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## THE PLAY

Imagine if someone violently attacked you, in front of witnesses, including a police officer, and the police had no power to arrest the person or prosecute them.

That is the reality in Cherokee Nation. Cherokee Nation is the federally recognized government of the Cherokee People and is headquartered in Tahlequah, Oklahoma. Although it has its own courts and police force, the U.S. government does not allow Cherokee Nation to arrest non-Native people on Cherokee land (with only a few exceptions for crimes related to domestic violence).

**Sarah Ridge Polson**, a young Cherokee lawyer, returns home to fight for the sovereignty of her Nation. Violence against Cherokee women has escalated ever since the U.S. Supreme Court eliminated tribal jurisdiction over non-Indians who commit crimes on tribal lands. Sarah is advocating for laws that will allow Cherokee Nation to prosecute the offenders.

However, the political gets personal when Sarah falls in love with **Ben**, a non-Native police officer.

All the while, Sarah's present struggle for sovereignty echoes that of her ancestors.

The play shifts to 1830, Washington, D.C. **Major Ridge**, his son **John Ridge**, and **John Ross**, all leaders of Cherokee Nation, are afraid the U.S. government will take their Nation's land in Georgia. **President Andrew Jackson** presents them with a treaty that puts them and their Nation at a crossroads: how can they best protect their land and people without compromising their sovereignty? Sarah, too, must answer that question.

# SOVEREIGNTY

WRITTEN BY **MARY KATHRYN NAGLE** | DIRECTED BY **MOLLY SMITH**  
KREEGER THEATER | JANUARY 12 – FEBRUARY 18, 2018



“Sovereignty is when I speak my language.”

— John Ridge (in Cherokee), *Sovereignty*

*Sovereignty* was generously commissioned by **Drs. Elliot and Lily Gardner Feldman** and **BakerHostetler** as part of Arena Stage's Women's Voices Power Play Cycle.

Additional commissioning support provided by  
**The Virginia B. Toulmin Foundation's Women Playwrights Commissioning Program.**

# MEET THE PLAYWRIGHT



MARY KATHRYN NAGLE

“This story is in my blood.”

Born in Oklahoma City, Oklahoma, Mary Kathryn Nagle is a playwright and a lawyer who specializes in protecting and preserving the inherent sovereignty of Indian Nations. While studying law at Tulane University, Nagle learned the U.S. Supreme Court cited 19th century cases in its decisions describing Native Americans as “racially inferior” and “savages.” She realized that she had to tell the true story of her people. In her second year at law school she turned to playwriting to do so.

“A lot of Americans think Native people are not here anymore and I am constantly trying to debunk that myth in my writing. What does it mean that Americans live on land that once belonged to a Tribal Nation but have never heard a story of a citizen from the Tribal Nation their government once sought to erase? I believe the erasure of Native voices has horrible consequences for all of us.”

Nagle is an enrolled citizen of Cherokee Nation Oklahoma. This means that her direct ancestors—John Ridge and Major Ridge—were citizens of the Nation. *Sovereignty* grew out of her personal connection to her ancestry and her continued relationship with her Nation today.

“It was very important to my grandmother that I learn the story of John Ridge and Major Ridge and what they fought for. Their pictures hung on her wall. She repeated their stories about how they fought and won our Nation’s sovereignty. For me this story is in my ancestral memory. In my inter-generational trauma that all Native Americans carry today.”

Nagle’s plays include *Waaxe’s Law*, *Manahatta*, *In My Father’s Eyes*, *Sliver of a Full Moon* and *Diamonds...are a Boy’s Best Friend*. *Sovereignty* is her first play to be produced at a non-Native theater.



Read Mary Kathryn’s article in *HowlRound* to learn more: “Native Voices on the American Stage: A Constitutional Crisis” <https://goo.gl/5VVaV3>

# FROM THE DIRECTOR’S NOTEBOOK

“This is a story that’s important to all Americans.”

— Molly Smith

At the first rehearsal of *Sovereignty*, Molly Smith, the director, shared her thoughts on the show.

