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Identity on Trial: the Gabrielino Tongva Quest for Federal Recognition

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IDENTITY ON TRIAL:
The Gabrielino Tongva Quest for Federal Recognition

Alice Mirlesse
Spring 2013
Anthropology/Public Policy Analysis
Readers: Erich Steinman, David Menefee-Libey

Acknowledgments:

I would like to thank my informants for sharing their knowledge and their experiences as Tongva. Without them this project would not have been feasible. I hope that this work will do them honor.

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I. Introduction

As a way of introduction I would like to recount my personal journey with the research topic¹ – instead of discussing the broad historical and philosophical groundings of federal recognition, which I will do in detail later in this paper.

Research Question

What is the impact of the federal recognition policy on the Native American identity of the Gabrielino/Tongva tribe of the Los Angeles Basin?

More specifically, whether the recognition process has enabled the Tongva people to preserve a cohesive culture and organize themselves politically?

Qualifications

I have been interested in human rights and social justice since childhood. My interest in indigenous rights started about six years ago. During high school I was involved with a Human Rights NGO called Voix Libres in Geneva, Switzerland. They worked to eradicate child labor in the mines of Bolivia. Most of their programs were directed at/established in collaboration with indigenous communities of the Altiplano (the Andes). I chose to write my Extended Essay on the topic of mining in the Andes, and thus learned about many issues concerning the rights of indigenous peoples in Bolivia and colonization.

A year later, in 2010, I got the opportunity, through a grant from the Claremont McKenna Human Rights Center, to concretize my work with the NGO through a 3-months internship in one of their educational centers in Cochabamba. Sharing and learning from the 32 children I was living with, most of them

¹ It is a common form of introduction amongst indigenous scholars, as a way to establish a relationship with the topic and the readers. Wilson (2009)

indigenous (Quechua and Aymara), I became sensitized to local indigenous paradigms and worldviews. In college I was able to bring these life experiences into an academic setting by taking anthropology course on the cultures of the Andes, my sophomore year.

Travelling through Australia (especially the Western part) in 2009, I encountered another character of indigenous relations with the state, and became interested in learning more about Aboriginal history and customs. The idea of a comparative project started to draft in my head, in which I would study policies of three countries towards its autochthon population (the U.S., Bolivia, and Australia). Needless to say this utopian project was soon confronted to the time demands of academic research, and it was relegated to a possibility for a PhD.

While living in California, a state host to more tribes than any other state in the U.S. I became interested in the political issues revolving around contemporary Native American tribes. I learned during my junior year, through an Anthropology course on Altered States of Consciousness, that the Claremont Colleges campus were in fact situated on historic tribal lands, and immediately wanted to know more about this tribe. I got in contact with the faculty coordinator of the Pipeline to College program (a 2 week college experience for native American high-schoolers) at Pitzer, Scott Scoggins and started learning about their activities with the Native American elders in the community.

It was not until a year later that I finally got to meet some of the Tongva people. I had tried to do research on the question of federal recognition earlier, but due to the scarcity of resources on the Tongva, I had to abandon the project. One

year later I was still interested in the project, and chose it as my senior thesis topic, hoping that things would come together. And they did.

This year I am taking a sociology course at Pitzer entitled “Indigenous People of the Americas,” which has even furthered my understanding and awareness of issues surrounding Native people nationwide, and some of the efforts to change US policies towards them. Through the course and other offerings at Pitzer college I got to become involved with the Tongva community, building relationships and learning about them through everyday tasks (such as gardening, cooking, hosting social events).

Using my background in anthropology to act as a participant observer, I focused on being in the field as much as possible as well as establishing relations of trust and friendship with the people I met there. While these relations allowed me to gain a personal insight into the process of federal recognition, I treated them with respect as much more than data, but as an exchange and an opportunity for personal growth beyond their academic implications.

The study of public policy analysis gave me the theoretical background to analyze the incentives and constraints at work in the Federal recognition process, while conserving the freedom to distance myself from the pre-established schools of thought and design my own research methodology, which I thought better fit the unique context of policies towards Native Americans. My coursework in Applied Anthropology especially reverberates throughout this work, as it synthesized some of my personal beliefs about the public role that anthropology should take within an accepted field.

I hope this work to compose an initial step in the direction that I will choose professionally: to be a Human Rights lawyer working with indigenous populations, help me get a clearer idea of what resources are needed to promote social justice for indigenous people, something I intend to study in Law School.

Audience

I hope to make this paper accessible to a general audience, my peers, fellow students, the subjects of this study themselves – the Tongva – as well as the broader Claremont community or scholars interested in Native American rights. I am aware that part, if not most, of my audience will have no background, or very little, on the topics researched. My aim is to be able to reach both scholars - such as my thesis advisors – coming from different academic backgrounds (policy and sociology) as well as the more general interest, such as my family. Therefore I will try to communicate to them through accessible language, minimize the technical jargon, defining necessary concepts and acronyms, and offering a common ground to understand legal texts and follow the most recent policies on the topic.

More importantly, I hope to contribute to enrich the scarce body of literature about the Tongva people, and therewith allow a greater awareness of local Native American culture and politics – hopefully leading to a recognition (if not through the federal government, at least in the local residents' minds) of their past and continuing legacy. Finally, I hope this work could be used as reference to potential local legislators, or agents of the BIA, wanting to affect policy. My final remarks will include possible policy recommendations, and be directed to public administrators for future reform.

My ultimate aim is to be able to “give back” to the people who helped me write and inspired this thesis, the Tongva people. Any additional audience they seek attention from or would like to target will be included as well. As introduced by Rob Borofsky (2011), I think there is a need for anthropology to play a bigger role in the public life and be accessible not only to academics, but to the broader public. As he states in his book *Why a Public Anthropology?* :

Cultural anthropology has the potential to change the world. It can bring institutional accountability, facilitating transparency in political and social matters. It encourages ‘big picture’ understandings that allow us to appreciate important problems in deeper and broader ways than we might otherwise. (Borofsky, 2011, p.1)

Summary of Inquiry

This essay will be structured in the following way: first, I will present an overview of the literature relevant to my research questions. This part will give the reader a sense of the broader academic debates, which surround the process of federal recognition, namely: how does one define being “Indian”? This section will be further divided in three parts, representing perspectives of the Social Sciences, the political realm, and Native people themselves, on the complex issue of identity and its representation.

Having introduced this scholarly framework, I will present my own approach to the topic, presenting the reader with the methods of enquiry I have chosen to approach the research questions, and how they fit with the reviewed literature. In this section I will demonstrate why weaving the tools of Anthropology and Public Policy Analysis together lead to a better understanding of a broad social policy context of implementation and its evaluation.

In the third part the reader will find factual information relating to the context of the research question: I will provide an introduction to the history of United States relationships with Native Americans, reviewing the key policies that have led to the current state of affairs in California, the formation of the Bureau of Indian Affairs and the recognition process. Thereafter I will delve into the intricacies of the Tongva history and the recent evolution of its intertribal relationships.

Once the reader has become familiar with the pertinent issues and their impact on the situation of the Tongva and their application for federal recognition, I will present the results of my enquiry, and offer a tentative analysis, using both the documents, the interviews and the fieldnotes collected during my research. This section will be divided into two main themes: division and unity. In the first section I will look at the divisive impact of federal (or capital “R”) recognition, on individuals and political factions of the tribe. The second section will show group efforts to obtain a different kind of recognition, which I call “lower-case” r recognition, teaching the community about contemporary realities of the Tongva people. Finally, I will return to the perspectives of my informants on the politics of recognition, and ways in which it could be improved.

II. Literature Review

What does it mean to be a Gabrielino-Tongva Indian in Today's world? Is being Tongva simply a measure of one's blood or a byproduct of one's genealogy? Or is it also based on a person's culture and beliefs? Who has the right to decide who is – and who is not – Tongva? The tribe? Or the individuals themselves? And how can a Native American people like the Tongva, a people who have lost their land and been assimilated into non-Indian societies and cultures for more than two centuries, preserve a separate and distinct identity, one that is uniquely theirs and not Spanish, Mexican, or American? (Jurmain & McCawley, 2009, p. 3)

One of the most important concepts underlying queries about the process of federal recognition is “Indigenusness” and its various definitions across fields. As illustrated by the quote above, the underpinnings of being designated as “Native American,” “Indian,” or “Tongva” are far from evident. Scholars, politicians and Natives themselves have all in turn grappled – and continue to – with these issues of identity, trying to design specific criteria to categorize populations, or advocating for self-determination. In this section I will review the work of previous scholars on this question and examine their findings in an attempt to answer the following questions:

- How have “indigenous” peoples been characterized in the Social Sciences?
- What elements have politicians drawn upon to define “indigenusness”?
- How do “Indigenes” view their own identity?

With such background in mind, I will then present my own approach, and how it will fit with the findings of these authors.

a – Indigenusness in the eyes of the academic researcher/Social Sciences

In the Social Sciences, debates around the idea of “indigenusness” have fused in the past decades, especially in the fields of Sociology and Anthropology.

There are three main “schools of thought” to be distinguished, and I will briefly review their arguments, as well as a few main texts, which exemplify them.

Understanding the various theoretical perspectives in these fields is critical to comprehend the basis of federal recognition, as the politicians often draw on them to design policies.

Primordialism

The first studies of indigenous peoples arose within the context of colonization. During the 18th century, as discoveries of “new” territories rocketed, local populations became the subject of interest for scientists and anthropologists alike. Influenced by Darwin’s theories of evolution, scholars would look at “savages” in an attempt to understand embryonic stages of civilization. Indigenous people were some sort of “living fossils,” (Gladney, 1996, p. 72) and their culture, studied under the same lens as the flora and fauna, by cataloguing biological and empirical data, was considered frozen in time and space.

This “traditionalizing” phase (Wilson, 2008, p. 47), from 1900 to 1940, was inextricably linked to conceptualizations of hierarchy: notions of a linear progression portrayed indigenous people as “inferior” to the White Man (if considered human at all). One of the most prominent scholars of that era, Lewis Henry Morgan (1877), published a treatise on the Iroquois, *Ancient Society*, in which he used to illustrate “stages of human development” (from savagery to barbarism, to civilization). Researchers failed to account for cultural differences amongst native populations and therefore created a pan-identity, relating all First Nations to a “Savage” myth. Physical distinctions, before the assimilation of settlers into tribal

lands, were still blatant, and therefore used as a way of identifying indigenous people.

Circumstantialism

In the first decades of the 20th century, a theoretical trend towards cultural relativism¹ brought another theory to light: circumstantialism. This perspective viewed identity formation and ethnicity as rational choices that are contingent upon specific contexts and can be used to advance one's interests in various situations. In his book on *Muslim Chinese: Ethnic Nationalism in the People's Republic*, Gladney (1996) argues that ethnic identities are "invented" with the rise of nation-states: "Culture [...] is manipulated and invented for the sake of nationalists interests, either the state or those of the community in question [...]" (p. 79) The view of ethnic identities as political strategies remains prevalent today, influencing debates about federal recognition – especially the controversies surrounding Indian Gaming Rights².

These instrumentalist perceptions of identity have generated skepticism from a wide array of anthropologists and social scientists invested in fieldwork with Native communities. Bruce Miller, for one, in his study of the Snohomish and Samish of Washington state and the federal recognition process, criticized these assumptions, showing the "astonishing resilience and persistence in community identity" – relying on more emotional, rather than materialist, basis for identity

¹ This view, advocated mainly by Francis Boas (1887), presented culture, knowledge, and morality as non-absolute, dependent on one's historical context and societal norms.

² See for example Pelisek C. (2004)

construction (ex: conceptual connections to the land, or special relations to ancestors) and the need for recognition.

Paternalism

Another current of ideas about indigenusness emerged in opposition to instrumentalist theories: instead of viewing ethnic groups as active seekers of economic benefit – and potential strains on the government’s resources – social scientists presented them as passive “victims of progress” (Miller, 2003, p. 6). The fatality of rapid modernization threatened native cultures and anthropologists and sociologists alike rushed to study the remains of what would soon be extinct phenomena. One very prominent and controversial (Eakin, 2013) anthropologist of that school of thought was Napoleon Chagnon, and his study of the Yanomamo/i¹ tribe living in the Amazon rainforest, first published in 1968. In his book *Yanomamo – The Last Days of Eden*, Chagnon (1992) described the threatening factors, both internal – a “state of chronic warfare” – and external – a measles epidemic – that were leading to the rapid decline of the Yanomamo/i population.

His writings and that of others contributed to establish another paradigm of the “Noble – yet vulnerable – Savage” (Chagnon, 2013) and developed concurrently to of the idea of guardianship responsibility of the government. The power relationship that marked the primordialist phase of research was still present, although this time it was justified in terms of empathy. In *Research is Ceremony*, Indigenous writer Shawn Wilson (2009), reflects on this paradigm, encapsulated in

¹ The name itself is controversial: Chagnon’s supporters used the term “Yanomamo” and his critics “Yanomami” – I chose to remain neutral on this issue, thus my use of this combination.

what he calls the “Assimilationist phase” of indigenous research, where “Non-Aboriginal people became experts *on* Aboriginal people” (emphasis in original, p.49). Once again the voices of the subjects themselves were silenced, even though a lot of the research claimed to provide solutions to Aboriginal problems, and “preserve” these populations.

To Miller (2003), this approach failed to distinguish the varied roles that indigenous communities took in their own “de-tribalization” (p. 6): it removed any sense of agency from the indigenous “subject” and served as a political argument for discriminative legislation controlling and restricting the life of Aboriginal people, under the pretense of being in their benefit. Each of these academic perspectives on indigenousness and ethnic identity has had clear repercussions in the political realm. As we will see in the next section, definitional issues have played a major role in the differential treatment of indigenous communities, and shaped the state policies towards them.

b – Politics and “Indigenes” : a game of hide and seek

Modern political conceptualizations of Native Americans and uses of the word “indigenous” derive largely from the categories explained above. In this section I will look at the political uses of the word “indigenous.” I will start by looking at the historical evolution of the concept of recognition, and will then present attempts at establishing criteria for that recognition, both in the U.S and internationally.

Lower-case “r” and Capital “R” recognition:

William Quinn (1990), former BAR historian and Indian Law specialist, published a study of the federal acknowledgment process in the *American Journal of Legal History*. In it, he traced the “gradual evolution” of the concept of recognition as cognitive towards an acknowledgment of the legal and political relationships of Indian Nations versus the state:

When, in the early documentary record, the term recognition was in fact used, it was used in two distinct senses relative to Indian tribes. First, in the earlier materials, “recognize” and “recognition” were used in the *cognitive* sense, i.e. that federal officials simply “knew” or “realized” that an Indian tribe existed [...] Second, beginning around the 1870’s, and in some earlier judicial decisions, “recognize” and “recognition” were used in a formal *jurisdictional* sense, i.e., that the federal government formally acknowledges a tribe’s existence as a “domestic dependent nation¹” with tribal sovereignty and deals with it in a special relationship on a government-to-government basis. It is the latter usage that prevails today in the government’s expression of its relations with Indian tribes. (emphasis in original, p.333)

Tolley (2006), in her study of the Honey Lake Maidu Tribe, refers to these concepts as “lower-case r” recognition and “capital R” recognition (p. 54). These terms will prove useful in my analysis of the federal recognition of the Tongva people.

Special Rights

The jurisdictional usage of recognition became critical with the acknowledgment of collective rights. This shift in liberal democratic theory, symbolized by a justice no longer blindfolded to differences came about during the post World War II period in the U.S. At that time, indigenous people in America started to make their voices heard. The American Indian Movement (AIM), was one of the most prominent forces in raising awareness about the injustices caused by the

¹As a consequence of Judge Marshall’s ruling.

