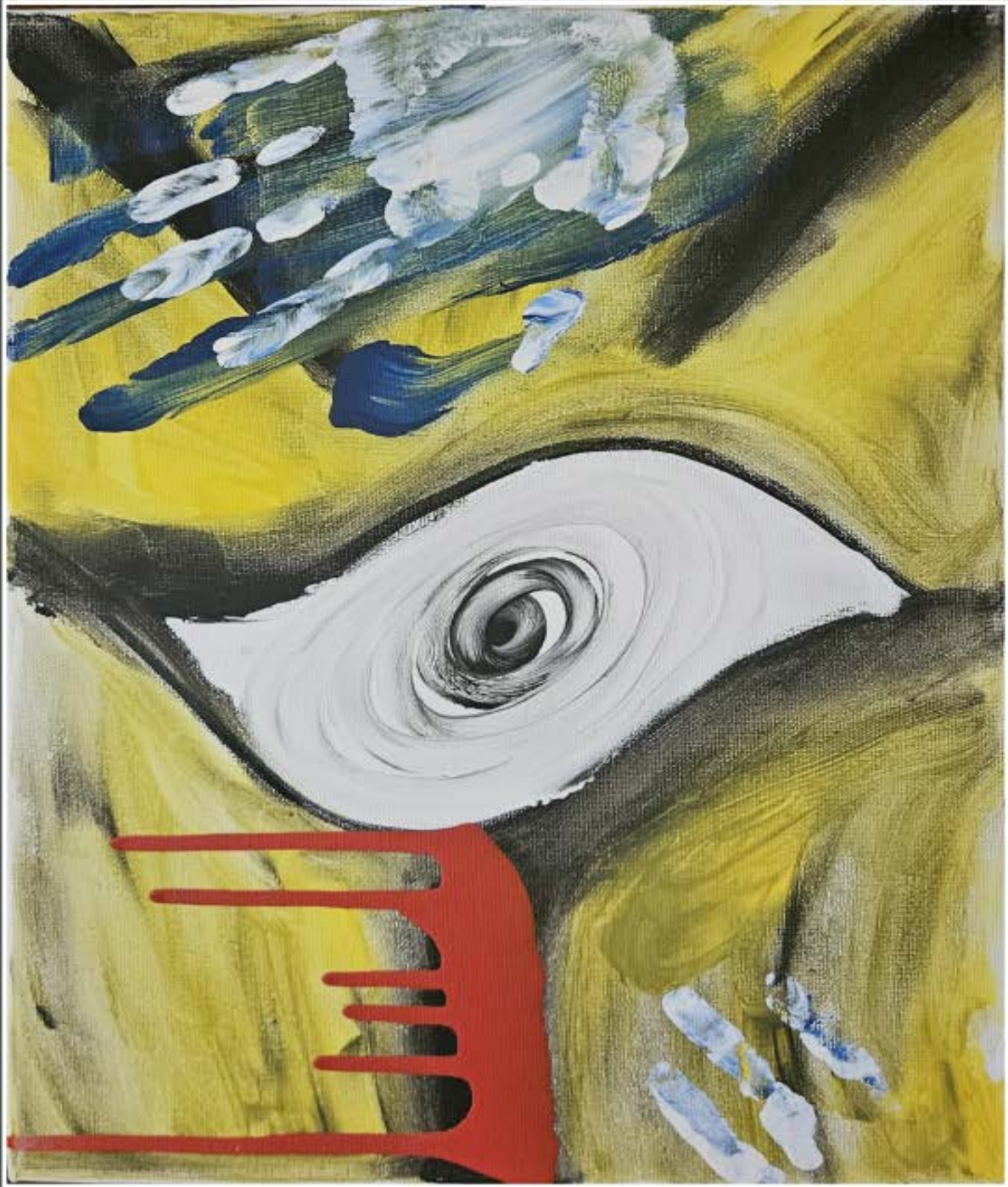


VOLUME 5 • MAY 2025



DIGNITY

AN UNDERGRADUATE
HUMAN RIGHTS JOURNAL

Artist statement for Dignity Journal cover (visual media submission): Kasey Sudderberg – *Helping Hands*, 2024. Acrylic on canvas.

“This piece reflects the uncertainty of life, shown by the storm in the center, which can come through and destroy everything you once knew in an instant. The hands around the storm are supporting the composition, emphasizing the importance of having a support system, or being a support system for another during these times of crisis.”

The full image can be found at <https://dignityjournal.com>. Copyright 2024 Kasey Sudderberg; used with permission.

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<https://dignityjournal.com/>

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Note from the Editorial Board

The production of *Dignity*'s fifth volume has coincided with significant challenges on both local and national levels. Locally, communities across southern Appalachia endured unprecedented devastation in the wake of Hurricane Helene. The storm's impact proved to be far more catastrophic than the mountain region was prepared for in terms of infrastructure and evacuation procedure, leaving communities across the area isolated and lacking basic resources such as potable water and food, power, or any means of contacting the outside world. In the aftermath, our community came together through wide-scale volunteer and donation initiatives to support displaced families, restore basic services, and instill a sense of hope amid the wreckage. Our cover piece for this volume, *Helping Hands*, illustrates the need for people to come together in a time of crisis, for human beings to support each other, just as Asheville and Western North Carolina managed.

