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UNIVERSITY OF CALIFORNIA RIVERSIDE

Changing Perceptions and Policy: Redefining Indigeneity through California Chumash Revitalization

A Dissertation submitted in partial satisfaction of the requirements for the degree of

Doctor of Philosophy

in

Anthropology

by

Kohanya Jessica Ranch

March 2012

Dissertation Committee:

Dr. Susan Ossman, Chairperson

Dr. Christina Schwenkel

Dr. John Johnson

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The Dissertation of Kohanya Ranch is approved:	
	Committee Chairperson

University of California, Riverside

Acknowledgments

I am beholden to many individuals and institutions for their time, support and encouragement throughout the process of this research. It has been an extraordinary journey from which life-long friendships have been made.

First, I offer great thanks to the generous funding by the National Science Foundation Doctoral Dissertation Research Improvement Grant 2009-2010 and the Smithsonian Institution Fellowship for Graduate Research received in 2006. These awards were instrumental in enhancing this dissertation.

I am deeply indebted to Dr. John Johnson and curators of the Santa Barbara Museum of Natural History including Dr. Jan Timbrook and Dr. Ray Corbett for their advice and insights to Chumash issues, access to archives, and permission to attend the museum's California Indian Advisory Committee meetings. Dr. Johnson's introductions with the Chumash communities made this research possible, along with his constant consultation and expertise. From his introductions, I became privileged to meet and know Chumash descendents Lew Silva, Alan Salazar, Beverly Folkes, Ernestine De-Soto, Frank Arredondo, the Lemos family, the Arellanas family, Lei Lynn Odom, Mona Tucker and the Tumamait family, all of whom privileged me an invitation to learn of their communities and lives.

I sincerely thank Lew Silva, the first Chumash I met. When he and I first talked, I was an inexperienced and nervous student of anthropology, armed only with internet knowledge of Chumash existence and anthropology theories on revitalization. My lack of experience was evidenced to him in my interview style (as he later pointed out). Yet, he

still let me interview and video record our conversation. He let me share his history and made me feel my endeavor worthwhile. "It is simple" he said, "just tell the story." Five years later, we talked again during the time of my dissertation writing process at which time too much data created doubts of how to present particular sides of the story. He reminded me to, "just tell the story...tell the truth." I still marvel at how circular the message and the journey have been. I am also incredibly honored by the time given by Ernestine De-Soto to share her family stories with me and for instilling her personal motto: "life is acceptance, perseverance and respect for culture." A special thanks to Alan Salazar whose wit, storytelling and knowledge always kept me laughing, especially when jokes were directed toward me. I also owe much to Frank Arredondo, Fred Romero, and Monique Sonoquie who, on a continual basis, shared their knowledge, insights and opinions on issues pertaining to indigenous rights and policies. Much thanks also to the Talaugon family for their hospitality at the Guadalupe Cultural Arts Center and to Kirby Truhawk for his introduction to the Thousand Oaks Interpretive Center.

I enthusiastically thank Julie Tumamait-Stenslie who made time to drive me to her sacred places and village sites - where her father rests, her ancestors thrived and ceremony takes place. I cannot show enough gratitude to her for allowing me to experience Chumash endeavors and events through her eyes and for introducing me to her family and the Barbareño-Ventureño Band of Mission Indians Band. For the past six years this Band allowed me to record interviews and attend tribal meetings of which I cannot express enough appreciation. Julie also gave me a home during Christmas when my immediate family had left for New York, but I had to stay in California for exams.

She said it was okay to bring all the dogs, as long as they did not eat the chickens. Throughout our years of friendship, she taught me what it means to be American Indian: "when you see a dead animal on the road, you do not run it over and continue to disrespect it.... you remove it from a realm of disrespect. You help it lay in peace. You honor it as you should honor every aspect of life." I extend this gratitude to your entire family and the Barbareño-Ventureño Band of Mission Indians for their time and thoughts including: Patrick Tumamait, Gloria Tumamait, Greg Sandoval, Grace Cronk and her family including her mother Anna Alvarez, Tanya Ruiz, Brenda Guzman, Kim Wachter, Eleanor and Benjamin Arellanes, Proud Eagle, Mokee Banuelos, Pete and Alex Ramos. Thank you for welcoming me into your communities and homes and for sharing your wisdom, perspectives and stories which guided this research process.

While at the University of California Riverside, I was blessed to have exceptional committee members and mentors who have dedicated their time to my academic progress, especially Dr. Anne Sutherland who was my advisor throughout the stages to complete doctoral candidacy. I thank her for countless discussions, laughter and incredible support. I am grateful to Dr. Christina Schwenkel for many fruitful discussions and for her seminars which brought me to intellectual heights, making me think in ways I never thought possible. I very much thank Dr. Susan Ossman for her invaluable advice, timely suggestions, and outstanding availability as chairperson. Her seminars and poetic writing-style influence me every day. I have immense gratitude to both Dr. Eugene Anderson and Dr. Derick Fay whose expertise on indigenous identity and cultural matters is incredibly appreciated. I thank you both for both for your undivided attention in

reviewing and scrutinizing my work, providing insights, detailed comments and inspiration. I owe much to MaryAnn Doherty, principle administrative analyst at UCR, who spent countless hours helping me to navigate the grant proposal procedure. I also wish to thank the faculty at California State University Los Angeles: Dr. Patricia Martz, who laid the foundation for my doctoral work in suggesting revitalization of indigenous cultures for a thesis topic, and Dr. James Brady who taught me how to take it all to the next level. His unconditional support throughout every step of my academic career has been invaluable. From my experience at the Smithsonian Institution Fellowship for Graduate Research, I am also very grateful to Dr. Ann McMullen and Dr. Robert Leopold for their advisement and access to archives.

Most important, I thank those closest to me for their patience, love and support: my mother and father, Joyce and Lee, and my sister, Lealani. I thank Gregory Cascante, not only for his unwavering encouragement, but also for his patience in proofreading multiple versions of my dissertation. I am grateful to Dr. George Primbs, a wonderful friend who introduced me to his vast network of Santa Barbara residents. His introduction to beautiful Santa Barbara opened my life to the place I know call home. Scott Groff, I thank for his love and for bringing me home. Everything part of this endeavor is a reflection of those who gave to me.

Lastly, I would really like to thank my old but trustworthy computer for not giving out on me. Writing a dissertation is a long a lonely route where we marry the instruments from which we create. It's been a lovely marriage.

<u>Dedication</u>

In gratitude to my grandparents, Omar Zaki Ghobashy and Dolores Ambrose-Ghobashy.

From up there, your love, guidance and lessons are still felt.

ABSTRACT OF THE DISSERTATION

Changing Perceptions and Policy: Redefining Indigeneity through California Chumash Revitalization

by

Kohanya Jessica Ranch

Doctor of Philosophy, Graduate Program in Anthropology University California, Riverside, March 2012 Dr. Susan Ossman, Chairperson

This research examines the significant rise of American Indian political power, rights claims, recognition endeavors and reaffirmation of Chumash identity through cultural revitalization projects in southern California. Increased efforts for Chumash recognition - including public visibility, federal acknowledgement, academic validation and engagement in policy process - are not without conflict, negotiation and compromise. Nor is meaningful and balanced participation and decision-making guaranteed in changing policies designed for indigenous inclusion. Central debates throughout politicized indigenous arenas involve who has the power to control, legitimate and represent Chumash history, culture and identity. Drawing on extensive ethnographic study among federally unrecognized Chumash groups who have been dramatically underrepresented in political, legal and social arenas, this research outlines the representational, material and organizational challenges they face in pressing for recognition, rights claims and balanced representation in policy. Ethnographic research

methods of participant observation, interviews, and archival research were conducted in southern California where there is a large concentration of Chumash American Indian communities, academics, and government officials negotiating and contesting claims of indigenous rights and identity. Explored were how the inherent contradictions between indigenous, legal, academic and scientific knowledge in policy arenas are negotiated and reconciled; how collaborative efforts between government officials, indigenous groups and academics might better design and implement policies to serve the diversity of indigenous circumstances and; various ways indigenous knowledge, practices and discourse are utilized for greater recognition in political, social and policy arenas. By elucidating how the struggle for recognition shifts power relations among Chumash, academics, policy makers and government officials, this project opens an understanding to the effective collaborative practices, organizational strategies, and flexible policies working to balance multiple needs, voices and goals of unrecognized American Indians.

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PREFACE

There is no group in the State that once held the importance of the Chumash concerning which we know so little.

- A.L. Kroeber 1976 (1925): 550

"So, you're doing research on the Indians; what do you think about them having casinos?" "Do you think they should pay taxes?" "Since they are genetically disposed to drinking and gambling, do you think it's wise they have a casino?" "The greed of the Chumash with that casino. It's disgusting. How can they call themselves real Indians?" "We conquered them, why should they have any benefits?" "Do they all live in the casino?"

More often than not, questions and comments from the non-Native community about California American Indians addressed the "casino issue." Yet in California, there are over 80 tribes petitioning for federal recognition that do not have a casino. Many do not want a casino. They simply want to be recognized as American Indian. In fact, there is only one federally recognized Chumash tribe in the south central California that has a casino. The money generated from this casino goes back to the community to fund schools and foundations. California indigenes neither live together in a casino nor on reservations in *tipis*. They live all over California, in houses and apartments. They are your neighbors, drive cars, and shop in malls. They work as teachers, nurses, legal aids, resource managers, counselors, salespeople, contractors, museum board members, and entrepreneurs. They have electricity, pay bills and yes, they can read too.

As Indian gaming has become a much publicized and politically charged issue since the founding of the National Indian Gaming Association in 1985, American Indians

cannot seem to escape being perceived as *those casino people*. This is particularly the case for Chumash in south central California, where billboards line freeways from Los Angeles to San Luis Obispo inviting people to come to "Win Country" at the Santa Ynez Chumash Casino Resort; commercials flood television and radio promoting concert sales of well-known music artists at the Chumash Casino's concert hall, and newspaper articles highlight Chumash riches due to casino profits².

Even when media attention emphasized Chumash cultural projects, it seems no cultural endeavor can deter the burgeoning narrative frame: *to be Indian is to be wealthy from casino profits and therefore corrupt and greedy*. For example, following a newspaper article featuring a story of the heritage project called the "Syuxtun Story Circle"- a mosaic sidewalk art installation in Santa Barbara encapsulating Chumash mythological symbols (see figure 1) - an internet blogger posted the following comment:

I've forgotten the Chumash word for the stars, sprinkled among the sky people. Some of the Chumash may remember them, now that they have been permanently eliminated by the massive lighting of the casino which runs 24/7. This could be the beginning of a great new legend. Also, where is the representation of the slot machine, the new god of the Chumash people? (anonymous profile, *The Santa Barbara Independent* website November 5, 2009)³

Why the animosity toward American Indian economic clout? After all, no one seemed to mind that Donald Trump has a casino...or two. The blog comment encapsulates the non-

-

¹ I assume this to be a play off the term, "Wine country", of which Santa Ynez, Solvang and surrounding areas are also popularly known by.

² Examples of headlines to name a few include: "Blood Feuds Over Lineage: Casino riches recast the Chumash landscape" (Los Angeles Times 12/3/04); Chumash move from striving to thriving (News from Indian Country, 10/8/2009); "A life of Payouts, not Handouts" (Los Angeles Times 10/19/04).

³ This 20 foot mosaic art installation - comprised of 200,000 ceramic tiles - is part of the West Beach Improvement Project and, as of October 2009, has become a permanent installation along the sidewalk of Cabrillo Boulevard in Santa Barbara, once an ancestral village site and now a popular tourist destination. See www.independent.com/news/2009/nov/05/within-syuxtun-story-circle/ for the article and commentaries.

Native sentiment where Western corporate-like behavior as antithetical to their image of the pristine Native: hunting and gathering amidst the harmonious, blissful balance they found in nature. Said one tourist: "If Indians are going to work, they should be doing something spiritual...you know, like picking cotton." It is also clear that the monetary and political gain by some American Indians does not blend well with those who prefer to subscribe to stories retained from nation-building colonial ideologies that justify their conquest. For many Americans, there was an apparent relief from feeling the historical responsibility of indigenous annihilation: "What we did in the past was wrong. But they're okay now, they have a casino....right?

I wondered if such sentiments were caused by textbooks that describe Chumash pre-contact lifeways as hunter/gatherer/fishers. While such works are important to reveal the rich heritage of Chumash civilizations before their demographic and social collapse due to the mission period, little attention is given to ways indigenous populations continued after secularization. Instead, historical, scientific and anthropological accounts tend to either romanticize the American Indian in their pristine prehistory or categorize them into anthropologically constructed labels (e.g. bands, tribes). As a result, living indigenous people are often thought of as atemporal primitives, removed from civilization, change and modernity, or as segregated, isolated historical subjects living in a timeless bubble awaiting the next researcher to decipher their exotic lives (Said 1978). Thus, rather than freely presenting to the public what they believe to be a more accurate reflection of Chumash heritage, Chumash descendants find themselves countering dominant indigenous representations and stereotypes: "No Indian men did not beat the

women""No, we did not become unemployed, alcoholic drug abusers. Many sold baskets and some became vaqueros [cowboys]." ... "No, we are all not dead".

From Columbus's writings about the "Indios" to Disney's image of Pocahontas; from enlightenment philosophies of stoic nobility and rustic innocence to racialized discourses of ignorant, dirty bloodthirsty savages; from stereotypes of passive, gambling drunks, drug addicts and welfare recipients to radical portrayals of the Indian militant, or to serene depictions of Indian as first environmentalist and spiritualist visionary - images and stereotypes of American Indians have been distorted as much as they have varied. These inconsistent clichés – from the pejorative to the romantic - are seen in every influential medium, from academic publications and museums to movies, cartoons, commercials and sports logos. Such images have become iconic, strategically filtered, reshaped, reproduced and consumed throughout cross-cultural exchanges, affecting how American Indian culture is perceived and understood. They are deeply embedded into the public's imagination which now cannot seem to easily reconcile Indian as successful modern capitalist (see Darian-Smith 2004: 97-104): "It's hard to feel sorry for them now, since they have a casino," stated one local non-Native (personal communication 8/6/09). With entrenched norms threatened, non-Native sympathy and historical embarrassment simply cannot coexist with continuing dominant narratives of indigenous destitution and disappearance.

Ensnared in the dominant narratives told about them (Clifford 1988), American Indians are often denied any acknowledgment of an ability to participate in the shared effects of culture change in America's history. Rather, any loss or deviance from the

idealized immutable past has been marked as a culture's passivity, or extinction, rather than revitalization (Coombe 1999: 20). The latest *rich greedy corrupt Indian* image is just one more stereotype that works to overshadow the contemporary reality and diversity of urban American Indian circumstances and experiences in southern California, particularly for the approximate 5,000 contemporary Chumash descendants without federal recognition and hence no casino. The lacuna on the contemporary American Indian experience has curtailed a broader public discussion about indigenous agency, survival strategies and alternative forms of recognition. This dissertation seeks to open this broader debate.



Figure 1. Syuxtun story circle, photograph by Kohanya Ranch, 9/8/2011

Chapter One:

Introduction

"Indianuity"

On Saturday of August 29th of 2009, 29 Chumash members of the Barbareño-Ventureño Band of Mission Indians (BVBMI) gathered for their monthly meeting on a vacant six-acre plot of land in Saticoy, a small town within the city of Buenaventura, California (see Figure 2). Like their many meetings since 2001, members discussed strategies for organizing membership, gaining federal recognition, practicing ancestral traditions and increasing awareness of their people. This meeting, though, differed from ones before for it celebrated a pinnacle achievement for a federally unrecognized tribe – the reclamation of land. In exchange for one dollar to the Archstone Multi- Family Series One Trust, all rights, title, and interest of this six-acre plot where they now could gather, was theirsagain.

Saticoy bears its name from the Ventureño Chumash dialect, *Sa'aqtik'oy*, meaning "place sheltered by the wind." In between the fragmented memories of indigenous annihilation, Chumash placenames¹ were once considered the only tangible reminders to once thriving civilizations. Indeed, the consequences of the mission era, colonialism, relocation and assimilation policies were devastating to California indigenes. After decades of repeated infectious epidemics, slavery, warfare, and dislocation, the Chumash, like many indigenous peoples, experienced a shattering demographic and social collapse.

⁻

¹ Over 40 Chumash placenames presently survive of rivers, creeks, canyons, mountains, towns and streets. For a list the Chumash original spelling and pronunciation; the location and the modern equivalent (see Applegate 1974).

For at least 13,500 years before Spanish settlement in 1772,² perhaps as many as 25,000 indigenes³ occupied the seven thousand mile range in California - from Malibu to the northern San Luis Obispo County line, west to the Northern Channel Islands and east to the Sierra Nevada Range. By 1880, fewer than 200 full-blooded were reported by the United States Census Bureau to have survived within this region (Walker and Hudson 1993: 32; Grant 1971: 506). Their descendants, however, have shown that population decline, blood quanta and displacement do not equate to extinction. Rather, like the place name *Sa'aqtik'oy* portends, Chumash people and heritage were "sheltered" – hidden and protected until winds of change would allow a political and social climate in which to reassert their identities.

"Indianuity, is what we call it," said the tribal Chair of the BVMBI, Julie Tumamait, before conducting a much awaited blessing:

Thank you Creator. Thank you for gathering us here together on this beautiful day of transition from summer to fall. We are grateful for the things given to us this year - for all the abundance and all the plenty of this beautiful land that we have gathered on and we are so excited about the future. Into the East, $ulop^4$: Creator we are grateful for this new beginning, for the many ideas, the plans and inspiration that we will get from receiving this property here. . . To the South, maha, thank you Creator – for our first people out on the islands for over the thousands of years of calling this place home for the Chumash people. We want to bring back

² Recent evidence suggests human occupation dating back 13,500 years ago (Johnson et al. 2002). This information is based on radiocarbon dates of human remains discovered in 1959 at Arlington Springs on Santa Rosa Island. Original interpretations (Orr 1962) estimated they were 10,000 years old. A later reanalysis of the remain using more sophisticated radiocarbon testing methods suggests that the Arlington Springs person lived significantly earlier than previously thought, moving Orr's estimate of 10,000 years ago back to 13,000 cal B.P (Johnson et al. 2002). A fluted point from the western Santa Barbara Coast also suggests a Paleo-Indian presence (Erlandson 1994).

³ Population estimates vary throughout Chumash occupation. At European contact, Chumash population has been roughly estimated to have been between 15,000 (Brown 1967) to 22,000 (Cook and Heizer 1965:21) but are not reflective of the estimated 13,500 years of occupation.

⁴ The Chumash words that Tumamait uses are from the Barbareño Chumash dialect. See Harrington 1986 79/0036 for Ventureño dialect.

this sense of place for our people and our culture so that we may educate those around us of the importance of land, earth, sky and water and how we must live in harmony with the land and the earth and create balance for generations to come. We thank you for the abundance that will be given to us in the future—that we must work hard and work together to see this vision and this dream become a reality. To the West, wosoco: thank you ancestors for the voice, songs and stories that are going to carry us through into the future...for those teachings, for these people living in this community that we may be a presence for them. That they may engage us to have the opportunity to be partners in this adventure that we are about to undertake. Give us guidance, clear thought and peace of mind to know that we invite all people here...of all colors and all nations to understand that we are a people and a family. To the North, *minimal*: it has been a long time coming Creator that we as a people can stand together united ...that we may show the elders that there is some accomplishment, some hope for the future and that those goals that we have - that we have started so long ago - are starting to come. May this property become a place of beauty, a place of recognition for our families, a place of recognition to the community that we are still here...We are starting on a very huge adventure that Creator is guiding us. We are thankful.

I introduce this blessing here because the embedded themes - public and legal recognition; connection to ancestral language, history and land; continuity; community collaboration and support; indigenous knowledge and education; assembly and unity – epitomize the goals of what local indigenes are calling "revitalization."⁵

Born from the desire to voice struggles of oppression and evince an existence that counters assumptions of their extinction, a grassroots movement emerged in the 1970s as marginalized descendants worked to retrieve their history and re-assert their indigenous identity. Revitalization, however, has proven to be more than just collecting, remembering and practicing an ancestral past for the sake of nostalgia, identity affirmation and recognition. Over the past 40 years, it has expanded into a collective endeavor between activists, academics and policy actors to promote indigenous rights

⁵ Locally, it is also called a rebirth, renaissance, restoration and renewal.

claims, ⁶ include Native knowledge and participation in policy, and synchronously change public perceptions of what it means to be American Indian. Revitalization can thus be thought of as an ensemble of different types of social, economic and political forces entwined to generate an acute awareness that there is power in collective memory work. Such power can have the potential to reverse hegemonic narratives (Chakrabarty 1992); achieve present mediations (Werbner 1998); assemble and unite support; design and legitimate political and social courses of action for claims; and serve as a foundation for future struggles for rectification (Moore 1998). Importantly, revitalization is an evolving and continuing practice that demonstrates how ancestral indigenous history is relevant today. In the oceans where *tomols*⁷ still cross, in mountains where solstice ceremonies still take place, in hills and valleys where sage is still collected, in caves laden with ancient rock art where the Creator is still honored, and under oak trees where the bear dance is still performed, a culture is thriving despite efforts to quench it. It is *Indianuity*.

-

⁷ Chumash plank canoe

⁶ "Indigenous rights claims" refers to the efforts made by tribal members to gain land, education and healthcare benefits, and have access to resources and sacred sites through legal processes.



Figure 2: The Barbareño-Ventureño Band of Mission Indians. Photograph by Alex Ramos, Chumash Descendant and member, Saticoy 8/29/2009.

Introduction to Project

What does it feel like not to be recognized?...

It feels like you are invisible...that you have no place.

- Chumash descendant 8/1/2011

From local arenas of indigenous cultural reclamation to government spaces of policy negotiation, this research examines the significant rise of American Indian political power, rights claims and reaffirmation of identity through social/political movements and cultural revitalization projects in southern California. Particular attention is given to federally unrecognized Chumash who have been dramatically underrepresented in political, legal and social arenas, an absence that directly contributes to the various challenges they face in pressing for sovereignty and rights claims. I primarily focus on the efforts of the Chumash Barbareño-Ventureño Band of Mission

Band of Indians (BVBMI) to recover and practice ancestral history, gain formal and public recognition, increase their representation, organize for rights claims, and have greater influence in ways policies affecting their culture are designed and implemented. Through following their endeavors and challenges, this research engages broader communities that constitute, weaken and/or strengthen the network of Chumash revitalization and empowerment (including other Native groups, anthropologists, non-indigenes, policy makers, tourists, and government officials).

While there are many reasons for revitalization - including historical preservation and cultural survival - a primary goal for unrecognized Chumash is recognition, which is viewed to directly correlate with the ability to make rights claims and influence policy. Thus, while this work demonstrates the rise of Chumash empowerment and identity through cultural revitalization, it is not a study of Chumash per se, but a study of their routes, challenges and controversies that lead to various forms of recognition. From gaining public visibility and finding academic validation, to striving for government acknowledgement and equal status in policy arenas, each ethnographic chapter explores the discursive, practiced and organizational strategies unrecognized Chumash are utilizing to validate rights claims, shift power relations and find meaningful cultural, social and economic restitution. This involves examining their efforts to increase their representation in political and educational arenas, organize as a collective body for rights-claims, and have greater political decision-making power.

Questions of import to this research include: How do unrecognized tribes accommodate and attempt to restructure external demands of indigenous identification to

participate in political and legal arenas and make claims to rights? Can collaborative efforts established in networks work to better design and implement effective policies that serve the diversity of Native indigenous circumstances? How are the inherent contradictions between indigenous, legal, academic and scientific knowledge in political and legal arenas challenged, negotiated, and reconciled? To address these questions, I examine the interlocking issues of ethnic identification, historical knowledge production, anthropological authority, policy engagement and legal boundaries.

First, I address prevalent controversies of Chumash ethnicity, power struggles over ownership of culture, and conflicts over the interpretation, control, production and source of historical knowledge as it is used in identity and rights-based claims. Such conflicts are part of the current politicized moment of recognition in which matters of indigenous "authenticity" and motives have come under academic scrutiny and public skepticism. I illuminate how authenticity and indigeneity are negotiated amidst efforts to establish Native distinctiveness through stereotypes and tropes established in colonial discourses (Said 1989), while concurrently trying to change such standards through actively engaging political, legal and public zones. I do so by tracing different positions in identity-based debates and the various discursive and organization strategies during quests for formal and informal recognition. This works to map relationships that shape local standards of determining indigenousness and rights-entitlement as they shape and are shaped by broader legal and anthropological definitions. This includes illuminating the roles of academics, activists and political partners in indigenous endeavors, while also reflecting on controversies of anthropological pedagogies and practices.