American government, reclaiming lost Treaty rights. The notion of “special rights” came about as a means to render equality accessible to all and repair past damages (Affirmative Action is one example). In the United States this concept translated in an acknowledgment, in the 1970s, of Native Americans’ rights to sovereignty and the first attempts to devise policies of recognition. For the first time in history, being Indian was not only synonymous with discrimination, but entailed some positive consequences. Therefore many more people started affirming their Native identity. However, these programs and “special” concessions also contributed to the instrumentalist perception, seen above, of indigeneity as a benefit-driven quest.

Along with this emergence of “positive discrimination” emerged the pressing need to establish clear parameters with which to identify and legitimize recipient groups. Social science theories were influential in that process, contributing to the definition of political tools to assess group membership, and form a common understanding about these social phenomena. Here I will quickly review some these criteria and draw the readers’ attention to their possible limitations.

Structuralism: the “Us versus Them” binary

Politicians and social scientists alike often rely on a binary to define Indigenous people. Their political structures, ways of knowing, and religious beliefs are opposed to that of the “West.” “Traditional” versus “modern”, “ancestral” versus “technologic”, “minority” versus “majority”, such language dualities still pervade political discourses on Native Americans today. Eriksen (2002), in his book *Ethnicity and Nationalism: Anthropological Perspectives*, draws on these structuralist principles: “Property rights, the judicial system, the taxation system and the notion

of equal rights and duties for everybody are aspects of the *modern* state which are incompatible with the *traditional* way of life of many indigenous peoples.”

(emphasis added, p. 130)

The idea of incompatibility, or conflict, with the ruling power is an essential feature of the structuralist approach. Although many indigenous groups do hold an antagonistic relationship with the government – often due to past abuses on the part of the latter... – the approach is reductionist in that it relegates indigenous people to a frozen past, ignores current processes of assimilation, and essentializes cultural characteristics that make them seem vulnerable. This theory especially fails to account for certain South and Central American groups, which have historically been organized politically¹ and some others, which occupy a position of power today.²

A Circumstantialist perspective

Rather than delving into the intricacies of political structures and interests, other theories define indigenous groups geographically, as belonging to areas formerly under European colonial rule. However these models run into similar limitations as the structuralist ones, as they both frame indigeneity in a historical scheme of domination, and suggest that the concept arises solely in opposition (Miller, 2003, 56). These views seem to lead to the dubious conclusion that ancestors of current indigenous people were not themselves indigenous, if they

¹ “Indigenous” descendants of the Maya or the Aztecs for example, which arguably presented some of the most elaborate political connections, before the Western notion of nation-state came about.

² A striking example is the current Bolivian president Evo Morales, who belongs to one of the most prevalent indigenous groups of that region: the Aymaras.

existed prior to European contact. Similarly, the conception of “primacy of occupation¹” is controversial due to its vague nature: many indigenous groups were nomadic, and often not the first to establish residence in their contemporary territory.

As is apparent from the above descriptions, attaining a clear-cut description of such a transient and diverse population is far from easy. Structuralist and circumstantialist approaches based on historical, geographical and political factors either leave too much ambiguity or fail to include certain groups that are nevertheless recognized as indigenous in the present. The consequences of such definitional deficiencies can prove dramatic for indigenous groups trying to get legitimization from the state, through the process of recognition. However, crafting such a definition is crucial in the context of policy-making and implementing – from an American perspective, at least.

International definitions

International organizations have dealt in various ways with these paradoxes: the United Nations, for one, has adopted the viewpoint of the Special Rapporteur of the Working Group on Indigenous Populations, Cobo (1987). His *Study of the problem of discrimination against indigenous populations* (as cited in United Nations Department of Economic and Social Affairs², 2004) gives the following definition of indigenous peoples:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that

¹ used by the U.N. Working Group on Indigenous Populations in its charter.

² Hereafter referred to as UNDESA.

developed on their territories, consider themselves distinct from other sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural pattern, social institutions, and legal systems. (p. 2)

Although this definition combines elements of the different relational approaches seen above (circumstantial and structuralist) with more substantial elements of indigenous identity (such as “cultural pattern” and “ethnic identity”), it still excludes tribes that, due to troubled historical times, have not been able to maintain a “continuity” of existence, and moved or were displaced to lands other than their “ancestral” territory.

It is perhaps a consideration of those limitations that led the Working Group on Indigenous People to reject, in 1997, the adoption of a universal definition of Indigenous People (UNDESA, 2004). Instead, in the Draft Declaration on the Rights of Indigenous Peoples they designed the following statement: “Indigenous peoples have a collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as indigenous and to be recognized as such.” (UNDESA, 2004, p. 3). The Working Group, trapped between the need for a global categorization and the very different nature of indigenous groups worldwide, seems to consider the option of self-ascription.

Significant problems that could arise from such a policy – in a system of liberal democracy like that of the U.S., anybody could claim access to “special rights” in virtue of their self-defined ethnicity. It would defeat the entire purpose of special rights as drawing boundaries between privileged and underprivileged groups.

Nonetheless, the option would probably favor tribal members who have been estranged from their origins and traditions, and whom the tribe does not recognize as being a full member any longer. In an instrumentalist perspective, such an approach would foster easy access for false claimants, who wish to access resources put aside for ethnic minorities.

Miller (2003), in his study of “invisible indigenes,” offers a “prototype approach” in which indigeneity, rather than being described as a binary (civilized/uncivilized, ancient/modern, and so on...) is perceived as a question of degree (p.66). In this perspective, there are no concrete, defining “checkpoints” which accord a tribe the status of recognition automatically, but instead each case is reviewed individually, and any combination of the defining features of an indigenous people is valid for recognition. Perhaps this more nuanced vision is utopian, as it necessarily would require time and resources that most states are not ready to dedicate to the issue.

With this overview, I hope to have given the reader an idea of just how political the issue of recognition is, not only in the U.S., but also in the rest of the world. From its foundations, the definition of the word “indigenous” seem to be controversial, and therefore does not offer a stable base upon which to build policy. These varying perspectives on indigeneity and the meaning of being Indian have influenced the acknowledgment process to the point where the definition of the word itself can be used as a “tool of extinction” (Miller, 2003, p. 8). The different current of thoughts that we have reviewed, both in the social sciences and the political realms, hold one point in common: they are essentially internal debates,

amongst scholars or policy makers, which forgo indigenous voices in their processes of definition.

c- Native American perspectives on “Indigeneity”

It is therefore time to look at what indigenous people themselves have to say, how they define their own identities and react to the ways that Non-Natives define them. As we will see, this process of defining identity is far from obvious, the debate remains controversial, even amongst indigenous scholars: some perceive identity as an essentialist characteristic of the person, linked with values of land, spirituality and relations. Others draw on a dualistic approach between settlers and Native people, along with a sense of primacy that reminds of the political structuralist and circumstantialist definitions discussed above.

Dualistic approaches

Indigenous writers Alfred and Corntassel (2005) give the following definition of indigenous identity, in their essay *Being Indigenous: Resurgences against*

Contemporary Colonialism:

Indigenusness is an identity constructed, shaped and lived in the politicized context of contemporary colonialism. The communities, clans, nations and tribes we call Indigenous peoples are just that: Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and other centres of empire. It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples from other peoples of the world. (p. 597)

The oppositional concepts they draw upon are not unfamiliar to the reader at this point, and suggest similar limitations as those discussed above (exacerbated

conflictual relationships with the state, geographical continuity). However, the emphasis on land and “place-based existence” is important to note here, as it does constitute an essential part of the indigenous experience, and will be critical in understanding the attachment of contemporary tribes to obtain federal recognition (and therefore land).

Substantialism

Another approach focuses on the cultural (or “substantial”) aspect of indigenousness. Indigenous leader Manuel and Poslun (1994) referred to the paradigm of indigenousness as “Fourth World”: a society composed of people with “non-technical, non-modern exploitative relations to the lands which they still inhabit and who are disenfranchised by the nations in which they live” (as cited in Miller, 2003, p. 61). The concept of Fourth World brings about some primordialist principles, and such a definition bypasses the important processes of assimilation, but it nevertheless goes slightly beyond the traditional binary expressed in structuralist and primordialist societies. Rather than making the concept of indigenousness dependent on a conflictual relationship with the state, it also points at some inherent characteristics of indigenous peoples (such as the relations with the land) that distinguish them even before they were subjected to a colonial power. Tying all tribal and indigenous communities together under this term, Manuel and Poslun (1994) advocate for the formation of independent states, in order to revitalize oppressed and lost cultures of indigenous peoples.

Decolonizing definitions of “Indigenusness”

Shawn Wilson (2009), in *Research is Ceremony*, similarly encourages a break from Western conceptualizations and “dominant paradigms” to follow Indigenous ways. He argues that there are distinctly indigenous ways of gaining, perceiving and sharing knowledge that have too often be discredited and marginalized from the mainstream academic sphere (p. 30). In order to reconcile the identities and perceived legitimacy of indigenous scholars that have gone through a Western educational system, he outlines a shift in terminology, which he believes will eventually lead to a shift in understanding:

A growing awareness of the similarities of experiences of Indigenous peoples worldwide has reshaped the terminology used to define their own lives. No longer are tribally specific or local terms such as Indian, Metis, Inuit, or Native [...] inclusive enough to encompass a growing resurgence of knowledge that encompasses the underlying systemic knowledge bases of the original peoples of the world. The term Indigenous is now used to refer to that knowledge system, which is inclusive of all. (p. 54)

This perspective, based on substance (knowledge), rather than circumstances (relations with the government), clearly distinguishes itself from the previous definitions we have reviewed in the Social Science and Political realms.

Other indigenous writers have similarly taken a separatist stance at indigenous identity, looking at the underlying beliefs and worldviews which tied Native people together. Most notably, Linda Tuhiwai Smith (1999), in her book *Decolonizing Methodologies*, challenges western conceptualizations of the world and society, critiquing the “positional superiority” which allowed western researchers to impose “regimes of truth” and colonize the mind through the imposition of a single source of knowledge. She reverses the methodological paradigm in order to look at western research from an indigenous perspective, rather than attempting to define

indigenous paradigms from a western point of view: “the indigenous world has been represented to the West and it is through these disciplines that indigenous peoples often research for the fragments of ourselves which were taken, catalogued, studied and stored.” (emphasis in original, p. 58)

Similarly Alfred and Corntassel (2005), reflect on this use of knowledge as a tool of imperialism:

Contemporary Settlers follow the mandate provided for them by their imperial forefathers’ colonial legacy, not by attempting to eradicate the physical signs of Indigenous peoples as human *bodies*, but by trying to eradicate their existence as peoples through the erasure of the histories and geographies that provide the foundation for Indigenous cultural identities and sense of self. (598)

Thus the processes of colonization that contributed to the current situation of indigenous peoples (and their perceptions as being in conflict with the state) are still active today through the political and legal definitions of indigenes.

Such outside perspectives did contribute to muddle self-perceptions of identity, as David Campio, a Tongva interviewee in *O my Ancestor* points out:

[You] know you’re proud [but] sometimes you’re ashamed. Are you Indian for the money? [...] that’s the reality of being Native American – identity crises, dealing with the Bureau of Indian Affairs, not dealing... having a roll number – what does it mean? Who’s Indian and who’s not? Our family – we all know we’re Indian, but how are we going to self-identify and when is it appropriate? (Jurmain & McCawley, 2009, p. xxi)

The confusion in the political and social science realm about indigenes and its definition are mirrored in Campio’s confusion about his own identity. As we have seen self-definition is a multilayered process, and even indigenous writers show varying perspectives on the questions of identity. In this paper, I will attempt to further unveil contemporary Tongva perceptions of their Native American identity,

in relation with their quest for federal recognition. Through individual narratives and archive research, I will look at the impact of political definitions of an “Indian tribe” on the Tongva community’s cohesion and perhaps point at elements of their identity, which are incompatible with the Federal Acknowledgment process.

III. Methods

In designing my research I had initially thought of studying the topic of federal recognition from two distinct lenses: that of anthropology and that of public policy analysis. I wanted to create different sections, each with their own perspectives on the issue; maintaining clear boundaries between the policy's administrative impact and its human implications throughout. However, I realized that the two academic fields are much more interrelated – and complimentary – than I had originally thought and combining them would yield a holistic understanding of the processes at work than dividing them.

I came to this realization partly through my discovery of Applied Anthropology. This subfield of Anthropology, which I had ignored until my last semester of college, is dedicated to practical applications of anthropological knowledge and research skills, to act as an aid in designing effective policies and reforming old ones. In this section I will describe some of the main advantages of the integration of anthropological knowledge in public policy-making and evaluation, in order to ground my own methodological approach, justifying the use of a “hybrid” research design.

Applied Anthropology:

Weaving together the tools of Anthropology and Public Policy Analysis

At its core, the field of Public Policy Analysis strives to obtain a rational understanding of the steps leading towards the design and implementation of governmental strategies to solve particular societal issues. Often presented as a Science, it offers rigorous tools to analyze processes of agenda-setting, and explain

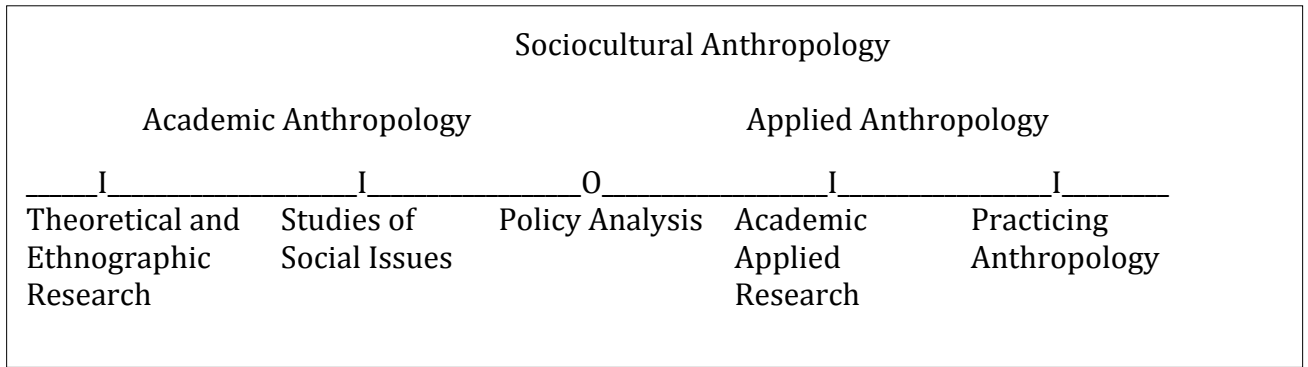
policy choices in a logic manner. These somewhat reductionist assumptions and aims – as put forth in Guy Peters’ (2010) classic study *American Public Policy: Promise and Performance* – are criticized amongst discerning scholars of the field, such as Deborah Stone (2001).

In her book *Policy Paradox: the Art of Political Decision Making*, Stone (2001) unveils the inconsistencies of policy design and implementation and challenges the linear expectations of current public policy analysis, presenting the cracks in the path from goals (inputs) to results (outputs). Symbolic stakes and interests arising outside of the political realm play a large role in shaping policies and their effects, yet policy experts often ignore them. Ambiguities do not fall under the scope of policy analysts, whose methods reflect a concern with empirical and quantitative results.

Such limitations show the need for a different approach to public policy, taking into account both the cultural context in which it is rooted and its human implications. Anthropology, with its focus on qualitative data and holistic understanding of situations through the ethnographic method, can provide the solution to those shortcomings. However, “pure” anthropological research also has its deficiencies. Mainly, its esoteric language and the thickness of its descriptions bar non-anthropologists from accessing it, and limit its potential as a useful tool for understanding the context in which policies are implemented.

Applied Anthropology offers a middle ground between these two approaches, as is pictured in the continuum below¹:

¹ Inspired from: Ervin, A. M. (2004), p. 2.



Through participant observation, one can gain an emic perspective (insider's point of view) of the policies impact on the field. This familiarity with both the targeted group's and the policy makers' culture allow the anthropologist to act as an mediator between the two, "translating" needs and intentions from one context to the next.

