

PEOPLE-ROOTED SOVEREIGNTY

Definition + Guardrails + Glossary

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Version 5.9 • March 11, 2026

This document provides a working definition of sovereignty for practical governance use: discussion, training, constitutional review, emergency decision limits, and intergovernmental framing. It provides common language for evaluating legitimacy, accountability, membership integrity, land and resource stewardship under jurisdictional complexity, and emergency decision boundaries.

What this is not

- Not legal advice; not counsel.
- Not a binding legal instrument unless formally adopted by an authorized polity.
- Not a template for “how you must govern.” This framework protects the conditions of people-rooted self-government; it does not prescribe the positive content of governance.
- Not a compliance metric for outside agencies. External actors must not convert this into funding, recognition, or service-delivery preconditions.

How to cite: People-Rooted Sovereignty: Definition + Guardrails for Sovereignty Under Constraint (v5.9), Christopher Knorr, March 11, 2026.

Glossary note: Section III contains the framework’s formal glossary of core operational terms, including peoplehood, authorization pathway, corrigibility, constraint field, and ambient-pressure erosion; readers may wish to skim it before or alongside Sections I–II.

Selected authorities, source notes, and selected secondary influences informing this framework (context only; not legal advice) appear in Appendix A.

This framework does two things:

- Defines sovereignty’s source + structure under constraint.
- Sets floors (guardrails) against capture and domination—especially at two primary entry points: membership and emergency powers.

It refuses to do one thing:

- It does not prescribe internal decision-making process content. Communities define their own authorization practices. This framework protects the conditions under which those practices remain people-rooted and corrigible.

This framework does not supply the positive content of sovereign governance. It operates one level prior: it identifies the minimum legitimacy conditions under which a people’s

own governance choices remain people-rooted, reviewable, and corrigible under conditions of constraint. It therefore regulates the integrity of authorization, accountability, and restoration without substituting for the community's own substantive decisions about institutional form, membership content, policy direction, or culturally grounded procedure.

I. Definition

Sovereignty (core definition)

Sovereignty is the durable, people-rooted authority of a distinct people to govern their shared life, together with the demonstrated ability to carry that authority into effect in the world as it is. It is not a slogan, a legal label, or a grant-management posture. It is a living condition of collective self-government that begins in civil society and is verified in practice, without allowing external domination or administrative convenience to redefine its source.

Inherent authority vs exercised authority (clarifier)

The “demonstrated ability” clause concerns exercised sovereignty, not the existence of inherent authority. Where the ability to carry authority into effect is externally obstructed or materially constrained, sovereignty persists as people-rooted authority even when its exercise is impaired. Impairment of exercise does not extinguish source legitimacy.

Because authority that cannot be reviewed, contested, or corrected is no longer meaningfully answerable to the people as source, corrigibility is treated here as a necessary condition of legitimate self-government in exercise.

Recognition (constraint field, not source)

Sovereignty is inherent to a people as a people. External recognition may alter enforceability, scope, and instruments, but it does not supply the moral source of authority. Recognition belongs to the constraint field: it can validate or deny outcomes in external forums, but it cannot generate people-rooted legitimacy.

For that reason, the practical stakes of this framework include protection against violence, preservation of continuity, and maintenance of stable and resilient conditions under which people-rooted authority can actually be carried into effect.

Context authorities: Marshall Trilogy; later jurisdiction/immunity doctrine (Appendix A).

II. Guardrails

A. Civil-society legitimacy (source legitimacy)

Sovereignty is grounded in civil-society legitimacy: the internal sources of authority by which a people recognizes itself as a people and recognizes how decisions are rightly authorized—through identity, kinship/relationship, norms, and established authorization practices (elections, customary selection, councils, elders, clan systems, or hybrid forms).

Here, “civil society” includes kinship networks, cultural institutions, customary authorities, and community associations—not merely nonprofits or administrative entities.

Foundational dispute rule: In contested foundational questions, legitimacy requires specified rules for authorization, succession, and dispute resolution—and adherence to them—so “civil society” cannot be invoked as a vague substitute for a recognized decision rule.

“Distinct” is defined by the community’s own membership rules and continuity of relationship, not by external racial tests, imposed classifications, or administrative categories. Legitimacy does not require unanimity.

This framework does not attempt a full theory of personal or collective identity; it proceeds instead on the narrower premise that peoplehood is not exhausted by administrative classification or documentary legibility, but may persist through durable continuity of relationship, recognized membership, and collectively authorized practice even where formal records or institutions have been disrupted.

Legitimacy evidence emerges over time through durable, observable patterns, including:

- authorization recognition
- coordination and compliance
- dispute acceptance
- freedom of contestation

Mixed-signal hierarchy (anti-falsification rule): When indicators conflict, freedom of contestation + non-retaliation protections outrank coordination/compliance as legitimacy evidence. “Orderly compliance” produced by fear is not legitimacy; it is domination. This priority is not merely comparative; it protects against circular validation by degraded norms, because apparent consensus cannot count as legitimacy evidence where the conditions for free contestation have been suppressed.

Participation is not a colonial performance test: Participation is relevant, but it is not a performance test imposed from outside. Where participation is suppressed by fear, distance, poverty, administrative exclusion, or historical trauma, legitimacy evidence must be evaluated by the people’s own standards and lived reality—not external turnout expectations.

Institutional memory under disruption (constraint-field clarification): Many peoples endure deliberate disruption of institutional memory (relocation, boarding schools, cultural suppression, document loss, imposed administrative regimes). Where archives and formal records are fragmented, legitimacy evidence must not default to documentary proof or bureaucratic traceability. Continuity may be evidenced through durable relationship, recognized practice, and living institutions as the people understand them. External demands for “legibility” are constraint-field pressures, not legitimacy criteria.

B. Culturally compatible accountability (functional floor; no templates)

Sovereignty is expressed through culturally compatible accountability: decision systems that are reviewable, non-arbitrary, resistant to capture, and equipped with credible correction routes—especially for minorities and vulnerable persons—so custom and authority cannot become internal domination.

Accountability is functional rather than templated. These minimum floors are functional rather than architectural. They do not require any particular institutional design, separation of powers model, or externally legible review forum; they require only that the relevant legitimacy-preserving functions—authorization, review, correction, conflict handling, and differentiated treatment of foundational questions—be performed in a manner the polity itself recognizes as credible. Where those functions are carried through customary, unified, elder-based, clan-based, or hybrid forms, the framework does not displace them; it asks

only whether they remain people-rooted, reviewable, and non-captured in practice. Accountability may therefore be legal, customary, or hybrid, so long as it:

- prevents rule by mere office, charisma, or faction
- makes reasons and responsibilities legible
- disciplines conflicts of interest through disclosure and recusal equivalents
- enables appeal, repair, and redress through credible forums
- protects whistleblowing and dissent against retaliation
- keeps governing power answerable to the people’s standards of rightful authority

Domination test: Where power cannot be challenged without punishment, sovereignty has degraded into domination even if institutions remain formally “tribal” or officially recognized.

