and the states would object to this; they have interests in limiting the ability of tribes to expand their sovereignty without negotiating this with the U.S. government. Conversely, the tribes have interests in preserving their cultures and political and religious communal lives. That requires control over membership in order to sustain their way of life as it changes over time. And because the tribes are sovereigns, they are more than social clubs or even ethnic groups, and thus have the undeniable power of all nations to determine citizenship criteria.

It is true that tribes may abuse those powers to control citizenship, just as it is true that the United States has sometimes acted in unjust and oppressive ways in its immigration policy. But the mere fact that tribes limit membership to citizens who have an ancestral connection to the nation does not, by itself, violate equality norms. After all, as a U.S. citizen I was given the power to pass my citizenship on to our daughter, while people outside the United States were denied this power. And the fact that tribal members have certain legal immunities and rights that are different from other Americans does not violate our equality norms. It is simply a consequence of their dual citizenship. That in turn is a consequence of the parallel universe of tribal sovereignty that may have been invisible to us. But the fact that we were not aware of tribal sovereignty does not mean that it was not real.

29. The author recalls hearing about one tribe that considered doing this by allowing anyone in the county to become a tribal citizen.

V. Conclusion

I have talked about two universes: one characterized by complete conquest and one characterized by limited conquest and continuing tribal sovereignty. The second world is one of overlapping sovereignty. This is an object of wonder to many because we imagine sovereignty to be total. Political scientists define sovereignty as the monopoly on the legitimate exercise of force in a particular territory.³⁰ But truth is often stranger than fiction, and the reality is that we live in a world of overlapping sovereignty, where the United States has voluntarily diminished its potential exercise of power to make room for the Indian nations. One can exercise a monopoly on the use of force within a particular sphere while leaving others the power to exercise force within their sphere. The absoluteness of sovereignty within a sphere does not mean that there may not be more than one sphere. And if this seems crazy, then remember that we live in a country called the United States of America. Each of us is simultaneously a citizen of the state we live in and of the United States. To express wonder at the idea of overlapping sovereignty is to forget the basic political framework of our Constitution.

I want to conclude by describing a third universe, which I will call the Indian States of America. This world forces us to confront the fact that conquest was a sin. The process by which Americans obtained the land we live on was unjust; it was oppressive; it violated the freedom and self-determination of hundreds of nations. We tell ourselves a comforting story of expanding west and of moving toward greater freedom and equality over time as we abolished slavery and gave women the vote, but at the same time we did these things, we encroached more and more on the freedom and equality of Indian peoples. Suppose conquest had not happened. What would the world look like?

This third parallel universe is one that does not exist in fact but can exist in our minds. It is something we can construct through political theory. It is a normative reconstruction of what a just relationship between the United States and Indian nations would look like. That world would look

30. See MAX WEBER, *Politics as a Vocation*, in THE VOCATION LECTURES 33 (David Owen & Tracy B. Strong eds., 2004) (1919) (describing the state as a “human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory”); BERNARD WILLIAMS, IN THE BEGINNING WAS THE DEED: REALISM AND MORALISM IN POLITICAL ARGUMENT 94–95 (2005) (“For there to be legitimate government, there must be a legitimation story, which explains why state power can be used to coerce some people rather than others and to allow people to restrict other people’s freedom in some ways rather than others.”).

something like this. Rather than the United States giving way to some tribal sovereignty, it would be the tribes giving way to some U.S. sovereignty. We would be living in the Indian States of America with some powers granted to the United States to govern its land and its peoples. Imagine what that would be like. We non-Indians would be living on borrowed tribal land. Here in Poughkeepsie we might come within the jurisdiction of the Mahican Indians. The people who lived here were displaced by the American Revolution and given land within Oneida territory in New York.³¹ By the 1830s they had moved again to Wisconsin. Their descendants are now known as the Stockbridge-Munsee Band of Mohican Indians, and they are a nation recognized by the United States. We are on their land. Although we are also in the state of New York, we are living in Indian Country. The tribes have been more than hospitable, and all they ask in return is respect. They seek to have their humanity recognized and their sovereignty respected. We are living in the Indian States of America on land borrowed from Indian nations.

How would such a relationship work? We can learn from the way tribes interacted with the colonial powers from the outset. They negotiated treaties. They dealt with conflicts of interest by negotiation. That is the way democracies deal with difference. Democracies deal with multiple sovereignties by negotiating acceptable arrangements. Many tribes do this today, for example, by negotiating cross-deputization agreements with towns and counties so that tribal police can follow criminals off the reservation to arrest them, and so that state police can follow criminals onto the reservation to make sure they do not get away. Tribes and towns have compacts to harmonize their zoning laws and their environmental laws.