## WHY SOVEREIGNTY?

“Americans are remarkably ignorant about Native Americans and Native American culture. *Sovereignty* is about a world most Americans know almost nothing of—and Washington, D.C. and Arena Stage is the perfect home to premiere a play about treaties, broken treaties and the deep relationship between Tribal Nations and the U.S. Government.”



Molly Smith

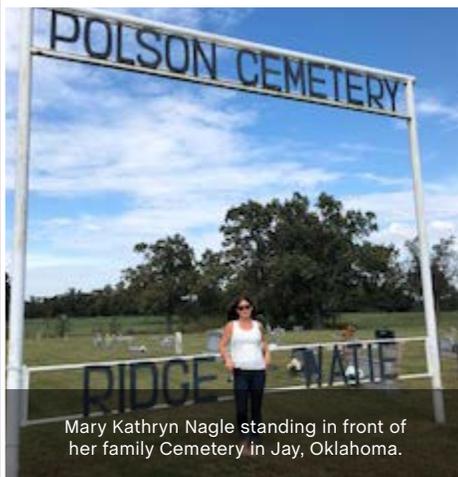
“This is the first play we’ve produced at Arena Stage by a Native American writer. I believe Mary Kathryn Nagle is an important voice for the American theater because her Native American characters break away from misconceptions about the education and lifestyle of Natives in the 1800s.”

## THE DESIGN

“As Mary Kathryn sees it and as many Native American people live it, the present and the past are co-joined. This was our charge with the design of the play. We always looked for a way to have the past and the present living together.”

## OCCUPIED LAND

Arena Stage is on occupied land. The land originally belonged to the Nacotchtank, a native Algonquian people who lived in what is now Washington, D.C.



Mary Kathryn Nagle standing in front of her family Cemetery in Jay, Oklahoma.



Director Molly Smith traveled to Oklahoma to see the land where playwright Mary Kathryn Nagle’s family has lived, died, and is now buried.



Research the Native American tribe that originally lived on the land where you live today. Why did they relocate? If members of the tribe have survived, where do they reside now?

# THE STORY OF TWO FAMILIES

*Sovereignty* is the story of two warrior families—the Ridge and the Ross families, who are fighting for the sovereignty and existence of Cherokee Nation. Most of the actors play more than one character. Below are members of the Ridge and Ross families represented in the play.

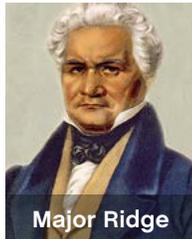


## ACTIVITY

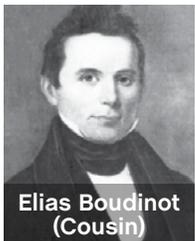
Look through family photographs and interview your relatives to create your family tree. Trace your genealogy and make note of any struggles and achievements they encountered. How much of your family's history has been documented? How does your family history influence you?

## THE PAST (ANCESTORS)

### THE RIDGE FAMILY



Major Ridge



Elias Boudinot  
(Cousin)



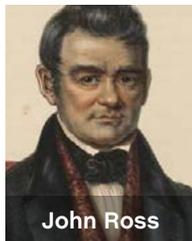
John Ridge

M



Sarah Bird  
Northrup

### THE ROSS FAMILY



John Ross

## THE PRESENT (DESCENDANTS)



Roger Ridge  
Polson  
Played by Andrew Roa



Sarah Polson  
Played by Kyla Garcia



Watie Polson  
Played by Jake Hart



Flora Polson  
(Cousin)  
Played by Dorea Schmidt



Jim Ross  
Played by Jake Waid

Image Source: National Portrait Gallery, Smithsonian Institution; Library of Congress

## GLOSSARY

**NATION:** a large collective of people united by common descent, history, culture or language, inhabiting a particular territory. A **sovereign nation** is a nation that has complete ability to implement its own laws over its citizens in its controlled territories. For example: The United States is a *sovereign nation* that controls its own affairs.