Anthropologists have taken an extraordinary role in the production of historical discourse, in influencing policies to determine ethnic categories, in collaborating to restore cultural losses (e.g. land, language, tradition), in mediating rights claims, and in providing information used to legitimate or refute indigenous histories, territories and identities (see e.g. Bruner 1986; Campisi 1991; Miller 2003). As such, our texts are granted a certain level of authority and have the potential to be appropriated by others for politicized reasons which, as Rosemary Coombe points out, is "symptomatic of a postmodern disciplinary moment" where cultural consumption becomes "an active use rather than a passive dependence upon dominant forms of signification" (1998: 35, 104). In Chumash country, where there is a large concentration of unacknowledged tribes and anthropologist-interlocutors, growing debates involve the authoritative positioning of anthropologists as legal witnesses, interpreters, analysts and historians in indigenous affairs, especially since our narratives have potential political consequences to either unite, hinder and/or augment active revitalization and recognition efforts (see Bruner 1986; Campisi 1991; Clifford 1988; Field and Fox 2007). Thus, I work situate who finds power to interpret, define, arbitrate, authenticate and represent Chumash identity and history, and on what grounds. As Chumash groups gain more political, monetary, social and legal power to create their own space of historical and ethnic legitimization, I also highlight new dilemmas and negotiations of anthropological inquiry.

In examining quests for federal recognition, I look at policies that require petitioning tribes demonstrate a distinct and continuous community since 1900 despite assimilation policies. This has led both anthropologists and unrecognized groups to

question how best to strategize conforming to essentialist BIA classifications while simultaneously changing ideas of what it means to be an urban California American Indian. Here, the burden to prove an uninterrupted link to the Chumash past makes the recovery of indigenous knowledge all the more vital, because ways in which indigenous history is remembered, presented and accepted can create a legal force to change local norms and broader policies (see B. Miller 2004; Field 2003). As anthropologists are often called to verify indigenous historiography and identity for rights claims, authorial dilemmas arise when we work to empower groups to "fit" bureaucratic rubrics. Such situations pose a paradox for anthropologists, because there is "no way to defend traditional societies without in some way transforming them - without, above all, taking on some of the trappings of bureaucracy and written law" (Niezen 2003: 142). Thus, I look at how the power to interpret the past is balanced between anthropologists and indigenous people, and how this process affects Chumash representation and rights claims in the present.

In policy arenas, I examine recent notions of "participation" and "consultation" which are increasingly popular catchwords in state and national laws that require, but more often recommend Native engagement in the policy process. I argue that although such terminology implies more socially and politically equitable relationships, political, social and legal forums are not free of conflict. Nor is meaningful and balanced indigenous participation and representation guaranteed. Discursive shifts in law do not necessarily convert to political or material changes for most indigenous people (e.g. Postero 2006) and most consultation laws are intended only for federally recognized

tribes. Furthermore, indigenous people have a long history of economic and social exclusion, causing structural disadvantages that most likely hinder participatory opportunities. However, this project suggests that Chumash groups in southern California are not necessarily disempowered by "participation" (cf. Cooke and Kothari 2001). Rather, by drawing effective alliances (e.g. with environmental organizations, non-profit foundations, academics and agency representatives), unrecognized Chumash build coalitions and establish a presence critical for visibility, credibility and authority needed to enable them a platform to negotiate in and affect social, legal and political spaces. For example, many unrecognized Chumash individuals have gained significant political power in state, local, and tribal arenas- as consultants, commissioners, stakeholders, representatives and board members – where they work to influence policy opinion and legal reform, maneuver power relations, and reshape bureaucratic structures. Several also work consistently in public arenas – lecturing, storytelling, performing ceremony and teaching Native knowledge and tradition – to instill awareness of changing ideas, definitions and images of indigeneity. Others engage the media to expose symbolic and material power disparities relating to ethnic consciousness, historical discourse, education, healthcare and land claims. Such engagement is providing a space to maneuver power relations, influence policy opinion, shape public discourse, and find alternative methods to redress indigenous rights and claims beyond judicial and legal frameworks. While such acts work to bring indigenous knowledges and perspectives into the mainstream, still existing are economic and organizational disparities (not to mention social stigmas) that infringe on their ability to create equitable solutions to redress

historical injustices and find balanced representation. I examine these disparities and the attempts to rectify them.

In policy zones, varying interpretive struggles often merge to create critical dialogues necessary to evidence how local ideas of how the traditional and continuous, the modern and the changing, the agency and conformity are negotiated to validate heritage and correspondingly challenge dominant representations. In many ways, these spaces may be considered interactive and engaged zones where indigenous people, government officials, policy makers, activists, journalists, lawyers, and anthropologists bring competing discourses and views to negotiate valid knowledge in policy. In understanding that policy-making and implementation is a context-dependent, ongoing process in which multiple actors constantly reshape political and legal categorical boundaries and discourses (Keeley and Scoones 2003), this project highlights how the local indigenous experience can affect policy, representation and law by providing more nuanced cross-cutting explorations of power, social nuances, contingencies, and knowledge production. In illuminating the choices, incentives and persuasions made to alter power relations and circumstances of local indigenes, this project ultimately works to discern political strategies, policy designs and decolonizing approaches effectively balancing the multiple needs, voices, and goals of marginalized American Indian peoples.

Chapter Outline

This dissertation is divided into fourteen chapters, with the current chapter serving as the introduction to the project. Chapter Two discusses the methods used to collect data for this research and to re-conceive the field and Chumash territory from bounded terms

to a fluid relational network. As urban American Indians, unrecognized Chumash and their social/political movements are flexible, mobile and continuously interactive: moving from various arenas to mobilize and garner support. However, they are interconnected through various associations to constitute a community and a movement. I introduce how I conceive these associations as a network to situate a dynamic environment filled heterogeneous but integrated individuals, social groups, practices, artifacts, and discourses. I also introduce my approach to writing and reasons for choice in tense and terminology. Chapter Three lays the foundation and framework for thinking about continuity, revitalization and identity-based politics as they apply to recognition efforts. I begin with a discussion of theoretical reactions that have situated politicized indigenous identity claims and reflect on the appropriateness in utilizing such frameworks for this research. I then examine ways policy-making has been framed and look to analyses that consider the ways discourses, practices and relationships overlap to reshape policy structure and bring alternative forms of knowledge and influence to decision-making strategies. This includes a theoretical discussion to de-dichotomize indigenous and Western knowledge as an oral/written binary. This is followed by an examination and deconstruction of continuity, resistance and "invented tradition" paradigms where I look to reframe revitalization within American Indian approaches of "survivance" and "reemergence" to explain ethnic maintenance and social action.

Using an actor-network method inspired by Bruno Latour (2005) to map the heterogeneous associations to understand the current social climate, Chapter Four traces the controversies and divisions stemming from politicized identity and heritage-based

claims amongst unrecognized Chumash claimants vying for recognition. I address the contestations of prior anthropologists' involvement in legitimizing indigenous identity and reflect on my dilemmas in approaching this subject. The divisions also confuse notions of collectivity, which I work to problematize and reassess through providing a history of the social and political factors that contributed to emerging Chumash identity assertions and later opposition to such assertions. Because the topic of "ethnic fraud" has become prevalent in academia, legal arenas and amongst Native descendants, I examine the various external and internal understandings of indigenous - how they are currently employed to gain credibility, contested and reconciled - in Chapter Five. Many contestations involve how Chumash culture is represented which are leading to calls for copyright protection of culture. I examine these various representations in Chapter Six and address questions of intellectual property arising: who has the right to produce, own, interpret and present Chumash culture in its revived state?

Chapter Seven focuses on the efforts of the Barbareño-Ventureño Band of Mission Indians for federal recognition, highlighting the challenges and practical difficulties in fulfilling governmental criteria for official tribal status. Their efforts symbolize the foremost struggles of unrecognized groups who must work to deny their changing realities to modify their representations and histories to projects defined by governmental power. I problematize official standards of "tribe" and Western historical frameworks for continuity, arguing that government criteria for federal recognition do not accurately reflect circumstances of contemporary California indigenes and their unique American Indian histories. This includes highlighting failed attempts to restructure

Acknowledgement procedure and providing insight as to why these attempts have been futile. With addressing current and prior hurdles to gain federal recognition, Chapter Eight examines more viable routes unrecognized Chumash groups are taking for alternative forms of recognition and economic development.

Consultation and participation privileges in policy represent another form of recognition for unrecognized groups, bringing further conflict and power struggles between policy actors and Chumash regarding its implementation. Chapter Nine through Chapter Thirteen explores these power struggles and negotiations through various policy arenas that Chumash are engaging. Chapter Nine introduces the rapidly changing discourses and laws on participation and consultation and the contestations unrecognized Chumash are bringing due to their exclusion from these laws. Their primary argument is that they are only allotted commenting privileges, a role with little power and influence to affect policy outcomes. As the commenting protocol has extended into law-making processes, Chapter Ten examines efforts to bring what indigenous people believe to be more meaningful participation during negotiations to implement the California Marine Life Protection Act Initiative. With failed attempts to bring indigenous knowledge to the policy-making and decision process, Chapter Eleven investigates recent coalition formations attempting to infiltrate policy space and promote institutional change. In asking the value of consultation in its implementation and why it is such a coveted right by federally unrecognized people, Chapter Twelve looks to state laws in California that privilege consultation to unrecognized individuals and tribes, giving attention to critiques that surround lack of guideline enforcement and ambiguities in legal definitions. Chapter

Thirteen furthers this discussion by illustrating how guidelines and standards are negotiated and interpreted differently as to what satisfactory consultation should entail. This includes a discussion of what Chumash believe to be attributing factors to improve policies, relationships and shared decision-making with policy actors, agencies and institutions. The Fourteenth and final chapter summarizes critical issues presented from this research with a discussion of contributions this project has for unrecognized American Indians and the discipline of anthropology.

Chapter Two:

Fluid Actors and Territory: Methodology and Fieldwork

Rethinking the map and arrival narrative

When I moved to Santa Barbara in August 2009 to conduct fieldwork, I was often asked by local non-indigenes: "Where do you go to study the Chumash?" "Well, all around here," I generally replied, "throughout Santa Barbara, Ojai, Ventura and Santa Luis Obispo." The response was usually, "Yes, but where do they all live?" This statement is anecdotal, but telling, of mainstream assumptions that continue to envision indigenous people as spatially isolated from the rest of society on a remote reservation. I imagined their scenario of me -- perched atop a mountain with binoculars in hand, waiting to spot a Chumash. Upon discovering the Native, I would transcend down the hill to greet the chief who, in a monosyllabic welcoming, would say "How, you come in." From there, I would exist in a world to temporarily separate myself from the academic world to live among the other, the different, the strange...the exotic.

Although I make jest of common stereotypes, questions regarding my location of research forced me to confront my lack of a pre-determined "suitable" concrete site that I could definitively enter and leave. From the onset of this research, I had no pre-devised "entrance" plan, but rather stumbled my way across politico, cultural, techno, ideo, and ethno "scapes" (Appadurai 1997) through relationships made with people I encountered in a number of locations. Before living in Santa Barbara, I started preliminary fieldwork in the Spring of 2006 when I came to the Santa Barbara Museum of Natural History to

explore their archives.⁸ As I sat reading in the museum's anthropology department, a steady stream of Chumash descendants, journalists, and anthropology students came through to meet with staff members. The curator of anthropology then introduced me to Chumash individuals who granted me interviews and information about upcoming events and gatherings. I was also forewarned of existing politics of Chumash identity: that some, who say they are Chumash, might not be (discussed in Chapter Four). From this museum "contact zone," where "cultures meet, clash, and grapple" (Pratt 2000: 519), stemmed an invitation into a Chumash relational network – where group formations and disintegrations are characterized by unequal power relations, internal conflicts, strength in alliances, movement and stability, impediments and triumphs. From here, I followed the "actants," the relations rather than the place, to understand how an indigenous movement, well...moved.

Research was primarily situated in what is considered the Chumash heartland: the south central region of western California between Malibu and San Luis Obispo¹¹ where

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⁸ The museum library and anthropology department holds extensive collections relating to Chumash material and social life, including newspaper articles beginning from the 1960s to the present, archival holdings of John Peabody Harrington's papers on microfilm, archeological collections from the region, and original photographs and manuscripts pertaining to Chumash social organization, genealogies, and ethnobotany. The museum's library holds academic books and articles relevant to Chumash research (see Vane and Bean 1990: 170-71 for fuller deeper description).

⁹ Pratt uses the term "contact zone" to refer to museums as places where "peoples geographically and historically separated come into contact with each other and establish ongoing relations" (1992: 6; see also Clifford 1997a)

¹⁰ I use "actant" or "actor" in the Latourian/Callon sense to include people, controversies and material objects (statements, inscriptions, technical artifacts, entities being studied, concepts, organizations) that connect to create heterogeneous social actant-networks (Latour 1987, 2005; Callon 1991: 135–142).

¹¹ Specific counties within this region include: San Luis Obispo, Kern, Santa Barbara, Ventura and Los Angeles.

a population of at least 5,000 people identify as Chumash American Indians¹² (see Figures 3 and 4). Within this 7,000 mile region exist at least 16 federally unrecognized groups¹³ (self-labeled as bands, tribes and/or councils¹⁴) as well as independent families.¹⁵ The Santa Ynez Band of Chumash Mission Indians, comprised of 154 members¹⁶ (not including their extended families), is the only group in this region officially recognized under federal law as a tribe and, therefore, entitled with formal sovereign status and a government-to-government relationship with the United States. With federal status and a permanent land base, they are the only indigenous representatives marked on modern maps in this southern central region of California (see Figure 5), making all others seem non-existent. As one primary issue of this research concerns how Chumash empower their representation through networking, the sole emphasis of one official "tribe" cannot suffice is demonstrating the political and legal endeavors of individuals and groups throughout a region. Furthermore, while many unrecognized Chumash attempt to organize or represent themselves as tribes under

¹² 5,000 is a rough estimate often cited in recent literature (e.g. Darian-Smith 2004) and most likely based on the 2000 United States Census which counted 4,032 people as Chumash. Census information, however, is not entirely accurate method in counting all people who identify as Chumash. For example, one Chumash was advised from a lawyer that if applying for federal recognition, she should not be specific as to her Chumash identity in the Census, but simply write Native American. Depending on how Chumash identity is tabulated other than a census would most likely present a different number. The Census of 2010 may also present a significantly different number as well.

¹³ Organized groups include, but are not limited to: Barbareño- Ventureño Band of Mission Indians, Coastal Band of the Chumash Nation, Chumash Maritime Association, Barbareño Chumash Council, Northern Chumash Tribal Council (NCTC), Northern Chumash Council (NCC), San Luis Obispo County Chumash Council, Malibu Chumash, Chumash Council of Kern County, Salinan Chumash Nation, Tejon Indian tribe, San Fernando Chumash, Fernandeño-Tataviam Band of Mission Indians, San Fernando Band of Mission Indians, Owl Clan, and Yak Tityu Tityu Yak Tilhini.

¹⁴ Organized groups continuously shift in their naming and membership and there are many instances where one large group breaks into smaller ones or vice versa.

¹⁵ There are also several individuals and families who, although participate in public and political arenas, are not part of an organized group, but consider themselves independent.

¹⁶ This number is based on the Santa Ynez Band of Chumash Mission Indians official website dated 2005.

federal standards of recognition, the term itself is also not a concrete concept in which groups can clearly conform to standards of being distinct or continuous social/political units within spatially defined culture areas.

The Chumash social network is, instead, comprised of diverse and mobile groups and individuals in constant flux throughout political, ideological and geographical spheres. This is especially the case for urban Californian Indians who do not live together on a permanent land base/reservation, but embody histories of displacement and must integrate available and changing public and private spaces to organize, instill their practices, and accommodate fluid schedules and physically distanced tribal members. In many cases, permanent spaces do not make a community. Rather, the act of gathering and communicating does (Acconci 1990; Goffman 1963). While the temporal habitation and gathering at available sites informs the local indigenous experience, it also defies any straightforward boundary setting mechanism. Importantly, through the process of revitalization, cultural meanings, ideologies and practices are not fastened to a single place or time, and thus cannot be conceived within bounded terms. Thus, although I inserted maps below, I also hesitated to do so because the two-dimension linear forms inherent on fixed map space cannot possibly demonstrate the intricacies of changing social and political arrangements, identity positions and movement over time. Furthermore, when ethnicity is correlated with physical proximity (as homogenous localities), we create inside-outside dichotomy, which does no more that fortify the "other" and "us" paradigm (see also Gupta and Ferguson 1992, 1997a, 1997b). Thus, I work to move away from conceiving research sites within geographical notions of here

and *elsewhere* so that the unequal relationships inherent in the subject/observer dichotomy can be collapsed (see Narayan 1993).

Political revitalization movements are complex and contingent processes, filled with diverse actors, agendas and practices connected by moving socio-spatial practices and informative flows. The climate requires an understanding of how disparate actants (information, people, documents, organizations and images) interconnect in arenas of negotiations to redefine and stabilize identity, boundaries and power positions. In doing so, I integrate how Doreen Massey (1993: 66) considers place:

Instead, then, of thinking of places as areas with boundaries around, they can be imagined as articulated moments in networks of social relations and understandings. And this in turn allows a sense of place which is extra-verted, which includes a consciousness of its links with the wider world, which integrates in a positive way the global and the local.

This thinking works to take the "local" from being conceived as a "culture area" - an enclosed domain in which groups can be easily compared as "the rest" from "the West" (see Said 1978; 1993) - to part of the translocal (Clifford 1997b: 7), informing and informed by larger processes that flow between and throughout spaces (see also Appadurai 1986). This serves to unfasten territorial standards that fix indigenous peoples as frozen entities within mapped lines. In following, I replaced a local-placed determined ethnography with a more pluralistically sensitive perspective (see Marcus 1995) to emphasize how publicly reclaimed identities are mutually linked to broader discourses and practices occurring with rapidly changing legal and political contexts. This did not require me to travel far and yonder to understand how macro-level social and political processes constitute local life. Nor did it require a steady and continuous "hanging out" in

one place. Rather, fieldwork consisted of nonholistic, discontinuous and unstable ethnographic activity, which at times consisted of interspersed visits (Clifford 1997b: 191; Marcus 1998) to demonstrate how indigenous actors balance the practicalities inherent in rights movements (e.g. time and travel allotment, political setbacks, organizational dilemmas, and rivalries in claims). Through such dislocation, the goal has been to break from juxtaposing culture as homogenous and tied to physicality, to understanding that cultural ownership exists for those who move between and beyond the fringes of territorialized space.

From coffee shops, powwows, birthday parties, sacred sites, and internet blogs to policy participation meetings and museums, the field consisted of assorted locations of gatherings, temporarily holding moving and mixed cultures. Throughout sites of this research, *boundary crossings* were never simply places of observation for the sole ethnographic gaze. Rather, any notion of penetration and situated-ness was always obscured as my researcher position muddled in a hybridity of domesticated differences amongst other "outsiders" - journalists, policy makers, politicians, students, tourists, anthropologists and new-agers in search of Native cosmic enlightenment – all competing for Chumash insight. Did this mean that a self identifying process should have occurred to separate or self-fashion myself as far more humanist, aware, important and enlightened from other observers in order to peer into the "other" culture? Or would I simply accept that, in an age of globalization, modern anthropologists can no longer present an arrival narrative or a finalizing narrative like those from our traditional trainings (Canclini 1995, Nelson 1999:54)? In borrowing from Diane Nelson's approach of "fluidarity," I chose the

latter to situate myself as "never completely fixed" (1999: 42), but flexible amidst the moving forces that generate social and political strategies and discourses inherent in rights movements. This approach, influenced by James Clifford (1997a, 1997b), centers on movement to "unsituate" oneself as "dweller" (implying one who probes traditional organizations and cultural differences from the outside) to embrace the paths and flows that work to integrate ideas and principles between institutional bodies, academics, the public and Native groups. It was strategic method used to release the confines from predetermined entering strategies in order to reveal that culture, tradition and identity are not static, nor need to be evidenced in a reified notion of territory, but are reactively and continually redefined and contested by innovative individuals.

In re-conceptualizing the field as moving and permeable does not mean to imply that Chumash descendants, despite a history of forced severance to their lands and culture, are without durable ties to their ancestral culture and connection to place. Rather I mean the act to re-unite physically distant families to mobilize for recognition goals creates communities regardless of mainstream Western notions of bounded/fixed territories. Culturally meaningful relationships to territories and resources are vital to an indigenous sense of personal and tribal identity, posing a paradox for postmodern literature on movement and instability. The political discourse promoting sovereignty and rights claims emphasizes longevity in territory, localization, ancestral ties, and distinction from settler societies. Within this discourse, Native identity is not conceived as boundless, infinitely fractured within endless flows of multiple connections. Rather,

difference making strategies often utilize boundary making identity mechanisms brought from colonial ideologies that conceive tribes to be static, coherent and stable.

While I do not simply place Chumash as conforming to colonialist ideas of territorialized space in order to create a distinction, I mean rather that *routes* are not without *roots* (Clifford 1997) and that mobility is not without stabilization. The collective remembering by those uprooted, where even the most casual conversations and transitory gatherings, bring stories and memories that work to evoke an awareness to their roots. Thus, to illuminate Chumash actions that establish "root," I utilize Bruno Latour's understanding of "durability" to understand how social ties, practices and discourses articulate to form an "inside" group to give actors a sense of order, coherency, belongingness and uniqueness as a stabilized entity to operate amidst heterogeneous influences and actions (see also Cooper and Brubaker 2005).

The Field as a fluid relational network

In utilizing a movement approach to understand interactional linkages of a social/political movement, the field was conceived as a social network of relations: a highly dynamic vehicle through which actors cultivate, promote and disseminate new ideas, practices and values from which to align and form a base of action. Thus, I investigated various network approaches - from Social Network Analysis to Actor-Network Theory - to best conceive a methodology for tracing the communicative interactions that strengthen what is being called "revitalization."

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¹⁷ Consider for example a Thanksgiving dinner I attended along with Chumash elders in 2009. Dinner conversation turned from everyday family affairs to remembering Native practices of their parents, such as herbs prepared for medicine, hunting, clam shell gathering. Each memory told, rooted these individuals to their Chumash ancestry and land, bringing a sense of longevity and permanence to place.

Attempting Social Network Analysis

Introduced in the 1950s by Manchester School anthropologists (John Barnes, Elizabeth Bott and Clyde Mitchell), the concept of social network analysis (SNA) began to receive acceptance by urban anthropologists and sociologists looking to situate the fluid interactional and relational ties (rather than place) that connect to produce communities and movements in complex societies (e.g. Keefe 1980; Mitchell 1969; Tilly 1978, 2005; Turk 1970; Wellman 1979). By conceiving and analyzing urban life as a social structure comprised of interrelated and overlapping relationships, SNA has contributed to rethinking the field as place (that contains people and institutions within) to a configuration of interpersonal and ties extending throughout a vast network.

Under this approach, I imagined mapping social ties through a quantitative measuring of the communicative factors and relations (informational, political support, friendships, or respects) strengthening indigenous empowerment. Thus, I collected data through a questionnaire in an aim to produce an SNA graph from which I portended would identify the influential factors and alliances that link positions to produce a network. My intention was that it would work to visually identify and uncover critical attributes and patterns of affiliations in indigenous networks that might not be evident with other anthropological methods.

Thus, I set out to provide a conceptual description of the network by identifying prominent sites, actors and events of revitalization according to Chumash. From these interviews, I concluded the network composition consists of: (1) tribal groups; (2) key agencies (e.g. City, County, National, and corporate); (3) collaborators (e.g.

anthropologists, educators, foundations, and activists); (4) internet sites and; (5) heritage sites (museums/cultural centers, Native gatherings). From this, I designed a matrix (a diagram listing the actors, events and evaluation/rating suggestions) used in three different sets of questionnaires to measure degrees of relations in the network (see Appendix C). Twenty questionnaires were administered with Chumash claimants sampled from four regions of south central California (Santa Ynez, Ventura, San Luis Obispo and Santa Barbara) while informal dialogues were conducted with another twenty consultants. While conducting questionnaires, responses were discussed to further dialogue about experiences and reasons for choices. In particular, I asked what attributes they believe make a relation, approach or event effective or not²⁰ and listed factors that

¹⁸ The first questionnaire was used to assess the frequency of interactions between network actors. The second questionnaire was designed to distinguish positive and negative relationships within indigenous networks. The third questionnaire was designed to discern advantageous and disadvantageous strategies, forums and relationships. To assess the frequency of interactions between network actors for the first questionnaire, interviewees were given the matrix and asked to rate the level of interaction between indigenous people, agencies, anthropologists, sites, etc. based on a 1 through 5 scale (all the time, frequently, sometimes, rarely, not at all). This was to establish the number of events with which each actor is affiliated as well establish the cohesive subgroups of actors within a network. In the second questionnaire – designed to distinguish positive and negative relationships - interviewees were asked to rate the level of positive and negative feelings/experiences regarding each interaction based on a 1 through 5 scale (strongly like, like, no positive or negative feeling, dislike, strongly dislike). The purpose was to measure the closeness/connectedness of actors and events. The third questionnaire – designed to map advantageous and disadvantageous strategies, forums and relationships - listed the sampling units and provide a system in which to rate an effective or ineffective relationship/experience with each unit using a 1 though 5 scale (very beneficial/effective, somewhat beneficial/effective, average, not very beneficial or effective, ineffective/never beneficial). This was to establish the strengths and weaknesses in relational ties, collaborative strategies and political arenas of indigenous participation.

