

Assimilation and Delegation: A Formal Model of Federal-Tribal Dynamics*

Sonja Castañeda Dower[†]

Abstract[‡]

Indigenous peoples have long been subjected to assimilation campaigns during democratic state-building, often in the name of easing administration, aligning Indigenous and central government preferences, and increasing delegation of policy authority to tribes. Yet, empirically, it is not clear that assimilation is associated with increased delegation, and delegation to tribes engaged in anti-assimilation and anticolonial efforts is increasing. I introduce a formal model of delegation as a function of Indigenous assimilation. Delegation leverages the specialized information tribes hold and, in the standard model, is more likely for tribes with policy preferences closer to the central government. However, introducing an assimilation campaign into the model that the tribe can accept or reject instead leads to tribes refusing to assimilate in order to incentivize delegation. This research underscores the nuanced strategies tribes employ to ensure self-determination and supports reevaluation of assimilation as a policy tool.

Keywords: assimilation; delegation; Indigenous; tribe; self-determination

* For advice and support in developing this research, I thank Jeff Jenkins, Melissa Rogers, and participants at the JPIPE Indigenous Politics Symposium, as well as Chris Berry, John Brehm, Gabriel Cepaluni, Jamie Druckman, Bernard Fraga, Sean Gailmard, Scott de Marchi, Kyle Mattes, Andrew McCall, Bryant Moy, Monika Nalepa and her Dissertation Improvement Group, Robert Pahre, Patricia Posey, Jon Rogowski, Nicholas Sambanis, Susan Stokes, the Indigenous Studies Network and Indigenous communities that informed this work, and those who provided feedback at the 2023 Empirical Implications of Theoretical Models Summer Institute, the 2024 Midwest Political Science Association Conference, and the 2024 Elections, Public Opinion, and Voting Behavior Conference. Errors are, of course, mine alone.

[†] Department of Political Science, University of Chicago, 5828 S. University Avenue. Chicago, Illinois 60637, USA; sonjacastaneda@uchicago.edu

[‡] This research was generously supported by a grant from the University of Chicago's Center for the Study of Race, Politics, and Culture, and the Bienen Summer Research Grant.

INTRODUCTION

The continuously contested sovereignty of 574 federally recognized tribes¹ in the United States challenges conventional understandings of power and governance in the federal system. Adding to the complexity, the U.S. formally or implicitly delegates authority over policy decisions and implementation to all of these tribes.² Delegation from the central government³ to the tribal level is furthermore granted across many policy domains, including fisheries, forestry, national parks, security, and water management, as well as in the provision of education and healthcare.⁴ These arrangements in part reflect the U.S. government's recognition of tribal sovereignty, within a framework of federal oversight.⁵ Despite this unifying principle of governance, there is substantial variation in tribal autonomy across different policy domains as well as across different tribes in the same domain. What drives the federal government to grant more control in some instances and not others? And how can Indigenous people(s)⁶ shape these decisions?

According to standard delegation models (e.g. Bendor and Meirowitz, 2004), the federal government is expected to delegate policy authority to tribes that it observes to be relatively like itself. A tribe seeking greater control over decision-making should then signal greater similarity to the central government. Yet, instead, delegation of policy control to more culturally distinct Indigenous groups is prevalent in the United States and other highly industrialized democracies, challenging both assumptions about delegation criteria and common beliefs about the prerequisites for political empowerment.

The case of COVID-19 vaccine delivery in Alaska is instructive. In late 2020 and early 2021, news sources documented scenes of vaccines being transported by dog teams across snow-covered landscapes, administered by healthcare workers representing Alaska Native entities, supported by members fluent in Alaska Native languages, often reaching residents with no formal addresses, whose names bore little resemblance to majority names in the U.S.⁷ Alaska Native tribes were characterized as demonstrating

¹ Terminology surrounding indigeneity is sensitive and involves complicated histories. I first follow preferences expressed by *tribes* with which I work in the field. Beyond that, I attempt to adhere to conventions suggested by intertribal entities, international institutions, colleagues, and academic style guides. None of these practices comes without legitimate critique. I welcome guidance in this and related areas.

² Taking for granted that the federal government can delegate to tribes is problematic. See Delegation section for discussion.

³ In this paper, I use *federal government* and *central government* nearly interchangeably. In the context of the model, I also use *state* in reference to the central or federal government, which allows for easier engagement with the extensive literature on democratic state-building beyond the U.S. context. In discussing U.S. states, I use proper names to the extent possible.

⁴ See Delegation section for a more detailed discussion of policy domains.

⁵ For more on the evolution of federal-tribal relations in the U.S., see Wilkins and Stark (2017).

⁶ Indigenous people(s), as understood by the UN, have a historical connection to pre-invasion and pre-colonial societies in their territories, they maintain identities separate from the dominant societies now in these regions, and they often aim to preserve and pass on ancestral lands and identities to future generations. (Office of the High Commissioner for Human Rights 2013).

⁷ See e.g. Nat Hurz, "Alaska Covid Vaccine Rollout Requires Planes, Sleds, Snow Machines," National Public Radio, January 21, 2022.

autonomy, community-orientation, and self-determination. Furthermore, past federal government abuses were portrayed as a source of members' initial low trust in the vaccine distribution, suggesting that delegation of authority over the rollout to tribal entities was crucial for Natives' vaccine uptake and wellbeing.⁸ Accounts also focused on tribes' highly specialized local knowledge and adaptation to environments that are exceptionally difficult for outsiders to navigate.⁹ The portrayal of the urgency of vaccine delivery, together with the focus on unique geographical challenges and longstanding communication issues between the federal government and Alaska Natives suggests that the relative *illegibility* of Alaska Natives to the U.S. government made delegation of vaccine delivery to Natives all the more important.¹⁰

This example points toward legibility—understood as the extent to which Indigenous populations are visible and comprehensible to federal authorities—as an important consideration in the delegation decision. Scott (1998) suggests governments use legibility campaigns to simplify administration and more easily control marginalized populations in the course of state-building. Alesina and Spolaore (1997) also show that population heterogeneity makes governance more difficult, especially in large democracies, highlighting the desire for assimilation campaigns in such settings. Yet, assimilation campaigns aimed at enhancing Indigenous visibility and comprehensibility have an extensive and difficult history (see e.g. Wilkins and Stark, 2017; Farrell et al., 2021). Considering these complexities, to what extent should we expect tribes to be responsive to federal assimilation mandates? How do decisions over assimilation affect the governments' willingness to delegate policy-setting authority to tribes? What is the role of tribal capacity in government delegation decisions? And how does Indigenous engagement with tribal institutions or federal institutions affect the government's willingness to delegate policy-setting authority to tribes?

In this paper, I introduce a formal model that elucidates the strategic interplay between a central government and a tribe in policy-making. The basic model is consistent with past findings regarding delegation: in the absence of assimilation efforts, the central government is inclined to delegate authority to tribes with policy preferences similar to its own (Bendor and Meirowitz, 2004). However, the introduction of an assimilation campaign, which the tribe can accept or reject, fundamentally alters this landscape. Contrary to expectations of conventional models of delegation, the model reveals that the

⁸ See e.g. Mike Baker and Serge Kovvleski, "Alaska's Remote Villages Race Against Time and History," *New York Times*, June 25, 2021.

⁹ See e.g. Caroline Lester, "The Rural Alaskan Towns Leading the Country in Vaccine Distribution." *The New Yorker*, February 21, 2021.

¹⁰ Discussion of case examples for the moment puts aside the role of (e.g.) U.S. state, regional and municipal institutions, which often play some part in tribes' policy decisions and/or implementation.

presence of an assimilation campaign can result in the government delegating to tribes that choose *not* to assimilate. The model demonstrates that assimilation reduces the informational advantage of the tribe and, hence, reduces the value that the central government places on delegating to the tribe. Even when the tribe finds it desirable to assimilate, they might still engage in strategic non-participation to induce the central government to delegate.

To further develop this point, in an extension to the model, I allow tribal capacity to vary so that the value the central government places on delegation increases with tribal capacity. Yet, tribal capacity also strengthens incentives for strategic non-participation in the assimilation campaign. Moreover, the model suggests that other forms of participation in state-sponsored activities, such as voting, could also be affected by the tribe's desire for greater delegation if these activities affect the tribe's informational advantage. An extension to the model that includes an electoral subgame introduces a novel insight regarding strategic voting: intergovernmental delegation dynamics can lead to tribal non-participation in central government elections. From an institutional design perspective, political institutions that are susceptible to strategic non-participation merit further attention, particularly those designed to be democratic.

By exploring nuanced federal-tribal relationships using a formal model, the paper sheds light on three crucial aspects of state-building in democracies: the conditions under which Indigenous groups will choose assimilation; how these choices impact the federal government's propensity to delegate policy authority; and how Indigenous engagement in tribal politics can interact with tribes' federal engagement. This examination addresses gaps in existing literature, which often underestimates tribal agency and the complexity of institutional frameworks influencing federal-tribal relationships.. The model shows that introducing additional complexity into the standard analysis explains some key stylized facts in a more unified way.

The remainder of the paper is organized as follows: first, I consider the concepts of assimilation and delegation in greater detail; next, I introduce the augmented version of the standard delegation model, which allows for an assimilation campaign; then, I outline cases that illustrate the complexity of the relationship between tribes and central governments, with a focus on delegation decisions; following, I discuss extensions to the model; and finally, I consider limitations of the model and conclude.