**JURISDICTION:** the official power to make legal decisions and judgments. For example: When crimes take place in China, the Chinese government has *jurisdiction* over the criminal cases.

**PROSECUTION:** the act of carrying on a legal action against a person accused of a crime in court. For example: The store's owner agreed not to *prosecute* if the boy returned the stolen goods.

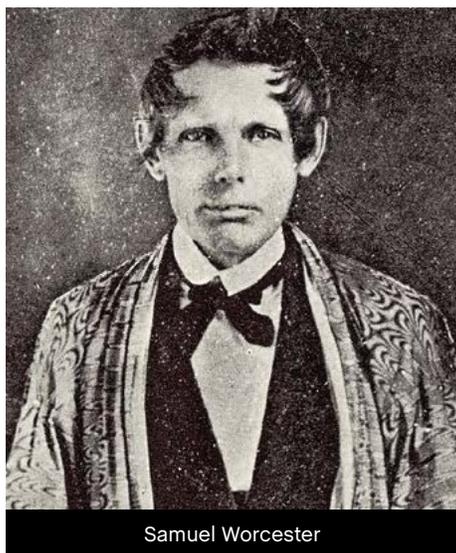
Source: Oxford Dictionary

# TIMELINE OF RELEVANT EVENTS AND CASES

Court decisions are based on laws and previous decisions and cases. Here are some events and cases that trace Cherokee Nation's legal battle around sovereignty in the play.

## 1827

- ★ Cherokee Nation adopts a constitution.
- ★ Samuel Worcester, a missionary from Vermont, moves to New Echota, the capital of Cherokee Nation.



Samuel Worcester

## 1828

- ★ The first issue of the newspaper *The Cherokee Phoenix* is published.
- ★ John Ross is elected as Principal Chief of Cherokee Nation and Major Ridge is his counselor.

## 1829

- ★ Gold is discovered on Cherokee land near Dahlonega, Georgia.
- ★ Andrew Jackson begins his term as the seventh President of the United States.

## 1830

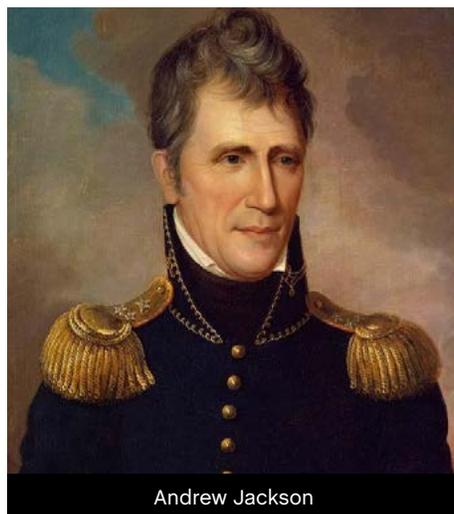
- ★ President Jackson authorizes the Indian Removal Act. The Act grants Indian Tribes unsettled lands west of the Mississippi in exchange for their lands within state borders then-existing east of the Mississippi.

## 1831

- ★ The state of Georgia deprives Cherokee Nation of the Nation's inherent rights within its own boundaries. For example: Georgia passes laws to abolish the Cherokee government.
- ★ Non-Indians are prohibited from living in Indian territory without permission from the state of Georgia.
- ★ Cherokee Nation files *Cherokee Nation v. Georgia*, to seek a federal ruling against those laws. The U.S. Supreme Court declares that Cherokee Nation does not have any power in the legal matter because it is a dependent nation with the United States.
- ★ Samuel Worcester is arrested for living illegally on Indian territory.

## 1832

- ★ *Worcester v. Georgia* is an appeal filed by Samuel Worcester who claims that his family's forced removal from Indian territory is a violation of his constitutional rights. The U.S. Supreme Court rules in favor of Worcester. It declares that Cherokee Nation remains a separate, sovereign nation with exclusive authority over its lands.
- ★ The state of Georgia and President Jackson ignore the Supreme Court's ruling and continue to push for Indian removal. Georgia refuses to release Worcester despite the Supreme Court's ruling compelling the state to do so.