Cultural compatibility boundary: Cultural compatibility cannot be invoked to eliminate reviewability, correction routes, or minority protections. Functional accountability prevails over form.

C. Domain sovereignty (non-binary exercise)

Sovereignty operates through domain sovereignty: exercisable across concrete domains of shared life, which can be whole, partial, shared, or jointly governed depending on conditions. Core domains include:

- membership and belonging
- land, territory, waters, and resources (even under fragmented jurisdiction)
- dispute resolution and enforcement recognized as fair
- collective action and public safety
- protection of persons and cultural continuity
- material and institutional thresholds enabling these functions

Non-binary rule: A people may retain strong authority in some domains while being externally constrained or displaced in others. No single domain failure automatically negates sovereignty; it indicates where constraint pressure, capture, or capacity degradation is concentrated.

Material thresholds clarifier: “Material and institutional thresholds” refer to minimum capacities required to sustain authorization, accountability, and continuity of governance—not economic autarky. Dependence alone does not negate sovereignty; displacement of authorization does.

Land / territory / waters / resources under fragmented jurisdiction

Sovereignty in this domain does not require unified title, exclusive territorial control, or seamless jurisdictional boundaries. It is present where a people retains a real governing relationship to land, territory, waters, and resources through recognized authority over land-related decisions, continuity of stewardship norms and territorial responsibilities, and meaningful ability to negotiate, condition, contest, delay, or refuse outside demands affecting access, use, restoration, protection, development, sacred sites, habitat, harvesting areas, infrastructure, or resource extraction. A people may remain under fragmented jurisdiction and still exercise territorial sovereignty, but not where they are reduced to

commenting on fragments while effective control over the territorial whole is exercised elsewhere.

Present when:

- land-related decisions are routed through recognized internal authorization pathways and remain subject to credible internal review
- stewardship standards, place-based responsibilities, and dispute norms remain internally defined, even under mixed title or partial jurisdiction
- the polity can condition, refuse, renegotiate, delay, or contest outside demands affecting territory, waters, access, infrastructure, or resources
- co-management, permitting, or intergovernmental arrangements preserve rather than silently replace internal standards of authorization and stewardship
- access necessary for stewardship, ceremony, monitoring, restoration, or traditional use remains meaningfully protected

Warning signs:

- title fragmentation, checkerboard jurisdiction, regulatory layering, permitting sequences, or agency overlap are used to bypass internal authorization or isolate decisions from collective review
- consultation remains available, but practical refusal, redesign, delay, or contestation becomes unrealistic
- outside operational categories, land-use assumptions, or administrative baselines begin displacing stewardship norms or territorial priorities
- multiple small agreements cumulatively alter territorial control, stewardship obligations, or future bargaining position without the level of internal review required for changes of that magnitude
- infrastructure, water, access, utility, grant, technical, or compliance dependence is used to compress review, chill dissent, compel territorial concessions, or otherwise nullify internal authorization in practice

Red flags:

- collective territorial governance survives only symbolically while effective control lies elsewhere
- land-related arrangements become effectively non-reviewable, non-reclaimable, or structured so that outside approval is practically supreme
- the people can comment on fragments but cannot govern the territorial whole
- stewardship obligations are subordinated to imposed access, extraction, siting, or infrastructure terms without legitimate internal authorization

D. Verification in practice (signals, not titles)

Sovereignty is verified in practice when legitimate and accountable systems can decide and deliver within domains and produce protective outcomes (harm reduction, reliability, continuity), especially under constraint and pressure. Outcomes are interpreted through legitimacy and constraints; they do not substitute for people-rooted authority. Outcomes are signals, not titles: they diagnose where constraint pressure or institutional degradation is concentrated; they do not confer or revoke inherent authority.

Constraint-adjusted diagnostic (no performance test):

- Domain + expectation:** What protective outcomes are reasonably expected given constraints?
- Gap + constraint map:** What constraint-field pressures explain gaps?
- Cross-domain pattern:** Where is constraint-adjusted performance succeeding?
- Restoration trigger:** Are correction routes functioning—or is capture/degradation preventing repair?

Persistent failure diagnostic (capture vs constraint): Persistent inability to produce protective outcomes across multiple core domains—absent credible external constraint explanation—may indicate internal capture, institutional degradation, or legitimacy erosion requiring restoration processes. Outcome failure diagnoses structural condition; it does not revoke inherent authority.

E. Internal, external, relational sovereignty (triad)

- Internal sovereignty:** legitimacy + culturally compatible accountability
- External sovereignty:** enforceable jurisdiction/recognition/intergovernmental effectiveness within the constraint field
- Relational sovereignty:** term-setting power in intergovernmental relations without surrendering internal authorization or accountability

Relational–internal interface rule: If internal changes are adopted through legitimate internal pathways and remain corrigible, they can be an exercise of relational sovereignty. If conditions require surrender of internal authorization standards or disable correction routes, they function as domination pressures, not consent.

Relational sovereignty indicators

Present when:

- a people can enter, revise, refuse, or exit intergovernmental arrangements through recognized internal authorization pathways
- agreements preserve internal accountability, review, and dispute handling rather than treating outside administrative demands as self-justifying
- leadership can condition cooperation without silently altering the people’s own standards of authority

Warning signs:

- external deadlines, funding pressure, regulatory leverage, or recognition pressure begin substituting for internal authorization
- agreement terms indirectly restructure internal governance without passing through the proper legitimacy threshold
- refusal becomes practically unavailable because consequences effectively foreclose it

Domination threshold: Relational arrangements function as domination, rather than sovereignty, when they require surrender of internal authorization standards, disable correction routes, or convert outside administrative categories into de facto legitimacy criteria.

F. Non-autarky, dependence, and ambient pressure

Sovereignty does not require autarky. Trade, aid, shared infrastructure, contracted administration, intergovernmental agreements, and external funding can be sovereign when internally authorized and corrigible.

Sovereignty is diminished when dependence becomes coercive control that:

- displaces authorization standards
- disables correction routes
- compels decisions contrary to the people’s standards

Ambient-pressure erosion (early warning signs):

- funding priorities displace internally set priorities without internal authorization
- compliance becomes the de facto constitution
- “Administrative legibility” treated as legitimacy
- dissent chilled by fear of resource loss
- critical decisions justified primarily by external optics rather than internal authorization

Erosion response trigger: When ambient-pressure indicators persist across a material decision cycle (for example, a budget process, compact renewal, resource agreement, or equivalent), or when any one indicator begins to displace internal authorization standards or weaken correction routes in practice, a formal erosion review should be triggered through a recognized internal pathway.