¹⁹ I administered the questionnaires during interviews, so as to assist or explain if needed. Each questionnaire had room for the interviewee to add any information that they think should be included There were also many instances where consultants did not want to conduct a questionnaire, but were more comfortable in having a dialogue about different agencies and organizations.

²⁰ For example, a positive attribute was one where political support was given, that information in a policy arena was transparent, or that Native opinion was productively utilized in a legal matter. A negative attribute was one in which Chumash people were not consulted, that a particular agency did not implement a policy, that information was poorly administered, etc.

interviewees believed to be a benefit or detriment to indigenous representation in agency and institutional arenas.

Overall, I found that while SNA is useful in reconfiguring the field into a set of relations, there were limitations in its applicability because network, under this approach, is defined as consisting of "a finite set or sets of actors and the relation or relations that defined on them" (Wasserman and Faust 1994: 20) and actors are treated as discrete social entities observable as a structure. This led to several problems for this research because Chumash are neither a cultural unity nor a discrete social entity. Furthermore revitalization, as a socio-political movement, is a continuously expansive process involving a growing number of diverse groups and individuals with different positions as to what constitutes legitimacy to participate as "Chumash." Depending on the positions of different individuals would come an extreme continuum of like or dislike with certain institutions due to the history of actors legitimizing or refuting identity claims in this region. ²¹ Basically, the generality in numbering could not help to assess more nuanced relationships.

There also exists a politicized issue concerning administering questionnaires with indigenous communities. I later address one example during the Marine Life Protection Act Initiative where northern California tribes protested the use of surveys for statistical purposes. Prior to my fieldwork, this issue manifested in one instance where a graduate student requested surveys from Chumash descendants. They took offense and refused to

²¹ For example, for communities whose ethnic identity has been contested by anthropologists, there is an automatic negative feeling for the institutions from which that anthropologist works. Conversely, for communities whose ethnicity has been validated by anthropological investigation, there is a positive reaction geared toward anthropologists. Then, of course, there is the issue of which anthropologist one was thinking of in answering the question.

comply for similar reasons of the northern California tribes: first, they did not want to be considered a statistic for study; second, it was viewed as impersonal. This made me very uncomfortable in even approaching an interviewee with a questionnaire. I believe those tolerant enough to complete the questionnaires did so due to our long-standing rapport. Yet, most sessions ended with it "all depends on the situation." No agency or institution is ever static. Interviewees were quick to point out the many different experiences they have had within the same arena due to various factors (different agency representatives employed, different plans being proposed, different politics happenings). This brought to light the array of complex, ever-changing and limitless influential factors that flow in multiple directions, making its mapping difficult. In other words, a rating of one number could not encompass the continuum of feelings that occur throughout multiple encounters with agencies, the public and with various institutions.

Finally, when looking to input data into a specialist network analysis package of UCINET (Borgatti and Freeman 2002), I found that my matrix data did not translate into a formal language for describing and empirically mapping the multiple informational and relational ties into one cohesion-based social structure. Of use, however, was to take the data and compile it into a spreadsheet, from which I was able to look for patterns in strength/closeness of ties and positive or negative feelings toward certain agencies and institutions. This helped to discern which agencies, relationships, sites, etc. appear to be more effective in creating beneficial political strategies and consequences for indigenous actors. For example, there was a consistent positive feeling the National Park

Association. Again, however, simple numbers do not explain why. In seeing these

patterns I was able to return to interviewees and further investigate reasons and experiences with each to identify the factors that hinder or enhance indigenous representation and policy participation. Such interviews helped to highlight positive and negative relations between Chumash, agencies, and institutions as well as key elements that improve and/or constrain representation and policy change. In conclusion, while the attempt was made to conduct a social network analysis, and while I think it would value for other types of study, it faltered in its execution and its conception to demonstrate the numerous patterns of this network. I still, however, wanted to find a means to account for how social/political movements form, stabilize and mobilize through informative flows (e.g. cultural practices, discourses, agendas and documents) that cross spatial locations and connect physically distant actors into a network.

Revitalization as an Actor Network

Besides the fact that locations of Chumash gathering and political action are fluid and ever-changing, underlying the revitalization process are deep group divisions stemming from ethnic identity debates which confuse any notion of collective opinion or action. The means to strengthen various positions is through networking: using tools available them – documentation, coalition building, inclusion strategies, and/or internet outreach – to gain external acknowledgment and advance goals. The difference is in their makeup and goals and the evidence they draw upon to connect individuals and define who they are as a group. For some, the evidence may depend on genealogical documentation. For others, the evidence depends on discourse, practice and/or external forms of validation (e.g. newspaper, internet inscriptions). Yet, despite group boundaries

formed from these mechanisms, individuals are still linked through various assemblies of associations that constitute the social makeup of Chumash revitalization. Thus, to understand how networks are formed within a climate filled with different, and sometimes opposing actors, I turned to utilizing an Actor-Network-Theory (ANT) as practiced by Bruno Latour and Michel Callon.

Latour and Callon define network as a highly dynamic, inclusive and limitless "group of unspecified relationships among entities of which the nature itself is undetermined" (Callon 1993: 263). It consists of diverse but interconnected actors and actants²² (human and non-human) which assign meaning according to prevailing strategies of interaction. The network can be mutually reconstructed while working to stabilize itself: "[a]n actor network is simultaneously an actor whose activity is networking heterogeneous elements and a network that is able to redefine and transform what it is made of" (Callon 1987: 93). Holding the heterogeneous actants or elements of the network together are a system of alliances through which communicated values, goals, ideas, etc. are shared, cultivated, promoted and disseminated to assimilate and align interests into a context that shapes or shifts action. Thus, ANT's principle concern is with understanding how alignments are made, actors are enrolled, and knowledge is disseminated and accepted to try to stabilize a network. In doing so, humans and nonhumans are defined in relational, positional and agentive terms: as innovative entities

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²² An actor is "whatever acts or shifts action, action itself being defined by a list of performances through trials; from these performances are deduced a set of competences with which the actant is endowed" (Akrich and Latour, 1992: 259). Both humans and nonhumans may be actants and can have agency (the ability to act). The difference of actor and actant is that actors endow actants with a character and enroll or ally them into a system's circulation to give strength to a position (Akrich and Latour, 1992: 259)

that connect through purposeful, conscious and intentional interactions and work to form alliances that can change and/or stabilize the structure of existing dynamics.

A network, as a conduit for information to create actor alignment, designates "flows of translation" that can be traced, for example, by textual accounts that readies the relay of actors (Latour 2005: 131-3). This framework draws attention to the effects and actions of any entity (e.g. the people, the artifacts, the inscriptions, the discourses, the concepts, or the organizations) that work to link, stabilize or shape the direction of a network. Methodologically then, one can follow, for example, the controversies, discourses and/or inscriptions to trace forces which frame behavior and create choices to transform conditions through social action (Latour 1987, 1999, 2005; see also Callon and Law 1982; Callon 1991). Subsequently, I chose this relational and process-oriented approach because it allowed me to detect and follow factors that tie, influence and strengthen positions across multi-temporal and multi-spatial locations to produce a movement.

There are various concepts utilized by ANT in this process which require defining: translation, intermediaries, mediaries, inscription, black-boxing and stabilization. Translation is the starting point of the creation of an actor-network, where someone attempts to get their ideas and objectives accepted through creating a central forum for aligned interests. In this process, strategies for effective power negotiations begin through convincing others there is a common goal that can be reached through enrolling supporters for an objective. Thus, observing ways actors and actants "translate" (interact) to define identities, construct objectives, influence other actors, circulate

information, modify alliances and enroll others in the pursuit of common interests, one can understand how networks are created and reconstructed and the positions within them strengthened.

Because a network consists of heterogeneous elements, it can either converge toward stabilizing itself or diverge toward disintegration (Latour 2005). Thus, rather than adhering to a "fixed frame of reference", the objective is to find patterns amidst "unstable and shifting frames of reference" to reveal sturdy relations that make social connections traceable (Latour 2005: 24). For example, the more translations are carried successfully through, the denser the interconnections, interests and actor alignments become to lock actants into place and hence lead the network to convergence and stability (Spinuzzi 2008: 87). If translations do not succeed, actor alignment is weakened and the network is left vulnerable to disintegrate. If assembly amongst actants is especially coherent, it can be "black-boxed" (Latour 1999) to be treated as a single thing: "an object, a procedure, a concept, a technique – that resists decomposition and therefore functions as a reliable building block for other work" (Spinuzzi 2008: 91). But, black-boxed facts can also be disintegrated as various actors find means to challenge and alter them (e.g. indigenous coalitions that challenge science input as it is used solely in policy making).

According to Michel Callon (1986), translation involves four moments: problemization, interessement, enrollment and mobilization. Problemization is when the primary actor (innovator) defines common identities, problems, needs, arguments and/or interests in an attempt to attract and induct actors with similar interests. During this time, the primary actor establishes as an obligatory passage point (OPP), with "authority to

speak or act on behalf of another actor or force" (Callon and Latour 1981: 279) to render itself indispensable (Callon 1986). Interessement involves convincing others to accept representative terms of their involvement as defined by the focal actor (Callon 1986). Enrollment is when representatives accept the roles, relationships and interests defined for them during interessement. Mobilization is the point in which allies are identified through delegated actors who enroll active support from which to provide a collective representation in the pursuit of aligned objectives.

During translation, intermediaries - entities that "transport meaning or force without transformation" (Latour 2005: 39) - are circulated to connect information and intentions from which actants and mediators (the agentive aspects of the network) emerge. 23 Mediators differ from intermediaries; they materialize from the process of translation, distorting and modifying "the meaning or the elements they are supposed to carry" (Latour 2005: 39). Enabling translation and mobilization are inscriptions which are "any item of apparatus or particular configurations of such items which can transform a material substance into a figure or diagram" (Latour and Woolgar 1986: 51). Put another way, inscriptions are technologies created during the intermediate processes of knowledge making and representation that establish a trace (e.g. writings, drawings, diagrams). The process of creating technical artifacts allows knowledge to stabilize so that it can travel, be combined, recombined or superimposed into further inscriptions and eventually safeguard an actor's interests and credibility (Akrich and Latour 1992). As allies for stability of social relations, inscriptions are also actants.

²³ Intermediaries can refer to anything that "passes between actors in the course of relatively stable transactions" (Bijker and Law: 1992: 25).

I draw upon this framework to situate various scenarios in this research. First, in addressing the identity-based debates, I turn to Latour to trace and follow the contradictory ways (traditionalist practice versus genealogical documentation) are evoked to form opposing yet integrated social aggregates (2005). I also consider how modern inscription devices (e.g. the internet) are non-human actants as they are used either stabilize or destabilize the network depending how they are translated through circulation. In examining how coalitions form and strengthen for politicized claims or work to alter black-boxed facts in policy making, I look to the translation process to frame how actors define common goals and garner support from which to mobilize for change in social institutions.

Methods to collect evidence

I employed participant observation, questionnaires, ²⁴ archival research, and informal semi-structured interviews to gain insight into the practices, negotiations and discourses that affect and/or contribute to indigenous recognition, policy-making, and collaboration. I conducted preliminary fieldwork in June of 2006 through Spring of 2010 from which I traveled monthly from Riverside to Santa Barbara and surrounding counties in order to establish rapport with consultants. Full-time fieldwork was conducted from August 2010 to June 2011 from which time I was based in Santa Barbara. The advantage of conducting preliminary fieldwork was that by the time I moved to Santa Barbara, established networks were already in place for me to follow.

²⁴ As mentioned above, questionnaires were used in an attempt to conduct a social network analysis.

Participant Observation

Participant observation provided significant insight into revitalization practices, policy negotiations, discourses and influences that are affecting indigenous recognition. Because participant observation helps to establish rapport and deepen relationships, this method was both an analytical tool and an effective means of obtaining valid data, while allowing the formulation of new research questions and hypotheses. Sites of participant observation where I both observed and conducted informal interviews included: policy meetings and public hearings²⁵; California Indian Advisory Committee meetings at the Santa Barbara Museum of Natural History²⁶; monthly tribal meetings²⁷; Chumash public lectures (storytelling, cultural teachings) at schools, festivals, conferences, symposiums and community centers; museums²⁸; commemorations; public ceremonies/rituals; gatherings and events (e.g. powwows, festivals, seasonal celebrations); politicized and symbolic land claim sites; classes and presentations aimed to encourage indigenous education (e.g. Native basketry, language and dance).

Through photographs, field notes, audio/video tapes (provided consent), and the collection of materials related to sites (e.g. flyers, brochures, maps), I carefully

²⁵ I attended meetings and hearings and/or interviewed participants actively involved in the following consultation and policy making forums: 1) the Marine Life Protective Act; 2) Coalition to Save Husahkiw-Chumash Wind Caves; 3) California Environmental Protection Act Workshops; 4) 5) The Native American Heritage Commission (NAHC); 6) The National Parks Service; 7) Channel Islands National Park Service Marine Sanctuary Program; 9) Botanic Garden Appeal Process

²⁶ Anthropologists, museum directors and Chumash representatives from various tribes meet at least three times a year to advise museums on collection management, research, public programs, and exhibits related to Chumash culture. I attended six of these meetings.

²⁷ From December 2006 to September 2011, I attended monthly tribal meetings held by the Barbareño-Ventureño Chumash in various locations.

²⁸ I observed the following museums which hold Chumash displays and archival research and are a resource for Chumash tribal members to conduct research, hold public cultural events and meet with anthropologists: Santa Barbara Museum of Natural History, Thousand Oaks Chumash Interpretive Center, Museum of Ventura County, Guadalupe Cultural Arts & Education Center; and the Ojai Valley Museum.

documented conversations related to anthropological controversies, indigenous identity practices and representation, promotion of indigenous culture, policy discourse, resource and sacred site protection, as well as my interpretations and reflexive insights. I also talked with tourists and non-indigenous locals to provide an understanding of how public attitudes are intertwined with changing ideologies of indigenous representation, as well as to highlight mainstream perceptions. When events and gatherings in political, social and legal arenas occurred, there was an opportunity to observe the political actions and discourses in identity, policy and cultural negotiations. However, phone and email exchanges, reading newspaper and internet blogs, and examining changing indigenous laws and policies, filled the void of continuous human contact, making possible the defetishization of participant observation²⁹ and to disturb any sense of inside/outside, distance, and place (Gupta and Ferguson 1997a).

In-depth Interviews

Ongoing in-depth interviews and dialogues with Chumash individuals, activists, anthropologists, lawyers and policy makers usually took place in more private settings (cars, consultants' homes or offices, my home, restaurants, telephone calls, internet correspondences). Semi-structured informal interviews were held with 60 self-identified Chumash individuals, six anthropologists involved with Chumash issues, three lawyers familiar with indigenous participation in policy, 20 policy actors, and 15 activists

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See Gupta and Ferguson (1997a: 37) who state: "Participant observation continues to be a major part of positioned anthropological methodologies, but it is ceasing to be fetishized; talking to and living with the members of a community are increasingly taking their place alongside reading newspapers, analyzing government document, observing the activities of governing elites, and tracking the internal logic of transnational development agencies and corporations."

involved in coalitions with Chumash claimants. Questions and conversations involved: life histories; identity and representation controversies; policy strategies and goals; revitalization efforts and challenges; activist histories; network and coalition building; collaborative endeavors and experiences; negotiating rights claims, ideas for bettering policy, and experiences in political, legal and social arenas. There were also 15 in-depth interviews with local non-Native people to factor reasons for changing attitudes and perceptions toward Chumash.

Collection techniques of interviews, conversations and dialogues were through note-taking and voice recording, which I transcribed and coded. All tape-recorded interviews were conducted with full permission from consultants obtained through either oral or written informed consent form before the interviewing process began (see appendix A and B). Interviewees also had the option of not being tape-recorded.

Because both formal and informal processes of recognition are important for many Chumash groups and individuals, some individuals wanted their names and tribal names used for this research. In such cases, I sent any material I had written to consultants for their review and their confirmation of wanting their names attached alongside their statements. I also attach names to statements made in the public domain (e.g. newspapers, internet blogs). Consultants who did not want their names used are left anonymous. Interviewees were allowed access to their tape-recorded and/or transcribed interviews and every attempt was made to provide copies of my work to all participants in the study to

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³⁰ The Institutional Review Board at University of California, Riverside, gave Human Subjects Protocol Number HS-09-130 in approval of this project. Preliminary fieldwork conducted while attending California State University Los Angeles from 2005 to Spring 2006 was approved by their IRB department.

allow further dialogue, approval, elaboration or corrections to statements made. I did so to address concerns some had about how testimonies would be relayed. There were also conversations and interviews, where sensitive and personal matters were discussed and I was asked not to record, take notes, or use names. I therefore do not use names when discussing some these matters in this dissertation and, out of respect, only address conversations relevant to answering research questions. I obtained permission from the tribal chair of the Barbareño-Ventureño Band of Mission Indians to record monthly meetings from December 2006 through September 2011. These recordings had a reciprocal purpose: they benefitted this research as well as the Band, who converted transcriptions as minutes for non-profit organization purposes. These records are also of value to the Band for the Federal Acknowledgement Process they are undergoing. I further sent my working chapters that concern the Barbareño-Ventureño Band of Mission Indians to the group for their review.

Because I used a voice recorder throughout much of my fieldwork, quotes within this dissertation are directly from transcribed meetings, interviews and public speeches/presentations. Quotes from conversations, emails and interviews are dated and referred to as *personal communication* or *email correspondence*. Quotes from public presentations, policy, tribal and advisory meetings are dated and referred to as *fieldnotes*. The most salient dialogues informing this research occurred during social and intimate settings - accompanying a consultant to a sacred site, talking on the phone, attending barbeques, birthday parties and dinners at homes – of which a tape recorder was not appropriate. In such cases, I would recreate conversations from memory to notes.

Archived research

Historical documentation, ethnographies, and museum resources have been instrumental sources for Chumash to legitimize American Indian claims, reconnect to ancestral heritage, revive traditions, enforce meaningful symbolic systems, and strengthen indigenous identity. Thus, I examined how information from both intergenerational knowledge and ethnographic data is produced, interpreted, critiqued, and appropriated by Chumash descendants to present their own history. Ethnographic data and historical research on social, cultural and material history in this region was obtained though libraries, local museums and mission archives. A primary source of ancestral knowledge used by Chumash to revive their culture comes from the ethnographic records (historical documents, correspondences, sound recordings, cartographic materials, writings, and photographs) of John Peabody Harrington during the first half of the twentieth century. I spent roughly two years collecting data from Harrington's collections from the National Anthropological Archives, Santa Barbara Museum of Natural History and University of California (which all hold his notes on microfilm), as well as researched later publications based on his work in order to compare how such sources are utilized, presented and interpreted for recognition and rights claims.³¹ Research relating to government relations, indigenous law, and public policy was conducted at libraries and on-line sites such as the California State Library and Native American Heritage Commission. Newspaper and magazine articles were collected from clipping albums at the department of anthropology at the Santa Barbara Museum of Natural history and on-

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³¹ Upon request, I provided copies of Harrington's material I researched to interviewees.

line newspaper sites. From these sites and from the internet, I catalogued and analyzed past and current discursive trends relating to indigenous representation, collaboration, cultural revitalization, rights claims, indigenous policy initiatives, environmental/resource and sacred site protection. Copies of correspondences between Chumash groups and agencies, institutions and foundations were also collected to evaluate effective dialogues, collaborations and participatory strategies.

Terminology, Territory, Tense and Reflexivity: My Writing Approach

...On Labels

There are ongoing debates on the correct terminology to use when identifying indigenous populations in North American (e.g. Means 1996). While the best approach is to always choose the term that people use to refer to themselves, this task was not easy as local indigenes had different answers as to which label is most appropriate. For example, one descendant stated the following:

In my experience most Natives in California are not quite sure what each term means. Indigenous, aboriginal, traditional...Native American, American Indian. It all boils down to education and age and custom and sometimes TV. In other parts of the country, it is much different. When I lived in New Mexico, it was just Dine' or Hopi.' Yhen it went directly to family relations. Kinda obvious huh, but California is Kinda messed up (email correspondence 4/12/10).

While I did not conduct an official survey to find a labeling consensus, I made it a point to ask consultants which term they preferred. Some preferred Native American, while others were adamant about being called American Indian, with a majority of interviewees stating that either was fine. A few found either term to be oppressive because it

"represents the white man's colonial history" (personal communication 4/3/10). There was a great appreciation of the term *indigenous*, or simply *Native*. Many mentioned that they refer to themselves particularly by tribe, band, region or nation.³² However, being referred to as tribe was also problematic for some: "A tribe seems to be something from the Middle East. I wouldn't use it to describe how we live," according to one Obispeño descendant (personal communication 5/15/10). For many, it is a matter of context:

If I'm with local Indians, we use Indians, or tribal name. If I'm with various tribes I use Indian or indigenous if some are from out of the U.S. If I'm with a native organization, I use what they use to be respectful. If I'm with non-Indians, I use Native American or indigenous. If I'm writing a grant for a federal agency, I use American Indian or Native American because they like the word "American." If I'm with kids, I use all, and explain they are all the same, because the text books usually use a variety. It depends on where I am and who I am addressing. Unless you're in a local place and there are politics, there is no need to use "Band" etc. Many times I am asked if I'm from Santa Ynez. I explain I have ancestors from there, but not and do not recognize as such. Sometimes I say that I'm just a "GOD DAMN INDIAN!" (email correspondence 4/8/2010).

Without doubt, labels of identification have political, social and personal consequences. In this dissertation, I do my best to name according to how people name themselves. I mostly use regionally specific terms (e.g. Ventureño Chumash) and/or group affiliation name (e.g. Barbareño-Ventureño Band of Mission Indians) in accordance with how those I interviewed self-identified. I also account for larger discursive trends in legal, government and activist forums. There is broad use of the term

³² Individuals not belonging to a band refer to themselves by region. Debates also stood out regarding who can be called a tribe. Groups with federally recognition status are legally considered a Tribe by the U.S. government, while unrecognized groups can be considered a Band. The definition of "tribe" however, remains flawed by virtue of its association with federal policy. Regardless, some unrecognized groups refuse to be classify themselves within the temporal boundaries of "tribe" as defined by federal policy and refer to themselves as a tribe or Tribal Nation based on their own terms.

American Indian by the government (Bureau of Indian Affairs, Bureau of Indian Education), advocacy groups (e.g. American Indian Movement, National Congress of American Indians), federal census, and in law (National Museum of the American Indian Act, National Museum of the American Indian Act, National Museum of the American Indian Act). Within these legal and political contexts, American Indian has become a practical term that many groups use, especially for those applying for federal recognition and/or working in policy spaces. I use it in this dissertation with respect to understanding ways individuals and groups may conform or label themselves when making rights claims and in negotiating policy. I also use the word "Native", "tribal" and "indigenous" as such terms are locally used interchangeably and increasingly accepted internationally (e.g. Declaration on the Rights of Indigenous Peoples by the United Nations), while also addressing debates of terminology.

...On "Chumash"

I also want to clarify my use of the term *Chumash*. While local indigenous claimants, academics and the mainstream public employ this term, it was not a name traditionally used to signify a single group of indigenes, nor does it indicate a culturally unified group now. At the time of Spanish arrival, indigenous people inhabiting southern and central California were a diverse population consisting of roughly 150 different villages made up of independent families, with distinct languages and dialectical subdivisions (Kroeber 1925 [1976]). Each village and area had its own name at European contact (see Figure 6). However, names and designations might very well have been

different throughout the thousands of years of Chumash occupation prior to European contact (see Brown 1967; Gamble 2008; McLendon and Johnson 1999).