ASSIMILATION

In this paper, I address *assimilation* as it is frequently characterized in the political economy literature. In this context, assimilation is typically understood as a process in which members of a minority group adopt

the language, customs, norms, and behaviors of a majority group, extending to participation in the economic, educational, and social systems of the majority society (Abramitzky, Boustan, and Eriksson, and Hao, 2020).¹¹ This often reflects integration into mainstream institutions like schools, workplaces, and community organizations (Dippel and Frye, 2020), and may include increased interpersonal connections, such as marriages and other relationships that cross ethnic or cultural lines (Fouka, 2022).

Importantly, assimilation as understood above is commonly represented as unidimensional for analytical purposes. For example, one might classify tribes as more or less assimilated. However, some dimensions of assimilation might be observable while others are not, making it difficult to verify whether this simplification is reasonable. In particular, it is worthwhile to question the assumption that tribal adoption of a package of assimilative characteristics necessarily implies alignment of tribal policy preferences and central government preferences.

Consider the example of several Oklahoma tribes, the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations, once popularly referred to as “The Five Civilized Tribes.” This title, coined in the 19th century but still heard today, highlights the tribes’ longstanding engagement with settler colonial practices, such as English language use, “American style” naming conventions, and other practices incentivized or imposed by federal policies.¹² Yet, these associations do not necessarily translate into preferences aligned with the federal government, as revealed in contemporary contexts like the COVID-19 vaccine rollout. Despite their historical “assimilation,” the aforementioned five tribes set unique vaccine policies, for example by placing a high priority on vaccinating speakers of Indigenous languages and cultural knowledge holders early, diverging significantly from vaccine timelines established by federal and U.S. states’ policies.¹³

In the model, *assimilation* narrowly refers to participation in a generic assimilation campaign. The federal government can observe participation and non-participation, and the campaign is assumed to increase legibility but not necessarily to increase other dimensions of assimilation or to affect tribal preferences. It is important to also note that the modeling approach used here is fully consistent with a tribal rejection, refusal, subversion or sabotage of the assimilation campaign reducing its legibility as opposed to tribal participation in the campaign increasing its legibility.

¹¹ *Minority* and *Indigenous* denote distinct but sometimes overlapping groups. It is important not to conflate them, though theories related to minorities can in some situations elucidate power dynamics in Indigenous contexts, albeit often incompletely or misleadingly.

¹² Meredith, Fletcher, Thomas Donaldson, John Donaldson, John W. Lane, and William H. Ward. *The Five Civilized Tribes in Indian Territory: the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations*. United States Census Printing Office, 1894.

¹³ <https://www.npr.org/2021/01/04/953146835/fluent-choerokee-speakers-are-eligible-for-early-covid-19-vaccinations>

Such a model is not without controversy in the scholarship on assimilation. Assimilation efforts have been associated with coercion and loss of cultural identity, despite the often neutral or positive connotations of the term as it is used in political economy (e.g. Coulthard, 2014; Scott, Tehranian and Mathias, 2002). Research has presented legitimate critiques of the way *assimilation* has been defined and analyzed in the social sciences, complicating and sometimes rejecting use of the term. Critics argue that many definitions of assimilation overlook the coercive aspects of cultural and structural integration, particularly in contexts involving Indigenous people(s) and others on the margins. These critiques emphasize that assimilation typically occurs under conditions of duress or unequal power dynamics, questioning the extent to which the process can be considered “voluntary” (Coulthard, 2014). Viewing assimilation through the lens of historical oppression and loss of cultural identity challenges an unexamined use of the term. While enlisting the term and engaging sources that use it variously, this research recognizes and complicates the colonial underpinnings of the politics of assimilation. Furthermore, it acknowledges that, as Scott et al. (2002) point out, assimilation policies have diminished the visibility and viability of minority and Indigenous cultures, even as they have also at times inspired backlash that reinforced marginalized group identity (Fouka, 2020).¹⁴

DELEGATION

Delegation theory revolves around the idea that a principal (such as a government or a legislative body) delegates authority to an agent (such as a bureaucracy or an independent agency) to act on its behalf. One primary reason governments delegate is because agents typically possess specialized knowledge or expertise that the principal lacks (Epstein and O’Halloran, 1999). This expertise enables agents to execute complex tasks or make informed decisions that are beyond the principal’s capacity to handle effectively on its own. Delegating specific tasks allows governments to operate more efficiently (Huber and Shipan, 2002; Anderson and Parker, 2017). By dividing labor among specialized agents, governments can handle more issues simultaneously and respond more quickly to societal needs. Delegation can also provide political cover for unpopular decisions by transferring decision-making responsibility to other entities, allowing elected officials to avoid direct blame for controversial outcomes (McCubbins, Noll, and Weingast, 1987). The standard model builds on the basic premise of the principal-agent framework, emphasizing the alignment of preferences between the principal and the agent (Holmström, 1980). Each party is modeled with a utility function that reflects its preferences over policy outcomes. The principal's

¹⁴ Not all aspects of assimilation are considered here. Notably absent are a) consideration of majority acceptance of assimilation efforts and b) identity shifts resulting from assimilation campaigns. For more on these topics, see Fouka (2022).

goal is to maximize its utility by ensuring that the policy implemented by the agent is as close as possible to the principal's ideal point. The degree of preference alignment affects the principal's decision on whether to delegate and how much authority to grant (Bendor and Meirowitz, 2004).¹⁵

Some examples of delegation are as follows: The Tribal Forest Protection Act of 2004 and subsequent updates expanded the tribal role in managing federal forest lands adjacent to reservations and beyond (United States Congress 2004); through the Pacific Salmon Treaty, several tribes became central figures in the effort to manage salmon fisheries using sustainable fishing practices (Yanagida, 1987); the National Park Service is working with tribes to incorporate traditional ecological knowledge in managing park lands, with tribes taking on lead roles in decision making and implementation (Pahre, 2014; Trospen, 2022); tribes have embraced the option to set and enforce their own water quality standards and environmental regulations (Diver, Ahrens, Arbit; Bakker, 2019); and the Indian Health Service operates under the principle of tribal self-determination, allowing many tribes to administer their own health care programs and services (Carroll et al., 2022; Dietrich and Schroedel, 2024). The U.S. has also delegated decisions over non-Native healthcare to some tribes, including in the context of COVID-19 vaccine distribution (Evans, Foxworth, Sanchez, Ellenwood, and Roybal, 2022; Rodriguez-Lonebear, Barceló, Akee, and Russo Carroll, 2021).¹⁶

Despite evidence of increased delegation to tribes, it could be that actual tribal authority is superficial or has been overstated. However, substantial evidence supports meaningful growth in tribal authority across various domains (see e.g. Diver et al., 2019). Additionally, a newly compiled longitudinal dataset containing Department of the Interior allocations (which excludes direct investment) provides evidence of increasing allocations to tribes through the Bureau of Indian Affairs, the Bureau of Indian Education, the Fish and Wildlife Service, the Bureau of Reclamation, and the National Park Service (Brouwer and Provins, 2024).

For the purposes of this paper, the delegation decision concerns recognition by the federal government of tribal control over any decision that affects outcomes that the federal government views are under its governance mandate. The model assumes that this recognition implies an increase in tribal control over policy decisions that affect outcomes but it does not require that the tribe has full control over all policy decisions. In the model, the delegation decision is binary, and its discrete nature could have implications for strategic interaction that are not explored here.

¹⁵ For a more detailed discussion of delegation models, see Gailmard and Patty (2012).

¹⁶ For a historical treatment of vaccine distribution to Indigenous Nations and groups in the U.S., see Rubin (2020).

Finally, it should be noted that taking for granted that the federal government has the authority to delegate to tribes is problematic. Such an assumption disregards Indigenous claims to a non-hierarchical, nation-to-nation relationship with the U.S. and flouts the complicated history of treaty-making as well as a rich literature that emphasizes the complexity of concepts such as *autonomy*, *self-determination*, and *sovereignty* in the context of U.S.–Indigenous relations (e.g. see Barker, 2005; Cohen, 1998; Getachew, 2019; Hendrix 2010; Simpson, 2014; and Temin, 2023). At the same time, as elaborated by Blackhawk (2019), constitutional law in effect shifted power over Natives in the U.S. to the national government, limiting avenues for recognition of Native nations’ policy authority. Relatedly, while many Indigenous people in the U.S. reject the central government’s claim to authority over tribes and may embrace *refusal* (the practice of refusing the legitimacy of federal or other governing institutions over tribes),¹⁷ Corntassel and Witmer (2008) find that federal policy indeed still compels many Indigenous polities to participate in the federal order at a subnational level.

THE MODEL

The Standard Delegation Model

To illustrate delegation-related dynamics between central governments and Indigenous peoples, I look to models of delegated discretion, hierarchical principal-agent models (Bendor and Meirowitz, 2004; Crawford and Sobel, 1982; Holmström, 1980; and Gehlbach, 2013).

I consider a delegation with two players: a “state” (S) and a “tribe” (T) [note: in discussing the model, “state” refers to the U.S. federal government or a democratic central government that operates *as if* federal]. Both S and T have preferences over outcomes in \mathcal{X} , where x indicates any outcome. I assume the state’s preferences are represented by $U_S(x) = -|x|$, with an implicit ideal point of 0 . The tribe then has preferences represented by $U_T(x) = -|x - x_T|$, where x_T is the tribe’s ideal point. Without loss of generality, I can assume $x_T > 0$.