Minimum required response: At minimum, the polity should distinguish technical constraints from sovereignty-intrusive conditions, restate the internal authorization rule governing the matter, preserve review and correction routes, and determine whether the pressure remains a constraint or has become domination requiring restoration-oriented action.

G. Delegation vs alienation

A people may delegate functions without alienating source authority. Contracts, compacts, 638 arrangements, shared services, and co-governance can be legitimate exercises of sovereignty when authorized internally and kept corrigible through accountability.

Alienation occurs only where authority becomes non-reviewable and non-reclaimable—where delegation becomes irrevocable displacement of authorization.

H. Epistemic sovereignty

Epistemic sovereignty concerns a people’s authority to govern itself through its own recognized categories of membership, relationship, obligation, and collective continuity—and to resist having those categories silently replaced by external administrative, legal, or expert terms. External operational categories may exist for outside administration, but they do not define the people and must remain subordinate to internally authorized categories of meaning and belonging.

Warning signs:

- outside classifications become de facto identity tests
- documentary legibility overrides continuity of relationship
- administrative convenience displaces internally recognized categories

–internal decisions are justified primarily by outside intelligibility rather than internal authorization

Protective rule: External categories may be used for interface, reporting, or negotiation, but they must remain subordinate to internally authorized categories of meaning and belonging.

I. Membership integrity and change authority boundary

ESSENTIAL FLOOR

Meaning of “essential floor”: If a polity adopts this framework, membership integrity safeguards are foundational because membership defines the people who authorize power; weaponizing membership dissolves sovereignty at its root.

This section does not advocate any particular membership outcome. It establishes safeguards so no faction, officeholder, or external regime can weaponize citizenship rules as a tool of entrenchment, retaliation, or peoplehood dissolution.

Authority to define/change membership: Membership rules may be defined and changed only through processes recognized as legitimate for foundational questions. Where multiple authority pathways exist, the rule for resolving foundational disputes must be specified and followed. Membership change authority cannot be improvised by officeholders, staff, contractors, or external agencies.

Heightened legitimacy threshold for foundational change: Because membership change alters the demos, it requires a heightened authorization threshold appropriate to the polity’s culture (supermajority, multi-stage approval, delayed effective dates, elder/council concurrence, referendum, or equivalent customary validation). This safeguard applies symmetrically to expansion and contraction.

Conflict-of-interest safeguard: Where the body controlling foundational change would materially benefit from the proposed change, independent concurrence, broader ratification, or structurally separate authorization pathways are required to prevent self-entrenchment.

Transparency of reasons + foreseeable impacts: Any membership change proposal must include reasons and foreseeable impacts: who gains, who loses, evidentiary standards, transitional rules, and dispute handling.

Due process for individual determinations: Application, denial, disenrollment, reinstatement, and related determinations require due process equivalents: notice, evidence standards, opportunity to respond, and appeal/review by a forum independent enough to be credible under the polity’s standards.

Non-retaliation / anti-purge safeguard: Membership must not be used as punishment for dissent, voting, whistleblowing, family affiliation, or advocacy. Where retaliation is plausible, independence/documentation/review standards must rise.

Non-arbitrary continuity rule: Membership regimes must preserve continuity of

peoplehood. Sudden mass reclassification that dissolves continuity—without legitimacy-restored, people-recognized process—constitutes internal domination and sovereignty degradation, even if presented as “reform” or “compliance.”

External categories as constraints, not definitions: External eligibility categories may constrain external forums, but they do not define the people. A Nation may reference or resist them; that choice must be authorized internally and remain corrigible.

Context authorities: membership/self-government jurisprudence (Appendix A).

J. Emergency powers and the exception boundary

ESSENTIAL FLOOR

Crises test sovereignty and are primary entry points for capture and takeover. Emergency authority must remain an exercise of people-rooted authority, not a suspension of it.

Authorized declaration: An emergency may be declared only by authorized actors. Interim authority must be explicitly limited and later ratified or rejected through recognized review.

Necessity + domain limitation: Emergency powers apply only to implicated domains and only to minimum scope required. Emergency authority cannot restructure membership, permanently alter constitutional order, eliminate correction routes, or entrench incumbency.

Urgency short of emergency (no suspension of authorization): Urgency may compress timelines, narrow options, and require accelerated action, but it does not by itself suspend internal authorization standards, eliminate review, or convert externally imposed deadlines into self-justifying authority. Where time pressure is real but does not rise to emergency, the relevant decision rule may operate in shortened form only if the polity still preserves meaningful authorization, records the justification for compression, and maintains a credible path for prompt review or correction.

Sunset + renewal: Emergency measures require explicit time limits; extensions require affirmative re-authorization with documented reasons and public-facing explanation.

Continuity of accountability: Emergency action remains reviewable: documented reasons, conflict-of-interest discipline, non-retaliation protections, accessible complaint/appeal/repair channels.

Fallback review architecture: Where ordinary review forums are incapacitated or credibly alleged to be captured, temporary review authority must be constituted through pre-authorized, functionally independent mechanisms specified in advance (elder/judicial substitutes/ombuds/cross-branch review, including externally facilitated but internally authorized oversight). Emergency conditions do not suspend corrigibility.

External assistance without external control: Outside assistance can be sovereign if internally authorized and corrigible. Aid conditioned on surrender of authorization standards constitutes domination, not consent.

After-action review + repair: Post-emergency accounting is required: reporting as feasible, independent review, corrective action, and legitimacy repair. If serious overreach is found, restoration measures must be triggered through recognized correction routes (including removal, reversal, restitution, or structural reform as authorized).

Context authorities: jurisdiction/constraint field; review principles (Appendix A).

K. Plural legitimacy and legitimacy restoration

Plural authority pathways can be legitimate. Sovereignty is threatened when plurality becomes non-resolvable contestation—when no recognized method exists or is permitted for settling disputes over authorization, succession, jurisdiction, or governance structure.

Where legitimacy is damaged by capture, coercion, collapse, or deadlock, sovereignty persists as peoplehood authority while the polity undertakes legitimacy restoration through time-bounded processes recognized as fair by the community's standards.

Restoration trigger: Restoration is required when ordinary correction routes are no longer credible because capture, coercion, collapse, foundational deadlock, or proven overreach has impaired the polity's recognized pathways of authorization, review, or succession.

Initiation anti-monopoly rule: Where the actors who would ordinarily initiate review are themselves impaired, credibly captured, directly conflicted, or no longer broadly recognized as able to act impartially, restoration initiation cannot be confined to those actors alone. In such cases, the polity must rely on broader, internally recognized initiation pathways sufficient to prevent capture of any single office, faction, or review channel from foreclosing restoration altogether. Such pathways may include elder councils, clan systems, kinship-based authorities, community associations, or equivalent civil-society formations recognized by the polity's own standards of legitimacy.