Such contextual information helps to avoid and recognize unconscious cultural biases and misunderstandings, which hinder the efficient delivery of services to the community. In sum, applied anthropology creates a pathway for the voices of policy recipients to reach policymakers who are often distanced from local realities. In the present case of federal recognition, anthropologists could contribute to bridge the gap between Native American and U.S. paradigms of identity, sovereignty, and property.

Now that you have gotten a sense of the theoretical background behind my research tools, I will proceed to present the process itself, divided in three chronological stages: data collection, analysis, and evaluation. For each of these parts I employed a slightly different methodology.

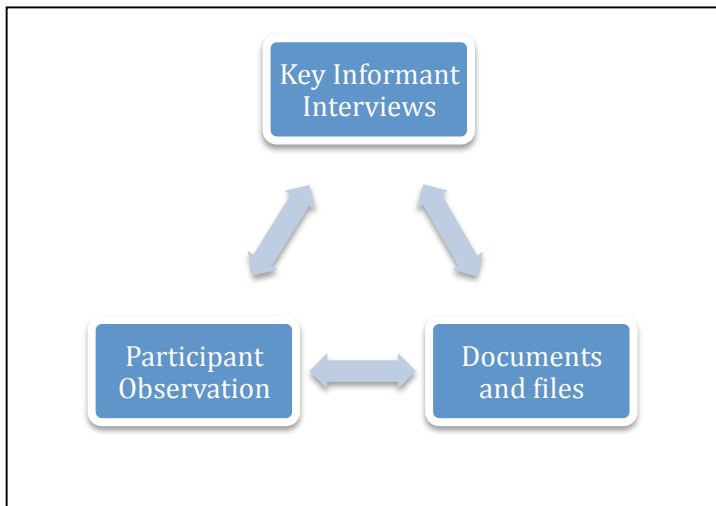
1. Data Collection

During the initial data collection process, I tried to get a broad view of the problem by including as many types of sources as I could. In the end, I chose to focus on three:

- Key-informant interviews
- Participant Observation
- Official documents and personal files

The diversification of sources allowed me to triangulate information (see picture above) and compare them for more accuracy. I will now explain how I selected and processed data within each of these sources, in order to remain as transparent as possible.

The Triangulation of sources:



Key-informant interviews:

a) Participant Selection

I chose to use key-informant interviews in the context of this study because time and resources were scarce. In selecting those key-informants, I followed some advice from Jerome Murphy's (1980) *Fieldwork Guide for Evaluators and Policy*

Analysts:

[Key informants] are quite familiar with the program and its environment; they know the key figures, the problems, the successes, the norms, the traditions. They also are reliable observers who have the time and the inclination to meet with you [the researcher]. An informant can judge the reliability of potential interviewees, suggest people to talk with, make introductions, propose tactics for collecting information, and react to collected data and tentative interpretation. (p. 78)

Instead of contacting each tribe member individually, I concentrated on interacting mainly with some of the most active and public figures of the tribe. Cultural events provided the ideal setting in which to form those relationships, as I could observe the relations individuals had with the community and their status in the tribe.

b) Limitations

Although I aimed to get a variety of perspectives within that range, my participant selection was inevitably influenced by my geographical location, and the access I could gain to certain events. I obtained my contacts mainly through the Colleges and the Claremont area resources, which could have excluded some members living closer to L.A. I had unstructured discussions with informants from various backgrounds and political opinions, but only two agreed to a face-to-face interview with me, due to various personal and health reasons. As a result, I want to acknowledge, as I will do later in this paper, that I am aware that my information remains impartial and thus my conclusions may be biased or flawed.

c) Interview Questions

I made a list of general questions relating to the themes of identity, relations with the state and the tribe, and notions of heritage and culture. However, I planned the interviews to be unstructured and more discussion-like, and was ready to depart from my plan to follow the interviewee's inclinations. The list of interview questions is attached in appendix 2. I first planned my questions to be very broad reaching, and allow participants to reflect on a number of different experiences and concepts, but was encouraged, upon review by my advisors, to refine them into a set of specific, real-life relevant questions. The interviews were recorded, transcribed and coded.

Participant Observation:

Through my sociology a course on the Indigenous People of the Americas, I was given numerous opportunities to participate in cultural events. In total I cumulated 60 hours of engagement in the field. The events I attended are listed in a table in the Appendix. Although some of these events were not exclusively attended by Tongva people, they allowed me to get a bigger picture of the tribe's interaction with the community, and other tribal nations. Throughout the process I attempted to abide by some of the principles I learned in the book *Research is Ceremony*, for example that "traditional Indigenous Research emphasizes learning by watching and doing" (Wilson, 2009, p. 40)

At each event, I tried to play an active role, and strengthen bonds with the community members: for example, I weeded and planted for the Tongva living History garden exhibition at the Chaffey community center while learning about

traditional medicinal uses and the current challenges in obtaining access to them, without land rights or federal recognition. Robert M. Emerson's recommendation "In learning about others through active participation in their lives, the fieldworker cannot and should not attempt to be a fly on the wall" (Emerson, Fretz, & Shaw, 1995, p. 3) proved a particularly relevant metaphor in my involvement.

Taking and processing fieldnotes:

Emerson's (1995) *Writing Ethnographic Fieldnotes* also inspired this part of my methodology. According to him, "the ethnographer writes particular fieldnotes in ways that are not predetermined or pre-specified" (Emerson, Fretz, & Shaw, 1995, p. 12). Every context and situation requires different adaptive methods, and the researcher is the sole judge of what approach is best to employ. Therefore, I constantly re-defined my own guidelines according to the specific situation, and very much let the findings guide my methods, rather than vice versa. I remained conscious that "*what* the researcher finds out is inherently connected with *how* she finds it out" (Emerson, Fretz, & Shaw, 1995, p. 13) and therefore allowed myself some flexibility in the process, concentrating on absorbing as much information as possible, rather than selecting only what fit in my research design.

As a result, much of the information I recorded is not revealed in this thesis, as it went beyond the scope of this study topic. But it nevertheless provided me with a more holistic understanding of the Tongva culture and customs, and gave me a better grounding on which to base my interpretation.

Official documents and personal files:

An important part of my investigation process, relied on past events that I was unable to attend. For these I used primary sources that one of my informants provided me with, such as the lawsuit between the Gabrielino/Tongva and Gabrielino-Tongva factions of the tribe (or San Gabriel and Santa Monica factions), and the application for federal recognition itself, as well as ensuing legal documents. I acknowledge that this information may be biased as it was pre-selected for me, but relying on primary documents ensures that the information itself is not pre-interpreted. In order to minimize the effect of this selective information, I also cross-checked these documents with official reports I was able to find on my own, either in the local news or legal archives.

2. Analysis

Once I pulled all these resources together, I attempted to link them with the original research questions, and let them structure my analysis.

Coding:

After entering the “raw data” (the interviews, fieldnotes and documents) I established broad-reaching themes that were apparent across the sources. These themes are:

- Division and Unity (overarching themes of dispute and consensus amongst tribal members)
- Land
- Money
- Education
- Politics
- “Culture” (linked with ancestry and traditions...)

I coded each of my interviews and other printed material manually (in the form of highlighted text, in different colors, to represent the different themes).

Evaluation:

Due to time and resources constraints, the evaluation of this policy was not fully completed, but there are methods which blend applied anthropology and public policy analysis, which I would use, in the case of a extended work period. One of the most thorough is the Social Impact Assessment, which estimates the consequences of the Federal Recognition procedure for the community, by taking into account the broadest range of information available. It requires a multidisciplinary research team, in which members work together to provide a prediction of future events “based on understanding complicated current and future social processes.” (Ervin, 2004, p. 112)

Ethical concerns Working with indigenous populations:

The final aspect of my research, and perhaps the most important, is the context of working with indigenous groups, and the relevant ethical concerns, especially in regards to past abuses of this population within the Social Sciences. Historical uses of research as a tool of colonization has led to the designation of indigenous people as an “at-risk” group and the creation of more rigorous standards to ensure the prevention of such abuse and violation of privacy.

One of the most broadly accepted standard is the IRB, the Institutional Review Board. This independent ethics committee defines a set of criteria, which have to be met in order for the research to be considered ethical. Most U.S. colleges

have their own IRB, which approve and monitor its student's research, involving human subjects. Examples of the criteria include: confidentiality of information, consent of participants, potential risks and benefits of study. I attached a copy of the research summary as well as supporting documents (i.e. the consent form given to participants, acknowledging their rights and informing them of the purpose of the study) in the appendix. Claremont McKenna's Institutional Review Board approved this research project.

Additionally I informed my methods by the papers written by indigenous scholars about the impact of Non-native research on their community and the ways in which to mitigate its damages. These readings increased my awareness of the privileged status of researchers, and the influence of this power dynamic on the results of their study. Although it is difficult to fully prevent such an asymmetry from occurring, I tried as much as possible to follow the recommendations of Cheryl Crazy Bull (1997) gave in her paper *Advice for the Non-Native Researcher*: "spend time with members of the community, participate in community functions, visit with people, and become familiar with the institutions and practices of the community" (p. 24) – in order to make the process collaborative, rather than hierarchical.

Finally, I emphasized the informants' participatory role in my research, allowing them to redefine the main themes, following their advice and asking for appropriate ways to approach certain topics and interact with members of the tribe. In so doing, I hoped to turn the subject-researcher binary, into a teacher-student one, and create a relationship of respect and learning. I understand that for the purposes of this academic paper, this method might not have been the most time-

efficient, and yielded the “results” expected, but I valued the preservation of good relationships with the community the most. Hopefully this project will counter the prevalent stereotypes of research as being invasive and dominion-based, instead of as an enriching, ever-growing relationship, benefiting both sides.

As much as it is impossible to completely remove one’s own cultural bias, I tried to acknowledge mine, and keep my reflections separate from my findings, whenever possible. I also made use of quotation marks to signal words that are often used in a controversial manner, or are products of the colonial system in place and do not translate outside a Western academic framework. The full names of the participants I interviewed are not revealed, in order to protect their privacy.

IV. Historical Context

1. U.S. – American Indian relations and the Federal Acknowledgment process

The record of United States policies towards Native Americans reveals a perplexing oscillation assimilation and separatism. Whereas assimilationist policies aimed to integrate Native American into the “civilized” world, through education or state-sponsored acculturation, separatist policies emphasized the independence of Native people from the state, treating them as separate entities, and refusing to grant them citizen privileges. The two paradigms intertwined throughout history and thus it is difficult to present the reader with a linear chronology of US policy towards Native Americans. Instead, a table, such as the one represented below, might be more appropriate to picture these intermittent paradigm shifts. I will nevertheless attempt to narrate the trends in the relationships between state and tribes that I noticed looking at archives, using key-state and –federal policies as illustrations.

US Policy Eras: Swinging between:

	Separatism	Assimilation
Pre- 1776	Treaties	
1830/1850-	Act for the Government and Protection of Indians	
1870 -		Dawes Act (General Allotment Act)
1930 -	Indian Reorganization Act	
1950 -		Termination (Indian Freedom Act)
1970s/1990s	Federal Acknowledgment Project	

Early contacts: "Friendly Enemies"

Since the first colonizers set foot on the American continent up until 1776, tribes were acknowledged as distinct nations of self-governing people. Back then, the United States government had limited power and as a result tried to establish somewhat friendly accords and equal relationships, using treaties and shifting alliances. This separatist approach continued in the 1830s, as the United States government extended its influence and reach. Policies became more evidently biased towards the interests of the United States, pushing Native Americans into reservations and removing them from their territory to open the way to Manifest Destiny. In the 1850s the Gold Rush drove colonizers ever further to the West, embarking Native Americans with them until they reached the edge of the continent.

The beginnings of the end: California's conquest

As there is *no further west*, to which they *can* be removed, the General Government and the people of California appear to have left but one alternative in relation to these remnants of once numerous and powerful tribes, viz: *Extermination or domestication*. (Agents McKee, Barbour, and Wosencraft's address to the people of California, quoted in Gilbert, E. & Co., 1851, January 14, emphasis in original, p. 2)

In 1848, the United States acquired the territories of New Mexico and Alta California, and the Treaty of Guadalupe Hidalgo put an end to the Mexican-American war. Two provisions of the treaty stipulated that the United States would have to preserve Mexican land rights, and extend U.S. citizenship to Mexican citizens living in California (Jurmain & McCawley, 2009, p. 29). At that time, many Indians were still living in these territories; certain had preserved their nation-status, by establishing treaties with the previous Spanish and Mexican regimes, others had become citizens. However the United States government did not extend the treaty's

provisions to Native Americans. Instead, the federal government designed a national “Indian policy,” extending its jurisdiction over the recently acquired lands and compounding the affairs of all Native tribes living in United State’s territory. In 1850, the Congress decided to regroup Native populations in separate geographical areas “for effective control” (Tolley, 2006, p. 21).

In March 1851, the Senate nominated three Federal Indian Commissioners (McKee, Barbour, and Wosencraft – quoted above) to make treaties “of friendship and peace” (Deverell & Igler, 2008, p. 202) with California Indians. The agents signed 18 treaties with different tribes in which they agreed to reserve lands for California Indians and provide other material benefits, in exchange for their current settlement (which they sold to local merchants (Rawls, 1986)). Considerable debate amongst legislators and the wider public ensued the completion of these treaties. Non-Indian Californians were concerned about the lost economic potential (for agriculture, mining and such) of allocating lands to Indians. Public opinion was divided between support for the Spanish and Mexican precedents, which had not allowed Indians to own land, and a more “progressive” view, which viewed the reservations as a means to “secure to the state an element greatly needed in the development of its resources, viz. cheap labor” (McKee, Barbour, and Wosencraft’s recommendations, cited in Gilbert, E. & Co. (1851, January 14)).

An excerpt of the *Los Angeles Star* editorial in 1852 (cited in Singleton, 2004) gives us a sense of the opposition facing the federal reservation of land for the Tongva:

[...] to place upon our most fertile soil the most degraded race of aborigines upon the North American Continent, to invest them with the rights of

sovereignty, and to teach them that they are to be treated as powerful and independent nations, is planting the seeds of future disaster and ruin [...] (p. 50)

Following this controversy the United States Senate disregarded the land treaties and never ratified them. The rejection of the treaty was kept secret for 52 years. In 1927, after the California State Legislature passed the California Indian Jurisdictional Act¹, the Mission Indian Federation (a Southern California grassroots political organization regrouping a large proportion of California Indians; amongst them the Tongva) filed claims for compensation of the broken treaties. They were finally able to get compensation, after decades of litigation, in the form of monetary reward, but no land was ever recovered.

Acting as a backdrop of the separatist period in which the 18 treaties were established the 1850 Act for the Government and Protection of Indians² is widely recognized (Tolley, 2006; Jurmain & McCawley, 2009; Rawls 1986) as one of the most openly repressive and discriminatory laws passed by the California State Legislature. Under its provisions, any abled-bodied Indian “found loitering and strolling about, or frequenting public places where liquors are sold, begging or leading an immoral or profligate course of life” (Jurmain & McCawley, 2009, p. 29) could be prosecuted in court. Indians found guilty were then either sold at a public auction (Rawls 1986, p. 88) or, in the legislation’s own wording:

When an Indian is convicted of an offence before a Justice of the Peace punishable by fine, any white person may, by consent of the Justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing,

¹ The act allowed the attorney General of California to bring suit in the Court of Claims on behalf of the Indians of California (Jurmain & McCawley, 2009).

² Hereafter referred to as AGPI.

until he has discharged or cancelled the fine assessed against him. (“An Act for the Government and Protection of Indians” (1850), cited in Singleton, 2004, p. 52)

Conversely, Indians were not allowed to testify against white persons. Under the guise of protecting Indians from slavery, by forbidding white people’s legal ownership of Indians, the law actually “established a system of indentured servitude of Indians in California” (Singleton, 2004, p. 52). Although the law was repealed in 1863 (Tolley, 2006, p. 24), its tragic consequences (increased rates of homicide by whites against Native Americans, generalized fear amongst Indian populations) lasted well beyond that time. It is in that period that many American Indians chose to dissimulate their identity and resorted to appear Mexican to escape the prevalent discrimination – a survival technique that now undermines their efforts to prove their Native American identity to the government.