The term *Chumash* was derived from a coastal word for islanders, the native peoples of the Northern Channel Islands. In the 1891 publication, North American Indian Languages, John Wesley Powell of the Bureau of American Ethnology arbitrarily chose the name "Chumashan" to designate an indigenous area based on closely related languages. After Kroeber used the word "Chumash" for mapping in the 1925 publication Handbook of California Indians, it was then imposed on indigenous people living in the southern central California who spoke the closely related languages that John Wesley Powell called "Chumashan." In order to further differentiate and identify indigenous people via territory, Kroeber roughly classified Chumash into geographic entities based on eight distinct languages and/or dialects spoken in the area. Mostly named after Spanish missions in southern and central California, they include: Barbareño, Ventureño, Ineseño, Purismeño, Obispeño, Cuyama, Emigdiano, and Island language (see Figure 7).

Prior to the 1960s, California indigenes were identified as Mission Indians,
Canaliño (a name derived by Spanish explorers meaning "a people living y the channel")
or to specific regional areas (e.g. Santa Barbara Indians). However, there is evidence via
Harrington's papers that local descendants also identified as Chumash prior to the
1960s.³⁴ The term "Chumash" was more generally adopted by local descendants when
the California Judgment Roll opened from 1968 to 1972 to identify appropriate recipients

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³³ The dialectal division was based on linguistic data collected since 1878.

³⁴ For example, Barbareño descendant Mary Yee, one of the last Chumash speakers, told Harrington how her grandmother, Luisa Ygnacio called her grandchildren Luisa "called her own grandchildren tshumásh (1986: 66/246).

of the California Indian Land Settlement. In 1959, the Indian Claims Commission issued an order stating that the "Indians of California had aboriginal title, as of 1853, to approximately 64 million acres of California land west of the Sierra Nevada" (Bureau of Indian Affairs, 1966:20). In 1964, a negotiated settlement of \$29,100,000 (approximately 47 cents per acre) was awarded to California indigenes as redress for their lands. To designate appropriate settlement recipients, the California Indian Judgment Roll required an individual descend from at least one individual identified on the 1933 Roll, or to provide genealogical information connecting one to an individual identified as Indian by the government. During the compilation process, genealogists were hired by families to establish their ancestry and the term "Chumash" was used in place "Mission Indian" ³⁵ (Haley and Wilcoxon 1997: 768) and has since been appropriated by local descendants.

Today, anthropologically determined geographic divisions based on linguistic classifications and names are commonly employed to designate and identify individual, band and tribal identities and territories.³⁶ For example, those descending from villages in San Luis Obispo county or Mission San Luis Obispo de Tolosa may refer to themselves as Obispeño Chumash. Groups and individuals also refer to themselves by ancestral placenames, languages or villages of their family line.³⁷ This is not to say that naming via "cultural areas" set forth by Kroeber is not without controversy. In policy arenas, particularly of land claims and sacred site protection, matters of who should be represent an area based on ancestral territorial ties are constantly negotiated. For now,

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³⁵ "Mission Indian" was a catch-all term for southern California tribes and often used in census records.

³⁶ Those belonging to a tribe or band will also refer to themselves as a member of that particular group.

³⁷ For example, members of the Santa Ynez Band of Chumash Indians also call themselves *Samala* based on a village name.

even though the term 'Chumash' might be considered a misnomer, underestimating the complexity of contemporary Californian indigenous descendants (and perhaps reflecting an acceptance of colonial knowledge formations³⁸ (Cohn 1996) and geographic parameters (Clifford 1988)), "it is still a serviceable label" (Miller 1988: 10). I use it with respect to how local claimants self-identify, while also acknowledging their heterogeneity, in the past and in the present. Such consideration is carried into how I write of a Chumash revitalization movement. That is, I do not imply that it be considered a homogenous whole – but consider how different individuals and groups position themselves, either through dialogue or action, within this process.

It is also important to take into account that not all people who identify as Chumash live within cultural boundaries designed by Kroeber, nor fit the "distinct community" requirements of "tribe" as defined by the federal Branch of the Acknowledgment and Research in 25 C.F.R. Part 83(b). I experienced tribal meetings where some members drove three to five hours from their homes to attend. They live "outside" Chumash territory, but are nonetheless part of the Chumash community. Likewise, my fieldwork was not confined within these boundaries as I also conducted interviews with Chumash descendants in Los Angeles, Riverside and San Diego.

...On Tense

It is important for us to have language that incorporates that Native people are still here...still living today and still involved in using the living materials our ancestors did.

³⁸ See for example, Bernard Cohen's (1996) discussion of how colonial language practices, in naming and categorizing, could construct boundaries needed to confine and hence conquer, control and command cultures.

Using tense as a form to witness indigenous action ties into classic philosophical propositions of observation: if a tree falls in the forest, does it make a sound? Carried over, if I write in the present tense, do I risk misrepresenting the changes that are likely to occur after my departure? If not past or present tense, would writing in a present perfect continuous tense – "they/I have been" - suffice in allowing for a sense of connection with the past and present, while accounting for heterogeneity and change? For living Chumash descendants concerned with presenting their histories as continuing, the answer is yes. In ethnographic writing perhaps not, since it conveys a concern with what was without any specificity of when exactly. Would writing in a present perfect future tense allow for an understanding for future actions that will occur when I am finished with fieldwork? Should I follow the more popular practice of moving between the present and past tense, even within a single sentence (Davis 1992)? Is the matter truly one of grammar, or in providing more explicit historical contextualization?

Tactical and strategic problems of rhetoric can occur when choosing which verb tense to use in ethnographic writing, particularly when writing about indigenous cultures. In many historical chronicles, museum texts and textbooks, American Indians are described in past tense verbiage - "used to", "lived", or "were" - contributing to the stigma that they are an extinct or endangered species. Occasionally, a brief epilogue that Chumash are "still here" will follow lengthy pre-contact and mission historical narratives. Anthropological writings may, in part, be at fault: "Case-histories, illustrative incident, are the photographs of ethnography....we have generally written about them in the past

tense and discussed them in the present" (Davis 1992). Yet, writing in the ethnographic present tense could be subject to the following critiques: freezing cultures and practices into an a-historical static time (Appadurai 1981, Fabian 1983); refusing to "admit either competing chronologies or even to recognize itself as a normative construct" (Britzman 2000: 249) or; situating ourselves, our epistemological frames and methods as unaffected and unchanging (Di Leonardo 1988).

The challenge, according to George Marcus and Michael Fischer is not to rid the synchronic ethnographic frame, "but to exploit fully the historical within it" – to integrate the context, perceptions and interpretations of subjects and ethnographer in time and space (1986: 96). Yet, as Peter Burke (2002) points out, the importance on 'historicising' is a Western knowledge construct that may neglect attention on the "potential for conversions in local perceptions: of transformations of the past in the present and transformation of versions of the future in the present" (Hirsch: 2008:23). The issues in this dissertation – cultural revitalization, policy participation, indigenous perception – are all processes that began before my fieldwork and will continue after my departure. Such processes must be understood within long-term political, economical, and social histories, giving "attention to the likely future that is being produced" (Davies 1999: 160). Certain periods, however, can only be described in the past tense. My best solution is to situate events as they occurred in the past tense whilst giving them greater specification of time and place. I also switch to the present tense and present continuous tense when describing continuing actions and dialogues.

... On Recognition

I use the term *recognition* in two ways. When referring to the formal process of making legal claims for the Federal Acknowledgment Process (FAP), I use *federal recognition or Acknowledgement*. When referring to the informal process of achieving public awareness and acknowledgement of indigenous identity, I use *recognition* or *informal recognition*.

... On Reflexivity

Critical postmodern scholarship stresses that anthropologists must consider their own social position and reflexivity throughout all stages of research to: reveal the construction and dissemination of anthropological knowledge (Marcus and Fischer 1986), understand the historical contexts that influence theory (Fardon 1990) and; recognize the collaboration and inter-subjectivity through which anthropological knowledge is produced (Appadurai 1988; Rabinow 1977). Because I came into this research with established relationships, as well as a degree of activism with certain groups, there was a careful and critical reflexive examination regarding my own position, particularly in matters that pertain to ethnic-based claims.

... On Consultants

Due to exposure to classical anthropological readings, I once described Chumash descendants I had been interviewing as "informants" to my mother. Unfamiliar with common anthropological terminology I had appropriated from my training, she laughed

and asked, "Why are you referring to them as stool pigeons?" Of course, I immediately went to the thesaurus which gave the following synonyms for informant: *sneak*, *stool pigeon*, *spy*, and *mole*. Certainly, those I interviewed for this research were not squealing to me their top secrets. While the term "informant" and "subject" has been accepted terminology in anthropology, it has since become obsolete in favor of "interviewee" or "consultant." Reasons include a disintegrating of patrimonial scientism, "the hierarchical relationship that has been established between the knower and the known" (Fabian 2001: 25), to one that integrates mutual endeavors to construct knowledge. To do so, means that the "informant" label cannot encompass fully the roles of individuals of ethnographic research. Participants in this research, in reality, were my teachers, friends, partners and collaborators, which requires respectful and appropriate terminology of "consultant."

"Consultant" also takes on a more significant meaning as those once situated as "voiceless" assert their voice in the production of academic and policy knowledge as well as challenge non-Native perspective. Native professor, Haunani-Kay Trask (1991, 1993), for example disputes non-Natives' access, right and privilege to write about the indigenous experience. In hopes to resolve our "outsider" positioning implied in Trask's critique, I employed Joanne Rappaport's dialogical method of "co-theorizing" which "involves the forging of connections between indigenous-created concepts and the theories and methodologies that politically committed academics draw on from their own traditions" (2005: 27). I also took advice from Kirin Narayan (1993) that narrative and analysis be integrated in a way to understand the dynamics of intimacy, humility, contestation and sensitivity as anthropologists deal with the complexities of representing

ourselves, our consultants and our relationships throughout shifting and multiple processes of identification and collaboration.

With "consultant" meaning teacher, collaborator, and research partner, I also looked to recent suggestions and methods for engaged research and consultation that juxtapose power relations, goals, knowledge production and negotiations of voice within decolonization strategies for academia and policy arenas (e.g. Cervone 2007; Denzin et al. 2008; Field and Fox 2007; Field et al. 2008; Mutua and Swadener 2004). Emma Cervone (2007), for example, stresses that treating research as collaborative, where consultants are research partners and political actors rather than anthropological subjects or objects of inquiry, is a critical step in decolonizing academia and policy arenas. This approach renders anthropologists capable of being informed and instructed by consultants to create research agendas aligned with (and relevant for) their interests and needs (Cervone 2007: 106). At the same time, our research may lead us to become consultants (e.g. with tribes or government agencies) which take us from participant observers to participating activists. The question thus arises: do we work to produce knowledge that provides a social critique or do we work to formulate strategies with groups of study to transform unjust conditions and "achieve the power necessary to make these strategies effective" (Hale 2001: 13)? Through assessing and representing a group's best interest and in understanding the consequences and changes needed in policy process, I looked to find a balance between advocacy, collaboration and independent ethnography so that this research can have practical and beneficial implications for consultants.



Figure 3: California Culture Map from Alfred L. Kroeber's <u>Handbook of the Indians of California</u> (Washington: Smithsonian Institution, 1925)



Figure 4: Chumash culture area map displayed at Santa Barbara Museum of Natural History

Attribution-NonCommercial~2.0~Generic~(CC~BY-NC~2.0)~Retrieved~from~http://www.flickr.com/photos/baggis/2993579518/



Figure 5: Source: Environmental Protection Agency. Map Production 1999. Retrieved from Cynthia Kirkeby, "California Tribal & Federal Lands Map." *State Reports by ClassBrain*, http://www.statereports.us/2010/04/california-tribal-federal-lands-map/ [accessed September 9, 2011].

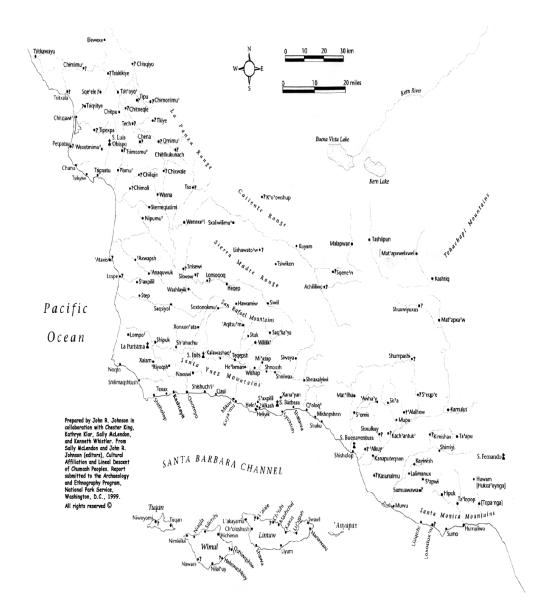


Figure 6: Chumash Towns at European Settlement Retrieved from http://www.sbnature.org/research/anthro/chumash/local.htm

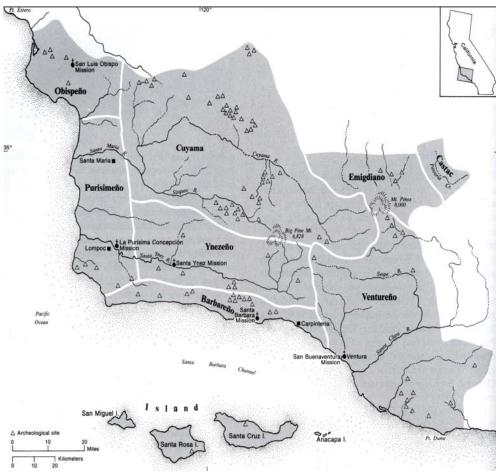


Figure 7: Map based on Chumashan languages. Made Campbell Grant in Robert Heizer, ed 1978, *California*. Handbook of North American Indians, Volume 8. Washington: Smithsonian Institute

Chapter Three:

Critical themes and Theoretical Framing

Central for unrecognized groups to make rights claims or receive participatory privileges in policy arenas involve they establish a "legitimate" American Indian identity. The historical roles of anthropologists in indigenous affairs - as legal witnesses, activists, analysts and historians – have both shaped and constrained identity establishing endeavors (e.g. Campisi 1991) as our definitions of history, continuity and identity are appropriated by governments and used to validate or invalidate claims. As identity-based rights claims become more politicized, our testimonies also have the potential to impede or enhance recognition processes (Bruner 1986), bringing dilemmas regarding the practical and political consequences of our enquiry. In the current era of rising Chumash representation and political power, controversies abound over ways indigeneity is presented in its revived state. Within these controversies, anthropologists are confronted with many forms of essentialism and ways people either admire or disdain them depending on the context. Opposing sentiments are also expressed in ways history is presented in essentialized forms to evince a continued identity.

In the following, I explore academic discussions on indigenous identity, knowledge and revitalization from which I look to provide a theoretical and interpretive framework for my analyses of Chumash representation in policy, public and politicized arenas. I first address the academic debates between essentialist and constructivist positioning of indigenous identity, from which I seek a more expansive approach that takes into account a broad continuum of identity understandings and considers reasons for identity strategies. In participatory policy arenas, these different identity, knowledge

and historical representations emerge as politicized tools in attempts to shift power relations and hierarchical policy structure or to establish presence, credibility and authority. Thus, to first understand how power relations can even shift in policy spaces that often maintain fixed bureaucratic roles, I look to policy frameworks that consider how various practices, discourses, and pressures amalgamate to affect change. A primary goal of indigenous groups is that their knowledge and presence be ongoing in policy processes, from inception to culmination. Yet, mainstream hesitancies to accept indigenous knowledge as valid hinder their call for meaningful participation. In part, this is due to beliefs that indigenous knowledge is only orally transmitted; subsequently, it is posed as opposite to science knowledge. To reconcile the segregation of indigenous and scientific knowledge in legal arenas, I re-frame the definition of indigenous knowledge as incorporating, embodying and disseminating both written and oral knowledge.

Demonstrating a continued indigenous tribal identity and history is a necessary criterion for federal recognition. Yet, it is a complex endeavor for unrecognized Chumash groups, since the carriage of their traditional practices cannot always be chronologically evidenced through Western sources of history. To rethink our teleologies, I examine and deconstruct dominant continuity theories and Western historical forms used to explain the maintenance of ethnicity and tradition, including a discussion of "invented tradition" and "resistance" paradigms. I then look to post-colonial and indigenous constructions of history and memory as well as American Indian approaches of "survivance" (Vizenor 1994) and "reemergence" to frame historical continuity as an ongoing and changing activity.

On Legitimizing American Indian Identity

Being Indian is political.

- Freddy Romero, Ineseño descendant, 9/24/09

Patently, the political dimensions of ethnicity are critical...ethnicity-as-political identity and ethnicity-as-cultural identity are quite different phenomena, despite being conditions of each other's possibility.

- John and Jean Comaroff 2009: 44

Within dynamic efforts to define indigeneity, whether it be to conform academic understandings within legal and political confines (e.g. Barnard 2006; Culhane 1998; Hamilton 2008); to advocate against how they are used in academic and political arenas (e.g. Kuper 2003, Sylvain 2002); or to apply local understandings (e.g. Tuulentie 2003), ongoing debates surround taking an essentialist or constructivist approach to identity formation. Renée Sylvain (2002), for example, addresses how the category "indigenous," as created through trans-national titling (e.g. United Nations Working Group on Indigenous Populations), has fostered an international imagined community. Although she sees this imagined community as beneficial in uniting disparate groups around common political struggles, problematic racist and idealized conceptions of indigenous culture – as discrete, undivided and untouched– are still encouraged to buttress authenticity of claims. For Adam Kuper (2003), the "indigenous" identity label is also problematic as it carries essentialized assumptions brought from colonialist primitive models, equating and categorizing groups into antiquated primordial concepts. However, essentialist and primordial strategies must be contextualized within their political and legal use, particular when needed for community-building or in negotiations to formalize

entitlements to land and resource access (Warren and Jackson 2002; McKay 2006). Thus, as Alan Barnard (2006) points out, the issue of labeling and identifying is not so much a matter of anthropological definition, but a matter of political construction. He suggests, rather, understanding how standards attached to labels "indigenous", "native" or "tribal" are used, measured, and categorized in different political, legal, socio-economic contexts.

Amidst different economic, social and political contexts, either or both constructivist and essentialist strategies can function to uphold or destabilize hegemonic understandings of indigenousness (Lawlor 2006). Les Field (1999) and Haley and Wilcoxon (1997, 2005), in highlighting the changing identifications of California indigenes - from *Indios*, *Californios*, White Spanish to Chumash - assess constructivist positions of indigeneity in order to consider the fluid historical, social and political contexts of identity assertions. Such a perspective is valuable when considering how creative local processes can challenge and change concepts of indigenousness (e.g. Tuulentie 2003). However, while ethnic identity may change depending on influences, contexts and reasons for deployment, a constructivist approach poses challenges when actors seeking recognition must refer to essentialized classifications and criteria (e.g. preserved cultural distinctiveness) in federal acknowledgement regulations (L. Smith 1999). Furthermore, there is an inconsistency in constructivist approaches in understanding how power relations reify. That is, if identities are always shifting, constructed and non-essentialized, how can power relations be treated as if they were real tangible things capable of forming, for example, structured hierarchies and institutional authority? Within formal hierarchies, essentialist strategies can advantage indigenous

groups with a sense of cultural stability to create a stronger political position "where instability threatens and demarcates a place for the community at issue to stand...in the process of negotiating with more powerful others" (Lawlor 2006: 4). Constructivism, on the other hand creates a conundrum for American Indians when their "change" weakens conceptions of cultural integrity:

Thus, Indians are caught between the Scylla and Charybdis of identity studies: charting a course that errs on the side of strategic essentialism results in accusation that cultural affiliation is intellectually untenable, while steering too close to radical constructivism condemns even the mere existence of tribal entities to nothing more than contemporary political fabrications (Liebmann 2008: 81)

Thus, within either constructivist or essentialist positioning, must come an understanding that any term used to identify indigeneity has the potential to create ambiguous, contradictory or reifying connotations (Cooper and Brubaker 2005: 88). Both strategies have political and legal implications for how concepts of history, culture and tradition are conceived, constructed and employed when mobilizing for indigenous rights and both strategies can function to uphold or challenge hegemonic power relations.

According to Kay Warren and Jean Jackson (2002: 8-9), the anthropological task should not be to scrutinize the validity of indigenous peoples' positioning, nor to rebuke the use of essentialist concepts as primordial and constructivist as imagined. Rather it is to understand reasons for deployment, specific social locations, and discursive interactions between indigenous people, academics, governments and the public that create competing and changing standards for "appropriate" indigenous representation. Likewise, it is not a matter of whether communities are imagined (since all are imagined (Anderson 1991)), but understanding why communities and identities are constructed

(e.g. for federal recognition or coalition building) and how their imaginers construct them from various components.

To balance essentialist and constructivist positions into a more nuanced examination of identity construction, this dissertation draws on Frederick Cooper and Rogers Brubaker's (2005 [2000]) attention to categorical practices (Bourdieu 1990) which reify identity through social, institutional and political process. In distinguishing loose forms of individual identity affiliation (e.g. ethnicity) to strong-binding forms of collective and homogenous identity (e.g. an ethnic movement), Cooper and Brubaker present analytical idioms of (1) identification and categorization; (2) self-understanding and social location and; (3) commonality, connectedness, groupness to provide a continuum for various ways identities stabilize, are conceived and practiced. *Identification and Categorization* is explained as a situational and contextual practice by which people identify themselves and are identified by others based on either categorical attributes (e.g. gender, ethnicity, or class) or position in a relational web (e.g. kinship). *Identification* is used in this dissertation when people refer themselves as, or are referred to as, 'Chumash' or 'indigenous' for policy purposes, political causes and practicing cultural pursuits for recognition. This helps to provide a framework for understanding how authoritative institutions and governments, through systems of classification and labeling of "American Indian," provide external validation to identity claims. Selfunderstanding – is a dispositional term designating "situated subjectivity:" a discursive articulation of "one's sense of who one is, of one's social location, and of how (given the first two) one is prepared to act" (2005: 73). This helps to give a general framework for

understanding how actors cognitively define, label, and experience themselves and approach their position as American Indian or Chumash. *Commonality* - the sharing of a common imagined attributes (e.g. lineage or traditions) - and *connectedness* -relational ties that link people (e.g. networks, events) when combined, lead individuals to establish *groupness* – "the sense of belonging to a distinctive, bounded, solidary group" (Cooper and Brubaker 2005: 76). In many cases, being conceived as a strongly bounded entity serves to strengthen a tribal group's positioning in rights-claims endeavors. Thus, this framework allows for specifying the factors that unite actors from a sense of sameness into a collective identification (a "we") from which coalitions mobilize for social and/or political action. The point in building from these clusters is to concentrate on the many different ways Chumash identity is asserted as a discourse and practice for recognition, rather than simply dichotomize identity strategies as either essentialist or constructivist.

On Policy Process, Indigenous Knowledge and Participation

Policy Process

Understanding shifting power relations between authoritative institutional structures (e.g. county/state/city agencies) and indigenous people invited to participate in policy process is central to this dissertation. This invitational space brings in dialogues and practices from peripheral locations indigenous identity is practiced and coalition-building reside. Necessary to situate the production, circulation and influence of indigenous knowledge as cultural viewpoints are brought to legal arenas requires an understanding of changing conceptual frameworks in policy. Although rational-linear models- a progressive series of key executive top-down stages - are often assumed as

standard procedure in policy making and implementation (cf. Bridgman and Davis 2003; Hogwood and Gunn 1984; Simon 1957), "they fail to reflect the complexity of the policy-making process and the intricate interactions that occur between the research and policy communities" (Nutley et. al 2007: 98. see also Shore and Wright 1997). Missing in such analyses are more nuanced cross-cutting explorations that consider how the local experience affects policy (Keeley and Scoones 2003); how executive decisions are made, carried out through policy narratives and adopted by government agencies (Roe 1991) or; how hierarchical power and order is produced and diffused through practice and discourse (Foucault 1980; 1991). In other words, although power relations within policy spaces are unequal due to their inherent structures of dominance, allotting command and decision-making abilities for some, they are not fixed. There is always the possibility that changing alliances and new encounters create different formulas of relational ties which can alter or invert any given power structure (Deleuze 1983). With such consideration, I follow public policy literature that considers policy making and implementation as context-dependent, ongoing processes in which the overlap of knowledge and practice can shift power and mutually reshape categorical policy structure (e.g. Apthorpe and Gasper 1996). I also consider from Anthony Giddens how "social structures are both constituted by human agency, and yet at the same time are the very medium of that constitution" (1976: 121). This serves to find ways agentive practices, in reproducing the social structure (or breaking other forms of reproduction), can lead to social change through dialectical processes of mediation.