Condition-to-form rule: The appropriate restoration form should fit the presenting failure condition. Capture, deadlock, collapse, coercion, and proven overreach do not call for the same corrective architecture. Capture requires structural separation; restoring mechanisms cannot leave captured actors in controlling roles. Deadlock requires a recognized third party or equivalent authority standing outside the factional dispute. Collapse requires provisional authority with strict sunset and a mandate limited to restoring ordinary governance. Coercion requires internal ratification review so externally imposed change is not mistaken for internally authorized legitimacy; pending that review, source legitimacy persists in the pre-coercion structure. Proven overreach requires targeted correction, reversal, repair, or removal unless broader capture or collapse has impaired ordinary correction routes. Where conditions overlap or remain uncertain, the more protective restoration form should presumptively apply until the presenting condition is clarified through a recognized review pathway.

Minimum floor: A legitimate restoration process must be time-bounded, internally authorized or ratified, sufficiently independent for the polity's own standards, open to contestation and evidence, and directed toward re-establishing ordinary people-rooted governance rather than entrenching transitional power. Independence may be judicial, elder-based, clan-based, cross-branch, hybrid, or externally facilitated but internally controlled.

Pre-specification principle: Where possible, restoration architecture should be

specified during stable periods rather than improvised during crisis. Politics using this framework should pre-identify who may initiate restoration, what broad forms are available under different failure conditions, and what sunset, ratification, or return-to-ordinary-governance rules apply to any transitional arrangement. Leaving restoration wholly unspecified is itself a legitimacy risk because it allows impaired actors to contest every proposed remedy as ad hoc.

L. Legitimacy gate and constraint rule

Legitimacy gate: Absent people-rooted legitimacy, institutional competence evidences administration, not sovereign authority. A well-run office can deliver services without expressing the people's authority. Sovereignty exists only where competence is nested inside legitimacy and accountability.

Constraint rule: External legal hierarchies, recognition regimes, and resource constraints may limit tools and enforceability, but they do not supply sovereignty's source. They shape the constraint field and can degrade performance without generating authority.

External domination: External influence becomes domination when it conditions essential resources or enforceability on surrender of internal authorization standards, disables correction routes, selects leaders/decision rules, fragments jurisdiction to prevent collective action, compels norms inconsistent with the people's standards, or converts dependency into control. Domination must not be mistaken for consent.

III. Glossary

Glossary scope note: This glossary defines the framework's core cross-cutting operational terms. Domain-specific concepts developed in substantive sections—such as relational sovereignty, epistemic sovereignty, and land / territory / waters / resources under fragmented jurisdiction—use working definitions in those sections and are not separately repeated here unless needed for cross-sectional interpretation.

People-rooted: authority traceable to the people's recognized practices of belonging and authorization over time (customary, constitutional, electoral, clan/elder-based, or hybrid). It is not supplied by external recognition, administrative legibility, or fear-driven compliance.

Peoplehood: durable continuity of relationship, shared identity, recognized membership, and collective authorization practices through which a distinct people persists over time. Continuity may persist despite disruption of records and formal institutions.

Authorization pathway: a recognized pathway through which binding decisions are legitimately made (customary, constitutional, electoral, clan/elder-based, or hybrid). A valid pathway includes known decision rules and a recognized method for resolving disputes over authorization.

Foundational question: a decision that alters the demos, constitutional structure, succession rules, or authorization pathways. Foundational questions require specified

authorization and dispute-resolution rules and a heightened legitimacy threshold appropriate to the polity.

Corrigibility: practical ability to review, contest, and correct governance without retaliation. Correction routes are credible when they are accessible in fact, safe enough to use, timely enough to matter, and capable of producing real review, reversal, repair, or removal where warranted under the people's recognized standards. Apparent credibility does not suffice where dissent is punished, exit is effectively foreclosed, retaliation is normalized, or review exists only formally; in such cases, the conditions for free contestation have degraded and consensus cannot by itself validate the credibility of correction routes.

Capture: durable control by faction, patronage, coercion, or external leverage such that correction routes are not credible. Capture is present when challenge produces punishment or when reviewability is disabled or performative.

Constraint field: legal hierarchy, recognition regimes, jurisdiction allocation, resource dependence, infrastructure limits, and administrative burdens that shape enforceability and performance. The constraint field can impair exercised sovereignty without supplying or extinguishing source legitimacy.

Territorial fragmentation: division of land-, water-, and resource-related authority across mixed title regimes, overlapping jurisdictions, regulatory layers, infrastructure controls, or administratively separate decision sites such that no single institution visibly governs the territorial whole. Territorial fragmentation does not by itself negate sovereignty; it becomes a sovereignty problem when the division is used to bypass the people's recognized authorization pathways, isolate decisions from collective review, or convert partial jurisdiction into effective outside control.

Protective outcomes: harm reduction, reliability, and continuity interpreted through legitimacy and constraints. Outcomes are signals that diagnose where constraint pressure or institutional degradation is concentrated; they do not confer or revoke inherent authority.

Procedural dependence: condition in which the formal ability to act, object, negotiate, or govern is made contingent on outside permits, funding, technical approvals, infrastructure access, environmental review, administrative sequencing, or compliance systems controlled elsewhere. Procedural dependence becomes sovereignty-erosive when it leaves internal authorization intact in name but makes meaningful refusal, correction, or territorial decision effectively foreclosed in practice.

Institutional degradation: erosion of reviewability and correction routes such that governance becomes non-corrigible over time. Degradation occurs when contestation becomes unsafe or ineffective, even if institutions remain formally intact.

Domination: control that displaces internal authorization, disables correction, or compels decisions contrary to the people's standards. "Orderly compliance" produced by fear is domination, not legitimacy.

Territorial domination: condition in which external actors use leverage over land, waters, access, title, permitting, infrastructure, compliance, finance, or resource dependency to displace the people's own standards of authorization, review, stewardship, and refusal, such that effective control over territorial outcomes lies elsewhere. Territorial domination is present not merely when jurisdiction is shared or constrained, but when outside approval

becomes practically supreme and the people retain only symbolic or managed participation.

Ambient-pressure erosion: slow sovereignty loss through incentives and compliance drift without explicit coercion—when external requirements quietly displace internally authorized priorities and standards.

Legitimacy restoration: time-bounded processes recognized as fair by the people to repair legitimacy after capture, coercion, collapse, or deadlock (e.g., special elections, elder review, constitutional convention, transitional councils, truth-and-repair mechanisms, externally assisted but internally authorized facilitation).