Despite local hardships, our publication has come to fruition during a period of recovery for UNC Asheville students and the greater Asheville area. The importance of a publication like this has become especially evident as those in power blatantly take drastic measures to undermine human rights violations of the past, present, and future. Volume 5 is a poetry and visual art-centric volume that embraces creative expression as an accessible and emotionally resonant medium, making space for voices that might otherwise go unheard. We strive to shine a light on the disparities fomenting in our local communities and beyond as a form of resistance.

In the past few months, the rights of LGBTQ+ individuals have been increasingly targeted by both federal and state actions, with the current administration fueling a rampant attack on queer identities and lives. *Adaptation* highlights the exploitation of queer individuals at the hands of those who seek to dismantle their support systems and erase their existence. While the LGBTQ+ community as a whole continues to face rising discrimination, transgender individuals, who are already in a hostile environment, have faced severe escalations through detrimental cuts and bans on support and protection. This surge in attacks on transgender rights has further marginalized an already vulnerable group. *30* speaks to the power of transgender resistance, while also addressing the violence and harsh repercussions often faced by those who courageously stand up for their right to exist. *The President of the United States Wants Me to Kill Myself* is a powerful piece that confronts the daily legislative and executive targeting and discrimination enacted against trans people in the United States. Despite these relentless attacks, LGBTQ+ individuals and their allies combat them tirelessly. *Still Here: The Sacredness of Home and Queer Identity* showcases the unabashed love and comfort—the sanctity and catharsis—that can be found within the queer community through the meaningful connections people form. The resilience and depth of queer relationships and lives remind us that joy, care, and community are themselves acts of resistance in the face of oppression.

Additionally, this volume features pieces that confront the erasure of history and the persistent dehumanization and mischaracterization of vulnerable communities, shedding light on the narratives often overlooked or deliberately silenced. *Standing Stereotypes at the Supreme Court: The Misrecognition and Dehumanized Portrayals of Native Americans in Law and its Resistance in Film* critically examines the entrenchment of colonial stereotypes within American legal institutions and their enduring influence on legal discourse, while also highlighting the ways Indigenous filmmakers are reclaiming narrative power through acts of resistance. Another piece that addresses these themes is a two-part photography series, *Jesus Was a Brown Immigrant* which highlights the intersections of faith, identity, and protest by reclaiming a historically accurate and humanized image of Jesus to challenge xenophobia, uplift immigrant voices, and call attention to the hypocrisy of anti-immigrant sentiment from those who assert that the United States is a “Christian nation.”

A Lady's Place is in the Resistance portrays the enduring strength and defiance of those who refuse to be silenced. This collage is composed of retro clippings of photographed women, powerful sentiments such as Maya Angelou's “I Know Why the Caged Bird Sings” paired with a Big Mama Thornton's “Hound Dog” LP, and a protest sign that reads “Women's rights are human rights.” It demonstrates the unapologetic assertion of presence, power, and resistance that women have channeled in the face of adversity for decades upon decades. While the visual elements included in the piece are products of a different time in the feminist effort toward gender equality, the piece serves as a reminder that the fight for gender justice continues and that change can and will come through collective passion and effort.

The final piece, *Resist*, serves as a powerful call to action in a time of growing authoritarianism that jeopardizes countless lives. It reminds us that human rights issues many believed to have been settled are susceptible to being challenged and revoked if not relentlessly fought for and guarded. Freedom of speech; protection from censorship; the right to live free from discrimination based on race, gender, or sexuality; and the very foundations of democracy are under threat. Resistance, as the piece urges, is not a choice, but our responsibility as members of a larger community. The sheer volume of human rights violations cropping up on local, national, and international levels can be overwhelming, discouraging, and demoralizing. These issues present as insurmountable and incomprehensible, which renders us feeling immobilized and powerless. However, despair won't help. We do have the power to instigate change, whether it be on a smaller, more local scale—on our college campuses and in our municipalities—or through taking part in a larger movement of collective action nationwide or globally.

We would like to formally recognize the profound impact the current socio-political climate has had on college students, both here in the UNC system and across the nation. The rising threats to human rights, civil liberties, and democratic values posed by leaders working to restrict free speech, suppress dissent, limit open academic discourse are not abstract issues

for students; they are lived realities that shape daily life, mental health, academic freedom, and the very sense of belonging on our campuses. Students are contending with policies and rhetoric that attempt to erase their identities, silence their voices, and restrict their ability to thrive. In this climate, the act of creating—whether through writing, art, or other forms of activism—becomes a form of resistance. The work featured in this volume reflects the resilience, clarity, and courage of students who are refusing to be silenced and who are pushing back against forces that threaten their futures.

Finally, we extend our sincere gratitude to our Faculty Advisory Board for lending their expertise in giving feedback on this publication. Special thanks to Dr. Eric Roubinek for his continuous dedication to offering guidance and mentorship to our student-run undergraduate journal. We also thank Dr. Peter Haschke for his leadership in coordinating the production process of this volume.

Sincerely,

Grace Adams and Amelia Benjamin
On behalf of the Editorial Board, '24-'25

A Lady's Place is in the Resistance

Carly Baker

University of North Carolina Asheville
Asheville, NC

Artist Statement

It seems never-ending; human rights afforded to marginalized gender identities are under fire. As an avid collage artist, I had the urge to compile photographs and magazine clippings that held agency to speak on the current human rights crisis plaguing the nation. I wanted to display a starting point of the creativity, beauty, and innate resilience of marginalized gender identities in this piece to inspire discussion over an argument that I cannot believe is still one: women's rights are human rights.