Conquest was monstrous, and we must live with the fact that it happened. How do we deal with monsters from our past, things that embarrass us, things we regret having done? A cartoon by Ed Koren shows two couples talking in the living room.³² Behind one couple is a gigantic monster. How do we deal with the monster in the room? The cartoon couple explains, "We deal with it by talking about it."³³ But before we talk about it, we have to be able to *see* it.

31. See *Origin & Early Mohican History*, STOCKBRIDGE-MUNSEE CMTY. BAND OF MOHICAN INDIANS (May 29, 2014), http://www.mohican-nsn.gov/Departments/Library-Museum/Mohican_History/origin-and-early.htm (describing the early history of the tribe in its location on both sides of the Hudson River in New York and their removal west).

32. Edward Koren, "We Deal with It by Talking About It" (1975) (cartoon drawing), available at <http://www.nytimes.com/imagepages/2010/05/21/arts/21koren-3.html>.

33. *Id.*

I want to engage in a bit of performance art by making you look at the names of the nations that U.S. maps render invisible. But looking is not the same thing as seeing. What I want you to see are the 566 nations in our midst currently recognized by the United States of America.³⁴ I will not bore you by reading all their names, but I will read some of them. Mostly I want you to *see* them. And if we see them, we will begin to understand that we may live in the United States of America, but we also live in the Indian States of America.

34. In 2012, the Federal Register listed all 566 officially recognized Indian nations. Indian Entities Recognized and Eligible to Receive Services from the Bureau of Indian Affairs, 77 Fed. Reg. 47,868 (Aug. 10, 2012).

APPENDIX

Federally Recognized Indian Nations in the Contiguous Forty-Eight States

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian
Reservation, California
Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation,
Arizona
Alabama-Coushatta Tribe of Texas
Alabama-Quassarte Tribal Town
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapaho Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmacs
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Indians, California
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad
River Reservation, Wisconsin
Bay Mills Indian Community, Michigan
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Paiute Tribe of the Owens Valley
Big Sandy Rancheria of Western Mono Indians of California
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Bishop Paiute Tribe
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Blue Lake Rancheria, California
Bridgeport Indian Colony
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe
Cabazon Band of Mission Indians, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of
the Colusa Rancheria, California
Caddo Nation of Oklahoma
Cahto Tribe
Cahuilla Band of Mission Indians of the Cahuilla Reservation, California
California Valley Miwok Tribe, California
Campo Band of Diegueno Mission Indians of the Campo Indian
Reservation, California

Capitan Grande Band of Diegueno Mission Indians of California
Catawba Indian Nation
Cayuga Nation
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation
Cheyenne and Arapaho Tribes, Oklahoma
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South
Dakota
Chickasaw Nation
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Chitimacha Tribe of Louisiana
Choctaw Nation of Oklahoma
Citizen Potawatomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation,
Arizona and California
Comanche Nation, Oklahoma
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of Siletz Indians of Oregon
Confederated Tribes of the Chehalis Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Coquille Indian Tribe
Cortina Indian Rancheria of Wintun Indians of California
Coushatta Tribe of Louisiana
Cow Creek Band of Umpqua Tribe of Indians
Cowlitz Indian Tribe
Coyote Valley Reservation
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Crow Tribe of Montana

Death Valley Timbi-sha Shoshone Tribe
Delaware Nation, Oklahoma
Delaware Tribe of Indians
Dry Creek Rancheria Band of Pomo Indians, California
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,
California
Elk Valley Rancheria, California
Ely Shoshone Tribe of Nevada
Enterprise Rancheria of Maidu Indians of California
Ewiiapaayp Band of Kumeyaay Indians, California
Federated Indians of Graton Rancheria, California
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of
Montana
Fort Bidwell Indian Community of the Fort Bidwell Reservation of
California
Fort Independence Indian Community of Paiute Indians of the Fort
Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian
Reservation, Nevada and Oregon
Fort McDowell Yavapai Nation, Arizona
Fort Mojave Indian Tribe of Arizona, California & Nevada
Fort Sill Apache Tribe of Oklahoma
Gila River Indian Community of the Gila River Indian Reservation,
Arizona
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
Greenville Rancheria
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Guidiville Rancheria of California
Habematolel Pomo of Upper Lake, California
Hannahville Indian Community, Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Ho-Chunk Nation of Wisconsin
Hoh Indian Tribe
Hoopa Valley Tribe, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians, California