Appendix A — Selected Legal Authorities (Context Only)

Note on Sources and Intellectual Influence

Appendix A’s historical framing—especially the *Johnson v. M’Intosh* / dispossession-architecture material and the related archival leads—was informed in particular by Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. The broader development of this framework was also shaped by engagement with the work of Vine Deloria Jr., David E. Wilkins, Benjamin Madley, Walter R. Echo-Hawk, and John E. Echohawk. These works informed the historical, doctrinal, and interpretive background of the project, while responsibility for this framework’s structure, terminology, and claims remains with the author.

These authorities situate People-Rooted Sovereignty (v5.9) within the ongoing legal and historical discourse. They are not legal advice, not a completeness claim, and not a compliance checklist. Each entry includes a one-sentence relevance note as “constraint-field context” for readers who want doctrinal touchpoints behind the framework’s concepts (membership, emergency, jurisdictional fragmentation, external pressure, immunity).

Selected Secondary Sources

Deloria, Vine, Jr. *Custer Died for Your Sins: An Indian Manifesto*. University of Oklahoma Press, 1988.

Echo-Hawk, Walter R. *In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided*. Fulcrum Publishing, 2010.

Echohawk, John E. “Understanding Tribal Sovereignty: The Native American Rights Fund.” *Expedition* 55, no. 3 (2013).

Madley, Benjamin. *An American Genocide: The United States and the California Indian Catastrophe, 1846–1873*. Yale University Press, 2016.

Robertson, Lindsay G. *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands*. Oxford University Press, 2005.

Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*. University of Texas Press, 1997.

A1. Foundational Framing (Marshall-era baseline / dispossession architecture)

Johnson & Graham's Lessee v. M'Intosh, 21 U.S. (8 Wheat.) 543 (1823) — Establishes discovery/aboriginal title baseline that reduces Indigenous land rights to a constrained “occupancy” posture within U.S. property doctrine.¹

Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831) — Frames tribes as “domestic dependent nations,” shaping the legal posture of tribal status and federal–tribal relations under U.S. law.

Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832) — Articulates a strong rule against state intrusion into tribal self-government, anchoring the state-pressure boundary in early doctrine.

Mitchel v. United States (Mitchel I), 34 U.S. (9 Pet.) 711 (1835) — Complicates simplistic “Johnson-only” readings by recognizing certain derived interests under specific imperial/legal arrangements.

Mitchel v. United States (Mitchel II), 40 U.S. (15 Pet.) 52 (1841) — Continues the Mitchel line on title recognition within layered sovereign/legal structures, illustrating constraint-field variability.

A2. Inherent Sovereignty + Internal Self-Government (membership floor / peoplehood authority)

Talton v. Mayes, 163 U.S. 376 (1896) — Treats core tribal powers as inherent rather than delegated, supporting the source-legitimacy vs. recognition distinction.

Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978) — Central modern case on membership/internal governance authority and limits on federal remedies under ICRA (membership integrity anchor).

United States v. Wheeler, 435 U.S. 313 (1978) — Reaffirms retained inherent sovereignty in the criminal context and clarifies “source authority” framing relevant to exercised sovereignty.

A3. Domain Sovereignty Under Fragmentation (non-binary exercise / nonmember limits)

Montana v. United States, 450 U.S. 544 (1981) — Baseline limits on civil authority over nonmembers with exceptions; key reference for mixed jurisdiction and domain sovereignty.

Strate v. A-1 Contractors, 520 U.S. 438 (1997) — Applies Montana to constrain tribal adjudicatory authority in certain nonmember disputes (domain boundary under fragmentation).

Nevada v. Hicks, 533 U.S. 353 (2001) — Extends Montana-style limits in cases involving state officials/nonmember conduct, sharpening the state-incursion constraint boundary.

National Farmers Union Ins. Cos. v. Crow Tribe of Indians, 471 U.S. 845 (1985) — Tribal-court exhaustion doctrine; supports routing jurisdictional disputes through tribal forums first (corrigibility architecture).

¹ For the historical and archival background of *Johnson v. M'Intosh* and its role in the legal construction of Indigenous dispossession, see Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (Oxford University Press, 2005).

Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9 (1987) — Reinforces exhaustion and respect for tribal forums, supporting reviewability and correction routes.

A4. State Power / External Pressure (PL-280 texture; constraint vs domination)

Williams v. Lee, 358 U.S. 217 (1959) — Limits state action where it infringes on tribal self-government (infringement test baseline).

Bryan v. Itasca County, 426 U.S. 373 (1976) — Interprets PL-280 narrowly; rejects broad state civil regulatory/tax authority (especially salient in California).

California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) — Clarifies state regulatory limits via criminal/prohibitory vs civil/regulatory distinction; key for state-pressure diagnostics.

United States v. Holliday, 70 U.S. (3 Wall.) 407 (1866) — Indian Commerce Clause context for federal regulatory authority; a constraint-field baseline.

McGirt v. Oklahoma, 591 U.S. 894 (2020) — Holds reservation status was not disestablished; demonstrates that drift and assumption do not equal lawful extinguishment.

A5. Criminal Jurisdiction Constraints (public safety domain; implicit divestiture pressure)

Ex parte Crow Dog, 109 U.S. 556 (1883) — Recognizes tribal criminal authority over members; pivotal in subsequent federal criminal statute development.

United States v. Kagama, 118 U.S. 375 (1886) — Upholds the Major Crimes Act; an anchor for plenary power doctrine in criminal jurisdiction (constraint-field anchor).

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978) — Denies inherent tribal criminal jurisdiction over non-Indians; major structural constraint on public safety governance.

Duro v. Reina, 495 U.S. 676 (1990) — Limits tribal criminal jurisdiction over nonmember Indians (later altered by Congress), illustrating shifting constraint conditions.

United States v. Lara, 541 U.S. 193 (2004) — Addresses Congress's role in recognizing/restoring tribal criminal authority; relevant to relational sovereignty interactions.

A6. Sovereign Immunity (external enforceability boundary; recognition tools vs source legitimacy)

Kiowa Tribe of Okla. v. Mfg. Techs., Inc., 523 U.S. 751 (1998) — Confirms broad tribal sovereign immunity absent congressional change, shaping enforceability strategies under constraint.

Michigan v. Bay Mills Indian Cmty., 572 U.S. 782 (2014) — Reaffirms immunity and assigns change to Congress, clarifying the recognition/enforceability boundary.

A7. Contemporary Federal Indian Law Signal (continuing legal salience of tribal political status)

Haaland v. Brackeen, 599 U.S. 255 (2023) — Modern confirmation that tribal political status remains constitutionally/statutorily salient within federal Indian law.

A8. Removal-Era State Encroachment (historical domination posture; state-pressure examples)

State v. Tassels, 1 Dud. 229 (Ga. Super. Ct. 1830) — Illustrates state assertion of jurisdiction in Cherokee context and pre-Worcester encroachment dynamics.