In the standard model, the game starts when the state decides whether to delegate policy authority to the tribe. Then, there is a random shock $\omega \in \mathcal{X}$, which is observed by the tribe but not the state. The shock could represent local circumstances that affect the necessary mix of inputs or input intensity to achieve desired outcomes in public service delivery. For example, local circumstances may indicate that

¹⁷ Refusal can take many forms, including Indigenous people(s) declining U.S. citizenship and even undertaking international travel using a Native nation’s passport, as many members of the Haudenosaunee Confederacy have done (Simpson 2014).

delivery of vaccines by dog sled will result in higher vaccination rates than delivery by snow machine.¹⁸ This indicates the tribe has a level of expertise about which policies are appropriate while the state faces some uncertainty about which ones will be most effective. Finally, whoever has authority—the state or the tribe, depending on whether the state delegated—chooses a policy $p \in \mathcal{R}$. Both the state and tribe try to achieve their most preferred outcome.

The outcome, x , is determined jointly by policy, p and random shock ω such that $x = p + \omega$. This allows for “perfect shock absorption” (Bendor and Meirowitz, 2004), meaning the tribe can fully absorb the shock and get its favored policy under delegation by choosing policy $p = x_T - \omega$. For simplicity, I further assume that the shock takes one of two values, $\omega \in \{-\varepsilon, \varepsilon\}$, where $\varepsilon > 0$ and the shocks are equally likely.

I focus on subgame perfect Nash equilibria. Solving backwards, I begin by examining the policy choice. Since the shock is symmetric and positive/negative realizations are equally likely, the state cannot do better than choosing $p=0$ when it does not delegate. This choice would mean state’s payoff is $-\varepsilon$ in either realization. The inability of the state to achieve its ideal point reflects the level of uncertainty and the state’s ignorance of the shock’s realization. When the state delegates, $p = x_T - \omega$, the tribe’s decision reflects its ideal point and its knowledge of the shock’s realization. Then the state’s expected utility from delegation is $-x_T$ because whatever the shock the outcome is x_T away from the state’s ideal point. Therefore, the state delegates if $\varepsilon > x_T$. On the contrary, if $\varepsilon < x_T$, then the threat of drift leads the state to not delegate. The central insight of the standard model is that, when the state is deciding to which tribe it might delegate, it is more likely to delegate to one that has similar preferences to its own.

If assimilation is not modeled as a consideration that is separate from preferences, then more assimilated tribes would have policy preferences closer to the federal government. This is consistent with past theories of state-building that imagine Indigenous people(s) adopting a particular set of identifiers and habits that are consistent with those of the majority is equivalent to adopting majority preferences as well. Newly-assimilated people would then be expected to accrue several benefits of conformity and should direct the excess of these benefits back to the federal government rather than toward activities or Indigenous institutions that are costly to the federal government.

While many assimilation programs met preliminary goals (e.g. increasing use of English), the past several decades have provided myriad evidence that assimilation is not necessarily associated with pro-state identification or behavior. Indeed, far from states willingly delegating only to like-minded people(s),

¹⁸ In states other than Alaska, a “snow machine” is often referred to as a “snow mobile.”

Indigenous demands for—and securing of—autonomy and self-determination has risen dramatically in the U.S. and Western democracies (Sambanis, Germann, and Schädel, 2018). The standard model of delegation presented above fails to account for these empirical relationships and, I argue, misses key dynamics related to assimilation and delegation.

Assimilation Campaigns in an Augmented Delegation Game

To illustrate the dynamics at play in this environment, I build on the standard model by relaxing the presumption that assimilation and policy preferences are paired. Doing so allows me to augment the above game by introducing a prior stage on assimilation decisions. The game now starts when the state decides whether to launch an assimilation campaign or not. If it decides not to launch a campaign, then it gets a payoff of $-k$ and the tribe gets u , with $k > 0$, indicating there is a cost to the state when it does not endeavor to assimilate the tribe, and u represents the tribe's unspecified payoff under the subgame that follows *No Campaign*. For now, I assume that k is sufficiently large, so that *No Campaign* is not part of the optimal strategy.¹⁹

Next, if the state launches an assimilation campaign, the tribe decides whether to participate in the campaign or not. Assimilation campaigns make governance easier for the state and can range from seemingly (though not necessarily) benign, such as when the state requires each household to have a distinct postal address (where the tribal members can have a postal address or not), to clearly invasive, such as establishing monolingual policies and encouraging official language adoption (where, in the model, tribal members can adopt/learn the official language or not). For simplicity, assimilation is conceived as an all-or-nothing proposition in the model, and the decision to assimilate or not is left to the tribe. If the tribe decides to assimilate, it faces a cost of $-c$, where $c > 0$ because assimilation is difficult and costly. After the tribe decides whether it will assimilate, the state decides whether to delegate decision-making authority to the tribe or not. If the state delegates, the tribe always accepts because it always prefers more to less autonomy. Delegation is also conceived as all or nothing (see Gailmard and Patty, 2019 for discussion of partial delegation).

Whether or not the state decides to delegate, Nature (N) delivers a random shock $\omega \in \mathcal{R}$, which is again observed by the tribe but not the state, indicating the tribe has a level of expertise. The shock takes one of two intensities if the tribe assimilates, $-\varepsilon_A$, $+\varepsilon_A$, and one of two intensities if the tribe does not assimilate, $-\varepsilon_{NA}$, or $+\varepsilon_{NA}$. I assume that $\varepsilon_A < \varepsilon_{NA}$, meaning that the state faces the prospect of greater

¹⁹ This assumption reflects historical reality in the United States as well as other highly industrialized democracies.

uncertainty when the tribe does not assimilate. I continue to assume that each set of shocks takes only two values and the shocks are equally likely. Finally, whoever has authority (the state or the tribe, depending on whether the state delegated) chooses a policy $p \in \mathcal{R}$ and the tribe can still absorb the shock and get its ideal point by choosing policy $p = x_T - \omega$. Figure 1 presents the game tree. Note that, at the final node, payoffs, provided in parentheses with the state's payoff at the top and the tribe's at the bottom, have already incorporated the optimal policy choice from the perspective of the final decision-maker (the state under no delegation and the tribe under delegation).

I will examine subgame perfect Nash equilibria. Working backward through the model, if the state does not delegate, the policy is chosen to maximize the expected utility of the state. If the state does delegate, the tribe chooses the policy that maximizes their utility, which in this case is the one that perfectly absorbs the shock so that the outcome is the tribe's ideal point. Since the next move up is executed by Nature, I skip this and move to the next. At this point in the game (Nodes S2 and S3 in Figure 1), the state decides to delegate or not. The state gets the same payoff either way after Nature moves, but for very different reasons. Under delegation, this is due to perfect shock absorption. Under non-delegation, this is due to imperfect information.

Given that the tribe participates in the assimilation campaign (Node S2), the best response is to delegate if $\varepsilon_A > x_T$ and not delegate if $\varepsilon_A < x_T$. Given that the tribe does not participate in the assimilation campaign (Node S3), similar logic applies, delegate if $\varepsilon_{NA} < x_T$ and do not delegate if $\varepsilon_{NA} > x_T$.

Moving one more step up (Node T1), the tribe constructs its best response given the state's delegation decision. For ease of analysis, I discuss three cases.

- 1) High Uncertainty Case is when $x_T < \varepsilon_A < \varepsilon_{NA}$.

In this case, the state will always delegate and the tribe will compare $\theta - c$ to θ and will choose not to assimilate.

- 2) Intermediate Uncertainty Case is when $\varepsilon_A < x_T < \varepsilon_{NA}$.

In this case, the tribe will not assimilate because if it does assimilate, the state will not delegate and the tribe will get $-x_T - c$ in expectation whereas if they choose not to assimilate, the state will delegate and they will get a payoff of θ .

- 3) Low Uncertainty Case is when $\varepsilon_A < \varepsilon_{NA} < x_T$.

In this case, the tribe will again choose not to assimilate. The state will always choose not to delegate. Since there is no absorption by the state and the shocks are symmetric, the shocks cancel each other out in expectation and the tribe will choose not to incur the cost of assimilation.