Andrew Jackson

## 1835

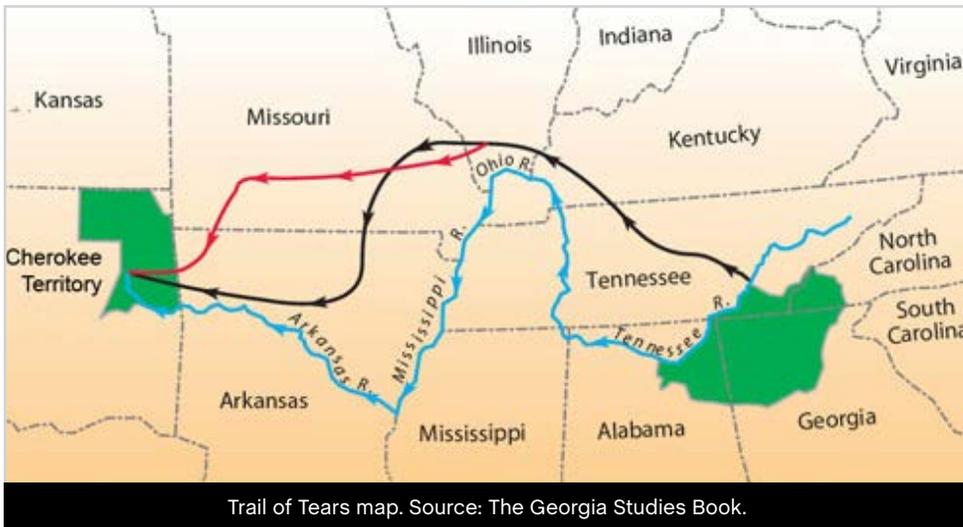
- ★ Major Ridge, John Ridge and Elias Boudinot (and around 20 or so others) sign the *Treaty of New Echota*. By signing the treaty, Cherokee Nation agrees to sell Cherokee land to the United States in exchange for land in modern-day Oklahoma. The following were promises made to Cherokee citizens as part of the treaty:
  - Their land in Eastern Oklahoma will forever be under their exclusive jurisdiction.
  - They will be guaranteed a voting representative in Congress.
  - They will be paid \$5 million and certain provisions before the journey.
- ★ John Ross declares the treaty illegitimate and tells the Cherokee people to stay on their land.

## 1838

- ★ In May 1838, federal troops and state militia arrive with guns and round up the 15,000 or so Cherokee that have remained in Georgia, North Carolina and Tennessee. Military forcibly assemble them into camps where many Cherokee women are raped. With little but the clothes on their backs, many of the Cherokee are made to march an 850-mile trek to new lands during harsh winters. They suffer from exposure, disease and starvation while on the trail. More than 4,000 died. This is known as "The Trail of Tears" (see map).

## 1924

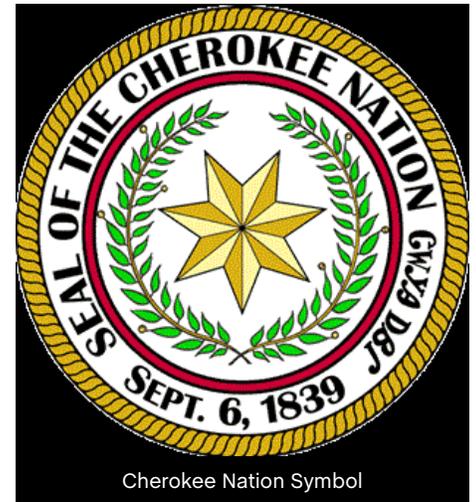
- ★ The Indian Citizenship Act of 1924 grants U.S. citizenship to all previously non-citizen resident Indians.



Trail of Tears map. Source: The Georgia Studies Book.