State v. Foreman, 16 Tenn. (8 Yer.) 256 (1835) — Illustrates post-Worcester resistance and continued state contraction pressure on Cherokee autonomy.

A9. Comparative (persuasive only; non-U.S. authority)

Guerin v. The Queen, [1984] 2 S.C.R. 335 (Can.) — Comparative fiduciary-duty framing; useful for thinking about obligations under constraint.

Mabo v. Queensland (No. 2), [1992] HCA 23, (1992) 175 C.L.R. 1 (Austl.) — Rejects terra nullius and recognizes native title at common law; comparative contrast to discovery-era baselines.

A10. Background Constitutional Structure (optional endnote layer; not Indian-law doctrine)

Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803) — Establishes judicial review; structural background for court power in recognition disputes.

McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819) — Federal powers baseline; structural background for federal–state conflict.

Cohens v. Virginia, 19 U.S. (6 Wheat.) 264 (1821) — Supreme Court review of state criminal judgments; structural background for state–federal hierarchy.

Martin v. Hunter’s Lessee, 14 U.S. (1 Wheat.) 304 (1816) — Supreme Court review of state courts; structural background for uniformity/enforceability.

Fletcher v. Peck, 10 U.S. (6 Cranch) 87 (1810) — Contract impairment and land/title background relevant to early property doctrine debates.

Verification note (archival leads)

Some cases appear in secondary literature or archival discussions with incomplete reporter/holding verification. Do not rely on these without confirming the official reporter citation and the holding.

- United States v. Lydia, a woman of color — archival lead only.
- State of Indiana v. Lydia, a woman of color — archival lead only.
- United States & M’Intosh v. Vanarsdal — archival/scholarship lead only; verify reporter/citation before use.
- M’Intosh v. Vanarsdal — archival/scholarship lead only; verify reporter/citation before use.

Appendix B — Scenario Cards

Training / Application (Non-binding examples)

These scenario cards are illustrative practice tools for applying the framework’s definitions, guardrails, and essential floors. They are not legal advice, not a governance template, and not binding unless formally adopted by an authorized polity. They show how to apply the tests: classify the question (foundational/emergency/constraint), assess authorization, and protect corrigibility and non-retaliation.

Read the facts, apply the Core Tests, review the applicable indicator set, and implement only the Minimum Required Actions necessary to preserve people-rooted legitimacy and correction routes. Each card lists Source Provisions where its concepts are grounded.

Scenario Card 1 — Membership Dispute

Anti-Purge Test (Foundational Change)

Bottom line

Membership reform can be legitimate. Membership weaponization dissolves sovereignty at its root. If contestation is unsafe or correction routes are non-credible, this is not self-government—it is internal domination.

Facts

A council majority introduces a membership “reform” ordinance two months before a major election. The proposal changes evidentiary standards for lineal descent, shortens appeal timelines, and applies retroactively to pending and previously approved cases. Several families associated with a dissident bloc are likely to be affected. Leadership frames the change as “administrative integrity” and alignment with outside funding and service systems.

What this is (Framework Classification)

Foundational question: membership defines the people who authorize power. This triggers the Membership Essential Floor and heightened authorization safeguards.

Core tests

- **Authorization:** Is the change being made through the polity’s recognized pathway for foundational questions (not improvised by officeholders, staff, contractors, or external agencies)?
- **Heightened threshold:** Does the process meet a culturally appropriate heightened legitimacy threshold (supermajority, multi-stage approval, delayed effective dates, elder/council concurrence, referendum, or customary validation equivalent)?
- **Conflict-of-interest:** Would the decision-makers materially benefit from the change (entrenchment risk), and if so, is independent concurrence or structurally separate authorization required?
- **Due process:** Are individual determinations protected by due process equivalents (notice, evidence standards, opportunity to respond, credible appeal/review)?
- **Non-retaliation:** Can members contest the change without fear of punishment (disenrollment, service denial, harassment, employment pressure, intimidation)?

Anti-purge indicators

- Election-adjacent timing or leadership struggle linkage
- Retroactive application without legitimacy-restored, people-recognized process
- “Administrative legibility” treated as legitimacy
- Same actors control proposal + adjudication + appeals

- Chilled speech / fear of retaliation
- No transparent statement of reasons, foreseeable impacts, evidence standards, and transition rules
- Sudden mass reclassification that breaks continuity of peoplehood

Minimum required actions

- Pause implementation until foundational authorization and dispute rules are specified and followed
- Require a Membership Change Impact Statement (reasons; who gains/loses; evidence standards; transition rules; dispute handling)
- Apply a heightened authorization threshold appropriate to the polity
- Establish/activate a credible review forum independent enough to be trusted under the community’s standards
- Guarantee due process equivalents for individual determinations
- Adopt explicit non-retaliation / anti-purge protections

Source provisions

I (Membership integrity and change authority boundary); II.A (Mixed-signal hierarchy; non-retaliation); K (Legitimacy restoration).

Scenario Card 2 – Emergency Declaration

Sunset + Fallback Review Test

Bottom line

Emergency action may justify temporary concentration of authority. It does not justify suspension of corrigibility. When review disappears, emergency governance becomes an entry point for capture.

Facts

A wildfire and multi-day power outage disrupt roads, communications, and water access. The chairperson declares an emergency and centralizes procurement, staffing assignments, and curfew decisions. After 30 days, emergency measures are still in place. Council meetings are delayed. Some members report emergency authority is being used to bypass normal approvals for unrelated contracting and personnel actions. The tribal court is partially offline; complaints are not being heard.

What this is (Framework Classification)

Emergency powers / exception boundary: crises test sovereignty and are a primary entry point for capture. Emergency authority must remain people-rooted, limited, time-bounded, and corrigible.

Core tests

- **Authorized declaration:** Was the emergency declared by an authorized actor under recognized rules, with any interim authority explicitly limited and later ratified or rejected?

- Necessity + domain limitation:** Are emergency measures limited to domains implicated by the emergency, and only to the minimum scope required?
- Sunset + renewal:** Are there explicit time limits, and do extensions require affirmative re-authorization with reasons and public-facing explanation?
- Continuity of accountability:** Are reasons documented, conflicts disciplined, non-retaliation protected, and complaint/appeal/repair channels accessible?
- Fallback review architecture:** If ordinary review forums are incapacitated or credibly alleged to be captured, is a pre-authorized, functionally independent substitute activated?