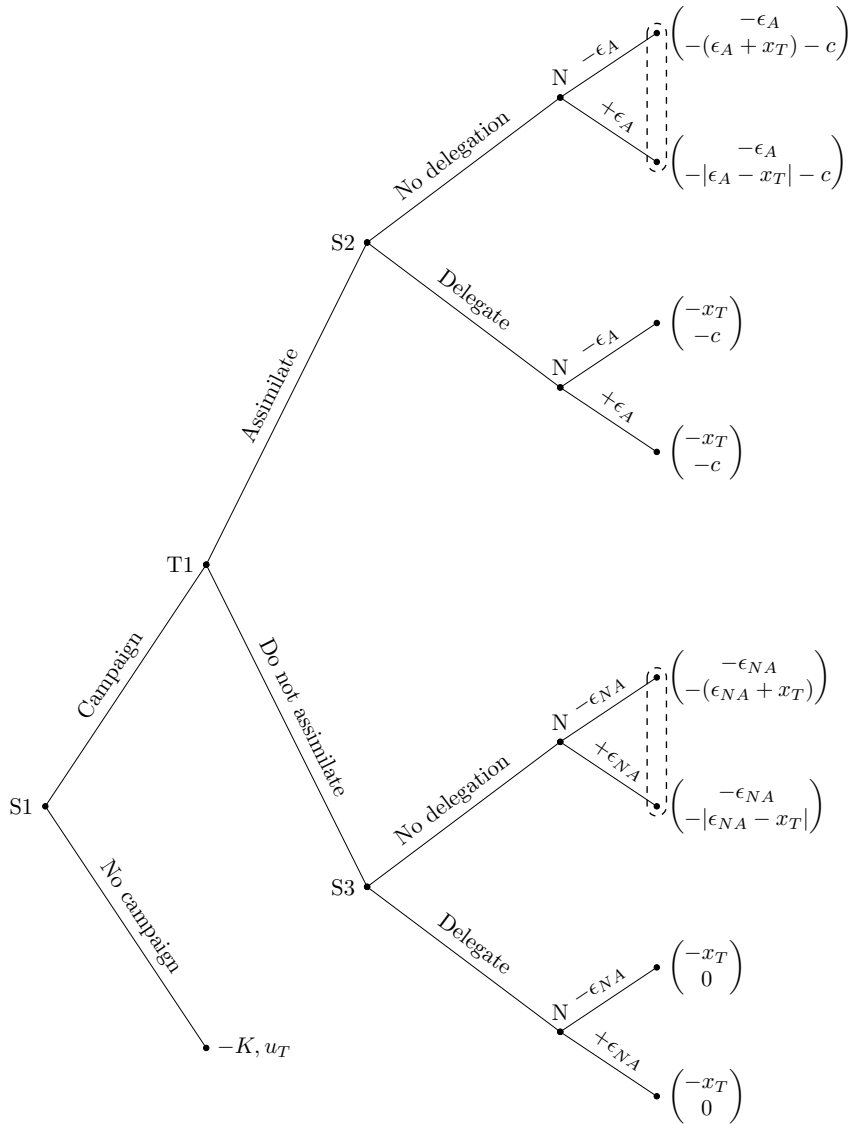


Figure 1: Augmented Delegation Game

Figure 2a presents which parameter values correspond to Delegation or No Delegation equilibria for the Standard Delegation Model, while Figure 2b does so for the Augmented Delegation Model. The magnitude of the shock is represented on the y-axis and the tribe's ideal point is represented on the x-axis where the origin corresponds to tribes having the same preferences as the state and the shock having a magnitude of zero.

To keep Figure 2b two-dimensional, I hold fixed the difference in magnitude between ϵ_A and ϵ_{NA} and plot ϵ_A on the y-axis. Figure 2b corresponds to a policy environment in which $2^* \epsilon_A = \epsilon_{NA}$. If ϵ_{NA} were to become smaller (larger) than twice that of ϵ_A , the lower dashed line would approach the 45-degree line

(the x-axis). Both figures demonstrate the logic of the standard model. Holding ε fixed, as x_T moves closer to the state's ideal point, the equilibrium eventually leaves the No Delegation zone to enter the Delegation zone. However, Figure 2b differs from Figure 2a in two important ways. First, as x_T again approaches the origin, Figure 2b shows a region of strategic non-assimilation such that assimilation is not associated with delegation in the expected manner.

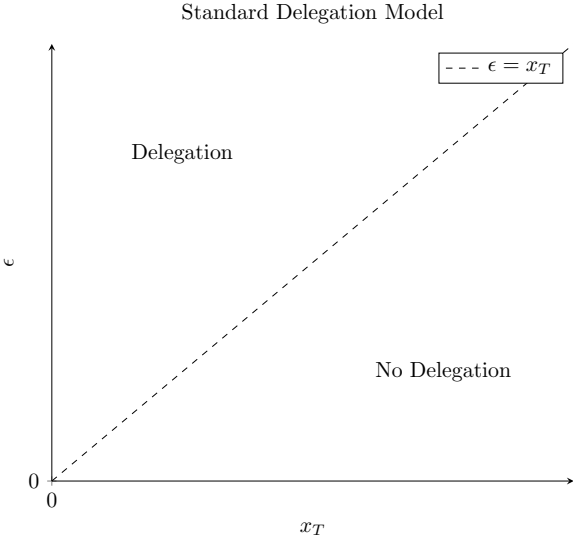


Figure 2a

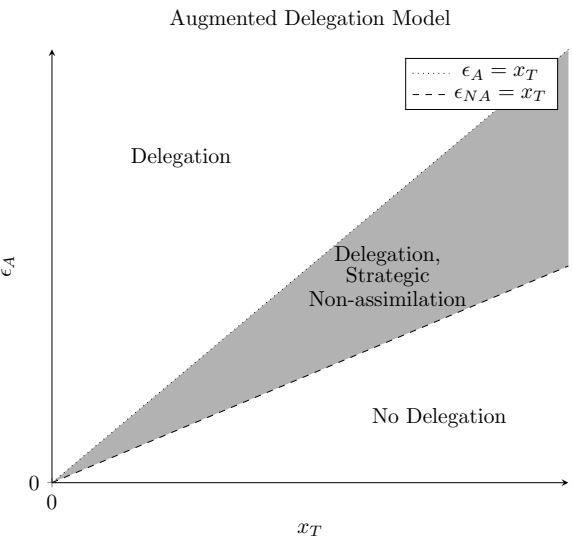


Figure 2b

One would expect more assimilated tribes to be more likely to have delegation as it is in Figure 2a if one assumes that tribes that are closer to the origin are more assimilated. There is, in fact, no relationship between assimilation and delegation in Figure 2b since the tribes in the shaded region achieve delegation but are not assimilated.

Second, and related, Figure 2b demonstrates that the state seemingly expands the set of tribes it is willing to delegate to even as tribes do not assimilate due to strategic non-assimilation. Even when assimilation could increase social welfare in the world of no delegation, for example when $\varepsilon_{NA} - \varepsilon_A > c$, strategic interactions do not align incentives to do so. Here, from the perspective of the tribe, assimilation, besides being costly, has the perverse effect of reducing the threshold for x_T , below which the state is willing to delegate. To see this, again fix ε_A to some value, v . For assimilated tribes, the threshold on x_T , call it x_A , is given by the point of intersection of the horizontal line at v and the upper dashed line, while for non-assimilated tribes, the threshold, call it x_{NA} , is given by the point of intersection of the horizontal line at v and the lower dashed line. Clearly, x_{NA} must be greater than x_A .

Discussion

Some remarks are in order about the role of assimilation in the model before proceeding with the illustrative cases. First, there is a Nash equilibrium that involves the state threatening to not delegate in case the tribe does not assimilate and delegate in case it does. The tribe's best response to this strategy is to assimilate if $c < x_T$. Given the tribe's best response, the state will follow this strategy, provided that $x_T < \varepsilon_A$. Of course, these strategies are not subgame perfect because if the state ever found itself at Node S3, it would choose to delegate. Second, the tribe does have an incentive to assimilate even when the state does not delegate and participation in the assimilation campaign is costly. This is due to the reduction in the cost of uncertainty. However, in the above setup, the incentive never affects strategy because the tribe can perfectly absorb the shock while the state cannot. Once this assumption is relaxed, assimilation may occur when the incentives are aligned to do so. Third, even when participation in the assimilation campaign constitutes, on net, a benefit (e.g., $c < 0$), there would still be strategic non-participation as long as the gain for the tribe from delegation outweighs the cost of forgoing the benefit of participation.

ILLUSTRATIVE CASES²⁰

To explore the dynamics of tribal governance under federal initiatives, I turn to examining some specific cases that help illustrate how differences between tribes—in terms of legibility to the central government and alignment with federal preferences—influence government decisions regarding delegation. While delegation takes place in a range of policy domains, I will mainly focus on federal delegation of authority over healthcare policy and delivery through the Tribal Self-Governance Program (TSGP). Additionally, I will briefly discuss delegation in the context of environmental standards, in particular “Treatment as a State” (TAP) status (meaning treatment as a U.S. state), which is designated by the Environmental Protection Agency (EPA) and allows certain tribes to set and enforce clean water standards on and near reservations.

Federal delegation of healthcare authority to tribes is most prominently indicated by *Title V* designation. Tribes that hold Title V status may exercise broad discretion over healthcare policy and delivery that would otherwise be the responsibility of the federal Indian Health Service (IHS).²¹ About 60 percent of federally recognized tribes in the U.S. currently have Title V status. While delegation implicitly

²⁰ The cases presented here are intended to illustrate the theoretical constructs of the model and should not be taken as exact or comprehensive representations of each tribes' unique circumstances. No single case perfectly maps onto the model as real-world scenarios involve complexities and nuances that exceed theoretical frameworks. These examples should be viewed as simplifications used to highlight specific aspects of the model.

²¹ <https://www.ihs.gov/selfgovernance/>

subjects tribes to the discretion of the central government and violates nation-to-nation commitments, in practice Title V has also been associated with significantly reduced federal oversight and with provision of healthcare services that more closely match the interests of tribal communities.^{22, 23}

In this domain, proximity to the state's preferences (x_T) mainly consists of alignment in standardized health outcomes and practices. The policy uncertainty captured by ε could be driven by a variety of factors related to tribal take-up and trust in modern medicine. Assimilation status, participating (A) or not participating (NA) could also be derived from a range of assimilative efforts by the federal government that have been resisted, tolerated, or embraced by tribes in various circumstances. The key determination of status of NA for the purpose of classifying the cases is whether there has been a tendency toward resistance.

The first three selected cases illustrate how different levels of tribal assimilation and preference alignment impact government decisions about healthcare delegation. These cases help demonstrate the practical implications of the theoretical constructs within the model, particularly concerning how tribal preferences and legibility influence governmental uncertainty and decision-making processes.