Assimilationist policies, on the other end of the spectrum, aimed to integrate American Indians into the “civilized” society, by imposing Western culture on them. The Dawes Act of 1887 was one such policy. Also referred to as the General Allotment Act, this act enabled the federal government to divide reservation lands into 160 acre-parcels, and allot them to individual Indians. The politicians who created the act saw individual land ownership as a step towards the assimilation of Indians into American society. Its consequences for the Native American community, however, were disastrous: the act alienated individuals from their tribes and their ancestral territory, which causes Miller (2003) to refer to it as “the tactic of direct extinguishment of indigenous people” (p. 69) Like the separatist policies above, this assimilationist policy has repercussions for federal recognition

today, as tribes have difficulties proving their “historical and geographical continuity,” an important criterion in the process.

The Bureau of Indian Affairs

The Office of Indian Affairs (OIA)¹ was initially a division of the US Government War Department in 1824. In 1849 the agency was transferred to the Department of the Interior. In the 1933 Franklin Roosevelt appointed John Collier as the Commissioner of Indian Affairs. Collier initiated a major paradigm shift from assimilationist policies, writing a series of legislation, which became known as the “Indian New Deal.” The Indian Reorganization Act (IRA), by its real name, was a separatist bill aimed to promote self-government and repair some of the damages that had been done in the Dawes Act, amongst other previous US policies toward Native Americans.

Despite good intentions, Collier had a very stereotyped notion of American Indians, which was reflected in his legislation: the IRA encouraged tribes to form corporation-like groups, so that they could collectively manage their resources without the government’s interference. Tribal councils would govern themselves communally, through votes. Although it was conceived as a tool of tribal empowerment, decreasing federal control over Native Americans, the legislation paradoxically imposed a Western political framework on tribal organization and “ended up tying the tribes closer to American politico-economic structures” (Tolley 2006, p. 53). It disregarded traditional ways of decision-making, and made tribal chiefs accountable to the OIA, in Washington D.C.

¹ Today’s Bureau of Indian Affairs.

A second lasting impact of the Indian Reorganization Act (IRA) came through defining the scope of the legislation: in other words, which groups of Indians qualified as “tribes” and were able to self-govern? This concern informally started the process of federal recognition. Tolley (2006) describes a few of these criteria:

The IRA identified tribes by geographic and social proximity to one another (those “having a common bond of occupation, or association, or residence with a well-defined neighborhood, common unity, or rural district”), blood quantum (first proposed as a 25 percent requirement), lineage, and a kind of corporate organization based on a formal constitution, bylaws, and a membership list. (p. 54)

Therefore off-reservation Indians and landless tribes – such as those victims of the non-ratified treaties in California – were excluded from the benefits of the IRA, and could not obtain “privileges” of self-governance or control of land. These criteria were once again set in the romantic conception Collier had of tribes.

In the 1940s, after the IRA’s period of radical reform and separatist aspirations, the Office of Indian Affairs experienced funding shortage during the Cold War, and its politics drastically shifted towards assimilation. In 1953 Congress passed the Indian “Freedom” Act, which sanctioned the end of all fiduciary and trust relationship between the federal government and several Indian groups. The policy aimed to integrate Indians in mainstream society, granting them the “privileges” of citizenship, and independence from the BIA¹, which had gained notoriety for its mismanagement. In practical terms, it terminated the tribal holding of lands, allowing State governments to assume jurisdiction over these reservations, and

¹ In 1947 the Office of Indian Affairs was renamed to its current designation, the Bureau of Indian Affairs (hereafter referred to as BIA).

stopped all federal aid and special services to these areas. The legislation lasted a decade, which became to be known as the period of Termination.

The 1970s were a particularly tumultuous time for the Bureau of Indian Affairs. The American Indian Movement (AIM) – an activist organization founded in Minneapolis – started protesting about the injustices that urban Indians faced, especially broken treaty rights. The members attempted to bring the BIA's attention to these issues, by occupying the Department of Interior and other symbolic places. However, they were more often met with armed responses than with negotiations.

The Bureau of Acknowledgment and Research (BAR)

In 1978 the Secretary of the Interior created the Federal Acknowledgment Project (FAP), within the Division of Tribal Government Services. The project was set up to evaluate petitions for recognition. In 1981 this project became a branch within the division and renamed the Branch of Federal Acknowledgment. In 1984 the project was merged with the Branch of Tribal Services and was renamed the Bureau of Federal Acknowledgment and Research – its current name. The Bureau consisted of 8 bureaucrats: 3 anthropologists, 3 historians, and 2 genealogists, “assembled to interpret federal guidelines regarding recognition and to rule on tribal submissions for recognition” (Miller, 2003, p. 70) – in addition to office staff.

The process to establish formal recognition by the federal government is set forth in *25 CFR pt. 83 Procedures for Establishing that an American Indian Group exists as an Indian Tribe* (U.S. Department of the Interior, Indian Affairs, n.d.). It presents seven mandatory prerequisites¹:

¹ The seven criteria are presented here in abbreviated form. For the complete text

- (a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.
- (b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.
- (c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.
- (d) A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.
- (e) The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity.
- (f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.
- (g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

To create this set of criteria, policymakers relied mainly on legal precedents – such as the IRA and Felix Cohen's (1971) influential *Handbook of Federal Indian Law* – rather than anthropological data. Today this constitutes one of the major flaws of the requirements, as they overlook the cultural and political specificities of tribes. Many of these concepts are inherently based in westernized conceptions of indigeneity and Native American culture, as the anthropologist Wayne Suttles

of each criterion, please refer to 25 CFR Part 83.

remarks (in a statement before the Senate Select Committee on Indian Affairs in 1988, as cited in Miller, 2003): “agents of the government seem to be requiring [...] Indians who seek recognition to produce evidence that the government’s false assumptions about them are true.” (p. 81)

A striking instance of these misguided assumptions, criterion (c), requires the petitioner to have “maintained political influence over its members as an autonomous entity from historical times until the present.” Not only does the criterion impose an ethnocentric conceptualization of the nation-state (a hierarchical model of ruling), it runs afoul of the U.N. precedent rule¹ (cited in Miller 2003) that “indigenous governments do not have to emulate European governmental structures to have sovereignty over their territory” (p. 82). In the case of California tribes, the gap between these assumptions of a cohesive, politically bounded tribal unit and the reality is especially wide: the establishments of missions during Spanish colonization broke communities apart, compromising the authority of the traditional chief over tribal members. Tolley (2006) highlights the paradoxical situation it creates for California tribes:

After the government’s sanction of murder, hangings, and rape after the forced marches, forced indentures, and then the neglect of bureaucratic “extinctification” of California’s tribes, it now asks them, by way of the Federal Acknowledgment process, to prove to the state that they are Indian peoples. (emphasis in original, p. 39)

In 1997, the Advisory Council on California Indian Policy (1997) denounced these inadequacies. Congress had created the council 5 years earlier, to address issues specific to California Indians in gaining federal recognition. The task force

¹ In the International Court of Justice’s Advisory opinion on Western Sahara, in 1974.

members were themselves recognized Native Americans. Their report, compiled in collaboration with UCLA's American Indian Studies Center, pointed at historical factors that had significantly impacted living patterns and communities of Native Americans in California (Advisory Council on California Indian Policy, 1997). However, the Council's role was limited to make recommendations to the Department of Interior, and therefore its findings did not significantly impact the legislation in place.

Another report however (this time constituted by Non-Indians) had more success in reaching the BIA. In 2001, the Congress General Accounting Office (GAO) presented an audit on the federal recognition process it to the Department of Interior, advocating for "a more consistent and timely tribal recognition process" (U.S. Government Accountability Office, 2001) The Strategic Plan presented was mainly an answer to the "flourishing" Indian Gambling Industry (Tolley, 2006, p. 223) and aimed to make the evaluation process more expedient, rather than thorough. This led to the reorganization, in 2002, of the BAR, renamed OFA (Office of Federal Acknowledgment), along with the BIA. The changes were mainly organizational in nature: the Principal Deputy Assistant Secretary-Indian Affairs took command over the process of federal recognition and the agency hired more staff.

However, the process remains incredibly slow to this day, taking over 30 years for one application to be evaluated (National Congress of American Indians, n.d.). Of the 352 petitioners from 1978 to 2012, the OFA has resolved 73, and attributed acknowledgment to only 17 (U.S. Department of the Interior, Indian

Affairs, 2012). Once its decision is reached the OFA does not have to present any evidence to sustain its decision: their claim that the evidence provided is inadequate does not have to be justified in any way. If an application is rejected, the tribe can reapply via the Indian Board of Appeals. Interestingly enough, the Indian Board of Appeals is itself connected to the OFA as it is also a part of the Department of the Interior. Therefore, there is not truly an independent appeal process.

Native Americans and non-Natives alike have raised concerns over the fairness of the OFA's process. Toensing (2012), writer for Indian Country Today Media Network reports:

[Indian law experts] described the BIA's Federal Acknowledgment Process (FAP) as broken, long, expensive, burdensome, intrusive, unfair, arbitrary and capricious, less than transparent, unpredictable, and subject to undue political influence and manipulation, and noted that Congress has done little to improve things.

The issue of transparency has proven especially critical, as the BAR originally judicial and executive powers within the same agency – it was responsible both for the gathering of data and its evaluation. Now it only holds responsibility for the latter, delegating the burden of proof to Indian Nations. A proof of authenticity, which proves financially more and more burdensome, as tribes have to hire a team of anthropologists, historians, lawyers, and sometimes professional lobbyists to gather data and support in fulfilling the BIA's legal tests.

The Freedom of Information Act paradoxically, while making the process “more transparent” by letting third parties access the agency's records, also hindered the project's efficiency. About 50 percent of the staff's time is dedicated to answer those third party requests, as Tolley (2006) reports (p.23). The influence of

third parties is also on the outcome of the process. As the OFA relies on Congress for its funding, local politicians have a large impact on the Secretary's final decision. Even other federally recognized tribes can stand in the way of federal recognition, fearing competition in gaming enterprises or land acquisition (Miller, 2003, p. 96). An application through the BIA is not the only way an Indian tribe can get recognized: It could also be achieved through an act of Congress or a court ruling (Toensing, 2012). For the purposes of this essay, however, we will concentrate our attention on the BIA's pathway to federal recognition.

2. The Tongva People

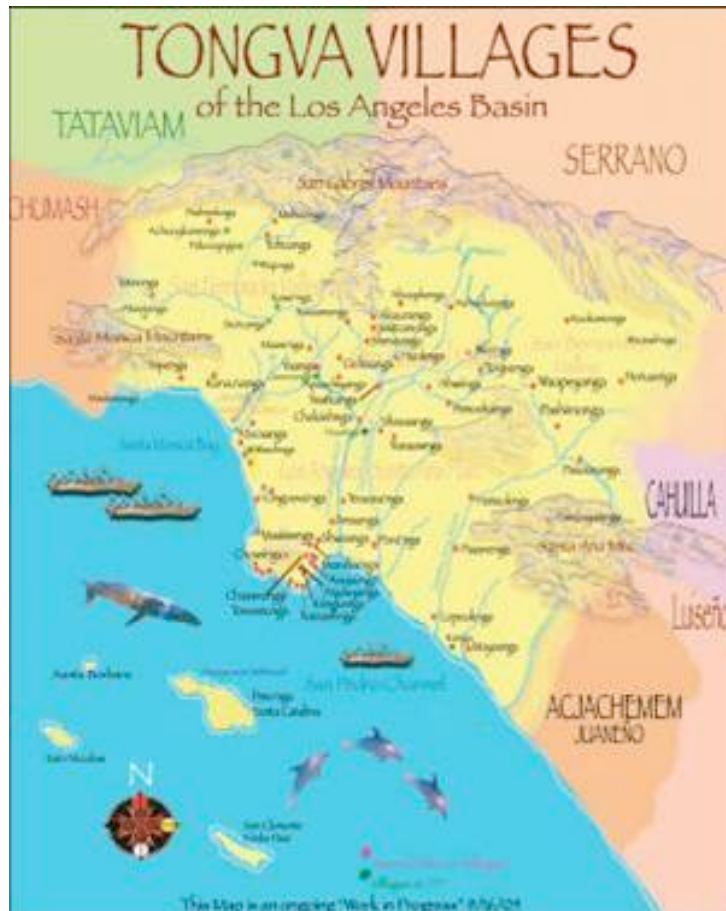
The Story of a people is more than a mere history – the cataloguing of people and places, dates and events, causes and effects – it is a composite of the dreams and aspirations, the joy and suffering, the triumphs and tribulations, and even the failures, of those people. Like most stories, it is best told in the words of those who lived it, yet it can never be finished because it is retold with each new generation and renewed with every fresh life that draws breath in this world. It is a Cloud pattern projected on a landscape that constantly changes with time and the turning of seasons and the deeds of man. The story of a people looks ahead to the future and back to the past as it redefines itself in the present. (Jurmain & McCawley, 2009, p. xxi)

Now that the reader has gotten a sense of the broader patterns existing between Native Americans and federal or state policies in the U.S., it is useful to situate the Tongva themselves in that context. In this sub-section I will present give a brief overview of the “history” of the Tongva people until today -- I included the lengthy quote above, to signal the limitations of my account: even though it is useful to get a sense of the background of the tribe, I want to emphasize that this description is by no means comprehensive, and individual stories are not encapsulated within it.

Early Periods: the Pre-Colonial Era

The date of arrival of the ancestors of the Tongva people in the area that is now Los Angeles is unclear, but estimates vary between 2000 B.C. and 700 A.D. (McCawley, 1996, p. 2) The Tongva belonged to a larger group, with which they shared common linguistic features, referred to as “Uto-Aztecan” (or Shoshone). The Tongva were neighbors to other tribes like the Chumash, the Acjachemen (or Juaneño), and the Cahuilla people and distinguished themselves by with a specific

culture¹, religion, art of living and crafts. However, the boundaries between the groups remained interactive, and maintained by trade networks and intermarriage. Below is a map of the Tongva Villages (Keepers of Indigenous Ways, n.d.), and the territory occupied by the tribe, as well as their neighbors, in order to give the reader a better “picture”:



As one can see, historically, the Tongva were not a single tribe, but a collection of *lineages*² (Jurmain & McCawley, 2009, p. xxiii). Their identity was rooted in kinship and land: chiefs supervised small communities of villages (Singleton, 2004, p.49) within a defined geographical territory – which stretched

¹ Including their own creation story by the prophet Chingchinish in Puvungna.

² Families deriving from a common ancestor.

from the San Gabriel Mountains to the Channel Islands San Nicolas, Catalina and Sante Clemente. Prior to Contact with the Spanish, it is estimated that 5'000 Tongva (McCawley, 1996, p. 3) were living in these settlements.

Primarily a hunter-gatherer society, the Tongva established a system of trade between fishing villages on the Channel Islands and crafts and plants from the mainland. They used large wooden canoes, called "Ti'iat" to get to the islands, and were renowned for their art of basket weaving. Because their traditions were mostly passed down through stories, orally, very little written accounts remain from the pre-colonial era. Archeologists, however, have documented more than 2'500 historical sites in the L.A. region and the Page Museum holds the body of a woman, supposedly Tongva, which was trapped in the La Brea tar pits 7000 years ago (Pelisek, 2004).