Participation

Indigenous participation and collaboration in political, policy and representative arenas is often critiqued for being no more than a symbolic gesture (e.g. Mauro and Hardison 2000, Stidsen 2006). Bill Cooke and Uma Kothari (2001) further question whether participatory approaches, as experienced in development institutions, has simply become a new convention to maintain inequities in political power and access to resources, rather than actually empowering disadvantaged peoples. To address this dilemma, I draw on literature pertaining to temporal discursive patterns of "participation", "collaboration" and "negotiation" in ideological political projects (Apthorpe and Gasper 1996; Scholtz 2006); indigenous decision-making structures in policy arenas (Hickey and Mohan 2004); the use of historical guilt discourse in participatory and reparation claims arenas (Niezen 2003; Barkan 2001) and; ways local and multi-scaled practices and discourses cross institutional structures, representational spaces and political systems to shift power relations (Keeley and Scoones 2003; Tuulentie 2003). Ronald Niezen (2003) and Elazar Barkan (2001), for example, point to how indigenous societies utilize discursive strategies (shame/guilt rhetoric) with new resources (travel and communication technology) to gather and disseminate information, connect with international networks (indigenous organizations, lobbyists, journalists, media, nonindigneous support groups and sympathetic audiences) and create a collective identity necessary to achieve political influence. Similarly, James Keeely and Ian Scoones show how networks, alliances and coalitions cross local and global policymaking sites bringing interactions "in unexpected ways; apparently all-powerful

modernist visions of top-down technocratic development may be subverted, diverted or simply ignored; and seemingly empowering and participatory processes may be captured, controlled or manipulated" (2003: 4). They do so by explaining how agency and action create alliances and opportunities to dissolve structural classificatory constraints through challenging the assumptions hegemonic knowledge communities hold. This research follows this path to learn how marginalized groups affect the larger policy process through informal, yet more intimate and ongoing interactions, to change political and bureaucratic practice and shape policy dialogue.

Indigenous knowledge in policy

Understanding how indigenous people, their political ethnic discourse and decision-making structures gain credibility and influence amidst policy and political arenas, where modernization discourses and Western knowledge forms of "science" dominate, requires a framework tied to post-colonial and Native American literature seeking collaborative and decolonizing strategies. At issue with indigenous participation in Western decision-making arenas is the ability to redress power differentials by controlling one's cultural heritage, as well as the ability to redefine what constitutes "valid" knowledge (Dei et. al 2000). Many American Indians consider oral and embodied knowledge to be the primary means by which to transmit information (e.g. Dei et al. 2000). It also evinces their cultural survival and unique identity maintenance throughout colonial and postcolonial infringements. Yet, Western structures, discourse and practices continue in policy and political arenas where indigenous people must often learn to use the language that governments and colonial-minded research give them (Nora 1989; L.

Smith 1999) to justify current rights claims or to participate in formal organizations. Thus, the question of what constitutes indigenous knowledge, without "othering" or essentializing marginalized groups, is of particular concern for post-colonial and indigenous theorists (e.g. Battiste 2000, L. Smith 1999).

Generally accepted definitions of indigenous knowledge encompass oral and embodied traditions (songs, stories, proverbs, tribal laws, practices and rituals) that are not learned in formal educational settings, but are held collectively within ethnic groups and between generations (Dei et. al 2000; Semali and Kicheloe 1999) to sustain tribal histories and provide moral codes of everyday situations (see also Basso 1979). Historical and cultural narratives are traditionally learned by indigenous people through hearing or practicing them in family and local community settings. Those who learn and utilize oral and embodied tradition generally do not link it to a source of written histories but, rather, believe it can provide a unique and personal means to remember and understand their culture and history (Battiste 2000; Semali and Kicheloe 1999). Indigenous groups may also posit their knowledge in opposition to scientific knowledge when seeking to demonstrate cultural uniqueness as a form of contestation and self-empowerment (Semali and Kicheloe 1999). For example, oral and performed traditions are often considered by indigenous people as embodying valuable cultural information which cannot, and should not, be devoted to writing (Taylor 2003; McMullen 1996). Thus, it has the potential to be non-static, adaptable and changeable according to social environments and needs (Battiste 2000). However, because oral narratives can be changed, interpreted and embellished at will by the narrator, such relay often strikes the Western knowledge

institutions as unreliable (McMullen 1996: 347) and is therefore seen to directly contrast scientific knowledge. Problematic in this contrast is when indigenous knowledge is branded as "localized", "non-systematic", "closed" and "without an overall conceptual framework," as opposed to science which is characterized as systematic, objective and analytical (Agrawal 2004: 3). Yet, increasing Native involvement in policy, development and political arenas are becoming a means for indigenous people to combat the notion that Western knowledge forms are the only legitimate means of evidencing a "solid fact" worthy of inclusion in policy decision-making processes (see also Levine 1968).

Several theorists have acknowledged traditional oral and embodied mechanisms of indigenous historiography as a primary method to decolonize Western notions of valid knowledge production (e.g. Shryock 1997; L. Smith 1999). The primary issue in policy, social and political arenas is whether oral tradition should be privileged over the written method, or whether the two can mutually work to enhance an awareness of the values of marginalized peoples, while allowing for a distinct indigenous narrative. Diana Taylor (2003) argues that a change in methodologies needs to occur – from dividing patterns of cultural expression between text, narratives and performance, to combining the interactive qualities of what she calls the *repertoire* (expressive verbal and embodied nonverbal practices) ³⁹ with the *archive* (events perceived as stable because they are preserved in documents, photographs, or recordings) to reveal the layered memories that constitute community, knowledge and history and the politics of interpretation. However, rather than the archive and the repertoire being oppositional or antagonistic (cf. Nora

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³⁹ This includes practices and events not considered as permanent such as rituals, ceremonies, political rallies, and nonverbal practices such as dance and gestures.

1989; Le Goff 1992⁴⁰), Taylor argues that such binaries too often position oral and embodied practices as always being counter-hegemonic, rather than powerful in their own right: "[p]erformace belongs to the strong as well as the weak, it underwrites de Certeau's 'strategies' as well as 'tactics', Bakhtin's 'banquet' as well as 'carnival.' (2003: 22). Also neglected is how the *repertoire* constantly works in tandem with other systems of written, visual and digital transmissions, while replicating itself and transforming "choreographies of meaning" through their own basic sequence, structure and code (Taylor 2003: 20). I bring Taylor's discussion here to collapse the fixed and ill-conceived dichotomy of indigenous knowledge as only oral and Western knowledge as only written. The demarcating line of knowledge forms has only served to increase the "intolerance of scientists towards insights and inquiry outside established, institutionalized science" (Agrawal 2004: 3). It must be considered that indigenous people write, read, produce and disseminate documents, as well as practice orality. Furthermore, similarities between indigenous knowledge and Western science processes (e.g. observation, empiricism, validity tests) have also been demonstrated, making possible a platform for "Native Science" (Cajete 2000; Deloria 1999). Thus, I look to frame indigenous knowledge as one that embodies and practices a vast array of teachings. As Dr. Erica-Irene Daes, Special Rapporteur to the United Nations, points out "heritage of an indigenous people is not merely a collection of objects, stories and ceremonies, but a complete knowledge

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⁴⁰ Pierre Nora posits history and memory as binary opposites that are always in conflict: "History is the reconstruction, always problematic and incomplete, of what is no longer. Memory is a perpetually actual phenomenon, a bond tying us to the eternal present" (1989: 7). Jacques Le Goff (1992) sees that oral transmission is contingent on it continuing in the living memory and as long as it serves present needs, creating a mythic consciousness as opposed to the written historical consciousness.

system with its own concepts of epistemology, philosophy, and scientific and logical validity (Daes 1994: para. 8).

On Revitalization

The "cult of continuity... the confident assumption of knowing to whom and to what we owe our existence... has required every social group to redefine its identity through revitalization of its own history"

-Pierre Nora 1989: 15-6.

Even though the world revitalization is used, it is not Indian.

- Kirby Truhawk (email correspondence 2/3/2006)

Anne McMullen, in asking where New England modern native people come from after perceived extinction, suggests terms such as *revitalization* and *invented tradition* - "one implying a phoenix-like rise from the ashes, and the other, a fictitious continuity" - are problematic since both imply "discontinuity where native people themselves see a seamless transition from past to present" (2004: 261). Similar questioning of such terminology is appropriate in this region where there is a contrast between sensationalized media headlines of "Chumash revitalization" and touristic texts telling of Indian extermination. Within the portrayal of these extremes, contemporary Chumash are either celebrated for their ability to recuperate their culture or critiqued for their inability to maintain ancestral practices unremittingly, despite their own argument that they "were always and still are here." Although the term *revitalization* has been adopted by local indigenous claimants, scholars, media and mainstream since the 1970s to describe the recent surge in Chumash identity assertion and interest, a careful examination of its use is

needed to question its appropriateness politically, legally and academically to situate how a once deemed extinct culture has come to be.

Derived from *re* - back and again- and the Latin *vitalis* – of or belonging to life – *revitalization* implies an idealized return to or restoration of life. Does this mean, however, that there must be a period of death or termination in between periods of life, and if so, what are the political, social and policy repercussions of such implied death? Would notions of early 20th century Chumash cultural extinction be buttressed (cf. Heizer and Whipple 1957)? Would this mean that present cultural practices are manifestations of recent "invented" traditions? Does demographic and social decline equate to dominant notions of cultural discontinuity, and if so, would such a term impinge on indigenous rights claims? How would cultural loss and gain be measured and defined to create standards of continuity (e.g. cultural feature, particular people, culture content or form)?:

There remains the more general, seemingly philosophical problem of how large a factor cultural loss is or can be. For instance, can the loss be entire for one feature? Beyond that, could losses be universal, so as to lead to cultural death. . . First of all, entire loss of features from what? From the particular culture of a particular people? In that case, the answer definitely is Yes. . . . Second, it is necessary to narrow the question by defining what it is that is being lost? Is it culture content or culture form? A specific element, a system, a pattern, or an attitude? Or indeed do we mean that a whole culture may disappear? (Kroeber 1948 [1923]: 380)

I ask these questions because revitalization, if perceived as the restoration of cultural loss or as life after cultural death or rupture, is problematic for groups attempting to fulfill the continuity requirements for Tribal Recognition under the Federal

Acknowledgment Process⁴¹ which demand demonstration of lineal "tribal" activity. Legitimacy questions are also raised in regards to testimonies for rights claims. Specifically, how can the current practice of ancestral historical memories be "authentic" when they are not linked to direct experience via intergenerational transmittance? To reconcile the dichotomy between Western and indigenous narratives of continuity, this section calls into question teleological connotations embedded in anthropological terms "revitalization", "resistance", "resurgence" and "invented tradition" as theoretical tools to understand contemporary Chumash dynamics. I then look to apply a framework that reconfigures ideas of continuity and revitalization as divisive rhetorical negotiations within more common indigenous understandings of "survivance" and "reemergence."

Foundational Revitalization Theories

Foundational anthropological theorists of revitalization phenomena created formulaic schemas to make applicable an understanding of collective reactions by small, pre-industrial and isolated societies to external political, social and economic pressures imposed by dominant colonial cultures (see Barber 1941; Linton 1943; Wallace 1956; Worsley 1957). Perhaps the most recognized revitalization movement model comes

⁴¹ Three of the seven criteria of the FAP Process, 25 C.F.R. Part 83 to establish *that an American Indian Group Exists as an Indian Tribe* revolve around specifically demonstrating continuity from historical times to the present. These include 25 C.F.R. Part 83: (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.

⁴² Wallace (1956) deemed that the term revitalization could be applied as a uniform process of all major-cultural system phenomenon (e.g. "nativistic," "revivalistic," "cargo cult," religious revival," "messianic movement"). Thus, such terms are often intertwined. For example, Ralph Linton wrote of nativistic movements as "any conscious, organized attempt on the part of a society's members to revive or perpetuate

from Anthony Wallace who states that it is "the deliberate, organized, conscious effort by members of a society to construct a more satisfying culture" and is likely to arise when there is disruption in the prevailing socio-cultural pattern (1956: 265). In utilizing an organismic analogy to situate how stress at one level would cause systemic stress at all levels in the society, "Wallace sets the uniform process of revitalization within five rapid progressive stages" that arise at times of perceived deterioration of spirituality, personal identity, culture, and economics caused by increasingly faulty and counterproductive dominant systems. Beginning with the inability of traditional societies to adapt to social changes, a period of frustration (unhappiness or stress) due to cultural disruption would lead to a collective reaction to challenge the status quo and/or create a new utopian society (Wallace 1956: 265-70). Often instigated in non-violent means through charismatic religious leaders or prophecies, a "sacred" call would occur for radical change to end colonist rule through the unity of tribes, rejection of dominant culture values and the return to traditional lifeways. (Linton 1943; Wallace 1956: 265). In order

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selected aspects of its culture" (Linton 1958 [1943]: 470) that resulted from society's frustrations of acculturation and assimilation.

⁴³ Wallace analogizes revitalization movements and societies as being like an organism and composed "not only persons and groups with their respective patterns of behavior, but also literally the cells and organs of which the persons are composed" (1956: 266). Since every person is connected to the organism, "stress on one level is stress on all levels" (Wallace 1956: 266).

⁴⁴ The five stages consist of: 1) steady state; 2) period of individual stress 3); period of cultural distortion 4); period of revitalization and; 5) new steady state (Wallace 1956: 269-75).

⁴⁵ Similarly, Linton (1943) states that nativistic movements are accompanied by hallucinatory visions of a prophet bearing a savior like message who makes promises of a better life in return for certain rituals to be followed and some form of punishment to those that are not faithful to the prophecy. The Ghost Dance (1869-1889), Handsome Lake Movement (1799 to 1815), Peyote Movement (1918) and the Pueblo Revolt (1680) are examples that Wallace and Linton use to indicate a revitalization attempt. The Ghost Dance started from a Paiute prophet named Wovoka who claimed to have received visions of a future religious movement where natives performed "spiritual" ghost dances believed to make colonists disappear and reunite the living natives with their deceased relatives and restore past Native-American autonomy, traditions and lands. This movement spread to the Utes, Bannocks, Shoshone and Plains tribes creating which ultimately led to the massacre at Wounded Knee in 1890. The Handsome Lake Movement (1735-

to restore equilibrium in a society after cataclysmic change, each member would then, according to Wallace, act to collectively reduce stress by reinstating traditional values and solidarity in order to achieve "a more satisfying culture" (1956: 267).

There are several examples during colonized Chumash history that demonstrate elements of Wallace's models of revitalization (e.g. period of frustration, prophecies, and a call to return to traditional values) although they are now commonly labeled rebellions, uprisings or revolts (see Heizer 1941, Sandos 1985). The first, recorded in 1801, was led by a neophyte Chumash woman who had a vision that *Chupu* (earth goddess) appeared to her saying that baptized Indians would die unless they bathed in sacred water, made offerings to *Chupu* and renounced Christianity (Heizer 1941: 128-129). Although the prophecy spread rapidly amongst many mission Indians, it supposedly ended quickly as missionaries reportedly suppressed their efforts within three days (Hudson and Underhary 1978: 21).

The most recognized Chumash "revolt" occurred on February 21, 1824, most likely in reaction to a combination of population decline due to deadly epidemics, ⁴⁶

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¹⁸¹⁵⁾ of the Iroquois similarly came from a religious leader who claimed to have a series of three visions to teach a revival of traditional religious practices as well as a cultural adaptation to certain settler customs (e.g. farming and housing). The 1680 Pueblo Revolt in New Mexico also began with a leader and medicine man, Popé, claiming to have received a dream in which Indians told him to start a revolt against the Spanish colonists. After the attack, Popé ordered the Indians to destroy crosses and other colonist religious imagery and commanded the return to native traditions and ceremonies and a complete rejection of Spanish culture and Roman Catholic Religion.

⁴⁶ For example, in and around the missions, where there was dense aggregation of Chumash and less sanitary conditions, pneumonia, diphtheria and pleurisy spread rapidly and by 1805, an estimated 5,602 (from 22,000) were reported living (Walker & Johnson 1994, 2003). For the next 30 years, the combination of deteriorating living conditions, other highly contagious diseases such as syphilis and tuberculosis, and high infant mortality rates led to an even greater expansion of the Chumash death rate, reducing Chumash population at the missions to 1,182 by 1832. (Walker & Johnson 1994; Hudson and Underhay 1978: 21)

prophecies,⁴⁷ continuing mistreatment by Franciscan missionaries and intense suppression of traditional Chumash customs⁴⁸ (Castillo 1978: 103). Prompted by a fight over the flogging of *Purísima* Chumash at the Santa Ynéz⁴⁹ mission, neophytes coordinated an attack, taking over the *La Purísima* and Santa Barbara missions and nearly burning the Santa Ynez Mission to the ground (Castillo 1978: 103). After a month long encampment at the missions, the revolts were eventually eradicated, leaving several neophytes and Spanish dead or wounded. Many Chumash fled to the San Joaquin valley seeking refuge with *Tulare* (Yokut) Indians (Harrington 1986 19/0674-5). However, as native work force was of great value to missionaries, tremendous efforts were made to persuade the Chumash to return.⁵⁰

Those that returned, however, were not completely transformed by the mission system. On the contrary, there were continued acts of "passive resistance" such as infanticide and fugitivism to the interior (Castillo 1978: 104), rejection of baptism (Sandos 2004: 103), as well as several attempts to return to traditional practices (see

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⁴⁷ A comet appearing in December of 1823 and its later apparition may have been of prophetic significance for Chumash, symbolizing a change for a new beginning and possibly inciting a collective plan of attack (Sandos 1985; see also Lepowsky 2004:26-27). Fernando Librado, Chumash consultant to J.P. Harrington, for example describes the appearance of comets as a prophecy: "Two years ago there came a comet which had appeared before the coming of Christ [...] then the *ksen*" of the world should give warning. ...Appeared before coming of Christ and never came until now. One revolution of human family and result is flower at end of time" (Harrington 1986: 79/030, 72/164).

⁴⁸ Franciscans imposed that Chumash abandon their cultural lifeways in order to learn labor skills needed to build missions and presidios (tile making, agriculture, animal husbandry, woodworking, leather craft making (Miller 1988: 30) in exchange for rations and Western clothing. According to Fernando Librado to Harrington (1986: 69/902), "the revolt occurred because Chumash were pressed into service to unload vessels and received no pay, other than their rations." Accounts from Harrinton's consultants detail some of the harsh condition of mission life (see for example 1986: 69/0721-0722, 1015).

⁴⁹ Santa Ynéz is also spelled Santa Inés.

⁵⁰ Some that returned were executed and more than a third did not return (Castillo 1978: 104).

Harrington 1986: 19/657, 19/0659, 73/719, 79/0464), including the performance of ceremonies in secluded remote areas despite consequences of punishment:

There is a point on coast West of Ventura where there are high banks and people take things of dead people in carry-nets and pile them there-all sorts of things-beads, shoes, crutches, even... That practice was not widely known. Father Jose Maria Rosales went out horseback riding once and came to a place where he saw a pole, the top of which was ornamented with feathers. He went to the place, and saw a pile of things that had been placed there. Returning to the Ventura Mission, he asked Carlos Teodoro, an old Ventura Indian, what it meant. The Indian said, "It is the goods of deceased folks, placed there by children or relatives." The priest had the Indian punished for disobedience... Persons of five or six families would carry the goods of a person to that place in case of death-all of one dead person. The place was called tewactiwil[sacred]. . . . In going to this place, the bearers would provide themselves with small bunches of sage brush, and on their ascent to this high place at about thirty or forty steps would place one of the little bunches on the ground until they arrived at the spot. When they reached the place they sang a song or two and dumped all the goods out, and brought the carrying-nets back with them. (Fernando Librado in 1914 to Harrington 1986: 79/0543).

Some traditional ornamentation would also continue through its covert use:

[Luisa] says that his wife had turned the rosary so that it hung at the back of his neck and the 'atishwin⁵¹ so that it hung at the front of his neck. Maria Ignacia when she heard that Fr. Sanchez was on his way thither, told [Luisa] to pull the 'atishwin off and throw it away. [Luisa] did this. . . . I put the rosary on the dead man's breast. Such 'atishwin were worn in Mission day under the wearer's shirt, as Catholics wear their neck-chains now (Harrington 1986/657-658).

When the original plan to easily convert all Chumash to Christians failed, the Spanish realized they had to share religion and power in order to successfully draw Chumash into the mission system. In transforming Chumash ceremonial events into Christian

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⁵¹ Chumash necklace or charm given after one recovered from taking *toloache* (jimsonweed used for medicinal and spiritual purposes). See Timbrook (2007: 65-74) for further detail of the plant's use.

holidays,⁵² missionaries hoped to create enough goodwill to attract potential Chumash for conversion, prevent disgruntlement and dissuade already converted Chumash from leaving (Hudson and Underhay 1978: 24). "[U]naware of the extent to which Chumash traditional beliefs had survived" (Hudson and Underhay 1978: 23), Spanish inadvertently encouraged the endurance of traditional lifeways through the compromise of syncretic Catholicism and Chumash religious practices. For example, Chumash feast days would continue in Western San Miguel Day:

wakapi – song. Sung on feast days. The people who came from all parts build fires along west *tule* wall. The people in general who came to this fiesta... About 15 or 20 headed by 2 men dancers and one woman dancer would come as delegation...; as they entered they would throw corn, beans, *chia*, *islay*, acorns over the people looking on. F[ernando] has seen this dance at Ventura and Santa Barbara. . .saw this one on (S. Miguel day has been declared now a W[estern] holiday).(Harrington 1986: 69/0846)

Until the end of the mission period, missionary reports evidence that traditional native practices and beliefs continued despite attempts to fully convert and assimilate Chumash: "Superstitions of a ridiculous and most extravagant nature were found associated with these Indians, and even now in almost every town or hamlet the child is first taught to believe in their authenticity" (Boscana 1933:61 in Castillo 1978:104). Harrington's papers also reveal that, into the 20th century, some Chumash continued to reject European influences and held onto elements of their belief system. For example, Ventureño descendant, Fernando Lirado, stated to Harrington in 1914, "Only the Indian are the true Americans. The other Americans are Europeans, usurpers, and they say much

⁵² For example the Chumash *Hutash* (harvest fall festival) would become *San Miguel* day and the *silijyk* (winter solstice ceremony to honor the rebirth of the sun) would be celebrated as Christmas.

that is false as for instance when they say that a piece of wood is a saint (Harrington 1986: 79/0707). Whether persistence of Chumash lifeways were a result of a collective organism carrying out uniformed structured steps in reaction to cultural disruption requires further investigation. What is evidenced, however, is a pattern of resistance in Chumash history to imposing systems that created disruption, frustration or deterioration. Within this pattern, elements of Wallace's revitalization model (e.g. reinstating traditional values, rejection of foreign ways) worked to challenge dominant impositions such that Native belief systems continued into the 1900s contradicting mission accounts of successful Chumash conversion.

Post-colonial revitalization

Speaking personally, I am not revitalized. I always knew who I was. I've grown up with it. It's only now, if you want to call it revitalization, which it isn't to me, is the fact that they suddenly recognized what I've known all my life.

- Ernestine De Soto, Barbareño descendant, 5/16/06

Can the conditions of the contemporary Chumash landscape fall within the parameters of an organismic model of revitalization, or should the model itself be reconfigured to situate post-colonial contexts? Should there even be a model of revitalization or should it be considered a residue of colonial discourse (Said 1993)? Although Wallace makes clear that revitalization movements are not necessarily tied to colonial or Western influence, but are "recurrent features in human history" (1956: 267), there has been a high tendency in academia to equate revitalization as a systemic reaction to colonial contact, problematically creating a fixed binary relationship between colonizer and colonized (Bhabha 1994). Anthropologists have since questioned rule-driven

constructs inherent in generalized colonialist hypotheses, asking if such a model can be applied to modern indigenous revivals with different political contexts, locations and goals (e.g. Harkin 2004; Lindstrom and White1995). Like its predecessor "the pattern concept", in which culture is seen in its coherent totality with inherent cycles of growth and decay (see Kroeber 1945), the organismic societal model has been critiqued for its paradigmatic placement of indigenous as isolate, homogenized, and positivistic systems able to have change only through a linear sequence (e.g. Roth 1992). Situating revitalization as a short-term progressive process toward a steady state has caused misconceptions that cultures are static (rather than continuously changing) and therefore criticized for ignoring long term consequences, or "by-products", that manifest from revitalization movements (McMullen 2004: 263, 273). Even Wallace admits that during the conception of his revitalization theory, organismic societal models were made popular at a time in which "interdisciplinary research was in vogue, and concepts of 'stress' and 'equilibrium' were being widely applied to unite biological, psychological, and social domains of inquiry under the rubric of 'systems theory'" (2004: viii).