Criteria for selection of cases 1-3:

- **Proximity to Federal Preferences** - I include tribes with varying degrees of alignment, from significantly divergent to closely aligned with federal healthcare preferences.
- **Assimilation Status** - The assimilation level of each tribe is considered to highlight different government decisions.
- **Relevance to Title V** - All cases specifically involve decisions related to Title V delegation, ensuring direct relevance to tribal versus federal authority over healthcare choices.

1. Blackfeet Nation

The Blackfeet Nation in Montana expresses preferences relatively far from those of the federal government, regarding healthcare management. In terms of the model, this case corresponds to $x_T > \varepsilon_{NA} > \varepsilon_A$. In addition to having a fraught relationship with the Indian Health Service due to distant and recent abuses,²⁴ the tribe has been involved in healthcare initiatives that integrate Blackfeet cultural practices and advocate for healthcare programs that are more attuned to their cultural and spiritual needs,

²² <https://www.ihs.gov/selfgovernance/tribes/>

²³ https://www.annfammed.org/content/annalsfm/11/Suppl_1/S41.full.pdf

²⁴ <https://ictnews.org/news/blackfeet-nation-calls-for-removal-of-indian-health-service-leaders>

for example “culture as medicine” (Henderson-Matthews et al., 2022), which often differs from federal healthcare approaches that are more standardized.²⁵ While the tribe exhibits certain markers of assimilation, by definitions referenced in political economy (e.g. the tribe participates in the broader economy through various enterprises, including tourism, a tribal college, and involvement in natural resources management), this does not affect the federal delegation decision because the preference gap is too wide, making delegation too costly for the federal government. The federal government *has not* approved the tribe for Title V status.

2. Confederated Tribes of the Umatilla Indian Reservation

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) in Oregon holds preferences over healthcare that are somewhat consistent with federal goals but also maintains a strong emphasis on integrating traditional health practices. They manage their health programs with a balance of modern medical care and traditional healing, which could be seen as reflecting intermediate preferences in terms of healthcare policy and implementation.²⁶ In terms of the model, this case corresponds to $\varepsilon_{NA} > x_T > \varepsilon_A$. The intermediate position of the tribe’s ideal point allows for strategic non-participation in the state’s efforts to assimilate. Concerning the tribe’s experience with assimilation, the tribe exerts some resistance, not necessarily by outright refusal to interact with or adopt any non-traditional practices, but by selectively engaging with aspects of mainstream culture and economy while firmly maintaining a commitment to core aspects of their culture. This approach allows them to resist the dilution of their cultural identity while—less intuitively—possibly helping secure the continuation of federal delegation. This is because refusing federal assimilation efforts reduces the tribe’s legibility to the central government, leading to uncertainty about what would happen in the absence of delegation (Schure et al., 2013). The federal government *has* approved the tribe for Title V status.

3. Navajo Nation

Although the Navajo Nation maintains a strong commitment to preserving and promoting their traditional language, culture, and governance practices, and they place a high value on preserving tradition, they also work closely with the IHS and federal agencies on numerous health initiatives. They have additionally embraced many federal healthcare programs, adapting them to fit the tribe’s specific needs, while closely

²⁵ <https://blackfeetnation.com>

²⁶ <https://ctuir.org>

aligning with federal objectives, especially in public health and emergency response.²⁷ In terms of the model, this case corresponds to $\varepsilon_{NA} > \varepsilon_A > x_T$ since x_T is close to the state's ideal point of θ . The tribe's close alignment with federal policies concerning aspects of healthcare that are most important to the federal government significantly diminishes the risk of policy drift under delegation. The federal government *has* approved the tribe for Title V status, despite the Navajo Nation's arguably lower level of legibility compared with the Blackfeet Nation.

4. *Laguna Pueblo and Southern Ute Tribes*

Having considered tribal variation in preferences, I will now look more closely at how variation in tribal expressions of assimilation might affect federal delegation decisions through their impact on federal assessment of policy uncertainty.

As a provision of the U.S. Clean Water Act (CWA), the Environmental Protection Agency (EPA), a federal regulatory agency of the United States, can assign "Treatment as a State" (TAS) status to federally recognized tribes that seek this designation. After achieving TAS, tribes can further appeal to the EPA for permission to administer a water quality standards (WQS) program, which allows tribes to set and enforce water standards on—and in some cases beyond—reservation lands. Tribes can then develop and implement their own water quality standards, akin to state responsibilities. This delegation not only recognizes tribal authority but also empowers tribes to introduce water quality standards that exceed those of neighboring jurisdictions, at times extending tribes' environmental policy authority over non-tribal members.²⁸

The standard model of delegation (Bendor and Meirowitz, 2004) would predict EPA approval of water quality authority for tribes that appear more assimilated to the federal government. However, the history of the EPA's decisions regarding TAS and WQS applications from the Laguna Pueblo in New Mexico and the Southern Ute Reservation in Colorado is evidence of the opposite.²⁹

The Laguna Pueblo and Southern Ute communicate water management objectives that are not too distant yet are distinct from the objectives of the EPA: the tribes favor relatively strict water standards that allow them to engage with reservation waters closely and safely, whether for purposes of industry, subsistence, or ceremony. In terms of the model, these examples demonstrate an intermediate case,

²⁷ <https://ndoh.navajo-nsn.gov/#>

²⁸ For example, the Pueblo of Isleta set more stringent water quality standards than New Mexico or Albuquerque to protect their ceremonial practices, causing the state and municipality to revise their own water standards (Diver et al. 2019).

²⁹ <https://www.epa.gov/wqs-tech/epa-actions-tribal-water-quality-standards-and-contacts>

$\varepsilon_{NA} > x_T > \varepsilon_A$. Despite the Laguna Pueblo's appeals to the EPA in the mid 2010s placing heavy emphasis on water-related cultural preservation priorities and squarely centering tribal differences from the mainstream U.S. in water management norms, the tribe received quick approval for TAS, and shortly thereafter for WQS authority as well.³⁰ Around the same period, the Southern Ute in Colorado also appealed to the EPA. In their application, the tribe did not heavily emphasize cultural imperatives for control over water standards but rather highlighted similarities between their tribal institutions and federal institutions as well as close alignment between federal and tribal standards of professionalism. Furthermore, the Southern Ute highlighted past water management experience and future goals that incorporated EPA best-practices, while the Laguna Pueblo's application was comparatively skeptical of the sufficiency of such practices.³¹ Nevertheless, the Southern Ute experienced a years-long delay on their initial TAS application decision, without specific explanation from the EPA, and after their TAS was granted, they faced an additional several year delay on their WQS application. Many other EPA decisions on TAS and WQS authority played out similarly: tribes presenting as less assimilated often receive delegation, possibly because non-assimilation heightens the EPA's perceived uncertainty about outcomes under federal standards.

While there might be myriad differences between the Laguna Pueblo and Southern Ute that could also account for the EPA's decisions, it remains to be explained why emphasizing cultural difference from the U.S. in appeals for delegation would not cause delays or refusal to delegate (options clearly available to the EPA) if the standard model of delegation were applicable. Indeed, the counterintuitive outcome of delegation to the "less assimilated" tribe is consistent with a federal preference for delegating to tribes that maintain distinct cultural practices. These practices could present further complications for the federal government through tribal complaints, legal challenges, protests, etc., if federal standards were instead adopted and maintained. By presenting themselves as less assimilated, tribes like the Laguna Pueblo might signal a unique local knowledge and governance capability that the federal government finds advantageous to leverage, despite or perhaps because of their cultural distinctiveness. Strategic non-assimilation by tribes could also be used to increase their attractiveness for delegation, where the government perceives a greater value in utilizing the tribe's distinctiveness for effective environmental management.

³⁰ <https://www.epa.gov/sites/default/files/2017-08/documents/laguna-tribe.pdf>

³¹ <https://www.epa.gov/wqs-tech/water-quality-standards-regulations-southern-ute-indian-tribe>

MODEL EXTENSIONS

Having introduced the model and discussed several illustrative cases, I now present two extensions of the model to further illuminate the strategic nature of the tribal informational advantage.

Tribal Capacity

I first consider an extension that allows for tribes to not be able to perfectly absorb the shock. This could happen for a variety of reasons including but not limited to bureaucratic capacity, civic engagement at the tribal level, and/or lack of resources to respond to shocks. For simplicity, I assume that this capacity is exogenously determined and represented by λ_T , which takes values between 0 and 1 (ignoring the issue of endogenous organizational capacity discussed in Ting 2011). A straightforward way of modeling tribal capacity is to define λ_T as the probability that the tribe observes the realization of the shock. The capacity of the tribe to observe the shock and then act upon this information is the key nonstrategic means of improving their welfare. The augmented delegation game presented above is the special case in which $\lambda_T = 1$ and the tribe has no informational advantage over the state when $\lambda_T = 0$.

Working backward through the model, and again, examining subgame perfect Nash equilibria, if the state does not delegate, the policy is chosen to maximize the expected utility of the state. In this scenario, the payoffs are the same as in the model above. If the state does delegate, the tribe chooses the policy that maximizes their utility when they observe the shock and their expected utility when they do not. If the tribe observes the shock, the tribe perfectly absorbs the shock. If they do not observe the shock, then the policy that maximizes the tribe's expected utility is x_T . If the tribe participates in the assimilation campaign, the state's best response is to delegate if $\varepsilon_A > \lambda_T x_T + (1 - \lambda_T)(0.5*|x_T - \varepsilon_A| + 0.5*|x_T + \varepsilon_A|)$ and not delegate otherwise. If the tribe does not participate in the assimilation campaign, then the state's best response is to delegate if $\varepsilon_{NA} > \lambda_T x_T + (1 - \lambda_T)(0.5*|x_T - \varepsilon_{NA}| + 0.5*|x_T + \varepsilon_{NA}|)$ and do not delegate otherwise.