Houlton Band of Maliseet Indians
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Iipay Nation of Santa Ysabel, California
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit
Reservation, California
Ione Band of Miwok Indians of California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Jackson Rancheria of Me-Wuk Indians of California
Jamestown S'Klallam Tribe
Jamul Indian Village of California
Jena Band of Choctaw Indians
Jicarilla Apache Nation, New Mexico
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation
Karuk Tribe
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Nation, Oklahoma
Kewa Pueblo, New Mexico
Keweenaw Bay Indian Community, Michigan
Kialegee Tribal Town
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma
Kiowa Indian Tribe of Oklahoma
Klamath Tribes
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Indians, California
La Posta Band of Diegueno Mission Indians of the La Posta Indian
Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du
Flambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Little River Band of Ottawa Indians, Michigan
Little Traverse Bay Bands of Odawa Indians, Michigan
Lone Pine Paiute-Shoshone Tribe
Los Coyotes Band of Cahuilla and Cupeno Indians, California
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota

Lower Elwha Tribal Community
Lower Lake Rancheria, California
Lower Sioux Indian Community in the State of Minnesota
Lummi Tribe of the Lummi Reservation
Lytton Rancheria of California
Makah Indian Tribe of the Makah Indian Reservation
Manchester Band of Pomo Indians of the Manchester Rancheria, California
Manzanita Band of Diegueno Mission Indians of the Manzanita
Reservation, California
Mashantucket Pequot Indian Tribe
Mashpee Wampanoag Indian Tribal Council, Inc.
Match-e-be-nash-she-wish Band of Pottawatomii Indians of Michigan
Mechoopda Indian Tribe of Chico Rancheria, California
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande
Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois
Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech
Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians
Moapa Band of Paiute Indians of the Moapa River Indian Reservation,
Nevada
Modoc Tribe of Oklahoma
Mohegan Indian Tribe of Connecticut
Mooretown Rancheria of Maidu Indians of California
Morongo Band of Mission Indians, California
Muckleshoot Indian Tribe
Narragansett Indian Tribe
Navajo Nation, Arizona, New Mexico & Utah
Nez Perce Tribe
Nisqually Indian Tribe
Nooksack Indian Tribe
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation,
Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of Shoshoni Nation
Nottawaseppi Huron Band of the Potawatomi, Michigan

Oglala Sioux Tribe
Ohkay Owingeh, New Mexico
Omaha Tribe of Nebraska
Oneida Nation of New York
Oneida Tribe of Indians of Wisconsin
Onondaga Nation
Otoe-Missouria Tribe of Indians, Oklahoma
Ottawa Tribe of Oklahoma
Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of
Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and
Shivwits Band of Paiutes)
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Pala Band of Luiseno Mission Indians of the Pala Reservation, California
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima
Reservation, California
Pawnee Nation of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation,
California
Penobscot Nation
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Chukchansi Indians of California
Pinoleville Pomo Nation, California
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout,
Montgomery Creek and Roaring Creek Rancherias)
Poarch Band of Creeks
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble Band of S'Klallam Indians
Potter Valley Tribe, California
Prairie Band Potawatomi Nation
Prairie Island Indian Community in the State of Minnesota
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico

Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quapaw Tribe of Indians
Quartz Valley Indian Community of the Quartz Valley Reservation of
California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation
Quinault Indian Nation
Ramona Band of Cahuilla, California
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Redding Rancheria, California
Redwood Valley or Little River Band of Pomo Indians of the Redwood
Valley Rancheria California
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, California
Rincon Band of Luiseno Mission Indians of the Rincon Reservation,
California
Robinson Rancheria Band of Pomo Indians, California
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes, Round Valley Reservation, California
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sac & Fox Nation, Oklahoma
Sac & Fox Tribe of the Mississippi in Iowa
Saginaw Chippewa Indian Tribe of Michigan
Saint Regis Mohawk Tribe
Salt River Pima-Maricopa Indian Community of the Salt River Reservation,
Arizona
Samish Indian Nation
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona

San Manuel Band of Mission Indians, California
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Band of Cahuilla Indians, California
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez
Reservation, California
Santee Sioux Nation, Nebraska
Sauk-Suiattle Indian Tribe
Sault Ste. Marie Tribe of Chippewa Indians of Michigan
Scotts Valley Band of Pomo Indians of California
Seminole Tribe of Florida
Seneca Nation of Indians
Seneca-Cayuga Tribe of Oklahoma
Shakopee Mdewakanton Sioux Community of Minnesota
Shawnee Tribe
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria
(Verona Tract), California
Shinnecock Indian Nation
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation
Shoshone Tribe of the Wind River Reservation, Wyoming
Shoshone-Bannock Tribes of the Fort Hall Reservation
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe
Skull Valley Band of Goshute Indians of Utah
Smith River Rancheria, California
Snoqualmie Indian Tribe
Soboba Band of Luiseno Indians, California
Sokaogon Chippewa Community, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spirit Lake Tribe, North Dakota
Spokane Tribe of the Spokane Reservation
Squaxin Island Tribe of the Squaxin Island Reservation
St. Croix Chippewa Indians of Wisconsin
Standing Rock Sioux Tribe of North & South Dakota
Stillaguamish Tribe of Indians of Washington
Stockbridge Munsee Community, Wisconsin
Summit Lake Paiute Tribe of Nevada
Suquamish Indian Tribe of the Port Madison Reservation
Susanville Indian Rancheria, California

Swinomish Indians of the Swinomish Reservation of Washington
Sycuan Band of the Kumeyaay Nation
Table Mountain Rancheria of California
Tejon Indian Tribe
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)
The Muscogee (Creek) Nation
The Osage Nation
The Seminole Nation of Oklahoma
Thlopthlocco Tribal Town
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Tohono O'odham Nation of Arizona
Tonawanda Band of Seneca
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres Martinez Desert Cahuilla Indians, California
Tulalip Tribes of Washington
Tule River Indian Tribe of the Tule River Reservation, California
Tunica-Biloxi Indian Tribe
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians of North Dakota
Tuscarora Nation
Twenty-Nine Palms Band of Mission Indians of California
United Auburn Indian Community of the Auburn Rancheria of California
United Keetoowah Band of Cherokee Indians in Oklahoma
Upper Sioux Community, Minnesota
Upper Skagit Indian Tribe
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
Walker River Paiute Tribe of the Walker River Reservation, Nevada
Wampanoag Tribe of Gay Head (Aquinnah)
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

Wilton Rancheria, California
Winnebago Tribe of Nebraska
Winnemucca Indian Colony of Nevada
Wiyot Tribe, California
Wyandotte Nation
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
Yavapai-Prescott Indian Tribe
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch,
Nevada
Yocha Dehe Wintun Nation, California
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Ysleta Del Sur Pueblo of Texas
Yurok Tribe of the Yurok Reservation, California
Zuni Tribe of the Zuni Reservation, New Mexico

Federally Recognized Indian Nations in Alaska

Agdaagux Tribe of King Cove
Akiachak Native Community
Akiak Native Community
Alatna Village
Algaaciq Native Village (St. Mary's)
Allakaket Village
Angoon Community Association
Anvik Village
Asa'carsarmiut Tribe
Atqasuk Village (Atkasook)
Beaver Village
Birch Creek Tribe
Central Council of the Tlingit & Haida Indian Tribes
Chalkyitsik Village
Cheesh-na Tribe
Chevak Native Village
Chickaloon Native Village
Chignik Lake Village
Chilkat Indian Village (Klukwan)
Chilkoot Indian Association (Haines)
Chinik Eskimo Community (Golovin)
Chuloonawick Native Village
Circle Native Community

Craig Tribal Association
Curyung Tribal Council
Douglas Indian Association
Egegik Village
Eklutna Native Village
Ekwok Village
Emmonak Village
Evansville Village (aka Bettles Field)
Galena Village (aka Loudon Village)
Gulkana Village
Healy Lake Village
Holy Cross Village
Hoonah Indian Association
Hughes Village
Huslia Village
Hydaburg Cooperative Association
Igiugig Village
Inupiat Community of the Arctic Slope
Iqurmuit Traditional Council
Ivanoff Bay Village
Kaguyak Village
Kaktovik Village (aka Barter Island)
Kasigluk Traditional Elders Council
Kenaitze Indian Tribe
Ketchikan Indian Corporation
King Island Native Community
King Salmon Tribe
Klawock Cooperative Association
Knik Tribe
Kokhanok Village
Koyukuk Native Village
Levelock Village
Lime Village
Manley Hot Springs Village
Manokotak Village
McGrath Native Village
Mentasta Traditional Council
Metlakatla Indian Community, Annette Island Reserve
Naknek Native Village
Native Village of Afognak
Native Village of Akhiok