## TO BECOME A CITIZEN OF THE NATION TODAY

Today Cherokee Nation is more than 355,000 citizens strong. To be eligible for Cherokee Nation citizenship, individuals must provide documents connecting them to an enrolled direct ancestor listed in the Dawes Rolls. The Dawes Rolls are census rolls that were taken between 1899-1906 of citizens residing in Indian Territory (now northeastern Oklahoma).



Cherokee Nation Symbol

### 1978

★ Mark David Oliphant, a non-Indian living as a permanent resident on Suquamish tribal lands in northwest Washington, is arrested and charged by tribal police with assaulting a tribal officer and resisting arrest. Oliphant claims in court that he is not subject to tribal authority because he is not a Native American. In the *Oliphant v. Suquamish Indian Tribe* case, the U.S. Supreme Court upholds Oliphant's appeal. The Court declares that Tribes can no longer exercise criminal jurisdiction over non-Indians who come onto tribal lands and commit a crime.

### 2016

★ A 13-year-old Choctaw Indian student, claims a white store manager repeatedly molested him at a Dollar General store located on a Choctaw reservation. In the case of *Dollar General Corporation v. Mississippi Band of Choctaw Indians*, the U.S Supreme Court determines whether an American Indian Tribal Court has the jurisdiction to hear a case involving a non-Indian who operates a store on tribal land. Based on the 1978 decision in *Oliphant*, the U.S Supreme Court prevents the Tribal Court from criminally prosecuting the store manager. This case, however, concerned the ability of a Tribal Court to exercise *civil*—and not *criminal*—jurisdiction over a non-Indian. In a 4-4 tie, the Supreme Court affirmed the Fifth Circuit Court of Appeals' decision to allow the case to proceed in Tribal Court.

## CHEROKEE PHOENIX

In 1828, *The Cherokee Phoenix* was the first newspaper published by Native Americans and the first published in a Native American language. The paper was discontinued in the 1830s under the Indian Removal Act. Since the late 20th century, *The Cherokee Phoenix* has been revived and is now published by Cherokee Nation as a monthly broadsheet in Tahlequah, Oklahoma. The newspaper publishes on the Internet and is available on iPhone and Android apps. You can read it here: [www.cherokeephoenix.org](http://www.cherokeephoenix.org)

### 2013

★ President Obama signs and reauthorizes the Violence Against Women Act (VAWA). This law allows Tribal Nations to arrest and prosecute non-Indians who commit domestic violence, dating violence, and violations of protection orders on tribal lands. VAWA is up for reauthorization in 2018.



Dollar General demonstration on the steps of the U.S Supreme Court.



Front page of *The Cherokee Phoenix*.

# TREATIES MATTER

**“Sovereignty isn’t about race. It’s about citizenship. And they’re citizens. We signed a treaty!”**

— Sarah Ridge Polson

A treaty is a written agreement between nations. Treaties can establish peace, boundaries, trade, human rights regulations, animal protections and more. In all cases, a treaty establishes the obligations of one nation to another. In signing a treaty, each nation involved recognizes the others as sovereign (independent and self-governing).

Since declaring independence in 1776, the United States has approved more than 370 treaties with different Tribal Nations.

Sovereignty playwright Mary Kathryn Nagle says, “Without treaties, the United States’ own sovereignty would have been in question. One of the very first things General Washington did after winning the [Revolutionary] war was sign a treaty with the Delaware Lenape because, at that time, the rest of the world recognized Indian Nations’ sovereignty, but didn’t recognize the sovereignty of the United States, because the United States had just come into existence.”

Once signed, a treaty becomes part of U.S. law.

According to the National Museum of the American Indian’s *Nation to Nation* exhibit, early treaties forged by U.S. and Tribal Nation leaders and diplomats were agreements to maintain peace. Treaties sought to reconcile the conflicting interests of the nations, including how land could be used and who could use it. Such treaties would allow sovereign nations to live alongside one another. They would also provide the U.S. with strategic protection from Spanish, French and other European settlers, and access to resources and land. These treaties constituted acts whereby the Tribal Nations conferred rights on the U.S.