Moving one more step back, the tribe constructs its best response given the state's delegation decision. For ease of analysis, I again discuss the three cases, noting the changes relative to the baseline augmented model.

- 1) High Uncertainty Case: $x_T < \varepsilon_A < \varepsilon_{NA}$. In this case, the state will again always delegate. The tribe's assimilation decision is now based on the comparison between $(1 - \lambda_T) \varepsilon_A - c$ and $(1 - \lambda_T) \varepsilon_{NA}$. The tribe will choose to assimilate when $c < (\varepsilon_{NA} - \varepsilon_A)(1 - \lambda_T)$ and not assimilate otherwise. Thus, unlike in the previous model, tribes may choose to assimilate despite the fact that the state will

always delegate. However, the tribe is more likely to assimilate as it loses its informational advantage, indicating that assimilation may not be associated with improved social welfare.

- 2) Intermediate Uncertainty Case: $\varepsilon_A < x_T < \varepsilon_{NA}$. In this case, the state's delegation decision depends upon the tribe's assimilation decision. The state will not delegate if the tribe assimilates. Otherwise, it will delegate whenever $\lambda_T > 0$ (and be indifferent if $\lambda_T = 0$). The tribe assimilates when $x_T < \varepsilon_{NA} - (c + \lambda_T \varepsilon_{NA})$ or $c < (\varepsilon_{NA} - x_T) - \lambda_T \varepsilon_{NA}$. Adding and subtracting the term $\varepsilon_A(1 - \lambda_T)$ to the righthand side of the inequality, the constraint becomes $c < (\varepsilon_{NA} - \varepsilon_A)(1 - \lambda_T) + (\varepsilon_A(1 - \lambda_T) - x_T)$. The first term on the righthand side of the inequality is the same as in the previous case, while the second term is negative by assumption, meaning assimilation is less likely to occur than in the High Uncertainty Case. This is due to the strategic benefit of the informational advantage. In contrast to the previous model, some tribes will now choose to assimilate and, as a response, the state will not delegate. Intuitively, the state is more likely to delegate to tribes with a higher capacity. However, underlying this intuitive relationship is strategic non-assimilation and higher capacity tribes are less likely to choose to assimilate.
- 3) Low Uncertainty Case: $\varepsilon_A < \varepsilon_{NA} < x_T$. In this case, the state will always choose not to delegate. For this reason, tribal capacity does not affect policy decisions on the equilibrium path and there is no way for tribal capacity to influence the incentive to assimilate. Thus, for tribes with preferences far enough from the state, tribal capacity has no relationship with state delegation.

Discussion

This extension shows that tribal capacity is an important dimension to consider when examining the relationship between delegation and assimilation. The first remark is that higher tribal capacity tribes are more likely to obtain delegation, precisely because they are able to engage in strategic assimilation. This brings us to the second remark on the misalignment of incentives due to the delegation game. Tribal capacity increases the tribe's informational advantage. A tribe with no tribal capacity faces an assimilation participation decision perfectly aligned with social welfare in a world without delegation. As tribal capacity increases, however, the assimilation decision is no longer perfectly aligned. It is the strategic interaction that leads to misalignment. While the institutional innovation of delegation makes the strategic interaction possible and thus is a source of this misalignment in incentives, overall social welfare can still improve relative to a world without delegation.

Civic engagement

The second extension considers how the state-tribal delegation dynamics could affect the way that Indigenous people make decisions regarding civic engagement.³² I interpret civic engagement with the state as electoral participation, τ^T_S . Unlike tribal capacity, in this extension, I endogenize τ^T_S to highlight a key tradeoff in strategic state-tribal relations: relatively greater engagement with the state may reduce the tribe's informational advantage. The electoral participation decision is modeled as follows: the tribe chooses the desired level of turnout, τ^T_S , and the benefits of participation, μ_S , are increasing in voter turnout, governed by $\mu_S \tau^T_S$ where $\mu_S \geq 0$ and τ^T_S is between zero and one.

For convenience, I assume that the tribe makes the participation decision in the assimilation campaign first, followed by the electoral participation decision.. From the perspective of the state, however, both tribal decisions occur before the delegation decision and their relative order does not matter.

First, and keeping with the terminology in the tribal capacity extension, participation affects the probability that the state can directly observe the shock, λ_S . This modeling choice is based on the idea that voting increases information flows between the tribe and the state. I assume that more participation in state elections increases λ_S and $\lambda_S(\tau^T_S) < \lambda_T$. For simplicity, I assume that this relationship takes the following form, $\lambda_S \tau^T_S$, where $\lambda_S < \lambda_T$. The tribal capacity extension is thus a special case of this extension when $\lambda_S = \mu_S = 0$.

Since the full solution to this extension of the model is expansive, I only discuss aspects of the solution that emphasize the main strategic differences and do not present the full solution here. Again, I will examine subgame perfect Nash equilibria. Working backward through the model, if the state does not delegate, the policy is chosen to maximize either the state's utility when the state observes the shock or expected utility when the state does not observe the shock. Upon observing the shock, the policy that maximizes the state's utility is either $x_S - \varepsilon_j$ or $x_S + \varepsilon_j$ depending on whether the shock is positive or negative and the assimilation participation decision $j = A, NA$. As before, under no delegation, the policy that would maximize the state's expected utility, θ , is chosen. If the state does delegate, the tribe chooses the policy that maximizes their utility when they observe the shock and their expected utility when they do not, as before.

³² The term *tribal politics*, as discussed in this paper, is unrelated to research concerning polarized voters supporting certain "tribal" candidates regardless of candidates' policy preferences. For more on that line of research, see Dreyfuss, Patir, and Shayo (2022).

If the tribe participates in the assimilation campaign and participates in elections at level, $\tau^T_S(A)$, the best response is to delegate if $-\lambda_T(x_T) - (1 - \lambda_T)(0.5*|x_T - \varepsilon_A| + 0.5*|x_T + \varepsilon_A|) > -(1 - \lambda_S\tau^T_S(A))\varepsilon_A$ and not delegate otherwise.

If the tribe does not participate in the assimilation campaign, but engages in electoral participation at level, $\tau^T_S(NA)$, a similar logic applies, delegate if $-\lambda_T(x_T) - (1 - \lambda_T)(0.5*|x_T - \varepsilon_{NA}| + 0.5*|x_T + \varepsilon_{NA}|) > -(1 - \lambda_S\tau^T_S(NA))\varepsilon_{NA}$ and do not delegate otherwise.

Moving one more step back, the tribe constructs its best response given the state's delegation decision. For ease of analysis, I first redefine the parameter space. Let $\rho \equiv \lambda_S/\lambda_T$ and $x'_T \equiv x_T/(1 - \rho)$.

1) Modified High Uncertainty Case : $x'_T < \varepsilon_A < \varepsilon_{NA}$. In this case, the state will always delegate. Note that, as ρ increases, the tribes that the state will always delegate to must have more similar policy preferences to the state. In particular, if the tribe assimilates, the state will delegate when $x_T < (1 - \tau^T_S(A))\lambda_S/\lambda_T\varepsilon_A$ since $(1 - \rho) < (1 - (\tau^T_S(A)\lambda_S)/\lambda_T)$ for any possible $\tau^T_S(A)$. A similar logic applies for the case when the tribe does not assimilate. Thus, while the level of turnout does not strategically affect the delegation decision, the potential for electoral participation to affect information flows does affect the delegation decision.

For the assimilation decision, relative to the tribal capacity extension where the tribe chooses assimilation on the basis of whether $c < (\varepsilon_{NA} - \varepsilon_A)(1 - \lambda_T)$, the tribe will additionally account for the benefit of assimilation on electoral participation, $\mu_S(\tau^T_S(A) - \tau^T_S(NA))$, to the extent that there is a difference in turnout for the two types of tribes due to differences in the cost of voting, for example. Then, the assimilation decision becomes assimilate if $c < (\varepsilon_{NA} - \varepsilon_A)(1 - \lambda_T) + \mu_S(\tau^T_S(A) - \tau^T_S(NA))$.

2) Modified Intermediate Uncertainty Case: $\varepsilon_A < x'_T < \varepsilon_{NA}$. I split the analysis of this case into two subcases:

Case 2a: $\varepsilon_A < x_T < x'_T < \varepsilon_{NA}$.

This subcase is similar to the Intermediate Uncertainty Case in the tribal capacity extension. The state will prefer to delegate when the tribe does not assimilate and prefer not to delegate when the tribe does assimilate. Given this, the tribe will not assimilate and also not engage in electoral participation in a strategic manner. Nevertheless, electoral benefits can influence the level of electoral participation and the assimilation decision.

Case 2b: $x_T < \varepsilon_A < x'_T < \varepsilon_{NA}$.

In this subcase, a new dynamic emerges. A tribe that finds it otherwise worth assimilating may strategically choose to not participate in state elections in order to “appear” as if it is in the High Uncertainty Case of the previous model without electoral participation ($x_T < \varepsilon_A < \varepsilon_{NA}$). In other words, because greater electoral participation reduces the value of delegation to the state, the threshold that governs whether policy drift is acceptable in the face of uncertainty becomes lower. Here, there is strategic turnout: the tribe reduces electoral participation in order to avoid the assimilate-not delegate equilibrium path and forgoes electoral benefits from greater participation. Of course, this effect is only for those that would have chosen to assimilate in the tribal capacity extension. For those that choose not to assimilate, there will still be delegation and turnout will depend upon electoral benefits.