Exception-rule drift indicators

- Emergency powers used for unrelated domains
- No sunset; renewals become automatic or indefinite
- Emergency used to entrench incumbency or restructure constitutional order
- Review forums offline with no substitute established
- Retaliation against dissenters, whistleblowers, or complainants
- “We’ll review later” becomes the operating constitution

Minimum required actions

- Reconfirm authorized declaration basis and publish scope
- Limit emergency actions to implicated domains only
- Set or re-state a firm sunset; require documented reasons for renewals
- Keep complaint/appeal/repair channels functioning in accessible form
- Activate fallback review architecture if ordinary review fails (elder/judicial substitutes/ ombuds/cross-branch review; externally facilitated only if internally authorized)
- Conduct after-action review + repair; trigger restoration processes if serious overreach is found

Source provisions

J (Emergency powers and the exception boundary); K (Legitimacy restoration); II.B (Accountability floor; domination test).

Scenario Card 3 — State / Federal Pressure

Constraint vs Domination Test

Bottom line

Dependence is not the same as domination. Funding and intergovernmental agreements can be sovereign if internally authorized and corrigible. It becomes domination when external conditions displace internal authorization or disable correction routes.

Facts

A tribe seeks funding and intergovernmental support for emergency communications and infrastructure upgrades. A state agency and a federal program office offer assistance but attach conditions requiring outside eligibility categories, reporting practices, and decision

timelines that conflict with internal authorization processes. Staff are told: “If you want the money, you need to standardize this the way everyone else does.” Leaders are split between urgency and concern that compliance is becoming the de facto constitution.

What this is (Framework Classification)

Constraint-field pressure: external legal hierarchies, recognition regimes, and resource dependence can limit tools and enforceability. Cooperation can be sovereign when internally authorized and corrigible. The key question is whether conditions remain constraints or become domination.

Core tests

- **Internal authorization:** Are acceptance, rejection, or modification of terms decided through recognized internal pathways (not staff convenience or external deadlines)?
- **Source-protection:** Do conditions displace internal authorization standards, select decision rules/leaders, redefine membership, or disable correction routes?
- **Corrigibility:** Does the agreement include credible review, amendment, and exit pathways through internal authorization?
- **Ambient-pressure erosion:** Are funding/compliance priorities displacing internally set priorities without internal authorization? Is “administrative legibility” being treated as legitimacy?

Domination pressures

- Conditions require surrender of internal authorization standards
- External categories treated as defining the people
- Compliance becomes the de facto constitution
- Dissent chilled by fear of losing resources
- Agreements become non-reviewable / non-reclaimable (alienation risk)
- External optics outweigh internal authorization and accountability

Minimum required actions

- Route terms through a recognized internal authorization pathway
- Produce a constraint map: technical/admin requirements vs sovereignty-intrusive conditions
- Preserve internal categories (membership, authority, dispute standards) even if external reporting uses operational categories
- Add corrigibility clauses: review windows, amendment processes, and exit pathways
- Monitor ambient-pressure erosion indicators and intervene early
- State a relational sovereignty boundary: cooperate without surrender of source authority or correction routes

Source provisions

Definition (Recognition as constraint-field context); F (Non-autarky, dependence, ambient pressure); G (Delegation vs alienation); E (Relational sovereignty); L (External domination).

Scenario Card 4 — Compact / MOU / Gaming Agreement

Relational Sovereignty Test

Bottom line

Intergovernmental arrangements can be sovereign exercises of relational authority when they are internally authorized, reviewable, and materially open to refusal, renegotiation, or condition. They function as domination when outside leverage silently displaces internal authorization or makes refusal effectively unavailable.

Facts

A tribe is offered a compact, gaming agreement, or intergovernmental MOU that promises funding, recognition, or economic opportunity. The proposed terms create pressure to accelerate approval, treat outside compliance demands as effectively binding, and lock in review or enforcement structures before the polity's own recognized process for foundational or intergovernmental decisions has run. Leadership is told delay could trigger consequences that effectively foreclose refusal.

What this is (Framework Classification)

Relational sovereignty under pressure: cooperation with outside governments, agencies, or counterparties can be a sovereign exercise of term-setting power where it remains internally authorized and corrigible. The question is whether the arrangement preserves internal standards of authority and review, or converts dependence and timing pressure into de facto control.

Core tests

- Authorization:** Is the arrangement being accepted, rejected, conditioned, or revised through a recognized internal pathway?
- Reviewability:** Does the agreement preserve amendment, contestation, and exit routes credible enough to matter in practice?
- Source-protection:** Do the terms preserve the people's own standards for authority, review, and dispute handling?
- Practical refusal:** Can leadership refuse, renegotiate, or condition the arrangement without triggering consequences that effectively foreclose refusal?

Signals favoring relational sovereignty

- terms are routed through recognized internal authorization pathways
- agreements preserve internal categories of authority and dispute handling
- review, amendment, renewal, and exit pathways remain real in practice
- outside coordination does not silently redefine who decides foundational questions

Domination pressures

- timing or funding pressure bypasses ordinary authorization routes
- outside terms indirectly restructure internal governance without the proper legitimacy threshold
- dissent is chilled by fear of revenue, services, or recognition loss

- the arrangement is framed as unavoidable regardless of internal standards
- no meaningful review, amendment, or exit pathway exists

Minimum required actions

- route the arrangement through a recognized internal authorization pathway
- distinguish genuine external constraints from discretionary or sovereignty-intrusive conditions
- preserve review, amendment, renewal, and exit mechanisms
- treat any demand that disables correction or displaces internal authorization as a legitimacy problem rather than a mere technical condition

Source provisions

E (Relational sovereignty); F (Non-autarky, dependence, ambient pressure); G (Delegation vs alienation); L (External domination).

Scenario Card 5 — Land / Jurisdiction Fragmentation

Constraint / Stewardship / Authorization Test

Bottom line

Sovereignty in land, territory, waters, and resources does not require total territorial control. It requires that land-related decisions remain traceable to recognized internal authorization, accountable to the people, and corrigible in practice even under fragmented jurisdiction, layered title, and outside regulatory pressure. Fragmentation becomes domination when external leverage over land, access, permitting, water, infrastructure, or title is used to displace internal standards of authorization, stewardship, and review.

Facts

A tribe is negotiating over a land-related project that affects trust land access, utility routing, and nearby fee land subject to overlapping county and state processes. Outside agencies and private actors insist that timing, permit sequencing, and funding conditions require immediate assent to a package agreement. Some leadership view the package as a necessary pragmatic compromise. Others argue that the agreement effectively locks in land-use terms, access constraints, and infrastructure placement before the polity's own recognized process for land-related decisions has run. Staff warn that delay could jeopardize funding and intergovernmental goodwill.

What this is (Framework Classification)

Domain sovereignty under fragmented jurisdiction: land, territory, waters, and resources are core sovereignty domains often exercised under conditions of mixed title, overlapping jurisdiction, infrastructure dependence, and procedural dependence. The key question is whether the arrangement remains an exercise of internally authorized stewardship under constraint, or whether fragmentation and dependence are being used to convert outside leverage into de facto control.