In considering the continuously changing political and social landscape and circumstances of contemporary California indigenes, contextualizing a revitalization movement within positivistic terms of a homogenized and bounded organism is obviously not fitting. However, the concept of revitalization may have value when considering the mechanisms that groups use to articulate with, or create an inside amidst ever-changing cultural flows inherent in global transformations. Michael Harkin (2004) for example proposes that a revitalization theory is useful when applied within an

ethnohistorical approach that takes into account the multiple motives, events and perspectives amidst dialogic spaces of constantly changing cultures. With this approach, a revitalization movement need not be thought of as fastened to cultural boundaries, nor as an isolated internal dynamic (cf. Kroeber 1948). Rather, if based as part of broader cultural exchanges, can come a greater understanding of how meanings, symbols and identity representations are negotiated between several modes of communication to create and/or maintain cultural uniqueness. Such a schema may is fitting in the current globalization era where the local articulates itself in a "revitalistic response" in using ideas and symbols relevant to maintain a presence of distinction when dominant systems and ideologies threaten to homogenize societies (Wallace 2004: ix).

Another option is to resituate elements of initial revitalization schemas within long-term political, legal and social circumstances that have contributed to shaping contemporary collective action, rather than conceiving revitalization as a short term, spontaneous or radical act under times of assimilation and cataclysmic change. For example, Chumash efforts "to revive or perpetuate selected aspects of its culture" (Linton 1958 [1943]: 470) may have to do with the fact that many descendants had to go underground with their heritage and religion (for fear of persecution) until legal and social conditions changed. The cumulative effects of the 1978 American Indian Religious Freedom Act, the 1960s Red Power Movement, the 1970 California Environmental Quality Act, the 1990 Native American Graves and Repatriation Act, and changing mainstream acceptance of indigenous people contributed to the potential to publicly express and reclaim indigenous tradition, language, rights, autonomy,

community and identity. The concept of a reaction to long-term or deep-felt "stress" could also be reapplied to consider long-term psychological effects and challenges from decades of poverty, deprivation, unemployment, and dislocation:

We have seen rebellion, drugs, alcohol. Now it is popular to be aware of our environment, of our trees and our rivers, our fish and frogs....

Everything is connected. We feel there has been too much disconnection in general that came from Europe who overlooked our basic principles. By suppressing and breaking up our peoples, we also lost our basic values and responsibilities. Now it is turning around. (Kirby Truhawk, email correspondence January 20, 2006)

In this sense, revitalization can also be taken to mean a process of reconnecting people to affirm Native values, principles and ideologies in order to reverse the effects of separation resulting from colonization and U.S. policies.

Finally, as the residue and impact of colonial power structures still exist and are still felt (L. Smith 1999; Cary 2004), contemporary revitalization movements may be thought of as a strategy against continued injustices guised in the political nature of domination or what Gerald Vizenor terms "paracolonial-ism": "a colonialism beyond colonialism, multiple, contradictory, and with all the attendant complications of internal, neo-and post-colonialism" (quoted in Powell 2002: 399). As such, post-colonial discourse is evolving more toward an *anti-colonial* discourse by revitalization actors as issues associated with the commodification and systematization of local knowledges are being confronted within their relation to national and international identities (see Dei et al. 2000; Simeone 2004). Within such confrontation, local contemporary cultural revitalization may be thought of as a means to reinforce or construct a unique and autonomous culture in lieu of submitting to potential homogenization from globalization.

On Invented Tradition

The criterion for tradition, according to Edward Shils, is anything "transmitted or handed down from the past to the present...from one generation to the next" via "mechanisms of reproduction" (1981: 12, 167). Such a definition may imply tradition be a recurring and persistent passing of information through linear intergenerational transmission. To reconcile nonlinear passings of tradition (despite their appearance as continuous repetitive transmissions), theories of "invented", "created" or "constructed" tradition have been used to investigate the implementation of ancestral lifeways in contemporary identity-making strategies. Richard Handler and Jocelyn Linnekin (1984) for example argue innovations from past assumptions be situated within a dichotomy of authentic (inherited) and spurious (self-consciously created) according to social and political contexts (see also Linnekin 1983, 1990, 1991). In this paradigm, tradition is not historical, but interpretive, where symbolic processes (either continuous or discontinuous) are used to assign and innovate authentic meaning of the past for present needs (Handler and Linnekin 1984: 286-287, 273). The implementation of tradition, for them, is no more than a legitimatizing device from which symbols of struggle are produced to cement group cohesion or attain political and social goals. Similarly, Lamont Lindstrom and Geoffrey White (1995), in examining the rise to assert traditional lifeways in the Pacific, see how theorizing tradition as invented works to differentiate a discourse of "real" culture from "contemporary political fictions" when used to create cultural distinction, make political statements, authenticate present identity and penetrate power arenas. Eric Hobsbawm and Terence Ranger (1983) take a more contextual approach,

stating that "invented traditions" should not be thought of as fictitious (since all traditions are invented), but rather that they are symbolic configurations that take place in a vacuum (without evidence of continuity) and are represented as ancient and sacred in political or social attempts to create cohesion, exercise power, and establish or transform institutions.

In following the *tradition invented for contingent needs* mantra, Roger Keesing (1989) contends that ancestral discourses, ideologies and practices used by contemporary Pacific indigenes are often reinvented idealizations of ancestral/pre-colonial pasts derived from authoritative Western texts (e.g. anthropological literature, missionary documents) to assert symbolic unity and identity for politicized purposes. From this process of appropriation, ancestral customs are reified to satisfy political and social issues.

However, according to Keesing, mystifications, spurious traditions, and false histories also result when cultures become imagined in the process of objectification. Therefore, Keesing calls for questioning the basic assumptions of legitimacy held in dominant narrative accounts, which he accuses as being oversimplified and leading to misinterpretation. His reasoning is that Western authoritative representations of otherness embedded in discourses of, for example "Wise Ecologists, Mystical Sages, living in harmony" (1989: 29), have lead indigenous people to adopt similar "mythmaking" essentialist strategies.

It is accurate to suggest that anthropological productions have served as a source from which American Indians appropriate knowledge to preserve ethnic heritage and identity (Bruner 1986; Guha 1983). However, by implying manipulative intentions to make a discontinuous past continuous or accusing tradition-implementation as motivated

by social, political and economic goals, such theories can problematically debunk the credibility of current indigenous practices and create backlash from peoples of study (see Trask 1991, 1993). Furthermore, in promoting that indigenous people solely use written accounts to reconstruct/concoct their cultures and histories, an elitist assumption occurs that academic knowledge dictates American Indian discourse, ideas and standards for acceptability: academics create, speak and validate first...then Natives follow. The paradigm - a unidirectional knowledge transmission in textual production - ultimately dismisses the ways knowledge is created through reciprocal endeavors to preserve cultural and historical memories: that both academics and peoples of research mutually constitute themselves; that both are equally influenced and shaped by historical forces and; that both have the power to affect memories and mainstream discourse, albeit through various routes (Bruner 1986). In so doing, romanticized versions of the past are called into question, positioning indigenous people as readily complying, collecting, or mimicking archetypal depictions of Indianness (cf. Taussig 1993) and their "traditional" societies as constructions under modernism (L. Smith 1999: 28). Ignored is the agency of indigenous people to produce and represent their own versions of culture, as well as their ability to critique, renegotiate and integrate several historical sources (including written and oral) within Native systems of understanding (McMullen 1996: 323). Such is shown in rising trends by Native intellectuals "to reject...Western theoretical discourse, to contend that Native American literature stands outside the American canon – and to affirm Native American literary nationalism" (Weaver et. al 2006: 31).

The "invented tradition" approaches also reinforce an ethnographic model that treats indigenous people, histories and traditions disparately from the Western processes of change, rather than acknowledging the mutual construction of an American history since contact (Coombe 1998; Fabian 1983). For example, by positioning the continuity of indignous groups solely within locally held distinctive values, there is often a neglection to the "more powerful matrices of social existence" and political/cultural interconnections of the global ecumene (Friedman 2003: 747). There is also a dismissal of the factors such as 19th century federal policies that promoted American Indian genocide and dislocation through civilization and modernity narratives. In effect, indigenous people continued to be denied "coevalness": temporally distanced (Fabian 1983: 34) and incapable of a "shared time and history by the anthropological author and the discipline's others" (Coombe 1998: 21) as their current practices are not considered genuine modern histories unless demonstrated in "master narratives." Finally, in situating indigenous tradition as invented or motivated within economic or public agendas, deeper reasons to connect identity through tradition (personal, private and/or psychological) are neglected. Reviving, practicing, and having tradition is not always about an end goal, but rather a way of being which must also be understood. Furthermore, there is a continuous spectrum from normal unconscious change (e.g. linguistic alteration) to conscious, deliberate fabrication. It works then to ground this continuum in considering change and each form of continuity in light of its immediate context and background. Specifically, why particular actors change, adapt, conserve, and innovate for certain reasons.

Instead of a framework that dichotomizes tradition as real or fabricated, Anne McMullen (2004: 263) states it more important to ask: "does identification of traditions as reclaimed, adopted, or invented mean that native cultures are 'inauthentic', or does it suggest that our conceptions of culture are too rigid to account for such change?" Such a question is important to think of the ways colonial formulations are carried. What we generally consider "traditions" are formulated productions of a colonial framework and, as such, traditions and modernity are inextricability interchangeable: "the modern not only invented tradition, it depends upon it" (Dirks 1990: 27-8). Similarly, concepts such as continuity, nostalgia, heritage, culture⁵³ and memory can be seen as part of an industry where manifested knowledge productions result from progress and modernity discourses which turned the telling of the past into an institutionalized heritage mechanism for nation-building (Said 1993, 2001). Consequently, post-colonial actors are faced with a dilemma of how to situate themselves between modernist and traditionalist options of cultural authenticity, while also struggling to create counter-hegemonic frameworks and discourses that do not appear to be affected by colonial and imperial imposition.

On Resistance and Resurgence

Indigenous peoples have always fought to survive against imperialism's imperative of spiritual and physical annihilation. In this respect, today's fight is no different from that of previous generations – it is a struggle to defend the lands, the communities, and the languages that are the essence of authentic indigenous existences.

-Gerald Taiaiake Alfred (2004)

Beginning in the 1950s, post-colonial narratives of the American Indian experience shifted from *conquered* and *assimilated* to the more agentive process of

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⁵³ For example, Dirks (1990) argues that the very concept of culture is a colonial formation, in that certain hegemonic discourses seek to maintain a sort of pre-colonial authenticity.

resistance and resurgence to explain how local cultures collectively survive despite dominant impositions (e.g. Clemmer 1970; Jorgensen 1972). Deemed a "necessary counterpoint to deep anger over the generations of destruction" (Keesing 1989: 36), the resistance/resurgence narrative brings to rights claims arenas a more empowering strategy from which to justify redress for historical injustices:

The reasoning in the assimilation narrative is that if Indians are going to disappear anyway, then their land can be leased or sold to whites; in the ethnic resurgence narrative we are told that if Indians are here to stay, tribal resources must be built up. Assimilation is a program for redemption, resistance, for self and ethnic fulfillment. (Bruner 1986: 144)

The resistance narrative has overtaken anthropological literature to analyze marginalized social movements as a collective reaction against dominant society and to give reasoning to indigenous existence despite colonial and neo-colonial impositions.

While cultural resistance is seen to entail a collective priority to reclaim history and land (Said 1993), at problem with the resistance model is its potential to trap indigenous action and history as responding or referring to European and American influences in "counter" narratives⁵⁴ (McMullen 1996: 65). Doing so assumes that indigenous action and continuity must be linked to a dominant Western history and structure in order for it to exist, even though Westerners do not share in this assumption, resulting in what Chakrabarty calls "asymmetrical ignorance" (1992: 28). The dualism created from dominant/resistance paradigm also problematically creates a non-native/native disparity in power relations: the Native in child-like defiance against its paternal non-Native oppressor. Edward Said points out that, like imperial historiography

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⁵⁴ See for example Comaroff and Comaroff (1992) "counter ideologies and Dei et el. (2000) "counterhegemonic" ideologies.

which contributed to the reification of the binary otherness/ difference paradigm, the "counter-narratives of liberation" (1989: 224) can potentially have the same consequences. Resistance, in implying an act against unidirectional influence, also neglects how information in cross-cultural encounters was exchanged: that indigenous knowledge and lifeways also impacted Euro-Americans and continued to the present (see e.g. Pointer 2007). In addition, resistance is often conflated with direct rejection to change, further instilling an idea of native people as static entities. This creates a scenario in which "authentic" cultural continuance can only occur through challenging or opposing modernizing transition narratives of citizenship (Chakrabarty 1992: 41) or through the maintenance of pre-contact essentialisms, making change for American Indians seem inconceivable.

Finally, "societal resistance" connotes a total, homogenous and internal collective in complete opposition to external forces, which is not necessarily the case. Post-contact indigenous peoples do not exist in a cultural vacuum, nor have simply "sustained" by rejecting external dominant forces. Rather, they have continuously been part of (have shaped and have been shaped by) various forces for centuries from which are drawn elements for contemporary cultural revival:

Experience has shown that cultural revival is not a matter of rejecting all Western influences, but of separating the good from the bad and fashioning a coherent set of ideas out of the traditional culture to guide whatever forms of political and social development – including the good elements of Western forms – are appropriate to the contemporary reality (Gerald Taiaiake Alfred 1999: 28).

This point brings attention to the importance of understanding the living motivations and methods of social actors to create, revive, change and reinterpret culture in their own terms. Thus, rather than considering reclaimed historical traditions as invented, revitalization movements that materialize the past through reformulations of traditional practice can make possible to see how "old forms persist, but their performance changes because of new modes of representation" (Ossman 1994: 82). Change, for example, may come from something as simple as a selective and conscious daily decision regarding what to (or what not to) revive in order to reconstruct and preserve a desired culture.

Of import here then is to consider the process of revival as a framework of connection – the way the knowledge and associations solidify, become truths, strengthen a cause, and create a sense of stability and durability in order to progress in social and political change. For example, how a particular concept of tradition or identity is circulated, acknowledged, accepted and utilized to align interests or how material/social source are used to unite heterogeneous actors for create collective representation. Thus, beyond considering how tradition and identity is constructed, more important is the matter of how discourses and practices regarding tradition and identity become reified and influential amongst actors of a network. The reified discourses and practices evidence that revitalization is a process made observable through methods and tools adopted, decisions made and ideas strengthened in order to achieve objectives. Here, "traditions" are not necessarily a "reaction," "fiction" or "repetition," but are living things that, through discourse and practice, "relate conceptually to a past... and a future through a present" (Asad 1986: 14). In short, framing within theoretical paradigms of resistance

to reconcile the seemingly impossible and sudden resurgence of once-deemed extinct cultures, or to explain how local cultures deal with impositions of state policies and other forms of cultural domination, ultimately limits fuller understandings of how contemporary American Indians engage in cultural politics. Rather, addressing the conscious practices of those, who have been simultaneously constrained and empowered by social dynamics, works to reveal an ever-present capacity for empowerment, despite structures of domination brought on by colonial society.

Rethinking Continuity through Survivance

It has been too often said that Chumash beliefs and ritual practices (and even the people themselves) were exterminated by the Church. Although this was certainly true in many cases, it was by no means true in all, for there was a survival of some knowledge of native rituals, beliefs, and practices after the end of the mission period... [T]he Chumash endeavored to reach a compromise with the incoming waves of intrusive ideas which were soon to overcome them. And some members survived to transmit a record—however fragmentary-of their traditional past, even to this very day.

-Travis Hudson and Ernest Underhay (1978: 16-7)

There are certain realities regarding the Chumash culture: (1) their languages for all intents and purposes became extinct; (2) through periods of U.S. assimilation policies, Chumash values and practices were not always directly carried to the next generation and; (3) many stories and traditions practiced today come from what was ethnographically recorded. Yet, there remained and remains an astonishing amount of continuity found in ethnography⁵⁵ and inter-generational practices (oral tradition, Native foodways, herb and medicinal practice). The continuing compromises made by Chumash descendants to quietly transmit a record of their traditional past to this very day can be

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⁵⁵ In particular John Peabody Harrington's ethnographic collections (discussed further below) demonstrate the continual carriage of ancestral stories and knowledge from 1912 until his death in 1961.

considered "survivance," a term put forward by Anishinaabe intellectual Gerald Vizenor to overcome assumptions of Indian weakness and absence perpetuated in the "surveillance and literature of dominance" (1994: 5):

Native survivance is an active sense of presence over absence, deracination, and oblivion; survivance is the continuance of stories, not a mere reaction, however pertinent. Survivance is greater than the right of a survivable name. Survivance stories are renunciations of dominance, detractions, obtrusions, the unbearable sentiments of tragedy, and legacy of victimry. Survivance is the heritable right of succession or reversion of an estate and, in the course of international declarations of human rights, is a narrative estate of native survivance. (Vizenor 2008:1)

The term "survivance" has since been adopted by American Indians attempting to defy dominant images of them as tragic, silent, passive, absent or disempowered victims of Euro-American exploitation and assimilation. Instead, they are defining their current existence and identity as resulting from agentive coping mechanisms and endurance strategies. Yet, "survivance ... is more than survival, more than endurance or mere response; the stories of survivance are an active presence... of successive and natural estates" (Vizenor 1998: 15). It says that traditions, knowledge and lifeways transform, but transformation through various contexts is neither without preservation nor transmission. In pointing to the minute reminders of Native life in their stories and objects, "survivance" allows extant cultures a reassessment of cultural discontinuity, while giving reason and basis for public reemergence and political transition:

Survivance is more than just survival. Survivance means doing what you can to keep your culture alive. Survivance is found in everything made by Native hands, from beadwork to political action. In the turbulent 1960s and 1970s, survivance went public. After nearly 500 years of occupation and subjugation, Indians broke out culturally, spiritually, and politically. It was a time of Red Power, the American Indian Movement, *Akwesasne*

Notes, and a world of possibilities. Our consciousness shifted from Native tribes to Native Nations. Native intellectuals told our history, while poets and artists imagined our future. This rebirth had its roots in Native homes, where objects made by Native hands nurtured Native pride and reminded us how we survived. The things that we make also make us (Jolene Rickard, guest curator, and Garielle Tayac, *Our Lives* exhibition, National Musuem of the American Indian, text panel 2004)

Importantly, "survivance" defies assumptions that American Indian lives were excluded from modernity. Rather, it recognizes the intentional and active strategies by American Indians to adapt innovatively with change through the appropriation of (rather than assimilation by) colonial knowledge. Such active appropriation empowers the indigenous historical past, rather than victimizing it:

Native societies that survived the firestorm of Contact faced unique challenges. No two situations were the same, even for Native groups in the same areas at the same time. But in nearly every case, Native people faced a contest for power and possessions that involved three forces – guns, churches, and governments. These forces shaped the lives of Indians who survived the massive rupture of the first century of Contact. By adopting the very tools that were used to change, control, and dispossess them, Native peoples reshaped their cultures and societies to keep them alive. The strategy is has been called survivance. (*Our Peoples* gallery, text panel, National Musuem of the American Indian, text panel 2004)

Similar in meaning to "survivance," many Chumash descendants consulted also preferred the term "reemergence":

While newspapers and many locals call it revitalization, many of us prefer reemergence. One says we died once, the other says we were always here... They [non-Natives] did not know what slot to put us in, but we were always here... working as *vaqueros* (cowboys), as mechanics, as farmers. We became teachers and served as American soldiers. But we always knew we were Indian. That essence was always there and never changed. As we publicly reemerged, it was like a bubble inside us that was ready to explode, to unite us. Now it's out. It was out when we started to reconnect, share our stories, finding out who our families are and

discovering our histories....Yes, those histories are being revived, but it's to assert who we have always been. (Ineseño descendant 09/25/10)

"Survivance" and "reemergence" imply that as symbolic values are reconstructed and regenerated throughout each generation, innovations occur and traditions change in the process of learning and reasons for deployment. However, such change or reshape does not mean disconnect nor wane, despite a shift in cultural content form (cf. Kroeber 1923 [1948]). Rather, the concept of survivance effectively challenges Western teleological historical structures, defies essentialist expectations and counters hegemonic notions of culture loss by framing the indigenous experience within fluid and heterogeneous forms of cultural carriage. In so doing, "survivance" creates a framework that goes beyond the need to fill in the written historical "gaps" (Foucault 1972) of the indigenous past to one that considers that fragmented memories, changes, nostalgic recollections, native stories and adaptive strategies are just as valid to defining a continuous history. After all, indigenous people are still here and have continued to live in a world that, albeit filled with cultural change, contains social memories that will always re-root people to the past for their present, proving that they "have never been adequately constrained by history's authoritative representational forms' (Mathur 2007: 78). Indigenous history, if conceived in this sense, may be seen "not so much a narrative" progression of incidents and biographies from one period to another; rather, it is a shift in meaning structures through time" that occur "incrementally in prosaic micro-events, personal experiences and everyday cultural practices" (Sutherland 2006: 35; see also Comaroff and Comaroff 1992: 25).

Post-colonial and American Indian theorists continue to push for the validity of "unofficial" forms of cultural histories through practices and narratives of remembering and commemorating, despite dominant acts that silenced and elided the Native voice (see for example, Connerton 1989; De Boeck 1998). Within such forms, a continuous indigenous history can be found within a broader "survivance" framework that recognizes that traditions, influences and social knowledge can be traced, generated and recorded through various mnemonic sites, including: the discursive field (Foucault 2001); the archive and repertoire (Taylor 2003) and; the practices of everyday life (Bourdieu 1977, 1980; Goffman 1959). The combination of such perspectives is used in this dissertation to offer a way of rethinking an American Indian historical canon that does not need to be limited within chronicled links, nor be evidenced in reifying or static demonstrations of tradition and identity. Rather, it is reactively and continually redefined and contested by innovative individuals in conscious preservation strategies. In this sense, the effects of modernity on indigenous memory, heritage and history need not be so admonished (cf. Nora 1992; Huyssen 1995). To the contrary, progress and tradition, cultural rupture and recovery, modernity and indigeneity, revitalization and survivance are all reflective of each other. Seen in this context, "revitalization," as a rhetorical device, need not be one placing current indigenous existence and practice as a result of invention or resistance, but may be thought of as a process of public reemergence by actors working to create an awareness of a sustained American Indian presence.

Chapter Four:

Identity Wars

PEOPLE!!!!! Listen! We are of the original People are not going to sit by and watch our culture be bastardized. We have SURVIVED too long to do that. We are still here, we still believe in Community, in our Elders, in this Land. NOBODY gets to take that from us, not without a fight...We are fighters; we have sat by for 30 years while this "very" deceit has gone on, now we are not going to "sit" anymore. We are going to come together as a documented people, not to hurt anyone, but to "save" what belongs only to us. Too much has already been taken from us. We are not complaining about the past. We are coming together to go into the future, preserving our culture. Those of us who are "documented," who are writing to all who read this, are the People that are left here. We will protect what is ours...We are going to stand against you all! So with a true heart and voice I am giving some good advice to each of you. Call your Elders, get the concrete evidence of who you are. Spend time, all the time it takes and get your papers in order because if you don't have them, your ride on the gravy train is almost over. And your voices are going to be "SILENT" from speaking for us soon. No threats or anger intended, it is a promise! (Blog posted by Very Proud, The Santa Barbara Independent website, 1/25/2007).⁵⁶

The above post is one among many different and, often, opposing reactions to a news article entitled "Authentic Ethnicity in Question" in which the author addresses contestations over claims to Chumash identity and access to free care at the American Indian Health & Services (AIHS). The article's focus is on members of the Coastal Band of the Chumash Nation (CBCN), a federally unrecognized group whose ethnicity has been subject to intense debate as core members can neither demonstrate genealogical inheritance nor historical documentation linking them to aboriginal populations of southern California. Regardless, CBCN members served as board members for AIHS and secured their fellow band members full health-care access there. Their guidelines for

⁵⁶ With blog posts, I have taken the liberty to do slight grammatical corrections.