Adaptation

Carly Baker

University of North Carolina Asheville
Asheville, NC

The people need something to laugh at
And our glitter stained faces and lovers are the perfect thing
If we didn't put it on like battle wear
How will they know this wasn't all for fun
You laugh at us
Hire us
Throw ones at us
Kiss us in alleyways
Beat us in alleyways
Find our bodies in rivers and ditches and freezers
If I'm their jester, their bellies will be too big
And faces too red for them to remember that they want us dead
You call me obnoxious
But at least you aren't thinking of how to kill me

Jesus Was a Brown Immigrant

Samuel Caleb Johnson

University of North Carolina, Asheville
Asheville, NC

Artist Statement

After the recent decisions made by the Trump administration regarding immigration policy, demonstrations broke out across the country in support of American immigrants. The people of Asheville, NC are no strangers to the debate—nor to the passion of protest. In the span of one week in February 2025, two large demonstrations shut down the streets of Asheville, home to UNC Asheville. What made Asheville’s protests particularly remarkable, however, was the duo that organized them: a brother and sister, 18 and 15, respectively, who haven’t even finished high school. After posting a flyer on a brand-new Instagram account only two days prior, their first protest drew an estimated 300 attendees. By the second protest that week, their account had grown to a thousand followers.

While the crowds at a protest are a fascinating spectacle, perhaps more intriguing are the individual characters who make an appearance. One such example is this gentleman, whom I photographed during my coverage of the first demonstration holding a sign that read, “Jesus Was a Brown Immigrant.” A photo I took of him holding that sign garnered over 30,000 views on Instagram—a third of Asheville’s population. The image resonated with many, but some criticized the phrase as a “mockery” of Jesus.

The sign, however, carries a meaning deeper than simple mockery. First, it refers to Jesus as “brown.” Historically, we understand that Jesus originated from the Middle East, leading modern scholars to speculate that he likely had a darker complexion than the traditional Western depictions of him as a white man. Second, the sign refers to him as an “immigrant.” Matthew 2:13-15 tells us that Jesus and his family fled to Egypt to escape political persecution. The sign is, first and foremost, a call for compassion toward immigrants—to treat them as we would treat Jesus. Secondly, it highlights the hypocrisy of a Christian nation’s treatment of immigrants when Jesus himself was likely one.

I was fortunate to catch up with the man once again at the second demonstration and speak with him about the photo. It was during this interview that I took this second

portrait. I was astonished to learn that the image had spread so widely that he had seen it himself. I then posed the question to him: Some may say this sign is a mockery of Jesus. How do you respond?

His response was:

I've been paying taxes since 2009. I volunteer as a baseball coach for my son. We are just like everybody else. We want to come out and make sure people see who we are, so I am glad that picture reached so many people. I was born Pentecostal, and people are trying to take the Bible and use it to their advantage. The Bible says it was okay to own slaves, and people use the Bible however they want for their agenda. I have respect for Allah—whatever you want to believe. We are humans. I respect every religion, and I know a lot about the Bible. If someone wants to argue about the Bible, I'm the one.





Standing Stereotypes at the Supreme Court: The Misrecognition and Dehumanized Portrayals of Native Americans in Law and Its Resistance in Film

Jackson Adams

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Introduction

STEREOTYPES based on the misrecognition of Native Americans¹ have been embedded in literary and legal discourses since the arrival of European settlers. The beliefs that Native Americans could be diminished as a “fierce Savage,” a “Noble Savage,” a “vanishing Indian,” or childlike and needing protection from the state were each utilized in the writings of American authors such as James Fenimore Cooper and Washington Irving. They fabricated a dehumanized image of Native Americans that was conveyed through a supposedly authentic lens. These depictions influenced Chief Justice John Marshall’s reasoning in the Marshall Trilogy, the Supreme Court cases that established the backbone of federal Indian Affairs jurisprudence. While these cases play an important role in the balance of jurisdiction between the federal, state, and Indigenous governments, they also incorporate literary stereotypes and belittling legal understandings of Native Americans into Indian Affairs jurisprudence. In canonizing these inaccurate views of Native Americans from literature into the law, the Court verified a mischaracterized discourse regarding their subject.

The Supreme Court’s reliance on these stereotypes continues to influence contemporary Indian affairs cases. Although the Court has shifted over time in approaching the interests of Indigenous nations, legal scholars have expressed discontent regarding this inconsistent method (Williams 2005, xxv). Settler fragility - the systemic dynamic that dismisses discourse about settler privilege and past grievances to Indigenous peoples - complicates the nature of Indian affairs jurisprudence (Gilio-Whitaker 2018). It reveals the Court’s failure to acknowledge its deep-seated foundation in the misrecognition of Indigenous peoples. However, films created by Indigenous artists combat the Court’s inclusion of stereotypes and its inability to

¹Note on Terminology: In this article, the terms Indigenous, Native American, Indian, and Native are used interchangeably to refer to the collective Indigenous populations of North America. Except in quoted material, I refrain from using the terms tribe and tribal, as they carry historical connotations of inferiority. Instead, I use the terms nations, peoples, and community interchangeably.

address past errors. They demonstrate the Court's harmful approach to recognizing Indigenous peoples by relying on colonial stereotypes perpetuated through discourse.