Period of Colonization 1700s-1800s

This period of sovereignty ended with the establishment of the first Spanish colonizers in the land, in 1770. Along with explorers came Franciscan missionaries, which soon after their arrival into the land set up missions, to "teach" Native Americans about Spanish customs, and most importantly, convert them to the Catholic faith. Two of these missions, San Gabriel and San Fernando, were especially close to Tongva settlements, and still remain today. The Tongva community was divided and remains to this day by the establishment of these two missions. The current name that some of the Tongva use, "Gabrielino" or "Gabrieleño" derives from the mission San Gabriel, and the Fernandino-Tongva, from the San Fernando mission. Most of my research relates to the first of the two groups.

Missionaries and militaries collaborated to bring in entire villages from the countryside, baptize their citizens and thus form centralized communities. Conflict immediately arose as the Spanish colonizers employed violent and coercive methods; rape was not uncommon, and corporal punishment was the norm. New converts were called “neophytes” and were forced to labor and built most of the missions themselves. Many Tongvas attempted to escape; some succeeded and became fugitives (McCawley, 1996, p. 207). Others remained trapped at the mission but organized protests and revolts (Keepers of Indigenous Ways, n.d.). But the epidemics of disease, the alteration of the environment due to new practices of farming and ranching, made it hard to survive for traditional Indian communities, and the Tongva population rapidly depleted.

In 1821, after Mexico gained its independence from Spain, new settlers took over the land and secularized the missions. The property, which originally had been held in trust by the Spanish government for the Tongvas, was attributed to private ranchers, forcing the Tongvas to move out. During that period, fights with neighboring desert tribes and the scarcity of resources compelled many Tongvas to assimilate with the settlers, into the urbanized economy. Some intermarriage happened then, one of the most notable occurrences being Victoria, the daughter of a Tongva chief, and Hugo Reid, a Scotsman. Reid subsequently published a series of letters in the *Los Angeles Star* dedicated to the culture and traditions of the Tongva people – which remains one of the principal written accounts of this period to this day.

In 1847, after the United States government took over, the Tongva people were deprived of their rights to the land and discriminated against – legally, politically, and economically. They were primarily affected by the 1850 Act for the Government and Protection of Indians, described earlier. The 1851 land treaties also impacted the Tongva, depriving them of their land, and forcing them to migrate out of San Gabriel, to work on Rancherias or in the city. Decimated by disease and poverty, the Tongva were ‘extinct’ in the eyes of the majority, the remaining survivors were constrained to hide their identity, for fear of repression.

Political activism and recent developments 1900s-now

The 1900s saw the rise of Tongva political activism. After decades of oppression, the Tongva made their voices heard. Many community members became involved with the local authorities, and fought for the right to vote. In 1924 the U.S. government “granted” citizenship to all American Indians, which – besides from further assimilating them into the settler society – allowed them to vote.

Some Tongva members also joined the Mission Indian Federation (MIF), a grassroots political organization established in 1919 (Jurmain & McCawley, 2009, p. 48) and based in Southern California, which stood up to the BIA and advocated for Indian sovereignty (California Indian Education, 2009). The federation played a critical role in asserting the Indian rights to compensation for the broken land treaties of 1851, and eventually obtained compensation through the 1928 California Indians Jurisdictional Act (CIJA). The act created a roll of California Indians, descendants of the individuals who had participated in the treaties of the 1850s. Although it approved some of the Tongva members’ individual ancestry and tribal

affiliation, it did not act as formal federal recognition (Jurmain & McCawley, 2009, p. 48). Today some claims for federal recognition rest on this implicit acknowledgment of the Tongva by the U.S. government.

During the 1940s and 50s, Fred “Sparky” Morales, son of a full-blooded Gabrielino, gradually emerged as an informal representative of the tribe (Mozingo, 1999). Although no official meetings were held, the Tongva maintained a cohesive community through inter-family events and informal gatherings. In the 1970s, as groups of American Indians were asserting their rights elsewhere in the country¹ the Tongva began to organize formally, and Fred “Sparky” Morales was elected chief. He remained the head of the tribe until his death in 1995. Afterwards, his son, Anthony Morales² took over his role, and carried forth his ambitions, especially his quest to gain federal recognition.

A year earlier, in 1994, Fred Sparky Morales’ lifelong struggle was met with a first positive outcome: the State of California officially recognized the Gabrielino-Tongva tribe (Legislative Intent Service, 2007) – along with the closely connected Fernandino-Tongva tribe. The same year, the Gabrielino/Tongva of San Gabriel first filed for federal recognition (Mozingo, 1999). In the meantime they (Gabrielino/Tongva of San Gabriel Tribal Council) gained non-profit status within the state of California, which gave it access to grants and public donations as a source of funding. Shortly after, in 2000, the Gabrieleno Band of Mission Indians was

¹ For example the prominent the American Indian Movement (AIM) – which we discussed earlier.

² The Gabrielino/Tongva Band of Mission Indians in San Gabriel’s current chief.

also incorporated as a California nonprofit corporation (U.S. Congress. House of Representatives, 2002).

In July 2001, the state representative (CA D-83), Congresswoman Hilda Solis introduced HR 2619 “to reaffirm and clarify the Federal relationship of the Gabrieleno/Tongva Nation as a distinct federally recognized Indian tribe and to restore aboriginal rights [...]” (U.S. Congress. House of Representatives, 2001), which was referred to the Committee on Resources. The bill was also introduced in a second session of the 107th Congress in February 2002, by Republican Mary Mack Bono, as HR 3824, this time entitled “to extend Federal recognition to the Gabrieleno Band of Mission Indians” (U.S. Congress. House of Representatives, 2002) None of these bills ever made it out of the Committee on Resources. Besides from applying through legislation, the Gabrieleno/Tongva Tribal Council also used another path to obtain federal recognition, presenting a file to the BIA, with the records of the mission, and an appeal to legal precedents in attributing land to an unrecognized tribe in order for its members to organize, and thus be recognized (Gabrielino/Tongva Tribal Council 2002)

Hypotheses vary as to why the bill never resurfaced. Some say the timing was an issue, as it was filed during the 9/11 crisis, and the government focused most of its time and resources on Defense. Others point at the intertribal conflicts, which may have played a discrediting role vis-à-vis the petitioners. In order to give the reader a sense of the nature of these conflicts and the complexity of their impact on federal recognition, I will shortly summarize a number of key events, that I have come across in my research.

Legal controversies and political diversions

Ideological distinctions have arguably always existed within the Gabrielino-Tongva, as it is the nature of most (non-static) groups to host diversity of opinions. But perhaps the first “official” record of this split was in November 2002, when the Gabrieleño/Tongva Tribal Council of San Gabriel terminated membership of five members. This action gave rise to a lawsuit, with Rae Lamothe prosecuting, and Jack Schwartz defending, the officers of the Council.

The prosecution sued the Council on the basis of its alleged failure to abide by the California Corporation Code, as a Non-profit. It charged the Council with “intentional interference with prospect of economic benefit,” “negligent misrepresentation,” and “slander”¹ (amongst others). In other words, the main line of argument advanced by the prosecution was that Anthony Morales wanted to expel members from the tribe to share potential gaming revenue amongst his own family (*Dunlap v. Morales*, [Complaint], 2002):

The expulsion of plaintiffs from defendant GABRIELENO-TONGVA TRIBAL COUNCIL, INC. [...] is part of an effort by the Morales family (which controls Council, Inc.) to “preempt” potentially lucrative gaming rights that may arise upon federal recognition of the Gabrielino-Tongva tribe, and to gerrymander current economic benefit of tribal membership. These 37 family members and their adherents would gerrymander the benefits of tribal membership to their family alone, and deprive almost 400 other GabrielinoTongva Indians, including plaintiffs, of these economic benefits (now and in the future). (p. 2)

Additionally, the plaintiffs argued that the members of the Council made claims discrediting them as Gabrielino Tongva, therefore hindering their “economic relationships with various government agencies and construction companies with

¹ How to cite court papers?

the probability of future economic benefit” which relied on this identity – monitoring contracts with development companies for example.

In their opposition the defendants responded that the Gabrieleno-Tongva Tribal Council does not make any decisions concerning the Tribe, and that the plaintiffs should have sued the Gabrielino-Tongva tribe, another legal entity – in which case, the court would not have had jurisdiction over the matters (*Dunlap* [Answer], 2003).

Plaintiffs have a fatal problem. They could not sue the Tribe, which they seek to take over. They could not sue the Tribal leadership, which they hope to financially bankrupt into submission. There are jurisdictional problems inherent in suing a Tribe in state courts. As a result of these jurisdictional prohibitions, the plaintiffs sue the Corporation, but seek the Tribal archives, financial records, and historical research conducted by UCLA. Thus the fiction that the Corporation IS the Tribe. (emphasis is original, Section II)

In retort, the Defendants alleged that the primary concern of the plaintiffs was “to become engorged with gambling wealth” and that this trial was an attempt to “take over the Tribe” (getting a hold of the documents necessary for further legislative steps). The Court judged that this matter was out of its jurisdiction, and the defendants asked for attorney’s fees reimbursement. The plaintiffs appealed, and formed their own faction, which headquartered in Santa Monica. For simplification purposes I will refer to the San Gabriel (Gabrielino/Tongva Tribal Council and associates) as “SG”, and the Santa Monica faction and associates as “SM”¹.

Underlying this split are broader ideological questions of tribal gaming rights. In 2001, under proposition 1A, federally recognized tribes of California

¹ If referring to the tribe in general, I will simply use “Tongva” or Gabrielino Tongva (in order to remain neutral).

Indians were allowed the right to conduct Las Vegas style gaming on their reservation (Haynes, 2000). In its 2001 application for federal recognition, the SG Tribal council stated its stance against casinos:

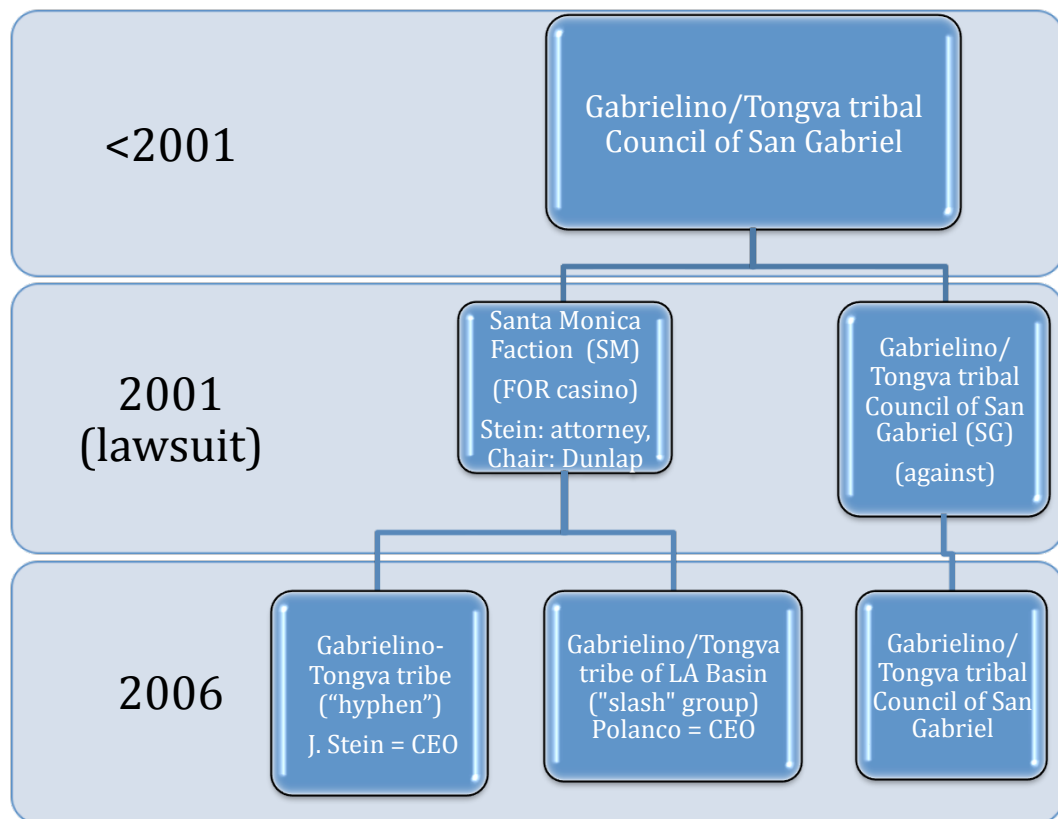
This bill is about claiming our place in history and providing for our people. It is NOT about gaming. Forces that are against our federal recognition are trying to kill the bill by saying that this bill is just for gaming. Please keep in mind that gaming is not the issue. Federal recognition is for educating our youth, honoring our ancestors and ensuring that our culture, traditions and beliefs will be honored for future generations to come! (emphasis in original, Gabrieleno/Tongva Nation, 2001)

To the SG Tribal Council, an interest in gaming would undermine their efforts to obtain federal recognition, as not only politicians have divided views over the issue, but other prominent federally recognized tribes, could act as lobbyist against the establishment of a competitor in the gaming industry¹ (Jurmain & McCawley, 2009, 279).

The members whose membership was terminated, and formed the SM faction, on the other hand, supported a casino development “as a means to an end, not an end in itself.” (Désirée Martinez, in Jurmain & McCawley, 2009, p, 206) Backed by Jonathan Stein, a Santa Monica attorney, the tribe negotiated to open a casino in Compton, CA. In February 2004, Assembly member Dymally (D-53) attempted to pass a bill (AB 2272) to create a state-recognized Indian reservation for the Tongva people (more specifically the Gabrielino-Tongva tribe) in Compton. But the bill never passed, as federal law requires tribes to be federally recognized in order to qualify for lands and gaming operations.

¹ A casino in LA area would attract “customers” of other casinos further away...

After this in 2006 another split yet further complicated the relationships between tribal members, and the tribe's efforts to reach federal recognition. A clash between Jonathan Stein and Samuel Dunlap over alleged derogatory comments and fiscal improprieties (Gabrielino Tongva Tribe v. Stein, 2012) resulted in the formation of two sub-groups of the SM faction (both in favor of casinos): the Gabrielino-Tongva tribe – referred to as the “hyphen” group – with Stein as CEO, and the Gabrielino/Tongva tribe of LA Basin – the “slash” group – and hired former state Senator Richard Polanco to be its CEO. The slash group has moved its headquarters to Downtown L.A., and the hyphen group remained in Santa Monica. Both parties filed lawsuits against each other. I designed the diagram below to give the reader an overview of the situation:



In 2008 some of the members from the slash group revolted against Polanco, asserting that he was “Stein in a different suit” (Alcala quoted in “InFocus,” 2004) and did not do enough for the tribe, although he was paid and would earn a significant revenue from potential gaming developments. Currently, Samuel Dunlap is the tribal chairman, according to the tribes website (Gabrielino/Tongva Tribe of the Los Angeles Basin, n.d.). In the meantime, the hyphen group directed by Stein applied for some lands to build a casino in Garden Grove but the city rejected the proposal. The SG group has been involved in lobbying for legislation to protect ancestral remains, most notably AB 2641 which became a law in 2006, and protects Native American burial grounds.

The issue of land use and ancestral remains has also been a divisive aspect amongst the tribal factions. In 2003 a developing firm at Playa Vista found remains of more than 200 people, in what appeared to be an ancient Tongva cemetery (Agostoni, 2008). In such cases the Native American Heritage commission appoints a “Most Likely Descendant” to advise the firm on the procedure to follow. Slash group members Martin Alcala and his son Dunlap, who worked as paid monitors on site, both supported the project. Others, such as Robert Dorame, Chief of Gabrielino/Tongva of California Tribal council, opposed it, accusing Playa Vista of “using Indians against Indians” (quoted in Pelisek, 2004). He argued that the pay was a detriment to monitoring there¹. Jim Velasquez, head of the Coastal Gabrielinos, argues: “Where are they going to get a job to make that kind of money?

¹ Some of the monitors are paid 300\$ a day (Pelisek, 2004)

You shut the project down and you put everyone out of work, including yourself” (quoted in Pelisek, 2004).