⁵⁷ Martha Sadler, Santa Barbara Independent, January 18, 2007

establishing eligibility within the scope of the Indian Health program were based on Indian Health Service standards⁵⁸ (2-1.2 A) that descent be evidenced by one or more of the following:

- 1. Is regarded by the community in which he lives as an Indian...;
- 2. Is a member, enrolled or otherwise, of an Indian or Alaska Native Tribe or Group under Federal supervision;
- 3. Resides on tax-exempt land or owns restricted property;
- 4. Actively participates in tribal affairs;
- 5. Any other reasonable factor indicative of Indian descent

Under a few of these liberal standards for determining descent, CBCN members could easily qualify. However, subsequent AIHS administrative changes led to the firing of CBCN board members as new rules were established to privilege only "certifiable" (federally recognized) American Indians to healthcare service, thus disqualifying Coastal Band members. Ex-board members then filed a lawsuit based on "wrongful termination" seeking \$2 million to settle out of court. After briefly highlighting views that refute their ethnic claims, the author surmises these contestations with a descriptive scene of idealized inclusion: "ethnic identity transcends...the Bureau of Indian Affairs' definition of an Indian" as Coastal Band members gather for their annual Winter Solstice to celebrate their Chumash heritage alongside "genuine genetic Chumash descendants, others with no such markers but whose children and great-grandchildren were raised to observe Chumash traditions...Santa Ynez Band descendants...extended family [of] college professors, environmental activists, [and] daycare providers." (Sadler, Independent, 2007)

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⁵⁸ Retrieved from http://www.ihs.gov/IHM/index.cfm?module=dsp_ihm_pc_p2c1#2-1.2

While the article primarily provided perspectives of the CBCN, stating their "Indianness" is feared to be "at stake," the ability to post comments to online articles allowed for an un-editorialized freedom of expression that could circumvent journalistic authority. The comments confused idealistic notions embedded in the term "inclusion" as well as the picturesque *Kumbayah* portrayal of a contemporary Chumash community. Nineteen blogs followed which, for the most part, deviated from the issue of Indian healthcare needs to address long-standing arguments over Chumash authenticity and representation. In the middle of these controversies, anthropological involvement and power to legitimate Chumash ancestry was at issue. Depending on which side of the "validation line" one was on, anthropologists were either vilified or praised. For example, comments from Coastal Band members were filled with animosity toward one anthropologist's genealogical and extensive archival research (e.g. mission, census, birth and marriage records) to trace living descendants' lineage. For nearly 40 decades, he has worked (free of charge) with federally recognized and unrecognized individuals wanting to investigate their ancestry. There were several instances where he could not find any archival evidence connecting inquirers to Chumash lineage. While some accepted his findings, others rejected them, insisting they are "Chumash". To uphold their identity position, they have blamed mission records as "incomplete" and labeled the anthropologist a "white self-serving gatekeeper" whose actions are "inappropriate and unprofessional":

We know who our family is regardless of genealogies, mission records, DNA, and scholarly journals. We don't need [this anthropologist] to tell us who we are. We are family and we have been far before he entered our community. His involvement is unwelcome by most of the community and

is unethical even by the guidelines of his own academic discipline. (Posted to the *Santa Barbara Independent* website following the article "Authentic Ethnicity in Question" 1/21/2007)

In response, a number of individuals, representing themselves as the "documented Chumash" came to the anthropologist's defense to assert their outrage that perceived "illegitimate" groups had been successful in adopting their ancestors' experiences and Chumash name to benefit their current livelihoods:

...coming from the well documented family in Ojai, I say it is about time this issue of People becoming Chumash, raising their children to be Chumash, making money on our culture, making decisions on our artifacts and burials, power tripping and what ever else they can think of, comes to an end. Don't shoot the messenger... he has become the expert because he is the one we have all gone to [for] help with genealogy. (Posted by Julie Tumamait, *Santa Barbara Independent* Website, 1/22/ 2007)

Others used the blog forum as a public platform to unify a base from which to halt the appropriation and representation of Chumash culture by claimants unable to establish their identity through documentation:

I cannot take the abuse that would be waged upon me should I say who I am, and it would be by those who ARE NOT of the People. It is time that the California Native People stand up, united against all these people who are not who they say they are. Some people claim that their ancestors will not be found on paper, that their families avoided the Mission system entirely. The problem with this thinking is as follows: each of us is a puzzle piece. Individually we may not appear in any recognized method of documentation, but put that piece into the bigger context of an entire puzzle and your ancestry will show itself... All we are asking for as a People is to be treated fairly, that those of us who have a right to speak for our ancestors be allowed to speak and those who ARE NOT WHO THEY SAY THEY ARE be silenced once and for all for the money grubbing phonies that they are...It should be mandatory that when receiving services, representing ancestral lands or issues, that the People document themselves. Would society take a person claiming to be a surgeon at face value? NO, we require proof don't we? The public must know...this is our culture, our identity. It is who we are and nobody has the right to just lie about their heritage and get away with it. It is no less than identity theft

when people use our culture to benefit monetarily or receive services under false pretenses. (Posted by Not as brave as Alan or Julie, *Santa Barbara Independent* Website, 1/23/2007)

This chapter explores politicized the identity debates of unrecognized Chumash groups that have mobilized for social, ecological and political reform movements beginning in the late 1960s. Unlike federally recognized tribes that often maintain membership via blood quantum, their identity disputes often focus on ancestral ties, historical connection and community recognition: "just how much and what kind of Indian background qualifies individuals or groups to present themselves as American Indians" (Nagel 1996: 237). Varying qualification standards have resulted in contentious and competing positions surrounding the validity of American Indian identity claims, reflecting international debates as to what constitutes "indigeneity" and if it should be categorically defined.

One argument holds that indigenous people are descendants of original populations living in areas at time of settlement or conquest. Another argument holds that ethnicity is a continuing process of ascription, made through self-referral and acceptance by others (Barth 1969). However, the latter liberal standard has led to increasing cases of "ethnic fraud" in institutions (e.g. universities, state agencies and health care centers) which allow self-identification to be the primary indicator of indigeneity. As a result, many have successfully benefited by arguing, for example, that

⁵⁹ See International Labour Organization, Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries (1989), Article

⁶⁰ I follow Eva Garroutte's description of self-identification to mean "systems of rules that systematically direct attention away from questions of law, blood or culture. They concentrate, instead, upon the individual's understanding of herself as she expresses it in a personal profession of identity. Under these definitions, Indians are simply those who say that they are Indian" (2003: 82).

their grandmother was an Indian princess, but cannot prove it because she lost her documentation. Now, however, there seems to be a dramatic backlash from those who argue that indigeneity is first and foremost a matter of descent to pre- or at-contact populations, which should be proven through available means of documentation (e.g. tribal rolls, mission records, genealogy). In Chumash country, this backlash is strong, leading to a local duel between those with documentation and those who self-identify to establish and represent a "legitimate" Chumash identity. It led this study of the politics and policies of unrecognized groups to be, in part, an ethnographic exploration of indigeneity itself. This was not, however, without dilemmas and hesitations.

Anthropological Dilemmas and Positioning

I get really angry with these neo-Chumash. I call them 'mishmash', not Chumash. They have a little bit of this, a little bit of that... and they put it all together and throw colors to our directions. . . But really, they are the descendants of the soldiers who tried to oppress us. It's so disrespectful to our ancestors, Fernando Librado...Maria Solares, Rosario Cooper, Juan Justo, Juan Estaban Pico and all the people who have the knowledge, who talked to my great-grandfather Juan de Jesus Tumamait and my grand-father, Cecilio Tumamait. Now they are trying to oppress us again through cultural genocide...from taking our stories, our identity, our language and using it as their own to gain notoriety and money. They're still trying to conquer us.

-Julie Tumamait, Ventureño descendant, 6/10/2006)

We call them 'Chu-ins.' They get to be Indian by right of being written about, but do not have to do the traditional work.

-undocumented Chumash claimant, 11/5/2010

According to Bruno Latour, "[t]he first source of uncertainty one should learn from is that there is no relevant group that can be said to make up social aggregates, no established component that can be used as an incontrovertible starting point. ...Quite the opposite: their starting point begins precisely with the controversies...about what the

social world is made of" (2005: 29). In the heat of politicized identity and heritage controversies over what the Chumash world is made of, is precisely where my preliminary fieldwork began in 2005. It was following the publication of academic articles (Haley 2002; Haley and Wilcoxon 1997, 2005; O'Connor 1989; Johnson 2003) that challenged the ancestry of individuals and certain groups who since the late 1960s have identified as Chumash and, in doing so, achieved power, monetary gain and prestige. Based on their genealogical and ethnohistorical research, the publications assert that many who self-ascribe as Chumash lack genetic ties to indigenous populations and are, instead, descendants of Spanish-Mexican colonists from the 1700s. In order to distinguish recently self-ascribed Chumash from those who have identifiable Chumash genealogical ties and continuously maintained an Indian identity, Brian Haley and Larry Wilcoxon (1997; 2005) created the following labels. "Older Chumash communities" or "Nontraditionalists" are those who can readily demonstrate they descend from indigenous populations in south central California through, for example mission records, genealogical research and ethnographic records. "Neo-Chumash" or "Traditionalists" 61 are those unable to evidence ancestry to indigenous inhabitants, but have, nevertheless, become "active and successful in defining traditional Chumash culture for themselves, other Chumash, and the general public" through invoking versions of indigenous tradition

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⁶¹ Haley and Wilcoxon utilize "traditionalism" to mean "a movement which seeks to transform contemporary traditions by instituting beliefs and practices that the group's members believe are both taken from their own past and more natural, appropriate, and authentic than the beliefs and practices to be replaced" (1997: 761).

that benefit their claims to rights⁶² (Haley and Wilcoxon 1997: 766). Since this "outing," the anthropologist was not necessarily welcomed by many groups.

In fieldwork sites, first questions asked by consultants before even agreeing to interviews were generally: "Who are you considering Chumash or Indian" or "Which Chumash are you interviewing, the real or the fake?" These questions soon followed statements such as: "You do realize that there are many people here are pretending to be us?" Or, conversely: "you're not one of those white anthropologists out to discredit us?" I was also forewarned that anthropologists, who had taken the role in invalidating ethnic claims, "have received death threats." Who knew anthropology in Santa Barbara could be so dangerous? After being interviewed (rather than the other way around), I realized questions directed toward me carried an inherent litmus test because the power of the pen could become detrimental or empowering to the legitimacy of a group since anthropological testimony is "part and parcel of what makes the group exist, last, decay, or disappear" (Latour 2005: 33). This quote by Bruno Latour might seem arrogant to cite, but I use it because over the last five decades, competing groups have collaborated with anthropologists "to call upon for supportive testimony" that can confirm and/or provide information used to validate ethnicity (Haley and Wilcoxon 1997: 777). For example, one claimant emphasized that "anthropologists know how to do the publishing circuit. When we are written about in journals, it helps us get recognition and credibility" (personal communication. 5/18/2010). At the same time, our involvement has contributed to a

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⁶² Mary O'Conner (1989) constructs a similar labeling division by referring to the extended family which lacks documented evidence of indigenous ancestry as Family A and the families with identified descent as Family B.

politicized climate such that understandable hesitancies exist in allowing an anthropologist to possibly expose inconsistencies that weaken an ethnic positioning.

Implicit in my introductions with claimants was the message that before trust and rapport could occur, I had to align myself with a side of the identity debate. However, I knew that if I chose one position over another, there would be sensitive issues of judgment and advocacy as well as personal, social and political ramifications of my testimony and the testimonies of others. Prior studies have caused backlash by claimants as well as social and professional consequences for other anthropologists addressing this debate. I also reflected on the death threat. It was obvious that one group or another is not going to like me if I choose a side? Would I be targeted?

For these reasons, I initially resisted addressing the prevailing identity controversies and, instead, stuck to my theme of how an indigenous collective social movement affects policy. However, I experienced a situation that problematized notions of "collectivity," if taken to mean a people regarded as one or a whole. Wholeness implies unity and homogeneity, yet the fieldwork arenas I experienced exemplified anything but that. In addition, the accusation of "identity theft" and the calling for proof intertwined with critical ethnographic questions of this study: Who has the right to claim, interpret and represent Chumash culture and history and be entitled to indigenous rights? Who legitimates such claims? What qualifies as proof to be Indian? It became clear that to answer these questions involved an exposition of shifting alliances, power differentials and boundaries that challenge idealized assumptions of solidarity, indigeneity and inclusion.

I had wished many times this study could be clear-cut analysis of studying one homogenous and marginalized group's revitalization efforts against the dominant Western society. If so, I could write of resistance strategies as a collective – of one culture neatly opposing another. But like in any society in which battles over ownership to heritage and culture create platforms for political power and public representation, it was anything but that. The issue of who claims and legitimates Chumash identity became integral to understanding networks of indigenous revitalization in this region. Whether it was a matter of repatriation, sacred site protection, rights claims, museum representation, or policy involvement, the question of who has the right and power to represent Chumash identity, history and culture dominated. It has shaped group formation and disintegration; strategies for recognition, and influenced how government agencies grant Native rights and opportunities. Thus, I realized I could not accurately portray the discourses and actions most important in shaping the puzzle that has given rise to Chumash political power without also addressing the very prevalent identity claims.

Too many nights had since been spent thinking that my life could have been so much simpler had I become an accountant. I struggled with the dilemma of being an anthropologist and "bequeathed" any power to authenticate indigeneity simply because I had letters behind my name. Who was I, as a person raised in households of Italian, Russian, Polish and Egyptian influences – whose own ethnic identity had always been flexible and vulnerable to change – to critique, validate or take sides about what makes someone "truly" ethnic? I thought objectivity would be the key to a neutral exposition of the "identity wars." But, that quickly disintegrated as I started questioning who is

actually a Chumash descendant: Whose stories and opinions do I take to address the *real* Chumash experience? Is it ethical to buttress certain perspectives from those who may not carry Chumash descent, although claim to be? Should individuals without identifiable descent be deserving of special privileges and rights benefits based solely on self-identifiable claims? Importantly, how do I situate the different social positions and experiences that brought competing discourses and interpretations regarding the revitalization of Chumash culture, identity and history (Briggs 1996)?

Reflexivity was required since different dynamics of intimacy occurred throughout all stages of this research, making it necessary to be sensitive to the complexities of representing myself and my relationships with consultants throughout what Kirin Narayan (1993) refers to as "multiple planes of identification": our positions, as researchers, are more complex than insider/outsider schemas, but fluctuate throughout different contexts. Still, there is a level in which we separate ourselves from being full insiders to consider the factors (e.g. duration of contact, education, gender, class) that form our consultants' experiences and create our narrative. Thus, I had to consider how, if I wrote of one argument as more valid than another or portrayed the other side as constructing, appropriating and inventing indigenous identity, would I take myself out of the realm of objective purview?

Well yes, of course. The concept of anthropological objectivity and its historical connection to colonial ideology – the active gazer and recorder to the inactive gazed upon people to make "truths" - has long been rethought (e.g. Said 1989). Followed by the "crisis of representation" school of thought, which brought forth debates on the

production of knowledge (e.g. Marcus and Fischer 1986), deeper attention has since been given to the drawbacks, effects and constraints ethnographic fieldwork has in creating power differentials by fortifying a paradigmatic other/us dichotomy in the process of anthropological objectification (e.g. Fabian 1983; Gupta and Ferguson 1997a; Strathern 1987). Scholars have since recognized that knowledge production is never free from detachment of human bias and interpretive error (e.g. Haraway 1988). However, we can position our representations as constructed "partial truths" - subject to social, political and economic contexts and inter-subjective relationships experienced (Clifford and Marcus 1986; see also Geertz 1967; Strathern 1991).

While "partiality" may seem evasive, it is an important disclaimer when relating stories and producing knowledge created from experiences and relationships formed in the midst of fieldwork. Thus, I found it necessary to reflect on Kirin Narayan's (1993) argument that any anthropologist in long term fieldwork will develop an ongoing personal involvement to the point of becoming partial insiders, vulnerable to subjectivity. This is not to say, as Nordstrom and Robben state, that an ethnographic "seduction" replaces a "critical stance as observer for an illusion of congeniality with the cultural insiders" to the point of losing a research objective (1995: 85). Nor that "objectivity is impossible in these matters...that is like saying that as a perfectly aseptic environment is impossible, one might well conduct surgery in a sewer." (Geertz 1973: 30) Rather, by engaging in what Narayan calls "enactment of hybridity...situating ourselves as subjects simultaneously touched by life-experience and swayed by professional concerns, we can acknowledge the hybrid and positioned nature of our identities" (1993: 681-2). Thus,

regardless of our origins, "enacting hybridity" - of co-engaging a theoretical and active partaking and blurring "compelling narrative" and "rigorous analysis" - positionality can be viewed as a process shaped by how we consider ourselves as belonging to both a personal and professional ethnographic world (Narayan 1993).

Emma Cervone (2007: 103) also asks an important question when research reveals tensions, controversies and ambiguities within a political movement or groups of study: "Is the fact that people within the community discuss and evaluate their controversies enough to allow for their public disclosure?" Because of the sensitive nature of identity politics and the potential political and social consequences of anthropological writings, complex dilemmas exist for anthropologists in how to represent different perspectives and frame our analyses to generate ethnographic knowledge. Such ethical and epistemological concerns contributed to my hesitation in addressing the dynamics of Chumash identity-based politic. While Cervone offers "no formulaic answer" to address dilemmas of making controversies public discourse, she does emphasize that "conflictive contexts of indigenous societies render the positionality of anthropologists, and the need to situate their research in the midst of these conflictive forces, an epistemological necessity" in the production of ethnographic knowledge and suggests that "prior construction of a common ground and commitment between researcher and indigenous actors can help legitimate the disclosure of controversial knowledge" (2007: 103, 106). Finding common/mutual ideological ground amongst conflicting subject positions and diverse testimonies to generalize arguments, however, was not simple. Many claimants without identifiable descent expressed their extreme

displeasure in anthropologists addressing this subject matter as one told me, "I'd like to kick anthropologists' asses" (personal communication 8/20/2009). Others wanted it discussed, "it's time people know the truth...so tell it" (personal communication 01/09/2009).

Ultimately, the guidance provided by consultants suggested neither to legitimate nor discredit indigenous identity claims, but to take into account the diverse antecedents and subjective experiences that form the networks of Chumash reemergence and power. In being confronted with an unexpected heterogeneity of a movement fractioned over who is or not indigenous, I took the latter advice and considered a Latourian method to follow the "contradictory ways in which social aggregates are constantly evoked, erased, distributed, and reallocated" through paradoxically taking "all the uncertainties, hesitations, dislocations, and puzzlements" as a foundation to recognize the production of social structures through actant associations (Latour 2005: 41, 47). Divided ideologies had manifested into different practices, performances and discourses that offered a path to trace social connections as they articulated in different relations and stabilized into group formations. Reconsidering collectivity thus required looking at ways actors act, form alignments and instigate various strategies to gain power and influence. That is, while this movement could not be viewed as a homogenous force, revitalization could still be considered a collective action if defined "as an action that collects different types of forces woven together because they are different" (Latour 2005:17).

In the following, I acknowledge the different forces that constitute this collectivity to extricate myself from judging the validity of peoples' positioning. Instead, I focus on

how Chumash claimants, government criteria, anthropologists and the public create competing and changing standards as to what constitutes "appropriate" indigeneity. In doing so, I remind the reader that this work is an ethnographic product – a form of story telling (Clifford 1986) that is constructed from a "multiplicity of interpretations" and interactions experienced in the field, which cannot "convincingly present a whole or 'totalizing' portrait of a given culture" (Cintron 1993: 378). Had a different anthropologist weaved throughout the Chumash network at another time, an entirely different story would have emerged. With this disclaimer, I present various perspectives without offense, but with an understanding that politically charged situations produce numerous conflicting positions that render ambivalent and paradoxical interpretations under interpretive analysis. I begin with an understanding of key circumstances that fostered social and political efforts to assert Chumash identity and later factors contributing to group fragmentation and accusations of ethnic fraud.

Emerging Chumash Assertions for Pride and Power

Somewhere during the Vietnam era, people began to take a look around and said maybe we mistreated our own people too. People were taking a long look at the government which got people to be more aware of the fact that maybe they overlooked the Indian, just like they overlooked the black race, the women, the Jews... So people became more aware through education and what the country had been through and said maybe we ought to take another look at what happened here in California.

- Kirby Truhawk, 6/05

The timing of Chumash identity assertion, group formation and ethnic mobilization corresponds with changing political, social and economic factors that advantage being American Indian, including: the civil rights movement; federal policy reform; the reopening of federal judgment rolls; pan-Indian activism; increased academic

and grassroots interest in Native tradition and lifeways; the environmental movement; implementation of preservation laws and; shift in mainstream consciousness toward indigenous people.

The 1960s and 1970s era of civil rights activism and Indian self-determination brought widespread American Indian political movements through political mobilization, militance and tribal organization. In part, these movements, formed in relation to liberal programs and federal policy reforms of the 1960s aiming to end termination policies.⁶³ In the effort to combat public and private acts of racial discrimination and poverty in America, a series of federal policies were implemented during the President Lyndon Johnson administration which eventually became critical to the move toward Indian selfdetermination (Clarkin 2001). First, the Equal Opportunity Act and the Civil Rights Act of 1964 passed to prohibit segregation in public accommodations and discrimination in education and employment. Second, by declaring a "War on Poverty," President Johnson established the Great Society program (1964) that would include social-welfare and civil rights legislation as part of its antipoverty strategy (see Russell 2004). Federal support was then provided for community based anti-poverty and job programs designed to selfempower those economically challenged through education, job training, urban redevelopment, and legal services. War on poverty programs also brought funding for educational and economic opportunities for American Indian tribes to foster selfdevelopment and self-sufficiency. This, in turn, "undermined the BIA's near-total control

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⁶³ Termination policies initiated by Congress in the late 1940s formed under the belief that American Indians should be assimilated into dominant society. The intention of termination policies was to end federal obligations to American Indians and remove sovereign rights of tribal governments (Clarkin 2001: 5).

over Indian tribes and its unchallenged neglect of urban Indian programs, creating alternative, non-BIA resource bases on reservations and new urban Indian programs" (Nagel 1996: 124). In 1968, President Johnson proposed an end of termination policies in lieu of tribal self-determination policies to allow American Indians direct involvement in their affairs. He also passed the Civil Rights Act of 1968 which extended constitutional protections to federally recognized tribes.

By 1969, the National Indian Education Association was established which aimed to inform American Indian students of their history and preserve their heritage. In following, educational institutions such as University of California at Berkeley, Los Angeles and Davis began to incorporate American Indian history and culture into their academic canon. This fostered a growth in the 1960s and 1970s of published literature (including American Indian newspapers and periodicals⁶⁴) which, in addressing Native issues, values, stories and customs, worked to instill a positive awareness of American Indians in mainstream society. Around the same time, the University of California Santa Barbara initiated the Chumash Identification Project to restore Chumash values and lifeways to the region (Haley and Wilcoxon 2005: 441).

By the late 1960s the focus of the civil rights movement shifted from economic and employment-related issues, to challenging existing political and social institutions (Russell 2004:64-5). African Americans began to examine the conditions and laws under which they lived and brought their issues to the forefront of mainstream American society via activism, protest and political movements. In following, other minority groups

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⁶⁴ For example, The Indian Historian, Wassaja, Americans Before Columbus, and the Akwesasne Notes

joined the civil rights movement by organizing politically motivated, issue-oriented action groups aimed at changing laws and treatment of marginalized people. During this time, American Indian identification started to become more appealing "not only because of the potential for increased services attached to Indian ethnicity but also because of enhanced appeal of all ethnic affiliations that followed on the heels of the ethnic politics of the 1960s and 1970s" (Nagel 1996: 124). However, the basis from which American Indian civil movements organized differed in that it revolved around the fact their existence was ignored and traditional values were suppressed. The foundation for activism was thus to create a new sense of determination to save the remnants of their cultures and (if possible) prevent any further intrusion (Deloria 1994; Nagel 1996: 130-141). As such, a fundamental objective became "the right not to have to participate and still maintain an autonomous Indian identity, legally rooted in the historic treaty relationship and the traditional land base" (Svensson 1973: 39).

Newly formed American Indian organizations and programs became a central space for collectivity and mobilization to form and enter the global political scene of recognition through political activism. Most recognized and influential was the Red Power Movement, and its activist organizations (American Indian Movement (AIM), the National Indian Youth Council (NIYC), and Indians of All Tribes (IAT)) which sought protection of treaty rights, cultural and spiritual equality, sovereignty, self-determination, reinforcement of the traditional lifeways and access to the federal program resources.

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⁶⁵ For example, Mexican Americans sought political empowerment and social inclusion. American women began the Feminist movement (also known as the Women's Movement and Women's Liberation) to crusade for reproductive rights, maternity leave, equal pay and an end to domestic violence, sexual harassment, sexist language and sexual violence.