Michel Foucault's analysis of discourse and counter-discourse will be applied to examine how the Court adopted a distorted view of Indigenous peoples. George Pappas' monograph, *The Literary and Legal Genealogy of Native American Dispossession*, will help explain how colonial discourse and the literary archive depict Native Americans, as well as how the Marshall Court interpreted these portrayals. Following this, the legal facts and implications of the Marshall Trilogy will be studied in connection with the early American stereotypes directed at Native Americans. Subsequently, contemporary court cases affecting Native Americans will be analyzed alongside modern films depicting Indigenous perspectives. Examining how the Court continues to rely on outdated stereotypes will provide a beneficial lens for assessing how contemporary films resist the stereotypes legally prescribed to Indigenous peoples. Through this approach, it is evident that the legal and literary ramifications of misrecognized portrayals of Native Americans continue to shape their representation in discourse circles.

Methods

Michel Foucault was a French philosopher and historian known for his theories regarding power, knowledge, and social control. In postcolonial studies and legal theory, Foucault's writings have been applied to analyze the established social systems that structure and reinforce power dynamics. These dynamics impose prejudiced regulations on colonial subjects through the circulation of discourse. For Foucault, discourse refers to a body of statements surrounding an object that can be distributed into different spheres, influencing the perception of the object from its origin (Foucault 1969, 59). Colonial authorities and legal structures can use discourse to create a legally recognized framework that justifies specific actions. This establishes that the rights afforded to colonized populations through precedents and case law can solidify a fixed method of viewing a subject under the law. Discourse can also impact a subject's current and future perceptions in literary spheres by establishing their designated social position. However, Foucault also outlines that counter-discourses can emerge when the subjects of discourse challenge established narratives (Foucault 1976, 101). Counter-discourses, such as films and legal histories, can deconstruct the framed legal justifications that belittle colonized populations.

Foucault also outlines how cultural and historical archives, originated in discourse circles, can be distorted when applied to spheres of thought. George Pappas argues the literary archive contextualized the Marshall Trilogy's depiction of Native Americans through its influence on early American writers (Pappas 2017, 7). The works of Washington Irving and James Fenimore Cooper constructed images of Native Americans into inaccurate depictions which, through the ongoing circulation and distribution of statements, established an archive of knowledge

that provided a mischaracterized framework for viewing its subjects (Pappas 2017, 12). The omission of counter-discourses in the Marshall Trilogy reveals that legal judgments about Indigenous peoples were based on prevailing stereotypes.

Examining contemporary counter-discourse that is discontent with the Trilogy's reasoning enables a clear understanding of its damaging legal legacy to emerge. Films can showcase Indigenous perspectives to broad audiences and challenge discourses that reinforce certain stereotypes. As Foucault asks in *The Order of Things*, "When we establish a considered classification...what is the ground on which we can establish the validity of this classification with complete certainty?" (Foucault 1976, xxi). Foucault's question reveals the need to assess the origins of the classification of Indigenous peoples in literary and legal spheres. By using film to uncover the Court's relationship with stereotypes of Indigenous peoples, one will be able to see how modern discourse differs in its recognition of their subjects. While settler fragility can hinder Indigenous films from reaching broad discourses, analyzing counter-discourses helps challenge and resist stereotypes in legal theory. Comparing modern films depicting Indigenous perspectives with contemporary court cases regarding the altering recognition of Indigenous peoples will establish how the stereotypes utilized in the Marshall Trilogy continue in both the legal and film canons.

Early American Literary and Legal Stereotypes of Native Americans

The circulation of discourse in early American literary works allowed authors like James Fenimore Cooper and Washington Irving to incorporate stereotypes of Native Americans. Their use of the "fierce Savage" trope, the "Noble Savage" trope, the "vanishing Indian" trope, and assigning child-like characteristics to Indigenous peoples belittled their subjects in colonial discourse circles (Pappas 2017, 14). These dehumanized methods view Indigenous peoples as needing a guardian to ensure protection, rather than accepting them as a sovereign nation. Cooper's 1826 novel, *The Last of the Mohicans*, utilized these contradictory stereotypes to contrast two Native American peoples and to amplify early 19th-century discourse regarding Manifest Destiny and Native Americans in post-colonial America (Pappas 2017, 15).

Cooper's distinction between the Hurons and Mohicans conveys the post-colonial American literary stereotypes of the "fierce Savage" and "Noble Savage" respectively. Cooper positions the Hurons as barbaric villains who exhibit a desire for bloody conflict and harm. This was common in discourse narratives surrounding Indigenous peoples during the 18th and 19th centuries. Paintings like *The Death of Jane McRea* and Cooper's novel showcase a fabricated view of vicious Indigenous peoples that encapsulated their distorted depictions in the dominant discourse. Alternatively, Cooper portrayed the Mohican with some of the charac-

teristics of the “Noble Savage.” This stereotype viewed Indigenous peoples as uncorrupted by Western society, thus containing an exotic quality in their state of nature. Cooper utilized Elizabethan English for the Mohicans’ dialogue and displayed their admirable characteristics to his readers. These respectable qualities highlight the Mohicans’ refined nature while existing apart from the established discourse that enabled these traits, aligning with some of the characteristics associated with the “Noble Savage.” Through these aspects, Cooper’s work complements colonial discourse narratives that determined a fixed viewpoint of its subjects.

Lastly, the novel also displays the “vanishing Indian” stereotype, which refers to the 18th and 19th-century discourse that claimed Native Americans would inevitably be eradicated due to settler expansion and disruption. Irving included the “vanishing Indian” trope in his work *Traits of Indian Character*. He commented on Native Americans of the eastern U.S. by stating, “They will vanish like a vapor from the face of the earth; their very history will be lost in forgetfulness; and the places that now know them will know them no more than forever” (Irving 1819-1820). Irving perceived that the erasure of Native history and culture in “unclaimed” land would lead Indigenous peoples to be considered an afterthought in the further expansion of the United States (Pappas 2017, 98). These distorted tropes of Native Americans in early American literary discourse shaped readers’ misinformed perspectives of Indigenous peoples. At the same time, they reinforced colonial narratives that sought the complete eradication of Indigenous peoples of North America (Pappas 2017, 211).