Core tests

- Internal authorization:** Are land-related decisions being made through the polity’s recognized pathway for decisions of this kind, rather than through staff convenience, deadline pressure, or outside sequencing demands?
- Stewardship continuity:** Do the terms preserve the people’s own standards for land stewardship, access, place-based responsibility, and dispute handling?
- Constraint vs domination:** Are outside permitting, title, funding, or infrastructure conditions functioning as external constraints only, or are they displacing internal authorization in practice?
- Corrigibility:** Is there a real path for review, amendment, contestation, or withdrawal through recognized internal authority?
- Foundational spillover:** Do the land terms indirectly alter constitutional authority, collective action capacity, territorial standing, or future decision control without passing through the appropriate legitimacy threshold?

Domination pressures

- territorial fragmentation used to force piecemeal surrender of decision authority
- funding or permit timing treated as justification for bypassing internal authorization
- outside land-use or infrastructure terms treated as effectively self-executing
- access, water, or utility dependence leveraged to chill dissent or compress review
- agreement structure prevents meaningful amendment, reclamation, or exit
- administrative legibility or intergovernmental optics begin displacing stewardship norms
- cumulative small concessions become the de facto land constitution

Minimum required actions

- route the matter through the polity’s recognized internal pathway for land-related decisions
- produce a land-constraint map: title, jurisdiction, permitting, infrastructure, access, water, and funding conditions distinguished from discretionary or sovereignty-intrusive demands
- state clearly which terms are temporary coordination measures and which would alter long-run authority, stewardship, or review
- preserve internal standards for land stewardship, dispute handling, and accountability even where outside forums require operational categories
- add corrigibility clauses: review points, amendment pathways, renewal limits, and withdrawal or reopener mechanisms where possible
- pause or narrow assent where fragmentation pressure is being used to disable correction routes or foreclose internally authorized review

Source provisions

C (Domain sovereignty; non-binary exercise); E (Relational sovereignty); F (Non-autarky, dependence, ambient pressure); G (Delegation vs alienation); L (External domination).

Appendix C — Diagnostic Quick Reference Cards

Training Use (Non-binding)

These cards are diagnostic references for applying the framework in discussion, training, and review. They do not restate full definitions. Section III contains the formal glossary; these cards provide signals, common confusions, and “what to check” prompts.

Card C1 — Legitimacy (Source)

Present when

- The community can identify recognized authorization pathways (who decides what, and how)
- Foundational disputes have specified authorization/succession/dispute rules that are followed
- Contestation is protected; non-retaliation is credible in practice

Not to be confused with

- High compliance produced by fear
- Administrative legibility treated as legitimacy
- External recognition treated as the source of authority

What to check

- Is this a foundational question (demos / constitution / succession / authorization pathways)?
- Are dispute-resolution rules specified and followed?
- Can dissent occur without punishment?

Source provisions

- II.A (Civil-society legitimacy; foundational dispute rule; mixed-signal hierarchy); L (Legitimacy gate).

Card C2 — Peoplehood + Membership (Continuity)

Present when

- Continuity persists through relationship and recognized practice, even where records were disrupted
- Membership processes follow recognized foundational pathways and heightened thresholds
- Individual determinations include due process equivalents and credible appeal

Not to be confused with

- Documentary traceability as the only evidence of continuity
- Sudden reclassification used as entrenchment or retaliation
- External eligibility categories treated as defining the people

What to check

- Are membership changes routed through the polity's recognized foundational process?
- Are reasons/impacts/evidence standards/transitions explicit?
- Are non-retaliation protections credible where dissent is likely?

Source provisions

- II.A (Institutional memory under disruption); I (Membership integrity essential floor)
K (Legitimacy restoration).

Card C3 — Corrigibility vs Capture (Internal Condition)

Present when

- Correction routes function in fact (review, appeal, repair) and are trusted enough to be used
- Conflicts of interest are disciplined (disclosure/recusal equivalents)
- Whistleblowing and dissent are protected against retaliation

Not to be confused with

- Formal “review” that is controlled by the same actors being challenged
- Temporary centralization during crisis with real sunset and review
- Ordinary political disagreement in a system where correction still works

What to check

- Can power be challenged without punishment?
- Are appeals credible and independent enough under community standards?
- Do reasons/responsibilities remain legible and contestable?

Source provisions

- II.B (Accountability floor; domination test); D (Restoration trigger); K (Legitimacy restoration).

Card C4 – Constraint Field vs Domination (External Condition)**Present when (constraint)**

- External rules limit tools/enforceability without displacing internal authorization standards
- Cooperation/aid/compacts remain internally authorized and corrigible
- Outcomes are assessed with constraint mapping (no performance test)

Domination pressures

- Essential resources/enforceability conditioned on surrender of internal authorization standards
- Correction routes disabled as the price of funding/recognition/coordination
- Administrative categories converted into legitimacy criteria; compliance becomes de facto constitution

What to check

- Are terms adopted through legitimate internal pathways?
- Is there a real review/amend/exit path (corrigibility clause)?
- Are external demands being treated as legitimacy rather than constraints?

Source provisions

- Definition (Recognition as constraint-field context); F (Ambient-pressure erosion); G (Delegation vs alienation); L (External domination).

Card C5 — Outcomes (Signals, Not Titles)

Present when

- Protective outcomes are interpreted through legitimacy + constraints (harm reduction reliability, continuity)
- Cross-domain patterns are used diagnostically to locate constraint pressure vs degradation
- Persistent multi-domain failure triggers restoration inquiry (capture vs constraint)

Not to be confused with

- Using outcomes to confer or revoke inherent authority
- External performance scoring substituting for legitimacy
- “Competence” mistaken for sovereignty absent legitimacy

What to check

- What outcomes are reasonably expected given constraints?
- Where is the gap: constraint environment, capacity thresholds, or degraded corrigibility?
- Are correction routes functioning to repair failure?

Source provisions

- D (Verification; constraint-adjusted diagnostic; persistent failure diagnostic); L (Legitimacy gate).

Card C6 — Emergency Powers (Exception Boundary)

Present when

- Emergency declared by authorized actors; scope is necessity-limited to implicated domains
- Explicit sunset exists; renewals require affirmative re-authorization with reasons
- Reviewability continues; fallback review architecture activates if ordinary forums fail

Exception-rule drift indicators

- Emergency used to entrench incumbency or restructure constitutional order
- “We’ll review later” becomes the operating constitution
- Complaint/appeal channels collapse without a substitute

What to check

- Is there a sunset and a real renewal standard?
- Are complaint/appeal/repair channels accessible during the emergency?
- Is fallback review architecture specified and activated when needed?

Source provisions

- J (Emergency powers essential floor); II.B (Accountability floor); K (After-action review + repair; legitimacy restoration).