Morales argued that the project had implications that went beyond monetary concerns: This is a moral issue,” he says. “They are destroying a cemetery. They are desecrating Native Indian burial grounds. What is going on is an atrocity. It is all in the name of the almighty buck”(quoted in Pelisek, 2004). In 2004 Morales started a lawsuit to stop against the Playa Vista company. However, no resolution has been reached and the remains were excavated, to be reburied in another location, as close as possible to the ancient site (Bazar, 2006). The lack of federal recognition for the Tongva means that they do not have lands available on which to rebury their ancestors.

Today, there are many other organizations which stem from the Tongva people, but are not affiliated with a particular political party – such as the Ti’at Society: group of cultural educators, which Interpret Tongva culture through visual performance and arts, or the Gabrielino Tongva Springs Foundation, which helps preserve the historical site of Kuruvangna Springs¹ (Gabrielino Tongva Springs Foundation, n. d.) and other intertribal cultural groups. Language revival remains a large part of the common effort to reconnect with Tongva ancestry and culture, and political differences are set aside during these meetings.

¹ The Foundation has obtained a 2 year lease from LA on the archeological lands (Jurmain&McCawley, 2009, 208)

V. Findings

“Life is given texture by countless acts of recognition [...] Who are you? Who am I? Who are we? In answering these questions, we locate ourselves and others in social space, simultaneously taking notice of and reproducing relations of identity and difference. (Markell, 2003, p .1)

As you have seen in the previous sections, the issue of federal recognition for the Tongva people is highly complex, partly because of the many political factors that have affected the tribe’s history, partly because of its broad reaching implications for both Indians and Non-Indians. In this section I will outline the pervasive impact that the process has had on the tribe, both in the perspective of individuals and in terms of larger group dynamics. I based this analysis on the personal interviews that I conducted, as well as secondary sources that presented interviews from the members, which I could not get into contact with – especially Jurmain & McCawley (2009) and news articles.

I organized my findings in the following manner: the first part is dedicated to divisions, both intra- and interpersonal, that arise from the contradictions present in the federal recognition process. Under this section I will start by looking at internal processes of Self-recognition, and their significance in the quest for federal acknowledgment. Next, I will analyze how instrumentalist expectations of Indian identity impact the Tongva harmony and construct differences within the tribe.

The second part will look at consensus and group efforts to obtain informal recognition in the community, through education and outreach. Inspired by Tolley’s (2006) consideration of the fluctuations of the term “recognition” over time, “from a *cognitive* understanding of recognizing Indian tribes to a *jurisdictional* Recognition

of them.¹ (Tolley, 2006, p. 54) I refer to these two concepts as capital “R” recognition (by the government) and lower-case “r” recognition (by the community). In addition to these two “levels” of recognition, I think one can see a continuum in identity authentication, with four different “levels”: starting at the personal level, discovering and acknowledging Indian roots and familial heritage, then being “approved” at the tribal level (through official membership) and finally gaining the community- and governmental levels of recognition. Below is an approximate representation of my interpretation of these concepts.

The four levels of recognition:



1. Capital “R” Recognition

Implications for the Self

¹ Originally an idea from William W. Quinn, former Branch of Acknowledgment and Research Historian (1990), refer to Literature review section b.

The process of federal recognition, at its very root, asks individuals to prove their identity, and existence, to the government. That demand alone generates conflicting responses amongst the applicants, not only between different persons, but also within one's self. As many contemporary Tongva have assimilated into the urban landscape and adopted mores of American society since generations, their Native American identity has shifted away from primordialist notions of "traditional" Indians. Oftentimes they themselves were not brought up with an acknowledgment of their Tongva heritage.

As we have seen, being Tongva in the 1850s was dangerous, and thus, many chose to hide their identity. This sense of stigma remained present in some contemporary families, such as that of Tongva member JC¹. He reports:

[...]it was kind of painful I guess, growing up, knowing that we were Indians. Um, I grew up predominantly in a Mexican neighborhood, and, with a Spanish last name, it was easier for me, or us, kids, my brothers and sisters [...]. It was easy... easier for us I guess to relate to being Mexican, since I had a Spanish last name. [...] But, um... behind closed doors in our own homes, we would talk about being Native Americans, my grandparents would talk about being Native American. My grandmother would speak in her language, my grandfather would speak in his language (Personal Interview, March 2013)

As one can see, the stigma was resented differently across generations: for those that had experienced the most explicit discrimination (through the AGPI for example) felt unsafe showing their identity in public. The younger generations, although they perhaps did not confront the same level of discrimination, still were influenced by their grandparents' perceptions and kept their Native American identity private.

¹ The full names of the participants have been hidden to preserve privacy, and to comply with the human research criteria of the IRB.

The process of recognition therefore starts at an intimate level, as the author of *O, my Ancestor* (2009) reflects: “For many Tongva, recognition is also a personal journey of discovery and renewal that brings with it a growing sense of confidence” (Jurmain & McCawley, 2009, p. 207) But this progressive “Coming of Age” process somehow does not fit the expectations of the BIA and the requirements for federal recognition. Therefore many unrecognized Native Americans see the process of having to prove their identity to the government as discriminating and denigrating. The familial documentation needed to file for federal recognition often has been kept secret, or is very personal in nature, and to have to present it to outside authorities is perceived as a violation of intimacy.

Often these documents have been difficult to obtain even for the Tongva themselves, they are the result of years of efforts and research. As we have seen in the literature review, much of the literature on indigenous people was written by the colonizers and therefore reflected Western cultural biases. Art Morales reports this problem: “A lot of the history, I believe, is jaded because it’s written through the eyes of a white man who doesn’t have the deep understanding of why certain things were done, or maybe misunderstands. It’s all interpretation...” (Jurmain & McCawley, 2009, p. 49). Tongva member JB explained to me, in her interview, how she set out on a journey to find her tribe’s “stories” 35 years ago, and is still looking for them: “I started asking God for my stories, and now I have 45 [...] I don’t believe in making up my tribe: I have the biggest library in my house, of Tongva. [...] It’s really important to me, I love history, [...] so I collect every book”(Personal Interview, February 2013). The Tongva, like most Indian tribes, had an oral

tradition: knowledge was transmitted through stories and not writing. This cultural peculiarity makes it hard not only for the federal government to obtain “proof” of the tribe’s existence, but also for contemporary members to find out more about their origins. As a result much of the Tongva culture today is reconstituted from different personal narratives, which may vary from family to family.

Due to these historical and cultural factors, many Tongva have chosen not to engage with the government. During the time of enrollment following the CIJA, some members of the tribe resisted contacts with the bureaucracy, and did not register for compensations from the 18 Lost Treaties. As Earl Campio reports, his father expressed deeply held distrust vis-à-vis the federal government, saying “I don’t want nothing from the government. They already took the land that we had there [...]” (Jurmain & McCawley, 2009, p. 54) Cindi Alvitre’s father echoes these thoughts: “We don’t want any damn money. We want land. The land is what’s valuable, not the money.”

This attachment to the land, as we have seen in the literature review, is a substantial factor of the indigenous sense of self. Money, on the other hand, seems to bring forward an instrumentalist conceptualization of identity, which for Campio and Alvitre is almost insulting, as it does not fulfill the government’s duty to repair past injustices. Recognition, to some Tongva, holds more value as a symbolic authentication of the self and a history of discrimination, than as a simple means of acquiring financial benefits. JC comments:

As far as federal recognition, it really doesn’t matter to me, whether I get the federal recognition or not, I’m happy with who I am, I know who I am – there isn’t anybody that could tell me differently. We’re the only ethnicity in the

world as I see it that has to go through having approval of who we are.
(Personal Interview, March 2013)

Thus the federal recognition process can seem almost superfluous to those who are already secure in their identity. But an implicit form of discrimination takes shape in everyday life, as JC recounts being asked for a proof of “authenticity” of his origins, at his workplace. He told me the story of how one day he received documents from his supervisor:

I read that thing, and I read it, and I re-read it, and I re-read it. And they wanted to know, my tribe, they wanted to know my Rancheria, my reservation, my this and that... they wanted to know my blood quantum, they wanted to know my breed, they wanted to know all these things [...]
(Personal Interview, March 2013)

Calling it “a racist document” he refused to conform and did not fill it out. Even those who do not wish to engage with the process of federal recognition face discriminatory administrative procedures, and a constant questioning of one’s identity that is unequaled in the context of other ethnic groups. Samish tribal Chairman Hansen, in Miller’s *Invisible Indigenes*, denounces this racial differentiation: “Can you imagine asking African American how black they are? It’s preposterous, racist!” (Miller, 2003, p. 93).

On the other hand of the spectrum, many of the members of the present generation are keen on establishing formal links of sovereignty with the government. But the bureaucratic demands they face often spread confusion, and wear out the initial optimism. SG tribal Chairman Anthony Morales reflects on these governmental mixed signals:

They let us attend Sherman Indian School, We got reimbursed for some lands. You also registered us. You gave us roll numbers... We’ve complied with the law, and this is the law that the government imposed on us... And

now here we are and the government is still denying us. That's not fair.
(Jurmain & McCawley, 2009, p. 199)

The Tongva therefore seem trapped in a paradoxical binary: those who do not wish to entertain relationships with the government still have to comply to administrative demands, and those who do comply still do not obtain the recognition they are striving for.

Group-level implications

Such internal debates and conflicts are echoed on the interpersonal level, in the tribe as a group. Facing the inconsistencies of the requirements for federal recognition, Morales has nevertheless attempted many methods of obtaining official acknowledgment. The stakes are crucial: educational grants, health benefits, the right to negotiate development projects and rebury ancestors, are but a few of the benefits, in addition to land and a restitution of their pride, that the tribe could get if it were federally recognized. But efforts are time-consuming and costly, as Julia Bogany reports: "they keep adding stuff right? Like social security, they keep adding stuff. So every time you go, now they want more things you know" (Personal Interview, February 2013). The lack of resources and structural support in order to apply makes the situation paradoxical, as stated in the SG group Application for Federal Recognition: "this creates a catch-22 situation for Indians of half degree blood seeking land in order to organize (to get land they must be recognized, to organize and thus be recognized they must have land)" (Gabrielino/Tongva Tribal Council, 2002) In other words, the goals of the acknowledgement process are pre-requisites in obtaining federal acknowledgement, which seems absurd.

Indeed, with no lands or funds at disposition, winning the battle is almost impossible. This is one of the reasons for the tribe's split concerning casinos, which for some would be a great way to finance these efforts to obtain federal recognition, and fund a lawyer, an anthropologist and getting all the documentation needed to present to the BIA, or the political lobbying to pass a bill through Congress. But there again the situation remains akin to a Catch-22, as the tribe would have to obtain federal recognition before getting land on which to establish a casino, and therefore cannot benefit from the earnings for its application process.

The uses of those potential earnings underlie many intertribal disputes today. Besides from supporting the federal recognition effort, some argue that resources should go towards cultural revival. Hansen, which has gone successfully through the process with his tribe expresses his regrets at the time of official recognition:

[...] some of the joy was out. It had taken so long, we'd paid such a terrible price for no reason... We didn't need somebody to tell us who we were. The greatest tragedy for the tribe is the wasted energy to prove we exist to the government. We didn't get to work with the elders, to record their traditional teachings which are needed to preserve [our culture]. We didn't have the resources to do it (quoted in Miller, 2003, p. 91)

It seems like the recognition process creates a vicious cycle for tribal groups, gambling on the slight probability that their petition might be approved by the BIA, at the risk of allocating all the tribe's funds to a hollow end.

Federal recognition does not necessarily solve the issue of limited resources. The distribution of tribal earnings has proven litigious amongst federally recognized tribes. Criterion (d) of the "Procedures for establishing that an American Indian Group exists as an Indian tribe" requires "a copy of the tribe's governing documents,

including membership criteria¹” (U.S. Department of the Interior, Indian Affairs, n.d.). Therefore tribes have incorporated similar membership requirements as the BIA into their tribes. These criteria often raise the same concerns of subjectivity and unfairness amongst Native American communities. As David Treuer (2011), an Ojibwe² Indian in his article for the *International Herald Tribune* comments: “something we, with our fixation on blood, have forgotten: bending to a common purpose is more important than arising from a common place” (Treuer, 2011). The criteria artificially impose new boundaries within groups, relying on quantifiable measurements rather than more substantial aspects of identity, such as the idea “common purpose.”

Indeed many tribes now themselves rely on blood quantum to define their membership. JC observes the tribes around him, relating it to his experience with the discriminatory requirement to “prove” his identity at his workplace:

That’s the kinds of things that we’ve gotta go through you know... and now our own people are doing that... requiring you to have a certain amount of blood quantum... Morango I believe, requires that you have 50% blood quantum... but, the last I heard, they’re getting something like 18 thousand dollars a month, for those that meet the requirements. Now I think about that, and what’s that’s actually gonna do, when people are thinking: “wow, 18’000 dollars a month, my boss don’t even make that kind of money.” 18’000 dollars a month, Alicia, that leads to... to... incest. Just for the sake of money. Pachenga, over the past few years, have dis-enrolled members. (Personal Interview, March 2013)

Treuer (2011) reflects on the meaning of such “objective” measurements of one’s belonging:

Of course, just remaining alive and Indian for the last 150 years has been one of the hardest things imaginable. A respect for blood is a respect for the

¹ Refer to table with 25 CFR Part 83 criteria above.

² Prominent author of *Rez Life: An Indian’s Journey Through Reservation Life* (2012)

integrity of that survival, and lineage should remain a metric for tribal enrollment. But not the only one. Having survived this long, we must think harder about who we want to be in the future, and do something more than just measure out our teaspoons of blood.

Immediate concerns of compliance with the criteria for federal recognition somehow outcast long-term concerns for collaborative action. Cindi Alvitre makes a similar kind of recommendation to the Tongva people: “Some things have created unity, some more separation, more disaster than necessary. We’re here, we’re older, what do we build now, what kind of a foundation do we build for people in the future?” (quoted in Jurmain & McCawley, 2009, p. 22) Whether or not they obtain federal recognition, the outcome of the application will necessarily restructure intertribal relationships (as it already has, to some extent), and common ideals could be instrumental in preserving a cohesive identity.

So far we have seen the concept of recognition manifesting itself at three distinct levels: personal, tribal, and governmental. The second and third levels are becoming ever more difficult to attain, as financial benefits create conflicts in interests both within and outside the tribe. In the instrumentalist perspective, the first (personal) level of recognition is a product of the second and third levels. The introduction of financial incentives within the federal recognition process seems to support that claim. For example, JC remarks: “If, we got the federal recognition, and they built a casino, and per capita started coming in, I’m almost willing to bet you that all of a sudden my brothers and sisters and children would want to get on that federal recognition roll” (Personal Interview, March 2013). As problematic as it seems, regulations on membership are meant diminish this opportunistic aspect of tribal enrollment.

But how does one reconcile the personal nature of identity with a need for criteria that distinguish dedicated tribal members from instrumentalist ones? Tribal entities themselves are facing some of the same definitional problems as did the BIA when it designed its criteria for federal acknowledgment. To date there seems to be no consensus on a fair and equitable compromise between the strict requirements of the BIA and more fluid, realistic notions of identity formation. Many Indians argue that the governmental demands hinder intertribal relations and make a genuine coordination harder. JB confides:

You know, the way the government works here. They put Indians from other places, other states, over Indians in this state, so they could care less about us... it's Indians working against Indians. It's just the way, any race gets looked at. You know, they use your own people to... work against you... it's too bad. (Personal Interview, February 2013)

In the Tongva community this antagonism amongst people of the same background has manifested all too dramatically. The 2001 Playa Vista scandal is an example of such an occurrence: development professionals paid certain tribal members to give their recommendation on what should happen to the remains that were found in the ground of the construction site. Rather than reaching a consensus through a consortium with the rest of the tribe, the few members elected had to give their opinion singlehandedly. Robert Dorame, in an interview with *LA Weekly*, reported: "The Indian community is extremely upset that Playa is using Indians against Indians. The pay is a detriment to monitoring there [...] A non-Indian using an Indian against an Indian to get what he wants" (Pelisek, 2004) In some ways federal recognition seems to have split the tribes further, not only exacerbating

contentions within each group but also between tribal groups, competing for the government's limited resources.