The Marshall Trilogy initiated the inclusion of stereotypes based on the misrecognition of Indigenous peoples into the federal legal canon of the United States. With the 1823 case *Johnson & Graham’s Lessee v. McIntosh*, the Court’s *finding of fact* relied on stereotypes of Native Americans stemming from colonial discourse circles. The case involved a land dispute between two non-Indian parties that once belonged to the Piankashaw Native Americans. In ruling for McIntosh, the Court determined that private citizens could not purchase land from Indian nations because they do not possess full ownership over their land. Chief Justice John Marshall based the case on the Doctrine of Discovery, a significant and outdated principle of international law that granted European powers vested authority from the Pope to hold absolute control over newly “discovered” lands and their Indigenous inhabitants. Marshall’s incorporation of this legal justification for diminishing Indigenous sovereignty highlights the Court’s earliest dismissive approach to recognizing Native American rights. It also underscores their validation of harsh legal discourses designed to impose undue control over its supposedly “inferior” colonial subjects. The case also rests on the portrayal of Native Americans as “fierce savages,” underscoring how the misrecognized beliefs from novels like *The Last of the Mohicans* were utilized in the Court’s judgment. Marshall wrote, “But the tribes of Indians inhabiting this country were fierce savages whose occupation was war and whose subsistence was drawn chiefly from the forest” (Johnson, 21 U.S. 543). Through Marshall’s reasoning, the Court assigned mischaracterized traits toward its Indigenous subjects while creating the backbone of

jurisprudence that rests on stereotypical and outdated beliefs.

Almost a decade later, the Court further developed its principles of Indian affairs jurisprudence in the 1831 case *Cherokee Nation v. Georgia*. This case centered on the Cherokee's claim that they were a sovereign nation and that the state of Georgia could not enforce state laws on their territory. The Supreme Court held that the Cherokee nation lacked the standing to sue the state of Georgia under its original jurisdiction. Marshall reasoned that Indian nations:

They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupillage. Their relation to the United States resembles that of a ward to his guardian. (*Cherokee Nation v. Georgia*, 30 U.S. 1 1831)

Here, Marshall limits the Cherokee's claim for full Indigenous sovereignty. This belittling domestic-dependent nation doctrine aligns with the infantilizing belief that Native Americans needed to be under the protection of a guardian. This view stemmed from the "vanishing Indian" stereotype, which Marshall drew on to reinforce the colonial-era discourse that Native Americans must assimilate under the governance of the "superior" settler state. This highlights the role of colonial discourse in determining the legal justifications that erased forms of Indigenous sovereignty and advocated for the power to monitor them as subjects.

Lastly, the Court expanded on its initial Indian affairs principles in *Worcester v. Georgia*. The case involved a dispute over an 1830 Georgia law prohibiting non-Indians from entering Native territory without a state license. The Court was asked to determine whether the federal government or the state could establish the rights of sovereignty for Indian nations. Marshall held that Indigenous sovereignty could be defined by the federal government, not by state governments. *Worcester* solidifies the Court's acceptance of colonial discourses that justified regulation over Indigenous subjects rather than implement practices that would recognize their sovereignty. President Andrew Jackson would later disregard the Court's decision in his enforcement of Native American displacement and removal. *Worcester's* history expresses that the stereotypes existing in the Court's foundation of Indian affairs and colonial literary discourse can lead to damaging actions that further impede the recognition of Indigenous peoples.

The inclusion of unrepresentative depictions of Indigenous peoples in the Court's judgment extends past the Trilogy, with cases like *U.S. v. Rogers* describing Native Americans as an "unfortunate race" (*U.S. v. Rogers* 45 U.S. 567, 1846). This reinforced the dehumanizing portrayals embedded in colonial legal discourse, which the Court relied on for their *finding of facts* and later used as precedent in future discriminatory cases. Continuing to cite cases based on

harmful portraits of Indigenous peoples institutes a misrecognized approach to viewing Native Americans from a literary and legal understanding.

Contemporary Indian Affairs Jurisprudence and the Opposition to Misrecognition in Film

Many contemporary Indian affairs court cases ask questions regarding Indigenous criminal jurisdiction, federal land encroachment, and the enforcement of federal and state laws on Native land among other concerns. Through cases like *Oliphant v. Suquamish Indian Tribe*, *Tee-Hit-Ton Indians v. United States*, *Oklahoma v. Castro-Huerta*, *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, and *Haaland v. Brackeen*, the Courts have relied on distorted legal perceptions of Native Americans, leading to a hindered approach in recognizing certain Indigenous interests. These cases extend the discourse established in the Marshall Trilogy that views Native Americans in a diminished legal light. However, these recent cases have sparked a growing counter-discourse from those who oppose the established legal precedents.