3) Modified Low Uncertainty Case: $\varepsilon_A < \varepsilon_{NA} < x'_T$. I split the analysis of this case into three subcases:

Case 3a: $\varepsilon_A < x_T < \varepsilon_{NA} < x'_T$.

In this subcase, a tribe may strategically lower the turnout level in order to prevent the state from pursuing the always-do-not-delegate equilibrium path. In this subcase, only unassimilated tribes have this option to strategically reduce turnout and forgo electoral benefits.

Case 3b: $x_T < \varepsilon_A < \varepsilon_{NA} < x'_T$.

In this subcase, there is again strategic turnout. Recall that the state will delegate when $x_T < (1 - (\tau^T_S(A) \lambda_S) / \lambda_T) \varepsilon_A$ if the tribe assimilates. Suppose that $c < (\varepsilon_{NA} - \varepsilon_A)(1 - \lambda_T) + \mu_S (\tau^T_S(A) - \tau^T_S(NA))$ holds, so the tribe would like to assimilate. The tribal payoff under delegation or no delegation is increasing in τ^T_S ; for any fixed value of τ^T_S , the tribe still always prefers delegation to non-delegation, but the marginal gain of delegation as turnout increases is decreasing at $-\lambda_S \varepsilon_A$. If the gain in turnout would not compensate for the loss of delegation, then there will be strategic turnout (reducing the level to gain delegation).

The state is indifferent between delegating and not delegating at turnout level $\tau^T_S = (\lambda_T / \lambda_S) * (1 - (\lambda_T x_T) / \varepsilon_A)$. The tribe will then increase turnout just up to this amount and no further provided that $(\lambda_T - \lambda_S) \varepsilon_A - \mu_S (1 - (\lambda_T / \lambda_S) * (1 - (\lambda_T x_T) / \varepsilon_A)) > 0$. Otherwise, the tribe does not prefer to engage in strategic turnout and will fully participate in state elections even though this will mean the state will choose to not delegate.

For tribes that find it too costly to assimilate, the dynamics work similarly as in Case 3a. Thus, in this case, both types of tribes can participate in strategic turnout.

Case 3c: $\varepsilon_A < \varepsilon_{NA} < x_T$.

In this subcase, the state will always choose not to delegate. Given this, the tribe will only face a tradeoff between the benefit of higher turnout given by assimilation and the cost of assimilation. In both cases, electoral participation will not be strategic and individuals will participate if the cost of doing so is lower than the marginal policy benefit.

Discussion

While recent research provides myriad evidence of suppression of turnout among tribal members through policies and practices such as the closure of polling places, felony disenfranchisement laws, the purging of voter rolls, strict voter ID laws, non-standard addressing, travel distance to the polls, and effects of reduced trust among Natives due to past interactions with U.S. state and federal governments (Schroedel, Berg, Dietrich, and Rodriguea 2020; and Schroedel, Rogers, Dietrich, Johnston, and Berg, 2022), this extension demonstrates the additional importance of strategic considerations. Tribes have an added strategic tool for influencing the federal delegation decision, *strategic turnout*. Strategic turnout could add to extant explanations for why Indigenous turnout is relatively lower than turnout for other minority groups (e.g. see Schroedel et al., 2020; and Huyser, Sanchez, and Vargas, 2017).

Much attention has been given to strategic voting among mass publics in highly industrialized democracies (e.g. see Cox, 1997; Eggers and Vivyan, 2020; Ordeshook and Zeng, 1997) and some to strategic voting as related to information and ethnicity in emerging democracies (e.g. Horowitz and Long, 2016). However, research on strategic voting—and non-voting—that specifically considers Indigenous peoples is notably absent. This omission could be particularly consequential in settler colonial contexts, where mixed sovereignties, nation-to-nation considerations, and a long history of coercive assimilation might influence electoral participation and outcomes as well as policy selection and implementation.

I discuss two intriguing implications of the model that relate to Indigenous strategic assimilation. First, to the extent that delegation is not reversible, a tribe exercising strategic turnout may counterintuitively increase electoral participation in federal elections after delegation has occurred. A second remark concerns $(1 - \rho)$, which governs the technical relative informational advantage of the tribe (i.e., if $\rho=1$, there is no technical advantage). When this value is small, there is more scope for tribes to engage in strategic turnout. It is reasonable to think that the technical relative advantage has been decreasing over time and, consequently, the importance of strategic turnout may be increasing. As the scope for strategic interaction increases, the federal government also becomes more sensitive to

divergence in ideal points in the delegation decision, which could position more tribes to engage in strategic non-assimilation and might help explain unexpected delegation patterns.

CONCLUSION

This paper highlights the complexity of federal-tribal dynamics in the United States, with implications for other highly industrialized democracies, prompting a deeper examination of how assimilation and other nation-building endeavors interact to shape and potentially undermine crucial policy objectives. The model presented reveals nuanced ways in which Indigenous people(s) can use their informational advantage to assert greater control in an institutional environment that allows for federal delegation of decision-making. However, strategic use of this informational advantage can come at a cost since decisions to not assimilate or not participate in central government politics are not always aligned with social welfare. To illustrate key aspects of the model's equilibria, I discuss aspects of several cases, though these should be taken as suggestive rather than conclusive. The model additionally provides testable implications concerning Indigenous strategies to influence policy delegation.

As with many long-neglected topics concerning Indigenous politics, much work remains to be done, including more rigorous testing to validate the findings presented here. While motivation for this research emerged in large part from fieldwork and other experiences in Indigenous spaces, the abundance of heterogeneity within and between tribes under consideration presents particular challenges. While political scientists often face incentives to generalize across groups, geographies, time, etc., theorizing and modeling high level state-tribal interactions notably risks missing critical nuances.

The model's shortcomings are apparent. First, there is a single state (meaning central government) and tribal actor. In particular, the model abstracts from distinctions in national and sub-national levels of government and their respective dynamics. A significant literature examines how Native nations interact with federal, U.S. state, and local governments, and this serves as a rich base to inform a more careful examination of how the strategic interactions that the model identifies are augmented or frustrated when more complex institutional environments are considered (see e.g. Evans, 2011; Witmer and Boehmke, 2007). Another fruitful complication of the model's institutional environment comes from the literature on expert oversight, which has already been extensively applied to the policy-making setting (see e.g., Bueno de Mesquita and Stephenson, 2007; Patty and Turner, 2021; and Turner, 2021). Oversight would allow for limiting policy drift under delegation but also introduce new principal-agent distortions. It would be instructive to explore whether strategic non-assimilation would dampen or heighten the value of oversight.

Second, the model is essentially static. In general, delegation is modeled as a one-way street, as it is in the model presented here. While the model illuminates intuition concerning federal-tribal dynamics, it would be preferable to make the game environment a dynamic one, allowing for a more realistic set of strategies. For example, it is often suggested that most federal-tribal delegations could be easily reversed; governments might allow for tribal autonomy one moment and then just as easily take it away. Yet, in today's globalized era, where international bodies have been known to call out governments that subvert Indigenous self-determination, accountability for renegeing on delegation could come from (e.g.) media scrutiny that threatens to tarnish the reputation of a democracy that reverses delegated authority.

Despite the model's limitations, it offers additional avenues for a richer discussion of Indigenous politics. First, one could endogenize the state's and tribe's ideal points: electoral participation could alter the state's ideal point, and participation in the assimilation campaign could alter the tribe's ideal point. Second, one could introduce electoral participation in both federal and tribal elections and the possible trade-off between civic engagement at the state and the tribal level. Additionally, the model could be extended to include demands for tribal sovereignty. Presumably, tribes that have ideal points far from the state's would be more likely to pursue sovereignty over delegation. At the same time, if collective action across tribes were required for demands for sovereignty to be successful, the central government may be able to minimize costly challenges to its authority by deflating collective demand through delegating to closer tribes. The list of worthwhile variations only grows from there.

REFERENCES

- Abramitzky, Ran, Leah Boustan, Katherine Eriksson, and Stephanie Hao. "Discrimination and the returns to cultural assimilation in the age of mass migration." In *AEA Papers and Proceedings*, vol. 110, pp. 340-346. 2014 Broadway, Suite 305, Nashville, TN 37203: American Economic Association, 2020.
- Alesina, A., & Spolaore, E. (1997). On the number and size of nations. *The Quarterly Journal of Economics*, 112(4), 1027-1056
- Anderson, Terry L., and Dominic P. Parker. "Lessons in fiscal federalism from American Indian Nations." In *The law and economics of federalism*, pp. 55-90. Edward Elgar Publishing, 2017.
- Barker, Joanne, ed. *Sovereignty matters: Locations of contestation and possibility in indigenous struggles for self-determination*. U of Nebraska Press, 2005.
- Bendor, Jonathan, and Adam Meirowitz. "Spatial models of delegation." *American Political Science Review* 98, no. 2 (2004): 293-310.
- Blackhawk, Maggie. "Federal Indian law as paradigm within public law." *Harvard Law Review* 132, no. 7 (2019): 1787-1877.
- Brouwer, Nicholas and Tessa Provins. "The Ties That Bind Us: Exploring the Financial Relationship between Native American Tribes and the U.S. Federal Government." Working Paper presented at the Midwest Political Science Association Conference, Chicago, IL, April 2024.
- Bruyneel, K. 2007. *The Third Space of Sovereignty: The Postcolonial Politics of US-Indigenous Relations*. Minneapolis, MN: University of Minnesota Press
- Bueno de Mesquita, E. and M. C. Stephenson. "Regulatory Quality under Imperfect Oversight". *American Political Science Review*. 101 no. 3 (2007): 605-620.
- Carroll, Stephanie Russo, Michele Suina, Mary Beth Jäger, Jessica Black, Stephen Cornell, Angela A. Gonzales, Miriam Jorgensen, Nancy Lynn Palmanteer-Holder, Jennifer S. De La Rosa, and Nicolette I. Teufel-Shone. "Reclaiming indigenous health in the US: moving beyond the social determinants of health." *International journal of environmental research and public health* 19, no. 12 (2022).
- Cohen FS. 1988 (1942). *Handbook of Federal Indian Law*. Buffalo, NY: William S. Hein & Co.
- Corntassel, Jeff, and Richard C. Witmer. *Forced federalism: Contemporary challenges to indigenous nationhood*. Vol. 3. University of Oklahoma Press, 2008.
- Coulthard, Glen Sean. "Red skin, white masks: Rejecting the colonial politics of recognition." *Minneapolis: Minnesota*(2014).
- Cox, Gary W. *Making votes count: strategic coordination in the world's electoral systems*. Cambridge University Press, 1997.