Finally, the politicization of the tribe has left some Tongva members feeling left aside, as they do not align with a particular party. Linda Gonzales expresses this dissatisfaction with the rivalry in an interview with *LA Weekly*: "She says that those not aligned with a particular council are left out. "We are made to feel that we are less Tongva or less Gabrielino. It is not fair. They are making their own relatives feel worthless" (Pelisek, 2004). Similarly, descendants of mixed heritage (such as JC) have to "chose" one tribe or the other, as they cannot be enrolled in two tribes. The emphasis on complying with the BIA's requirements has turned attention away from more essential concerns of group harmony, and solidarity.

2. Lower- case "r" recognition

This account of federal recognition so far seems to have unveiled some of the fragmentations existent within the Gabrielino Tongva community, linked to their involvement with the government, which left but little space for bright prospects. In this section I would like to present to the reader the other, more positive side of the picture: rather than a theoretical policy recommendation, my observations of cohesive group efforts to obtain another kind of recognition: that of the community, through education and awareness-raising activities. I will leave the final words to the participants in this study, expressing their wishes in regard to federal recognition.

Unity through education and cultural revival

Art Morales, in his interview in *O, my Ancestor* reminds us: “with any group you’re gonna have different points of view, and people are going to belong to different parties. But with our core group it’s more about culture. The point of being recognized – it’s just important to us” (quoted in Jurmain & McCawley, 2009, p. 49). The Tongva are similar to any nation, in which different political parties emerge in response to citizens’ needs and varied perspectives. Behind the mediated coverage of political divergences, cooperative efforts, left unnoticed, nevertheless constitute a large part of everyday life in the Tongva community. Désirée Matinez tells authors Jurmain & McCawley (2009): “Everybody has the same bigger picture: they want recognition, whether it’s at the federal level or just local” (p. 206) It is this bigger picture that binds even politically-opposed groups of Gabrielino Tongva together.

Educational reforms account for a large piece of the endeavor to obtain local recognition. Dismissing primordialist schoolbooks stereotypes and teaching the diversity of contemporary Native American groups have become lifetime pursuits for some Tongva members. As Jace Weaver (1997, September) brings to the *New York Time* editor’s attention: “The only cultures that do not change are dead ones. Native cultures, no different from others, evolve.” However the prevalent mindset sees Indians as people of the past, or as an extinct group. David Frye (1996) (as cited in Warren, 2001) presents this duplicity: “Indian cultures [...] are granted two historical paths [...] they can continue unchanged (in fact or in essence) or they can disappear, be “lost”” (p. 23). In order to get away from this pervasive binary, the Tongva implement various educational programs and work in collaboration with local school districts to actualize History curriculums.

The main conceptual gap is perhaps a legacy from John Collier's IRA, in which tribes are associated primarily with reservation Indians. Anthony Morales notes: "our experience hasn't been what people expect – a traditional tribe from the reservation" (quoted in Jurmain & McCawley, 2009, p. 51). Aligning these expectations with reality, some find it essential to show the misleading character of appearances. Cindi Alvitre asserts, in *O my Ancestor*: "I don't have to wear twenty eagle feathers tied in my hair and wear ribbon shirts... I can wear a Target sweat suit and it doesn't change the intimate part of my identity" (quoted in Jurmain & McCawley, 2009, p. 207). In her interview she argues for a substantialist view of identity:

[...] what [is] meant by Gabrielino-Tongva; it's not a racial identity – this is my opinion. It's not a biological identity. It's absolutely a cultural, socially constructed way of perceiving yourself in relationship to a certain space geographically and to a particular lineage of history in California. I identify with the land. (Jurmain & McCawley, 2009, p. 217)

Such direct testimonies foster a culture of dialogue and open the public to new perspectives, slowly working towards a recognition of the Tongva in the community.

JB similarly works to dismiss prevalent stereotypes about Indians. She collaborates with schools to redesign curriculums and integrate the Tongva history into them. She also leads a variety of educational and cultural activities on the side, such as the one she reported to me: "I used to do a fashion show named "who we are and who you see" [...] I would invite people from several tribes, that were doctors, nurses, teachers, and they would come out in their regalia... and then they would come out in their business attire. So this is the person you see next to you every day... and this is the "Native"" (Personal Interview, February 2013). This is a great

example of daily efforts which provide the tribe with a greater acknowledgement within the community, without having to turn to the federal government.

JC also very much emphasized that aspect during his interview. He points out: “a lot of things that we’re taught about Native Americans is... is the “glamorous” part if you will. They don’t teach... the genocide that happened to our people.”

(Personal Interview, March 2013). He corroborated Alvitre and JB’s comments about the conflict between appearances and reality by recounting a story about a man he knew, “ with long hair, [...] a bandana hanging out of his pocket, [...] a mustache and a goatee, with braids in his goatee and beads [...]”(Personal Interview, March 2013) who filed for a teaching position, had a PhD, but upon first look administrators had not believed him. JC very much emphasized education as a potent tool to break these stereotypes, and empower its recipients with authority.

Lower-case r recognition is not only less divisive – as it does not involve the same financial means as with federal recognition – but also more achievable. For JB, that distinction is fundamental, she states:

“I think our people are kind of like... giving up, like I don’t see federal recognition happening in my time, you know, I’ll be 65 this year. I just want, what I want to accomplish: I want the true history of California to be taught. ‘cause it’s not taught nowhere. Right? Um, and I think, I used to, you know by changing curriculums I thought, well you know, that teaches about the city and all that, but shouldn’t we at least in the college level, teach true California history? I think it would help so much, that peop... you know it’s up to the teacher how she teaches that after she learns, to be a teacher, what, I mean, I’m sure teachers know, how to decipher what is good for the kids to know, or what’s not. But shouldn’t they have the... the privilege of knowing the true history? you know.” (Personal Interview, February 2013)

This privilege of truth is something that I have myself wondered about, as it was only after extensive research that I came across the Tongva. Being in a college,

whose campus was established on former Tongva land, and yet being oblivious to the existence of these people was hard to reconcile for me. However this year I felt a significant progress on the part of the Claremont Colleges to include Native people in events – or perhaps it was only because I was already aware of these issues, that they appeared more salient to me. Some of these events were historically unprecedented, such as the first tribal Powwow to be hosted at Pomona College, Pitzer’s college first Native Science conference, and the Cheyenne artist Edgar Heap of Birds outdoor art installation, acknowledging Tongva history and land.

This leads me to the conclusion, where I will present additional outlooks from the participants on recognition and identity. Instead of formulating a conventional policy recommendation, I would like their words to tell the reader (and potentially, administrators of the BIA) what fundamental aspects of the Tongva (and broader Native American) identity, they need to take into account, whether designing or voting on legislation that could potentially affect their recognition status.

VI. Conclusion

Towards a Future integrating Past in Present

Having noted those improvements at the local level, I would like to refer back to my informants for their perspective on the policy issues that we have debated in this paper. History and culture, both combined with land, seem to be the pillars of Tongva identity, and if these are taught, then perhaps it will instill a respect and consideration that will last generations. JB expresses this hope for tolerance in the future, and looks back on past mentalities, that have hurt her and her people:

“it’s always been, everybody has to look the same, everybody gotta be the same. It’s never been about: let people be people, you know... so... so that’s really hard.”

(Personal Interview, February 2013). Such assimilation policies have left a visible scar on the Tongva community, which descendants are still in the process of healing.

The healing process takes time, and for most of the Tongva descendants it did not come without hurdles on its way. Building confidence in their identity gradually, contemporary members learn about ways they can be who they are in a contemporary society that does not always recognize them. This personal recognition can also be a turn in one’s life as JC recounts:

At one point in my life [...] I decided that “I’m Native America, there’s nothing I can do about it I am gonna learn all I can about my people, and I’m gonna be proud of who I am as a Native American.” And[...] that I would refuse to assimilate, that I was tired of assimilating. (Personal Interview, March 2013)

Processes of assimilation are pervasive to everyday life for most contemporary urban Indians, and it takes determination to bypass them.

In the Literature review section I looked at different theories about indigenous identity. In the section dedicated to indigenous scholars’ point of view I

observed how their sense of identity seemed to be tied to a more substantialist notion of the self, rather than primordialist or instrumentalist. This notion was very much confirmed during my interviews, where I tried to find out more about the participants sense of belonging to a tribe, of being Native American. Much like Miller, I believe that identity comes in shades and degrees, not just black and white. Yet there is something behind this identity that is fundamental, unchangeable. As JC reflects on his experience being a Sundancer¹, he expresses this irrevocability:

No way I could ever become a Lakota, I'm, I'm Tongva. And, I'll always be Tongva! a Catholic can convert to Jew or a Jew can convert to Catholic or... you can convert to Protestant or... even Muslims accept converts. But, I can never convert to being a Lakota I can never convert to being an Apache I'll always be Tongva. (Personal Interview, March 2013)

The same irrevocability ought to be understood by policymakers and federal agents of the BIA. It seems like the administrative process of Federal Acknowledgment, along with the requirements of the policy, have masked the essence of the debate, which is: can identity truly be regulated by policy? He argues:

They sometimes ask me this: "well how sovereign do you want to be?" I say "I wanna be as sovereign as that tree, nobody goes by and tell that tree: "hey, I don't like you being a tree anymore, I want you to be a rose: a tree is doing a good job of being a tree. Nobody ever stops by and pays any difference "why do you look like that and you don't look like that other tree?" You know, that tree is very sovereign, that's how sovereign I would like my people to be. (Personal Interview, March 2013)

Personal Reflections

On this note, I will close my investigation of the impact of federal recognition on the Tongva People, but before I leave I would like to include a few comments about my own reflections throughout the process, and its impact on me.

¹ Traditionally a Lakota tradition.

Growing up in Switzerland, but born French, I always struggled with notions of identity. The two countries spoke the same language but on very many levels I was considered “a minority,” not being allowed the same rights and privileges as a Swiss citizen (be it in the professional world or realms of health care and education). My situation was by far not as serious, nor dramatic as that of the Tongva people, but it made me reflect on some of the same issues: how do I prove my identity to somebody? What constitutes it? A passport, a place of birth, a family...?

Going to college in the U.S., I started speaking another language more than my mother tongue, and assimilated some of the American culture in the process. Now going back to Switzerland is even more disturbing, do I fit in? do I not? I see both advantages and handicaps in being “fluent” in more than one culture. My personality is shaped and composed by the various elements of the cultures I encountered, but yet, much like the Tongva, I retain a sense of fundamental attachment to my French nationality. Although I have never lived in France, and I do not always support my country’s political decisions, my identity remains, unchanged: it is sculpted by my ancestors, who have fought to obtain it, and certain traditions that remain, to this day, and that I can bring with me wherever I go.

Thus I asked myself the same questions I asked my interviewees, during the research process, and their answers helped me formulate mine. As one of my readers says “a thesis is never done, it is ended,” I feel that my work in this field has just begun, and hopefully will continue in the next years as I obtain the legal tools to reach policy makers and governmental agents about these issues.

VII. Bibliography

I. Introduction

Borofsky, R. (2011). *Why a Public Anthropology?* (1st ed.). Center for a Public Anthropology.

Wilson, S. (2009). *Research Is Ceremony: Indigenous Research Methods* (First Edition.). Fernwood Publishing Co., Ltd.

II. Literature review

Alfred, T., & Corntassel, J. (2005). Being Indigenous: Resurgences against Contemporary Colonialism. *Government and Opposition*, 40(4), 597–614. doi:10.1111/j.1477-7053.2005.00166.x

Chagnon, N. A. (1992). *Yanomamö: The Last Days of Eden*. Harcourt Brace.

Chagnon, N. (2013). *Noble Savages: My Life Among Two Dangerous Tribes -- the Yanomamo and the Anthropologists* (1st Edition, 1st Printing.). Simon & Schuster.

Eakin, E. (2013). How Napoleon Chagnon Became Our Most Controversial Anthropologist. *The New York Times*. Retrieved from <http://www.nytimes.com/2013/02/17/magazine/napoleon-chagnon-americas-most-controversial-anthropologist.html>

Eriksen, T. H. (2002). *Ethnicity and Nationalism: Anthropological Perspectives*. Pluto Press.

Gladney, D. C. (1996). *Muslim Chinese: Ethnic Nationalism in the People's Republic*, Second Edition. Harvard Univ Asia Center.

- Jurmain, C. K. & McCawley W. (2009). *O, my ancestor: recognition and renewal for the Gabrielino-Tongva people of the Los Angeles area*. Berkeley, Calif. : Long Beach, Calif: Heyday Books ; Rancho Los Alamitos Foundation.
- Miller, B. G. (2003). *Invisible indigenes: the politics of nonrecognition*. U of Nebraska Press.
- Morgan, L. H. (1877). *Ancient Society*. University of Arizona Press.
- Mozingo, J. (1999). In Search of the Lost Gabrielinos. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/1999/jul/16/news/mn-56670/2>
- Quinn, W. W. (1990). Federal Acknowledgment of American Indian Tribes: The Historical Development of a Legal Concept. *The American Journal of Legal History*, 34(4), 331–364. doi:10.2307/845826
- Pelisek C. (2004) Casino Nation. *L.A. Weekly*. Retrieved from <http://www.laweekly.com/2004-04-08/news/casino-nation/>
- Smith, L. T. (1999). *Decolonizing Methodologies: Research and Indigenous Peoples*. Zed Books.
- Tolley, S.-L. (2006). *Quest for tribal acknowledgment: California's Honey LakeMaidus*. Norman: University of Oklahoma Press.
- United Nations Department of Economic and Social Affairs (2004). The Concept of Indigenous Peoples. (Ref no. PFII/2004/WS.1/3). Retrieved from www.un.org/esa/socdev/unpfii/.../workshop_data_background.doc
- Wilson, S. (2009). *Research Is Ceremony: Indigenous Research Methods* (First Edition.). Fernwood Publishing Co., Ltd.

III. Methods

- Crazy Bull, C. (1997) *Advice for the Non-Native Researcher*. Tribal College Journal of American Indian Higher Education. Vol. IX, Iss. 1; pg. 24.
- Emerson, R. M., Fretz, R. I., & Shaw, L. L. (1995). *Writing Ethnographic Fieldnotes*. University of Chicago Press.
- Ervin, A. M. (2004), *Applied Anthropology: Tools and Perspectives for Contemporary Practice*, 2nd ed. (Pearson / Allyn & Bacon).
- Murphy, J. T. (1980) *Getting the facts, a fieldwork guide for evaluators and policy analysts* Goodyear Pub. Co.
- Peters, G. (2010). *American Public Policy: Promise and Performance* (8th ed.). Washington D.C.: CQ Press.
- Stone, D. (2001). *Policy Paradox: The Art of Political Decision Making*, Revised Edition (3rd ed.). W. W. Norton & Company.
- Wilson, S. (2009). *Research Is Ceremony: Indigenous Research Methods* (First Edition.). Fernwood Publishing Co., Ltd.

IV. History

- Advisory Council on California Indian Policy (1997). *The ACCIP Recognition Report – Equal Justice for California*. Retrieved from <http://www.standupca.org/gaming-law/ACCIP%20Recognition%20Report.pdf>
- Agostoni, K. S. (2008, February 10). Finding a resting place for the Gabrieleno-Tongva ancestors. *Daily Breeze*. Retrieved from http://www.dailybreeze.com/ci_8221245
- Bazar, E. (2006, August 14) Construction unearths disputes. *USA Today*. Retrieved from

http://usatoday30.usatoday.com/news/nation/2006-08-14-indian-burial_x.htm

California Indian Education (2009). Mission Indian Federation. Retrieved from http://www.californiaindianeducation.org/native_american_history/mission_indian_federation.html

Cohen, F. S. (1971). *Handbook of Federal Indian law*. Albuquerque: University of New Mexico Press.