In the 1978 case *Oliphant v. Suquamish Indian Tribe*, the Supreme Court held that Indian courts lack criminal jurisdiction to prosecute Indians for crimes committed on their land (Berardino 2024, 2101). After Mark Oliphant, a non-Indian living on the Port Madison Indian Reservation, was arrested for assaulting a reservation police officer, Oliphant filed a writ of habeas corpus claiming he was not subject to the Suquamish nation's jurisdiction. The Supreme Court sided with Oliphant, highlighting an "unspoken assumption" that this jurisdictional power was not granted to Indigenous nations through the domestic-dependent nation identity established in *Cherokee v. Georgia* (Oliphant 435 U.S. 191, 1978). This approach also presents the Court's belittled attitude to recognizing Indigenous jurisdiction and their ability to prosecute offenders.

Tee-Hit-Ton Indians v. United States continues the Court's diminished understanding of Indigenous sovereignty in its reliance on fictitious claims solidified in previous cases (Pearl 2024, 38-39). In the 1955 case, the Court determined an Alaskan Native community could not receive compensation from Congress because they were never vested with property rights through Indian title (Fletcher 2015, 4). This case also relied on *Johnson's* application of the Doctrine of Discovery to uphold the idea that Native Americans lack property rights unless recognized by the federal government. Through *Oliphant* and *Tee-Hit-Ton Indians*, the Court's erosion of Native legal powers reflects its reliance on the Marshall Trilogy's framework on Indian affairs jurisprudence. At the same time, both cases adhere to and actualize the "vanishing Indian" trope to justify the diminishing of Indigenous sovereignty. This allowed colonial discourse, as seen in the literature of the time, to extend to modern-day Supreme Court cases.

In the past decade, the Court has utilized a fluctuating approach in its Indian Affairs

cases. In the 2022 case *Oklahoma v. Castro-Huerta*, the Court was asked whether states had the authority to prosecute non-Indians who commit crimes against Indians on their land. In ruling for Castro-Huerta, Justice Kavanaugh argued the federal and state governments have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians on their reservations (Oklahoma 597 U.S. 629). Although Justice Kavanaugh argued this action would not infringe on the power of Indigenous governments, the Court ignored their interest in remaining sovereign to protect those within their borders. The Court's decision reflects the domestic-dependent nation principle outlined in *Cherokee Nation v. Georgia*. Their endorsement of federal and state regulation of Indigenous court issues while showing a lack of concern toward the interests of Native American communities presents an infantilizing view of Indian Affairs. This opinion of the Court is similar to the colonial discourse that frames Indigenous legal systems as inferior to federal authority. In eroding Indigenous sovereignty, the Court disregarded the precedents from *Worcester v. Georgia* in favor of advancing the forms of misrecognition attached to Native Americans by weakening their jurisdictional powers.

The case *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, though it did not reach the Supreme Court, exemplifies how discourse continues to shape legal decisions in federal courts, justifying practices that undermine Indigenous sovereignty. The Standing Rock Dakota Access Pipeline protests raised concerns about potential environmental impacts that the U.S. Army Corps of Engineers failed to disclose to the Sioux nation (Wagner 2023, 140). The District Court ordered the pipeline to shut down, but the D.C. Circuit Court of Appeals reversed the District Court's decision (Wagner 2023, 149). The Court noted that the Sioux tribe failed to show they suffered an irreparable injury and that a permanent closure would affect the public interest. This case highlights the Court's lack of concern toward Native interests, favoring the trespass on federal land over its eventual environmental damages. Stemming from counter-discourse during the Standing Rock protests, the case pushed back against institutional powers that belittled Indigenous concerns. The *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers* decision exemplifies how legal institutions continue to base Indian Affairs jurisprudence on the misrecognition of Native concerns.

Although the Supreme Court's views on Indian affairs have often undermined Indigenous sovereignty, they recently upheld significant legislation in the 2023 case of *Haaland v. Brackeen*. In this case, the Court rejected a challenge to the Indian Child Welfare Act, which established a system prioritizing Indigenous parents and other Native American community members in the adoption of Indigenous children. This law aimed to prevent the forced assimilation of Native children, a gruesome historical issue in the late 19th and early 20th centuries. By upholding this law, the Court affirmed Indigenous sovereignty at the federal level, unlike its rulings in other recent cases. The case also represents a dismissal of colonial discourse that relied on stereotypes of Indigenous peoples to justify the violence inflicted upon Indigenous children and their families. The Court's support for Indigenous interests indicates its ability

to challenge harmful stereotypes embedded in Indian affairs jurisprudence, recognize the interests presented by forms of counter-discourse to dominant colonial narratives, and protect the grounds of Indigenous sovereignty.

Just as the Court's interpretation of Indian affairs cases has begun to change, so has the landscape of Indigenous representation in films. Contemporary films allow Indigenous actors, filmmakers, and production crew members to tackle the misrecognition asserted by legal institutions without appealing to the same faulty dynamics utilized by early American writers. With the inclusion of moving images and sound, Indigenous filmmakers express their discontent with the stereotypes imposed on them through dominant discourse narratives. Films like *Smoke Signals*, *Blood Quantum*, *Killers of the Flower Moon*, and *Fancy Dance* highlight Indigenous perspectives in ways that contrast with the stereotypes assigned through previously mentioned literary and legal discourses.