- Crawford, Vincent P., and Joel Sobel. "Strategic information transmission." *Econometrica: Journal of the Econometric Society* (1982): 1431-1451.
- Deloria, Vine. *Behind the trail of broken treaties: An Indian declaration of independence*. University of Texas Press, 2010.
- Dietrich, Joseph, and Jean Reith Schroedel. "The Historical Failure of the Indian Health Service and the Restoration of Health-Care Sovereignty." *Indigenous Health and Justice* (2024): 63.
- Dippel, Christian, and Dustin Frye. "The effect of land allotment on Native American households during the assimilation era." In *Journal of Economic History*, vol. 80, no. 2, (2020): 612-612.
- Diver, Sibyl, Daniel Ahrens, Talia Arbit, and Karen Bakker. "Engaging colonial entanglements: "Treatment as a State" policy for Indigenous water co-governance." *Global Environmental Politics* 19, no. 3 (2019): 33-56.
- Dreyfuss, Bnaya, Assaf Patir, and Moses Shayo. "On the Workings of Tribal Politics." *Available at SSRN 3797290*(2022).
- Eggers, Andrew C., and Nick Vivyan. "Who votes more strategically?." *American Political Science Review* 114, no. 2 (2020): 470-485.
- Epstein, D. and S. O'Halloran. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policy Making Under Separate Powers*. New York, NY: Cambridge University Press.
- Evans, Laura E. *Power from powerlessness: Tribal governments, institutional niches, and American federalism*. Oxford University Press, 2011.
- Evans, Laura E., Raymond Foxworth, Gabriel R. Sanchez, Cheryl Ellenwood, and Carmela M. Roybal. "Representative Voices: Native American Representation, Political Power, and COVID-19 in US States." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 8, no. 8 (2022): 135-152.
- Farrell, Justin, Paul Berne Burow, Kathryn McConnell, Jude Bayham, Kyle Whyte, and Gal Koss. "Effects of land dispossession and forced migration on Indigenous peoples in North America." *Science* 374, no. 6567 (2021): eabe4943.
- Fouka, Vasiliki. "Assimilation in Historical Political Economy." In *The Oxford Handbook of Historical Political Economy*, edited by Jeffrey A. Jenkins and Jared Rubin, 2022. Oxford University Press.
- Fouka, Vasiliki. "Backlash: The unintended effects of language prohibition in US schools after World War I." *The Review of Economic Studies* 87, no. 1 (2020): 204-239.
- Gailmard, Sean, and John W. Patty. "Formal models of bureaucracy." *Annual Review of Political Science* 15, no. 1 (2012): 353-377
- Gailmard, Sean, and John W. Patty. "Giving advice versus making decisions: Transparency, information, and delegation." *Political Science Research and Methods* 7, no. 3 (2019): 471-488.

- Gehlbach, Scott. *Formal models of domestic politics*. Cambridge University Press, 2021.
- Getachew, Adom. *Worldmaking after empire: The rise and fall of self-determination*. Princeton University Press, 2019.
- Henderson-Matthews, Betty, Megan Gordon, Sierra Mason, Agnieszka Rynda-Apple, and Neha A. John-Henderson. "Culture as Medicine for the Blackfeet Community: A pilot intervention." *Tribal college and university research journal* 6 (2022): 20.
- Hendrix, Burke A. *Ownership, authority, and self-determination: Moral principles and indigenous rights claims*. Penn State Press, 2010.
- Holmström, Bengt. On the theory of delegation. No. 438. Discussion Paper, 1980.
- Horowitz, Jeremy, and James Long. "Strategic voting, information, and ethnicity in emerging democracies: Evidence from Kenya." *Electoral Studies* 44 (2016): 351-361.
- Huber, John D., and Charles R. Shipan. *Deliberate discretion?: The institutional foundations of bureaucratic autonomy*. Cambridge University Press, 2002.
- Huyser, Kimberly R., Gabriel R. Sanchez, and Edward D. Vargas. "Civic engagement and political participation among American Indians and Alaska natives in the US." *Politics, Groups, and Identities* 5, no. 4 (2017): 642-659.
- McCubbins, M. D., Noll, R. G., & Weingast, B. R. (1987). Administrative Procedures as Instruments of Political Control. *Journal of Law, Economics, & Organization*, 3(2), 243-277
- Meredith, Fletcher, Thomas Donaldson, John Donaldson, John W. Lane, and William H. Ward. *The Five Civilized Tribes in Indian Territory: the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations*. United States Census Printing Office, 1894.
- Ordeshook, Peter C., and Langche Zeng. "Rational voters and strategic voting: Evidence from the 1968, 1980 and 1992 elections." *Journal of Theoretical Politics* 9, no. 2 (1997): 167-187.
- Pahre, Robert, in Stevens, Stan, ed. *Indigenous peoples, national parks, and protected areas: a new paradigm linking conservation, culture, and rights*. University of Arizona Press, 2014.
- Patty, J. W. and I. R. Turner. "Ex Post Review and Expert Policymaking: When Does Oversight Reduce Accountability?" *Journal of Politics*. 83, no. 1 (2021): 23–39.
- Rodriguez-Lonebear, Desi, Nicolás E. Barceló, Randall Akee, and Stephanie Russo Carroll. "American Indian reservations and COVID-19: correlates of early infection rates in the pandemic." *Journal of Public Health Management and Practice* 26, no. 4 (2020): 371-377.
- Rubin, Ruth Bloch. "State preventive medicine: Public health, Indian removal, and the growth of state capacity, 1800–1840." *Studies in American Political Development* 34, no. 1 (2020): 24-43.

- Sambanis, Nicholas, Micha Germann, and Andreas Schädel. "SDM: A new data set on self-determination movements with an application to the reputational theory of conflict." *Journal of Conflict Resolution* 62, no. 3 (2018): 656-686.
- Schroedel, Jean, Aaron Berg, Joseph Dietrich, and Javier M. Rodriguez. "Political trust and native American electoral participation: An analysis of survey data from Nevada and South Dakota." *Social Science Quarterly* 101, no. 5 (2020): 1885-1904.
- Schroedel, Jean, Melissa Rogers, Joseph Dietrich, Savannah Johnston, and Aaron Berg. "Assessing the efficacy of early voting access on Indian reservations: evidence from a natural experiment in Nevada." *Politics, Groups, and Identities* 10, no. 1 (2022): 81-99.
- Schure, Marc B., Molly L. Kile, Anna Harding, Barbara Harper, Stuart Harris, Sandra Uesugi, and R. Turner Goins. "Perceptions of the environment and health among members of the Confederated Tribes of the Umatilla Indian Reservation." *Environmental Justice* 6, no. 3 (2013): 115-120
- Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press, 1998.
- Scott, James C., John Tehranian, and Jeremy Mathias. "The production of legal identities proper to states: the case of the permanent family surname." *Comparative studies in society and history* 44, no. 1 (2002): 4-44.ub
- Simpson, Audra. *Mohawk interruptus: Political life across the borders of settler states*. Duke University Press, 2014.
- Temin, David Myer. *Remapping Sovereignty: Decolonization and self-determination in North American indigenous political thought*. University of Chicago Press, 2023.
- Ting, M. M. 2011. "Organizational Capacity". *Journal of Law, Economics, & Organization*. 27(2): 245–271
- Turner, I. R. 2021. "Reviewing Procedure vs. Judging Substance: How Increasing Bureaucratic Oversight Can Reduce Bureaucratic Accountability". *Journal of Political Institutions and Political Economy*. 2(4): 2017.
- Trosper, Ronald L. *Indigenous economics: Sustaining peoples and their lands*. University of Arizona Press, 2022.
- United States Congress. "Tribal Forest Protection Act of 2004." *Public Law* 108-278. 108th Congress, 2004.
- Wilkins, David E., and Heidi Kiiwetinepinesiik Stark. *American Indian politics and the American political system*. Rowman & Littlefield, 2017.
- Witmer, Richard, and Frederick J. Boehmke. "American Indian political incorporation in the post-Indian Gaming Regulatory Act era." *The Social Science Journal* 44, no. 1 (2007): 127-145.
- Yanagida, Joy A. "The Pacific salmon treaty." *American Journal of International Law* 81, no. 3 (1987): 577-592.