Deverell, W., & Igler, D. (Eds.). (2008). *A Companion to California History* (1st ed.). Wiley-Blackwell.

Dunlap, et. al. v. Morales, et. al. [Complaint] No. BC280605 (Cal. Sup. Ct., LA Cty. 2002)

Dunlap, et. al. v. Morales, et. al. [Answer] No. BC280605 (Cal. Sup. Ct., LA Cty. 2003)

Gabrielino/Tongva Nation (2001, September 18) Correspondence from Anthony Morales to Enrollees.

Gabrielino Tongva Springs Foundation (n. d.) Retrieved from <http://www.gabrielinosprings.com/mainmenu.html>

Gabrielino/Tongva Tribal Council (2002). *Presentation to the Bureau of Indian Affairs*. Unpublished Document.

Gabrielino/Tongva Tribe of the Los Angeles Basin – the Official Tribal Council (n.d.). Peo'tskome (Tribal Council). Retrieved from http://www.tongvatribe.net/Peo__tskome.html

Gabrielino Tongva Tribe v. Stein, Case no. BC 361307 (2012). Superior Court of the State of California for the County of Los Angeles. Retrieved from <http://gabrielino-tongva.com/documents/TentativeRuling.pdf>

Gilbert, E. & Co. (1851, January 14). *Daily Alta California*. P. 2

- Haynes, V. D. (2000). California Indians Play New Hand – Tribes' Exclusive Gaming Rights Attract Casino Firms. *Chicago Tribune*. Retrieved from http://articles.chicagotribune.com/2000-03-25/news/0003250089_1_twentynine-palms-band-slot-machines-mission-indians
- Jurmain, C. K. & McCawley W. (2009). *O, my ancestor: recognition and renewal for the Gabrielino-Tongva people of the Los Angeles area*. Berkeley, Calif. : Long Beach, Calif: Heyday Books ; Rancho Los Alamitos Foundation.
- Keepers of Indigenous Ways, Inc. a non profit. (n.d.). Retrieved from <http://www.keepersofindigenouways.org/>
- Lamothe, R. (2002). Re: Demand Pursuant to Cal. Corp. Code §5710 (b) (2). *Offices of Rae Lamothe*. Unpublished manuscript
- Legislative Intent Service, Inc. (2007). Legislative History Report and Analysis. Retrieved from Gabrielino-Tongva tribe website: http://www.gabrielinotribe.org/CaliforniaLeg/Assembly_Joint_Resolution_96_Resolution.pdf
- McCawley, W. (1996). *The first Angelinos: the Gabrielino Indians of Los Angeles*. Banning, CA : Novato, CA: Malki Museum Press ; BallenaPress.
- Miller, B. G. (2003). *Invisible indigenes: the politics of nonrecognition*. U of Nebraska Press.
- InFocus: More woes for the Gabrielino-Tongva Tribe. (2004, July 2). *Capitol Weekly*. Retrieved from <http://www.capitolweekly.net/article.php?xid=y3d1nbcpp2hyak>
- Mozingo, J. (1999, July 16). In Search of the Lost Gabrielinos. *Los Angeles Times*. Retrieved from <http://articles.latimes.com/1999/jul/16/news/mn-56670/2>

- National Congress of American Indians (2009). Federal Recognition. Retrieved from <http://www.ncai.org/policy-issues/tribal-governance/federal-recognition>
- Pelisek C. (2004) Casino Nation. *L.A. Weekly*. Retrieved from <http://www.laweekly.com/2004-04-08/news/casino-nation/>
- Rawls, J. J. (1986). *Indians of California: The Changing Image*. University of Oklahoma Press.
- Singleton, H. V. (2004). Surviving Urbanization: The Gabrieleno, 1850-1928. *Wicazo Sa Review*, 19(2), 49–59. doi:10.2307/1409498
- Toensing, G. C. (2012). Federal Recognition: Can the BIA's Acknowledgment Process Be Fixed? *Indian Country Today Media Network*. Retrieved from <http://indiancountrytodaymedianetwork.com/article/federal-recognition-can-the-bias-acknowledgment-process-be-fixed-127942>
- Tolley, S.-L. (2006). *Quest for tribal acknowledgment: California's Honey LakeMaidus*. Norman: University of Oklahoma Press.
- U.S. Congress. House of Representatives (2001). H.R. 2619 (107th): *Gabrieleno/Tongva Nation Act*. Retrieved from <http://www.govtrack.us/congress/bills/107/hr2619/text>
- U.S. Congress. House of Representatives (2002). H.R. 3824 (107th): *Gabrieleno Band of Mission Indians Federal Recognition Act*. Retrieved from <http://www.govtrack.us/congress/bills/107/hr3824/text>
- U.S. Department of the Interior, Indian Affairs (n.d.) *25 CFR Part 83 Procedures for Establishing that an American Indian Group exists as an Indian Tribe*. Retrieved from <http://www.bia.gov/cs/groups/public/documents/text/idc-001219.pdf>

U.S. Department of the Interior, Indian Affairs (2012). *Status Summary of*

Acknowledgment Cases. Retrieved from

<http://www.bia.gov/cs/groups/xofa/documents/text/idc-020611.pdf>

U.S. Government Accountability Office (2001). *Indian Issues: Improvements Needed in*

Tribal Recognition Process. Retrieved from [http://www.gao.gov/products/GAO-02-](http://www.gao.gov/products/GAO-02-49)

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V. Findings

Jurmain, C. K. & McCawley W. (2009). *O, my ancestor: recognition and renewal for the*

Gabrielino-Tongva people of the Los Angeles area. Berkeley, Calif. : Long Beach, Calif:

Heyday Books ; Rancho Los Alamitos Foundation.

Markell, P. (2003). *Bound by recognition*. Princeton, N.J: Princeton University Press.

Miller, B. G. (2003). *Invisible indigenes: the politics of nonrecognition*. U of Nebraska Press.

Pelisek C. (2004) Casino Nation. *L.A. Weekly*. Retrieved from

<http://www.laweekly.com/2004-04-08/news/casino-nation/>

Tolley, S.-L. (2006). *Quest for tribal acknowledgment: California's Honey LakeMaidus*.

Norman: University of Oklahoma Press.

Treuer, D. (2011). How Do You Prove You're an Indian? *International Herald Tribune*.

Retrieved from <http://www.nytimes.com/2011/12/21/opinion/for-indian-tribes-blood-shouldnt-be-everything.html>

Warren, J. W. (2001). *Racial Revolutions: Antiracism and Indian Resurgence in Brazil*.

Duke University Press.

Weaver, J. (1997, September). Indians Don't Dismiss Idea of Sovereignty [letter to the

editor]. *New York Times*. Retrieved from

<http://www.nytimes.com/1997/09/20/opinion/l-indians-don-t-dismiss-idea-of-sovereignty-190110.html>

VIII. Appendices

1. List of Acronyms (alphabetical):

AIM = American Indian Movement

AGPI = Act for the Government and Protection of Indians

BAR = Bureau of Acknowledgment and Research (now OFA)

BIA = Bureau of Indian Affairs

CFR = Code of Federal Regulations

CIJA = California Indians Jurisdictional Act of 1927

FR = federally recognized

GAO = Government Accountability Office

IRA = Indian Reorganization Act

KIW = Keepers of Indigenous Ways

MIF = Mission Indian Federation

OFA = Office of Federal Acknowledgment (previously BAR)

OIA = Office of Indian Affairs (today's BIA)

SG = San Gabriel faction

SM = Santa Monica faction

UNDESA = United Nations Department of Economic and Social Affairs

3. Interview Questions:

Overarching question/aim: What does it mean for you to be Tongva (/Gabrielino)?

Are you Tongva (/Gabrielino)?

Are these terms meaningful to you:

“Indigenous”?

“Indian”?

“Native American”?

What about “Californian”? or American? Or Mexican?...

What is your view on these words? Do they mean something to you or are they totally abstract?

Do you see them as distinct, separate entities or are they somewhat complementary?

When you introduce yourself to someone and they want to know your background/nationality/where you are from, what do you put forth?

How about on questionnaires, or official government documents/surveys?

Does it depend on the context and the people you are talking to?

Are there any tensions between these terms/cultures?

Has your perception of who you are/what culture you “belong” to or the place you came from changed over time?

Do you know your grandparents? Did you have a close relationship to them?

How about your parents? Do they consider themselves Tongva (/Gabrielino) as well? Do you think your education was shaped by this identity?

Where did you grow up? Where did people around you come from?

Were there particular things at school, or in your environment growing up, that made you feel different from other kids?

How often/ Do you see other members of the tribe? Are there different sub-groups in the community or is everyone included?

How often/ Do you go to cultural events...?

Did that change over time?

Toni has been working to get federal recognition, do you know anything about that process? When did it start? Were you involved in the process? Did he talk to you about it/ How did you learn about it? Did you have a special role? Did you talk to other members about it? What did they think of it? Do you support it? Do you think it will bring positive additions to the community? (if yes, what, for example?)

Have you noticed any changes since the application process started? (in the relations amongst tribal members, cultural events, the organization of the community)

(In some tribes, the recognition process has brought division amongst members (ex:...) do you think it is the case for the Tongva?)

What are the statuses of this project right now?

(Would you like to re-apply?)

What are your relations with other tribes?
Has this changed over time?

4. Participant observation events:

Event	Place
MLK Day of Service With Barbara Drake Elder in Residence	Chaffey Community Center
Edgar Heap of Birds'art Tour with Sherman Students EHOB Workshop	Pitzer college Pitzer College
The lightning Cloud workshop Women Circle	Pomona College Echo Park
Native Feast with Barbara Drake Powwow	Ontario Senior Center Pomona College
Native Science Conference	Pitzer College

4. IRB Research Summary:

1.

Title:

The Federal Recognition process and the Tongva People of the Los Angeles Basin

Principal Investigator:

Alice Mirlesse

2.

Research Question:

The study seeks to address the following broad questions through a case study of a particular Native American tribe in the Los Angeles Basin area.

- What is the impact of the federal recognition policy on the Native American identity of the Tongva people of the Los Angeles Basin?
- More specifically, whether the recognition process has enabled the Tongva people to preserve a cohesive culture and organize themselves politically?

Hypothesis:

The federal recognition process has brought division amongst the Tongva, and hindered their ability to get public benefits and acknowledgment of their ancestral culture.

3.

Research Methods:

I plan to use a dual approach to this topic, using both the formal tools of Public Policy Analysis (quantitative data), with more adaptable techniques of anthropological field research (qualitative data).

With respect to the latter, I will use unstructured discussions with the Tongva people and policy advocates, field and participant observation as well as more formal, structured interviews. Both of which will require consent from the participants, before they are used in my research (see Consent form below). No surveys will be used. I will transcribe the notes and code them on my computer, which will be locked with a password. Additionally, I will allow them to withdraw from the project at any time, if they feel the need to do so.

4.

Possible benefits:

I hope to contribute to enrich the scarce body of literature about the Tongva people, and therewith allow a greater awareness of local Native American culture and politics – hopefully leading to a recognition (if not through the federal government, at least in the local residents' minds) of their past and continuing legacy. The interviews will provide the reader with a more human understanding of the issues at stake and will allow them to see the concrete consequences of national policies. Additionally, this work could be used as reference to potential local legislators, or agents of the BIA, wanting to affect policy.

5.

Assessment of risks:

I do not anticipate any potential risks or discomforts for participants in this study. However, if any emotional distress occurs during interviews or observation periods, I will stop the interview immediately and will have the number of a local counselor on hand. The consent form provided to participants will also stress that participants can opt out of the research study at any point.

6.

Participant group:

- a) The participants will be 18 years or older, mentally sound, self-identified as Tongva or associated scholars and politicians.
- b) The participants will be recruited via phone, email, and by word-of-mouth. I have previously informally met with most of the Tongva participants which I plan to recruit for this study, and would be renewing existing ties with those individuals by email or phone. I know fewer of the scholars and politicians which have collaborated with the Tongva, and would be making introductory communication with most of those individuals via email and phone.
- c) The identity of the participants will not be disclosed on any of the records kept during the study, with the exception of the consent form, which will not be published. The interviewees will remain anonymous unless they specifically request to be personally identified.
- d) The participants will be made aware of the goals of the study through the consent form, and should they wish to know more I will remain at hand for questions. Additionally, I plan to send them a copy of the full study upon its completion. They will be told about the character of their participation, as informational and essential to gather qualitative data about perceptions of the Federal Acknowledgement system and the impact on their own culture.
- e) No deception whatsoever will be used.

7.

Consent:

At the beginning of each interview, the participants will be asked to sign a consent form, which explicitly states all the risks of the study, and gives them full protection of privacy. In the case of informal discussions and field observation, they will be asked for consent in regards to particular quotes or actions I would want to use in my research. In both cases, they will be given a copy for their private records, and the other copy will remain in my research file, which will be stored in a private place. (see form attached below)

8.

Confidentiality:

Information collected will typically be of a non-sensitive character, however because part of the participant population targeted is considered “at-risk” in virtue of their minority status, it is critical that information collected is heavily protected.

Thus all stories and field notes will be coded and stored on a laptop with a password and no real names will be used in the study.

9.

Consent Form:

Informed Consent Form for Research Involving Human Subjects

You are being invited to participate in a research study, which the Claremont McKenna College Institutional Review Board (IRB) has reviewed and approved for conduct by the investigators named here. This form is designed to provide you - as a human subject - with information about this study. The Investigator or his/her representative will describe this study to you and answer any of your questions. You are entitled to a copy of this form. If you have any questions or complaints about the informed consent process of this research study or your rights as a subject, please contact the IRB at the Claremont McKenna College Office of Institutional Research at (909) 607-8395 or IRB@cmc.edu. Also see www.cmc.edu/IRB for more information on research involving human subjects.

Project Title: The Federal Recognition process and the Tongva People of the Los Angeles Basin

Principal Investigator: Alice Mirlesse

You are invited to participate in a research project about the Federal Acknowledgement process and the Tongva People. Please read this form and ask any questions you may have before agreeing to be in the study.

Research Background:

This study seeks to analyse the federal recognition process and its impact on the Tongva community.

Procedures:

If you agree to this study, you will participate in an in-person interview, that will last 20 to 60 min.

Confidentiality:

Your participation in this study is entirely anonymous. Other than the signature on this consent form, I will not record your name in any way, and nor will I maintain any link between your name and your responses to the questions. The consent forms for this study will be kept private. The data collected will be stored on my password-protected computer.

Risks:

I do not anticipate any significant risks or discomforts in this study, however should you wish to decline to answer any question, or discontinue your participation entirely, you remain free to do so at any point during the interview.

Benefits:

Your participation in this study will contribute to enhance the understanding and knowledge about the Tongva People and culture, as well as the human consequences of the Federal Recognition Process.

Should you have any further questions, please feel free to contact the study's principle investigator, Alice Mirlesse , her phone number is (917) 499-8200, and her e-mail address is AMirlesse13@cmc.edu.

CONSENT STATEMENT:

I, _____, hereby give my consent to participate in the research study entitled "The Federal Recognition process and the Tongva People" I have read the above information and am aware of the potential risks and complications. I fully understand that I may withdraw from this research project at any time without prejudice. I also understand that I am free to ask questions about techniques or procedures that will be undertaken. I will sign and return this consent form and receive a copy of the form in case I need to refer back to it.

Finally, I understand that information obtained about me during the course of the study will be kept anonymous and cannot be traced back to me.

Participant's signature (18+ years of age) Date

I hereby certify that I have given an explanation to the above individual of the contemplated study and its risks and potential complications.

Principal Investigator's signature Date