Native Village of Akutan
Native Village of Aleknagik
Native Village of Ambler
Native Village of Atka
Native Village of Atkasuk
Native Village of Barrow Inupiat Traditional Government
Native Village of Belkofski
Native Village of Brevig Mission
Native Village of Buckland
Native Village of Cantwell
Native Village of Chenega (aka Chanega)
Native Village of Chignik Lagoon
Native Village of Chitina
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
Native Village of Council
Native Village of Deering
Native Village of Diomedea (aka Inalik)
Native Village of Eagle
Native Village of Eek
Native Village of Ekuk
Native Village of Elim
Native Village of Eyak (Cordova)
Native Village of False Pass
Native Village of Fort Yukon
Native Village of Gakona
Native Village of Gambell
Native Village of Georgetown
Native Village of Goodnews Bay
Native Village of Hamilton
Native Village of Hooper Bay
Native Village of Kalskag
Native Village of Kanatak
Native Village of Karluk
Native Village of Kasaan
Native Village of Kasigluk
Native Village of Kiana
Native Village of Kipnuk
Native Village of Kivalina
Native Village of Kluti Kaah (aka Copper Center)
Native Village of Kobuk
Native Village of Kongiganak

Native Village of Kotzebue
Native Village of Koyuk
Native Village of Kwigillingok (IRA)
Native Village of Kwinhagak (aka Quinhagak)
Native Village of Larsen Bay
Native Village of Marshall (aka Fortuna Ledge)
Native Village of Mary's Igloo
Native Village of Mekoryuk
Native Village of Minto
Native Village of Nanwalek (aka English Bay)
Native Village of Napaimute
Native Village of Napakiak
Native Village of Napaskiak
Native Village of Nelson Lagoon
Native Village of Nightmute
Native Village of Nikolski
Native Village of Noatak
Native Village of Nuiqsut (aka Nooiksut)
Native Village of Nunam Iqua
Native Village of Nunapitchuk
Native Village of Ouzinkie
Native Village of Paimiut
Native Village of Perryville
Native Village of Pilot
Native Village of Pitka's Point
Native Village of Point Hope
Native Village of Point Lay
Native Village of Port Graham
Native Village of Port Heiden
Native Village of Port Lions
Native Village of Ruby
Native Village of Saint Michael
Native Village of Savoonga
Native Village of Scammon Bay
Native Village of Selawik
Native Village of Shaktoolik
Native Village of Shishmaref
Native Village of Shungnak
Native Village of Stevens
Native Village of Tanacross
Native Village of Tanana

Native Village of Tatitlek
Native Village of Tazlina
Native Village of Teller
Native Village of Tetlin
Native Village of Tuntutuliak
Native Village of Tununak
Native Village of Tyonek
Native Village of Unalakleet
Native Village of Unga
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
Native Village of Wales
Native Village of White Mountain
Nenana Native Association
New Koliganek Village Council
New Stuyahok Village
Newhalen Village
Newtok Village
Nikolai Village
Ninilchik Village
Nome Eskimo Community
Nondalton Village
Noorvik Native Community
Northway Village
Nulato Village
Nunakauyarmiut Tribe
Organized Village of Grayling (aka Holikachuk)
Organized Village of Kake
Organized Village of Kasaan
Organized Village of Kwethluk
Organized Village of Saxman
Orutsararmuit Native Village
Oscarville Traditional Village
Pedro Bay Village
Petersburg Indian Association
Pilot Station Traditional Village
Platinum Traditional Village
Portage Creek Village (aka Ohgsenakale)
Pribilof Islands Aleut Communities of St. Paul & St. George Islands
Qagan Tayagungin Tribe of Sand Point Village
Qawalangin Tribe of Unalaska

Rampart Village
Seldovia Village Tribe
Shageluk Native Village
Sitka Tribe of Alaska
Skagway Village
South Naknek Village
Stebbins Community Association
Sun'aq Tribe of Kodiak
Takotna Village
Tangirnaq Native Village
Telida Village
Traditional Village of Togiak
Tuluksak Native Community
Twin Hills Village
Ugashik Village
Umkumiut Native Village
Village of Alakanuk
Village of Anaktuvuk Pass
Village of Aniak
Village of Atmautluak
Village of Bill Moore's Slough
Village of Chefornak
Village of Clarks Point
Village of Crooked Creek
Village of Dot Lake
Village of Iliamna
Village of Kalskag
Village of Kaltag
Village of Kotlik
Village of Lower Kalskag
Village of Ohogamiut
Village of Old Harbor
Village of Red Devil
Village of Salamatoff
Village of Sleetmute
Village of Solomon
Village of Stony River
Village of Wainwright
Wrangell Cooperative Association
Yakutat Tlingit Tribe
Yupiit of Andreafski