Beginning with *Smoke Signals*, the 1998 film (Eyre 1998) resists the "fierce Savage" belief originating from *Johnson* by expressing its complete inaccuracy. It follows two Coeur d'Alene men on a road trip. The film was also the first feature-length film directed, starring, and produced by Native Americans to reach wide attention (Cobb 1998, 219-220). The film rejects the discourse that categorizes Indigenous peoples as an "Other" through its emphasis on the role of storytelling, the emotional nuance provided to the characters, and its refusal to include dehumanized characters that conform to stereotypes relating to Native Americans. *Smoke Signals* dismantles the stereotype of the "vanishing Indian" and the view of Native Americans as an outdated and foreign group in its depiction of contemporary complexities in Indigenous reservation life. Lastly, the film acts as an initial step toward advancing counter-discourses in film that break from the established colonial discourses that belittle Native Americans. In this manner, the film uplifts Indigenous representation by not depending on a detached gaze to signify their erasure.

More recently, the 2019 action-horror film *Blood Quantum* (Barnaby 2019) follows a group of First Nations peoples who realize they are immune to contracting a zombie plague that infects non-Indigenous individuals. By challenging the misrepresentation of Native Americans in early colonial literature and legal narratives, *Blood Quantum* engages in a counter-discourse that exposes the monstrous nature of Eurocentric colonial ideologies. The film showcases the reversal of stereotypes, depicting the White zombies with the same characteristics assigned to the "fierce Savage" belief to highlight its hypocrisy. However, the film also utilizes the "vanishing Indian" stereotype to enhance its critiques of colonial violence, the spread of diseases from settlers to Indigenous peoples, and the political issues affecting Indigenous sovereignty. Lastly, the film does not invest its characters with traits of the "Noble Savage", instead, it conveys a multifaceted view of Indigenous perspectives in surviving an apocalyptic event. Director Jeff Barnaby (Mi'kmaq) combats the misrecognition assigned to Indigenous peoples by dismantling the domestic-dependent nation principle. The Red Crow Reservation's illustrated lack

of settler influence during the plague highlights a rebuttal to the *Cherokee v. Georgia*'s impact on Indian Affairs jurisprudence.

Unlike the previous two films, *Killers of the Flower Moon* (Scorcese 2023) engages in counter-discourse not by showcasing Indigenous filmmakers challenging stereotypes rooted in legal precedents, but by exposing the malevolent gaze of white settlers who believed they were justified in committing atrocities. The film depicts the Osage Reign of Terror, a plot by predatory white settler landowners to systematically murder and inherit the oil headrights of wealthy Osage people. The film's bleak and macabre approach cements the belief that the continuation of harmful stereotypes will further result in misrecognition and violence. It stresses the absurdity of the "fierce Savage" trope by characterizing the reality of heinous white greed. The lasting effects of the domestic-dependent nation principle are also emphasized through the practice of guardianship. Through depicting white legal guardians controlling Osage headrights due to their "incompetency," the film comments on the misrecognition of Indigenous peoples as possessing a diminished legal intelligence. Lastly, the film acknowledges the role of the legal system in solidifying discourse narratives for white settlers to justify the violence inflicted upon Indigenous peoples. While the federal government's prosecution of the orchestrators of the Osage Reign of Terror led to many convictions, the film's illustration of the web of dehumanized legal rules imposed on Indigenous peoples highlights the inability to preclude the violence stemming from settler greed.

The film *Fancy Dance* (Tremblay 2023) also acknowledges the stereotypes within legal systems by examining the legal discourse of Indigenous child welfare cases and criminal jurisdiction on reservations. *Fancy Dance* follows Jax, a Seneca-Cayuga woman preparing for a powwow with her niece, Roki, while grappling with her sister's disappearance. In depicting the elongated nature of achieving justice for missing or murdered Indigenous women, the film subtly comments on the jurisdictional barriers established through cases like *Oliphant* and *Castro-Huerta*. Not only does this diminish Native police systems' abilities to seek justice, but it also depletes the hope of recovering missing persons among those closest to them. This aspect of the film serves as a counter-discourse by revealing the consequences of legal narratives that portray Indian governance as illegitimate with its stereotype-driven roots. *Fancy Dance* also illustrates the loss of Indigenous legal autonomy when federal jurisdiction challenges the Indian Child Welfare Act. After Roki is sent to live with her white grandparents due to Jax's criminal record, the pair face strenuous circumstances due to being placed in the care of her white grandparents. In depicting this aspect, the film underscores the challenges surrounding the Indian Child Welfare Act as without it, Native American children like Roki would encounter assimilatory practices and a denial of their heritage. *Fancy Dance* recognizes the complex landscape of Indian Affairs jurisprudence and legislation, showcasing its pitfalls and shedding light on its debated issues.

Conclusion

From the inception of Indian Affairs jurisprudence to the modern day, the Court's reliance on the mischaracterization of Indigenous peoples tainted its understanding of its subjects. The embedded stereotypes of the "fierce Savage," "Noble Savage," "vanishing Indian," and a child-like ignorance associated with Native Americans emerged from the colonial literary archive. These stereotypes were then dispersed from literary discourses into the legal doctrines of the Marshall Trilogy. The influence of these cases is paramount in contemporary cases regarding Indian Affairs. Researching the Court's reliance on stereotypes from the Marshall Trilogy reveals their hindered approach to recognizing Indigenous legal interests. However, contemporary Indigenous-centered films combat the stereotypes embedded in Indian Affairs jurisprudence and other legal discourses. By resisting the stereotypes imposed on Indigenous peoples by the Courts, films can act as a counter-discourse, allowing Indigenous peoples to express their discontent with legal principles rooted in misrecognition.

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The President of the United States Wants Me to Kill Myself

Bog Willis

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The collage features a central image of a person's bare chest with a visible, bloody wound on the left side. The person is wearing a black jacket. To the right, there is a map of the United States with red borders, and a small inset showing a person's face. The background is a light blue gradient.