However, no matter how much land the Tribal Nations ceded (surrendered or sold) to the U.S. government or how far west they moved, more and more white settlers broke the promises the United States made in its treaties and moved onto tribal lands without the permission of the Tribal Nation who owned them. The U.S. had adopted a policy of “manifest destiny” — a belief that God wanted the U.S. to span the continent from the Atlantic to Pacific oceans. This policy held that white people were superior and would, therefore, make the best use of the lands. From this white-supremacy perspective, Native Americans and their ownership of lands were an obstacle.

The U.S. government used fraud, threats, force, bribery and outright lies in creating treaties with Tribal Nations to force them off the land. Native Americans began calling treaties “bad paper.”

Though treaties have been broken and unfulfilled, they still matter.

Nagle says, “As citizens of the United States, these treaties reflect the sovereignty of the United States and Tribal Nations, and they are living documents that we all need to study and uphold.”



Activists assembling at the Dakota Access Pipeline.

In 2016, 12,000 activists assembled to protest the Dakota Access Pipeline (DAPL). The Great Sioux Nation contested the DAPL based on the Horse Creek Treaty of 1851 and the 1868 Treaty of Fort Laramie — treaties the United States signed with the Great Sioux Nation. These treaties guarantee the Tribe absolute and undisturbed use and occupation of their land. The DAPL also poses a threat to the Tribe’s lands and water supply. It had been redirected to protect the city of Bismark’s water supply. The Standing Rock Sioux Tribe rose up in defense of their rights. One key issue for the Tribe was protecting treaty rights and the right to be consulted as a sovereign government. The U.S. federal government temporarily stopped construction in September 2016. In January 2017, President Trump approved the DAPL’s completion and oil began flowing. In December 2017, after a different pipeline — the Keystone XL — had a 210,000-gallon oil spill, a federal judge ordered the Army Corps of Engineers to complete a spill response plan. Legal action continues.

# HELPFUL HINTS FOR THEATER AUDIENCES

As an audience member at the theater, YOU are part of the show! Just as you see and hear the actors onstage, they can see and hear you in the audience. To help the performers do their best, please remember the following:

- Arrive at least 15 minutes early.
- Visit the restroom before the show starts.
- Sit in the exact seat on your ticket. Ask the usher for help finding it.
- Before the show begins, turn off your phone, watch alarms and any other electronic devices. If anything rings by accident, turn it off immediately.
- Do not use your phone for texts, calls, games or pictures.
- You cannot take pictures or make recordings in the theater, even before or after the play.
- There is no food allowed in the theater.
- Do not talk, whisper, sing or hum, unless invited by the performers to do so.
- Keep your feet on the floor and off the seat in front of you.
- Avoid getting up during a show. If you must leave, wait for a scene change and exit quietly and quickly.
- Respond to the show; you can laugh, cry and gasp. However, don’t repeat lines out loud or talk to the performers on stage.
- Be sure to applaud at the end!

# RESOURCES

“A Brief History of Trail of Tears.” *Cherokee Nation*. <https://goo.gl/PpZF9r>

“A Few Things To Know About Why Treaties Matter.” NPR. <https://goo.gl/9hgbK4>

“Smithsonian Unveils a Nearly 12-Foot-Tall Post Created by Activists.” *Smithsonian Newsroom*. <https://goo.gl/vzboNr>

“Sexual Assault on the Pipeline.” *Boston Globe*. <https://goo.gl/DoRREq>

“The Cherokee Vs Andrew Jackson.” *Smithsonian Magazine*. <https://goo.gl/2tqhiB>

“Tribal citizenship” *Cherokee Nation*. <https://goo.gl/reUaJV>



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Visit [www.arenastage.org](http://www.arenastage.org) for more information on Arena Stage productions and educational opportunities.

# THREE BIG QUESTIONS

1

How can we uphold the sovereignty of Tribal Nations today?

2

How far would you go to protect your family and your people?

3

How does your past affect your present?