Trump passport policy a 'fundamental rejection of my identity,' says transgender plaintiff

Kentucky lifts ban on conversion therapy, removes gender-affirming care

LGBTQ+ youth calls to mental health crisis line spiked by 700 percent after Election Day

Trump pledged to roll back protections for transgender students, flood crisis hotlines

Transgender community and supporters rally at Colorado Capitol

Trump's ban on gender-affirming care for young people puts hospitals in a bind

Bill barring trans people from domestic violence shelters and other facilities aligning with the gender identity passes TN Senate

What to know about President Donald Trump's order targeting the rights of transgender people

Donald J. Trump @realDonaldTrump
...Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming...
5:24 AM · 26 Jul 2021

Donald J. Trump @realDonaldTrump
...victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail.

Trump's executive actions curbing transgender on 'gender ideology'

Trump signs executive orders proclaiming there are only two sexes, halting diversity programs

All the ways Trump wants to exclude transgender people from public life

Police arrest suspect in hate crime against transgender victim in Seattle

Arresting Cameron "Cam" Thompson, Black Trans Teen Killed In Atlanta

HRCF's 2024 Epidemic of Violence Report: Fatal Violence Against Transgender and Gender Non-Conforming People Continues, Trump's First Two Months: A Trans People Outweigh Vote Priorities

Matt Walsh @MattWalshBlog
We were minding our own business when suddenly the trans movement came along and demanded that we totally abandon biology, common sense, and truth itself for its sake. Our war against this scourge is a defensive struggle. They started it. They wanted this fight. Now they have it.
2:48 PM · 3/5/23 · 4.2M Views
7073 Retweets 1,010 Quotes 47.3K Likes 490 Bookmarks

Attacks on Gender Affirming Care by State

THE TREVOR PROJECT LGBTQ CRISIS HOTLINE CALL 1-866-488-7386

Ryan Foster

University of North Carolina Asheville
Asheville, NC

I want to die
With pepper spray clutched
Tightly in my right fist,
Mouth curled in permanent
Snarl, lip split open
And blood under fingernails.
I want to reclaim my death,
Bring that bastard down with me
So that I may be more than
Data, a piece of a pie chart,
A framed picture at a vigil
Decorated in pink, white, and blue.
No, I want my corpse
To see spectators approaching
And I want him to smile,
Rotted lips revealing rotted
Teeth, and I want him to declare
Proudly, as he did in life-
You should see the other guy.

The Sacredness of Home and Queer Identity

Sky Cox

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Artist Statement

After surviving a natural disaster last semester and still processing the residual trauma, I've been thinking deeply about loss, gratitude, and resilience. I grieve what was lost, but I'm also profoundly thankful to still be here—to still have my most cherished belongings intact, to still have a place to call home. For many in Western North Carolina, this was not the case. This project became a way to honor that reality—to acknowledge the fleeting nature of what we hold dear and the deep sacredness of home.

I've always been drawn to self-portraits of people in their bedrooms or homes—spaces that reflect who we are, filled with the objects, aesthetics, and memories that matter most. They act as portals into our inner worlds. After experiencing Helene, I understood more deeply how much we take for granted—how easily we assume permanence in things that are, in truth, ephemeral. Whether it's a dorm room you inhabit for a semester or a house that has weathered the storm, these spaces hold pieces of us. This series is my way of freezing those moments in time—turning them into lasting reminders of the love, care, and meaning woven into these spaces. If, God forbid, another climate disaster were to strike, these photographs would remain—time capsules of people's most sacred places and the things they hold closest to their hearts.

At the same time, this project is also a tribute to another home—the home found in community. My queer identity and the queer community have always meant so much to me, but once again, they are under attack. Homophobia, hatred, and anti-queer political agendas have been increasingly rampant during this presidency, making the simple act of existing—of being seen—feel more urgent and vital. Inspired by Karolina Bregula's *Let Them See Us* series (2003), I wanted to capture the strength, beauty, and love within the queer community in Asheville—specifically among sapphics. Within these walls, queer couples exist in many ways as all couples do—laughing at inside jokes, in the company

of their favorite stuffed animals, watering their plants, caring for their pets, and listening to their favorite songs or watching their favorite movies. Their love is not other—it is both beautifully ordinary and quietly defiant, a revolution woven into the everyday, sacred in its softness, steadfast in its joy.

Using a Canon EOS Rebel T7 DSLR camera with an 18-55mm lens, I've photographed a series of queer couples in their homes as they moved through their daily routines, shared intimate moments, and engaged in the natural rhythms of their relationships. Photographing queer couples in their homes is a statement: We are still here. Let people see us. Know that we are not going anywhere.

This series is about honoring both personal and collective resilience. It's about finding gratitude in what remains—even after loss, or in the face of political attacks and homophobia. It's about home—not just as a physical space, but as a feeling, a memory, a love that endures beyond space and time, no matter what storms may come.

Love wins.







Resist

Joseph Heilman

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Artist Statement

Fascism is on the rise both here in the United States and abroad. Complacency has rusted our democratic functions, allowing authoritarian and fascist forces to seize power. Resistance is not just a choice; it is a necessity. Resistance is necessary to not only stand against these groups but to protect ourselves, those we love, and those most vulnerable to the whims of the authoritarian, the fascist, and the despotic. This piece is a call to stand against these groups. As inscribed on the base of Lady Liberty, we must once again give her “your tired, your poor, / Your huddled masses yearning to breathe free.”