Different to the more traditional 1960s lobbying tactics (e.g. sit-ins), Red Power protests often resulted in forceful takeovers of public facilities and land⁶⁶ to symbolize the reclamation of ancestral place. The most notable was the 1969 through 1971 occupation of Alcatraz Island begun by the Indians of All Tribes (IAT) - a group of young, college educated, urban American Indians from fifty tribes seeking a new sense of Indian identity, cultural recognition and more effective attention to urban Indian needs (Svensson 1972: 41). Through utilizing protest strategies from college campuses and urban guerilla movements, IAT drew strength from pan-Indianism⁶⁷ bringing in an estimated one thousand protestors demanding reparation for broken United States treaties. As a basis for occupation, they asserted the 1868 Sioux Treaty of Fort Laramie that permitted American Indians the right to reclaim abandoned or unused federal property. Upon learning that the Treaty was only for surplus land near the Sioux Reservation, they claimed Alcatraz Island by "right of discovery", satirically reversing the colonizing rhetoric of U.S. Indian policy unto the "white man":

We, the Native Americans, re-claim the land known as Alcatraz Island in the name of all American Indians by right of discovery. We wish to be fair and honorable in our dealing with the Caucasian inhabitants of this land, and hereby offer the following treaty. We will purchase said Alcatraz Island for 24 dollars in glass beads and red cloth, a precedent set by the white man's purchase of a similar island 300 years ago. We know that \$24 in trade goods for these sixteen acres is more than was paid when Manhattan Island as sold, but we know that land values have risen over the years. Our offer of \$1.24 per acre is greater than the 47 cents per acre the white men are now paying the California Indians for their land. We will

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⁶⁶ American Indian protestors used abandoned federal lands, buildings and sites. For example, AIM in the early 1970s occupied a series of abandoned properties such as the Naval Air Station (1970), Winter Dam, Wisconsin (1971), the Custer County Courthouse (1972), seized the Bureau of Indian Affairs Headquarter (1972), and were part of the Pine Ridge Reservation confrontation (1973).

⁶⁷ Pan-Indianism brought the syncretizing of differing indigenous symbols and practices across the nation to create a new American Indian identity.

give to the inhabitants in the proper way of living. We will offer them our religion, our education, our life-ways, in order to help them achieve our level of civilization and thus raise them and all their white brothers up from their savage and unhappy state. We offer this treaty in good faith and wish to be fair and honorable in our dealings with all white men. We feel that this so-called Alcatraz Island is more than suitable as an Indian Reservation, as determined by the white man's own standards.⁶⁸

In comparing Alcatraz to a reservation, the movement shifted its goals from cultural recognition and urban Indian needs to retaining land title of the island in which to build a new urban community comprised of a cultural and ecology center, museum, and job training school. Using traditionalist and self-determinist discursive strategies in a call for unification, it marked the turning point in which cultural preservation and self-sustainability became synonymous with the reclamation of ancestral land:

Without a cultural center of their own, we are afraid that the old Indian ways may be lost....If we can gather together as brothers and come to a common agreement, we feel that we can be much more effective, doing things for ourselves, instead of having someone else doing it, telling us what is good for us....We feel that we if we are going to succeed, we must hold on to the old ways. This is the first and most important reason we went to Alcatraz Island. (AIT statement at Alcatraz, December 16, 1969. Retrieved from Johansen 1998: 13)

Although most goals set out by Alcatraz activists were not achieved, the Occupation brought the realization of the power of public collective issue-oriented

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⁶⁸ They state this to mean "this place resembles most Indian reservations in that:

¹⁾ It is isolated from modern facilities, and without adequate means of transportation. 2) It has no fresh running water; 3) It has inadequate sanitation facilities; 4) There are no oil or mineral rights;

⁵⁾ There is not industry and so unemployment is very great; 6) There are no health care facilities;

⁷⁾ The soil is rocky and nonproductive; and the land does not support game; 8) There are no educational facilities; 9) The population has always exceeded the land base.

¹⁰⁾ The population has always been held by prisoners and kept dependent upon others. Alcatraz Proclamation: To the Great White Father and His People 1969 by Indian of All Tribes.

activism to generate international awareness to indigenous issues of self-determination, cultural recognition, and tribal lands:

...the seventy-eight people who landed on the rocky island in November, 1969 learned a fateful lesson... that sympathetic media and guerrilla theater could generate instant attention, and place Indian issues hardly, anyone in the press had ever cared about before, on the front pages of major newspapers around the country and around the world....not until Alcatraz had anyone tapped the potential of media-fueled, spectacular protest on such a grand scale. (Smith and Warrior 1996: 111)

What Sean Scalmer calls the *repertoire of staging*⁶⁹ - "the production of a public stage through the joint performance of claim-making" - provided a forum and the publicity for once apolitical actors to emerge and "demand cultural and institutional recognition of previously overlooked oppression" (2002: 36, 80). It turned the *extinct*, *passive*, *victimized* and *invisible* American Indian, into a visible, proactive, and powerful political force. Besides lifting the stigma attached to racist notions of indigeneity and inspiring wide-scale ethnic pride, it shifted mainstream consciousness to recognize that indigenous people have inherent cultural value in need of protection. Importantly, it showed that once indigenous people could come together under a common agenda (e.g. land-rights), they could make governments aware they were "political entities under their own terms, and could impose potential costs on policy-makers in the future" (Scholtz 2006: 7).

The messages of unification, self-determination, and connection to ancestral land inspired by Alcatraz swept through the nation and reached Chumash country, sparking Native pride and "a feeling that we should be doing something too," stated a Ventureño descendant whose sister was one of the occupiers (personal communication 12/2008). "I

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⁶⁹ Scalmer defines the *repertoire of staging as* "the production of a public stage through the joint performance of claim-making by actors present in a particular place" (2002: 36).

remember watching television with my dad and we couldn't believe it," recalled Julie Tumamait, "We said 'wow their taking back the land'. We all of a sudden were so proud to call ourselves Indian. We wanted to be part of it" (personal communication 1/3/10). Traditionalist rhetoric to "return to old ways" established at Alcatraz also seeped into local consciousness, inspiring indigenous rights activism and setting forth the movement to reestablish Chumash identity through the revival of ancestral practices and symbolic reclamation of land.

Also bringing Chumash identity assertion was the reopening of the federal California Indian Judgment Roll from 1968 through 1972 after the Indians Claims
Commission had prior stated in 1959 that "Indians of California had aboriginal title, as of 1853, to approximately 64 million acres of California land west of the Sierra Nevada"
(Bureau of Indian Affairs 1966: 20). In 1964, a negotiated settlement of \$29,100,000
(approximately 47 cents per acre) was awarded to California indigenes as redress for their lands, leading to a great influx of California Indian claimants. To designate appropriate settlement recipients, the federal government required an individual demonstrate descent to a California Indian identified on the 1933 Roll or provide genealogical information connecting one to an individual identified as Indian by the government. Many individuals, including those who had never asserted their Indian identity prior, began to seek the aide of historians, genealogists and anthropologists to provide ancestral documentation that could make them eligible for the Roll.⁷⁰

⁷⁰ By 1972 there were 92,218 applicants, but only 55,899 received notices of eligibility (Stewart 1978: 708). Consequently, because many were able demonstrate California Indian ancestry based on the federal requirements, the settlement diluted leaving each person with a little less than \$700.

This period also brought great academic interest in California Indian history with the accessibility to John Peabody Harrington's 71 ethnographic notes after 1961. Within his fifty years of fieldwork (1912-1960), Harrington amassed close to one million pages of notes pertaining to American Indian practices, family histories, cosmologies, tradition, sacred places, medicinal cures, personal stories, languages⁷² and gossip from surviving indigenes. As a salvage anthropologist believing Chumash culture would become extinct, Harrington worked nonstop to collect ethnographic data until his death from Parkinson's disease in 1961. However, being eccentric, secretive and suspicious of colleagues, he kept his research hidden and unpublished (see also Callahan 1975; Laird 1975; Walsh 1976). Upon the discovery of his notes after his death, the Smithsonian Institution consolidated his massive linguistic and ethnographic collections which included sound recordings, crude field notes, photographs, sketches, correspondences, maps, diagrams, secondary data, slip-file dictionaries notes, unpublished manuscripts and extensive information on placenames, traditional culture, mythology and geography. Ethnographic and linguistic data came from California as well as the American Southwest, the Northwest Coast, Alaska, Plains, and from Central and South America.

⁷¹ John Peabody Harrington (1884-1961) was raised in Santa Barbara, California and graduated with a B.A. in philology and classic and modern languages from Stanford University in 1905. He became interested in Chumash culture in 1902 and 1903, under the guidance of A.L. Kroeber and P.E. Goddard during summer school studies (Mills and Brickfield 1986: 1) and then studied anthropology and linguistics at the University of Leipzig in Germany. Between June 1912 and December 1914, Harrington began to conduct fieldwork and archiving linguistic and ethnographic data with the Chumash, Yuma and Mojave Indians due to his association with the School of American Archaeology and the Panama-California Exposition. In February 1915, Harrington was hired by the Bureau of American Ethnology and was authorized to pursue his studies of Chumash and Mohave and worked as a research ethnologist for the next forty years until his retirement in April 1954. However, his ethnographic collections continued until his death in 1961.

The has been estimated that he recorded 125 indigenous languages. The languages, including

songs, are recorded phonetically and some have been audio recorded.

Yet his most extensive data collections are on California Indian languages, with Chumash culture and language being the most thoroughly documented, totaling several hundred thousands of pages (Mills and Brickfield 1986: 2-3). "It would appear," according to Thomas Blackburn, "that no group in North America seems to have held a greater fascination for Harrington than the Chumash, to whom his prodigious energies were turned so often throughout his life—certainly no other group is represented as massively or as consistently in his notes (1975: 6).

His notes were transformed into accessible readings in popular publications (e.g. Blackburn 1975, Hudson and Underhay 1978; Librado et al. 1977, 1979; Timbrook 2007) which, in turn, contributed to a wide-scale interest and positive awareness of Chumash culture. With publication, the ethnographic word became a "credible" historical source of traditional knowledge useful to corroborate territorial claims and sacred site protection. It also set forth collaborative projects between anthropologists, historians, linguists and local indigenes to research ancestral traditions, language, and practices for revival purposes. In response to all these factors - the reopening of the Roll, increasing mainstream interest in Native issues, anthropological research uncovering Chumash heritage, and nation-wide pride in being American Indian - the Quabajai Chumash Indian Association formed in 1968 in Santa Barbara. Founding members included federally

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⁷³ A noteworthy example is the building of the first modern *tomol* (ocean faring redwood plank canoe fastened by *asphaltum*) called the *Helek* (peregrine falcon) in 1975. Based on Harrington's detailed directions of *tomol* construction from Chumash elder Fernando Librado, anthropologist Travis Hudson of the Santa Barbara Museum of Natural History directed the canoe building project with boat maker, Peter Howorth. In 1976 members the Brotherhood of the Tomol⁷³ (a branch group of the Quabajai Association) revived Chumash maritime tradition and paddled *Helek* on a ten day journey to the northern Channel Islands *Helek* was since preserved at the Santa Barara Museum of Natural History. In 2001, the Brotherhood of the Tomol built another canoe called *'Elye'wun* (swordfish) which was paddled from the mainland to Santa Cruz Island. Such crossings have since been reenacted annually to commemorate the island Chumash who historically traveled the ocean for hunting, fishing, and trading.

recognized and unrecognized Chumash descendents as well as families lacking identifiable genealogical ties to Native Californians, although at the time all were presumed to have such ancestry (O'Connor 1989: 11).

At about the same time as the formation of the Quabajai was the birth of the United States environmental movement and its subsequent policies. Besides being a period of civil unrest, the 1960s and 1970s represent the shift in public consciousness toward environmental protection, particularly in California where the 1969 Santa Barbara oil spill left profound damage to the ocean ecosystem and resulted in widespread public outrage against industrial pollution. It came to symbolize the disastrous effects of Euro-American habitation in which to launch the overall restructuring of legislation for environmental protection. This resulted in establishing the U.S. Environmental Protection Agency, 1970 National Environmental Policy Act, 1970 Clean Water Act, 1973 Endangered Species Act, and 1976 Resource Conservation and Recovery Act. A key device to promote the environmental campaign came through the famous television commercial by the Keep America Beautiful organization. Launched on the second Earth Day in 1971, the commercial depicts actor "Iron Eyes" Cody dressed in American Indian regalia paddling his canoe through polluted waters surrounded by oil refineries. Upon docking his canoe onto the littered landscape and viewing trash thrown onto the highway, he sheds a single tear as the narrator states, "some people have a deep abiding respect for the natural beauty that was once this country and some people don't. People start pollution. People can stop it." In instilling the pristine Indian imagery, the

message made clear that Western progress had exploited and destroyed the world once so meticulously maintained by indigenous people:

In what amounted to a powerful indictment of white Americans, the Crying Indian unequivocally implicated white polluters; they, not Indians, were the people who start pollution. He shed a tear for land and resources, which, by implication, he and other Indians treated kindly and prudently (as conservators might) and understood ecologically. But after arriving in North America, Europeans and their descendants ruined its pristine, unspoilt nature. (Krech 1999: 16)

The Crying Indian became iconic, transforming the "savage" Indian into the "Noble Ecological Indian" (Krech 1999) - the original environmentalist and true steward of the planet reacting to the destruction caused by a disconnected Western world:

Hippies glorified peyote-eating, visionary Indians who existed on other planes of consciousness. Environmentalists celebrated tree-hugging, nature loving Indians who were the answer to pollution and cyclamates. (Smith and Warrior 1996: 102)

In California, environmentalists began to turn to indigenous people, bestowing them the title "first environmentalists:" those that carry great ecological wisdom and ability to bring the tarnished earth back into harmonious balance. As one non-Native environmental activist said, "I believe we owe the preservation of this planet to the knowledge of indigenous people. Their philosophy can save us" (personal communication 2/11/10). As saviors of the pristine, defenders of nature, and living embodiments of an idealized world once was and could be again, indigenous people had a newfound visibility from the reverence and respect given by environmental organizations and activists seeking their alliance. Such alliances proved to be particularly beneficial for California environmentalists, where new state and federal laws designed to

protect environmental and cultural/historic resources, gave opportunity for California indigenes' political influence and participation in the environmental review process.

California Environmental Quality Act

Following the National Environment Protection Act (NEPA) established in January 1970 by President Nixon, the California Environmental Quality Act (CEQA) statute went into effect November 23, 1970 to institute a mandatory statewide policy of environmental protection in every governmental agency's decision-making process. The statute requires that before any substantial development project proceeds, lead (federal) agencies within California must follow an Environmental Impact Report (EIR) procedural process to evaluate and discuss environmental concerns and consequences in their decision-making process through the preparation of Environmental Assessments (EAs) and Environmental Impact Statements (EISs). The process includes: (1) analysis to identify harmful effects to the environment; (2) public disclosure of the potential environmental impacts of projects; (3) consultation with affected tribes to mitigate (eliminate or remove) any "significant" (harmful) effects and; (4) consideration of alternative strategies. Per CEQA Guidelines Code of Regulations 15064.5, a "significant effect" is any that causes the destruction, relocation, alteration, disturbance or substantially adverse change in the significance of a "historical resource." Put another

⁷⁴ A "historical resource" includes, but is not limited to any object, building, site, place, record, or manuscript which his historically and archeological significant that meets the criteria for listing on the California Register of Historic Resources (Public Resources Code, Section 50.20.1 (j)). In mimicking the criteria for the National Register of Historic Places 36 CFR 60.4, resources are historically significant if they are 1) associated with the events that have made a significant contribution to the broad patterns of California history 2) associated with the lives of important persons in the past, 3) embody distinctive

way, historical resources are considered an aspect of the environment of which lead agencies should take its impact into consideration and seek to avoid damaging effects whenever feasible. With the implementation of CEQA came the recognition that American Indian cultural features⁷⁶ in California are historical resources also deserving of environmental protection.

Before the implementation of CEQA, there were no laws or regulations existing requiring approval, input or involvement of the public during development projects. CEQA changed this to give due process to any citizen: the public is supposed to be informed of development projects, be able to speak to decision makers and have the right to participate in a city, county or state agency decision-making process. Since its implementation, any time there is approval of a project, CEQA requires that an agency prepare a draft of the EIR, give notice to the public and allow a 45 day public input comment period. Often this is followed by the public circulation of documents and public comments and a period for response to comments by the lead agency. However, in cases in which there are historical and archeological resources (such as American Indian cemeteries and sacred sites), more due process is allotted through monitoring and the process for identification in order to ensure their protection. In such cases, the California Native American Heritage Commission (NAHC), a government agency established in 1976, has been given the statutory role (CA P.R.C.\\$21070) to protect American Indian

characteristics of a type, period, region, or method of construction and/or 4) represent the work of an important creative individual or possesses high artistic value (Public Resources Code, Section 50.24.1 (c)). ⁷⁵ CEOA Statutes at Public Resources Code §21083.2-21084.1; CEQA Guidelines at 14 CCR 15064.5-15360.

⁷⁶ American Indian cultural features (also called ethnographic resources) can include artifacts, cultural landscapes, habitats, plants, minerals, animals and places considered sacred, traditional or essential for the preservation of American Indian's traditional values.

cemeteries and sacred sites by acting as liaison in facilitating the consultation between California American Indians, lead agencies, and project proponents to mitigate potential project impacts.⁷⁷

Under CEQA Guideline 15064.5(d) lead agencies are directed to consult with federally recognized and unrecognized American Indians identified by the NAHC if their study identifies the presence or likely presence of American Indian human remains, associate grave liens or cultural features. To mitigate adverse impacts to these sites, CEQA suggests a culturally affiliated American Indian monitor/consultant with knowledge in cultural resources and a certified archeologist should be present during all ground-disturbing activities. The NAHC further advises that lead agencies consult with culturally affiliated American Indians for their input on potential impact on cultural resources and to make recommendations for the disposition of recovered artifacts.⁷⁸ In cases where human burials are found on non-federally recognized land, State Health and Safety Code Section 7050.5 hold that agencies are to contact the county coroner to determine cause of death and origin of the remains. If determined by the coroner such remains are American Indian, project construction should stop and a certified archeologist and Most Likely Descendant (MLD) chosen by the NAHC are to be contacted within 24 hours so that they may recommend the treatment of such remains.⁷⁹ The requirement to have official assessment of historical significance of places and

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⁷⁷ The agency is currently comprised of ten California American Indian representatives.

⁷⁸ Ultimately, the NAHC has statutory authority to mediate agreements regarding the disposition of American Indian remains and artifacts.

⁷⁹ Generally, recommendations made by the MLD can include the following: Leave in Place (the preferred treatment), Expose and Remove for Reburial, Store Temporarily, Laboratory Analysis, or Reburial.

cultural resources marked a pinnacle turning point for Native involvement in development and archeological projects:

It really switched the way people looked at development. When we got involved, it threw the monkey wrench into their process. They never dreamed we would care that stuff was being dug up and destroyed. They had no qualms before with letting students and archeologists take remains and artifacts for research. But when Native people could all of a sudden protect their sacred sites and remains, everything changed. (Julie Tumamait, personal communication, 7/20/10)

The changes in state heritage strategies, converging modernization discourse of development and indigenous discourse of preservation, ultimately shifted power relations between archeologists, government agencies and California indigenes, igniting new dialectic controversies over the custodianship of ancestral remains, control of historical knowledge, and legitimatization of "authenticate" Indian identity.

Politicized Sites: Alliance and Dissent

...there are so many multiple factions coming in that your head will spin if you try to break it down

-Ernestine De Soto, Barbareño Chumash, 5/16/2006

I tell people that Native American politics are brutal. They think they are coming to Indian country to experience some kind of spiritual, peaceful journey. But the more time you spend here, the more brutal it becomes.

-Alan Salazar, Tataviam/Chumash descendant, 10/03/2010

Hammonds Meadow

As mentioned above, the Quabajai Chumash Indian Association organized in 1968 in response to the reopened Federal Judgment Roll and favorable climate fostering Native pride. With new laws suggesting Native opinion in environmental protection policy, the Quabajai started to assert themselves in politicized sites of proposed

development using the power of environmental activist alliances. One of their first political projects to demonstrate this power was at Hammonds Meadow, a 22-acre site along the Montecito beachfront coast once part of the 47-acre estate acquired by wealthy Bostonian, Esther Hammond. Upon her death in 1955, developers procured several acres of the estate and built a condominium complex called the Bonneymede Estates in 1965. As more development prospects ensued, a grassroots coalition of preservationists and surfers called Friends of Hammonds Estate formed in 1971 to protest a proposed Vista del Montecito condominium project, arguing it would create environmental and aesthetic harm, destruction to American Indian burial sites, congestion, and eliminate public access to the beach (Flynn and Laderman 1994: 54).

Using public demonstration tactics to garner media attention, the "Save Hammonds Meadow" movement gained momentum, gathering support from legislators, archeologists and American Indian representatives, whose collective efforts helped to stop the project, although a scaled-back version called Montecito Shores was built in 1974. Prior to its construction, Quabajai Association members sought an agreement to be present during development, arguing the existence of artifacts and possible burials on the property gave them the right to mitigate adverse impacts to cultural historical resources under CEQA policy guidelines. Consequently, the Superior Court granted them the right to monitor and collect artifacts during ground-disturbing activities of construction (Flynn and Laderman 1994: 54, 63). In 1977, Pasadena Mutual announced their plan to build a 50-home project called Ocean Meadows on the remaining acres of Hammonds Meadow. In an attempt to prevent construction, the Quabajai made their presence known during the

environmental review process, insisting on the need to protect Indian artifacts and prevent the discovery of burials

Important to note is that several important laws emerge during this time that allowed American Indians to make legally valid claims for preservation and rights protection. First was the 1976 Native American Heritage Act (NAHA), designed to recognize and protect Indian cemeteries, places of worship and ceremonial sites. In 1977, California established a law of "non-interference with Native American religious expression," mandating that public agencies, or private parties using, operating on, or occupying public property under public permit, grant, lease or contract shall not interfere with free expression or exercise of Native American religion as provided in the U.S. and California Constitution. Nor shall any agency or party cause severe or irreparable damage to Native American cemeteries, place of worship, religious or ceremonial site, or sacred shrine on public property, except on a "clear and convincing showing that the public interest and necessity so require" (Public Resources Code §5097.9). In 1978, the federal government implemented the American Indian Religious Freedom Act (AIRFA) to create policy that the United States "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian... including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites" (Public Law 95-341, 42 U.S.C. 1996 and 1996a). These laws advantaged the Quabajai position for preservation as they argued that Hammonds Meadow is the sacred prehistoric Chumash village site of *Shalawa* and still a place of traditional religious

practice⁸⁰ (Flynn and Laderman 1994: 64). In so doing, they were able to push for the site's registration on the National Register of Historic Places⁸¹ in 1978 and in 1980 have it included in the California Native American Heritage Commission's Sacred Lands Inventory as a recognized site of indigenous religious and social significance.

In 1982, they sued Santa Barbara County for access rights to Hammonds Meadow and for its coastal resource protection. Even though a revised housing plan was later approved, the lawsuit (along with continuing protests) helped to preserve three acres for public use (see Figure 8) where a monument now stands that reads, "The Sacredness of the land lies in the minds of its people. This land is dedicated to the Spirit and memory of the ancestors and their children" (see Figure 9). Ultimately, by declaring the sacrality and continuous ceremonial use of politicized development sites, the Quabajai shifted the Native position from that of the "dispossessed" to rightful stewards of natural resources and principle consultants for land preservation.

Over time, the Quabajai became well-adept in implementing the language of "sacred" and "traditional religion" embedded in new laws designed for environmental and American Indian rights protection to attract attention and draw outside support by patterning what Habermas (1989) terms the "principle of publicity:" the use of media as a tactic to gain public notoriety, visibility and influence. Lessons were learned from ways Alcatraz and pan-Indian activists could bring attention through publicity: public

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⁸⁰ Some claimed that ceremonies continuously took place throughout the century, but in secret (personal communication 9/11/10; see also Radic 2003: 16)

⁸¹ Authorized under the National Historic Preservation Act of 1966, the National Register of Historic Places is an official list of the Nation's cultural resources that are afforded federal protection for preservation.

demonstration and performance to places considered sacred is an effective political strategy to make territorial claims, reinforce the recognition of Indian identity, and induct a broad membership by making alliances with environmental organizations and audiences sympathetic to the Native cause of preservation. The most notable example of gaining media recognition was during the occupation of Point Conception.



Figure 8: Undeveloped Hammonds Meadow today. Photograph taken by Kohanya Ranch, 9/9/2011



Figure 9: Hammonds Meadow Monument. Photograph by Kohanya Ranch, 11/12/2010

Point Conception

In 1977, Edison proposed the construction of a liquefied natural gas (LNG) facility at Point Conception, located on the Pacific coast near Santa Barbara. Based on oral narratives by Ineseño descendant Maria Solares as told to Harrington (1986: 7/200-1, 13/021,026), and later recounted in Blackburn's December's Child (1975: 98-100), Quabajai members asserted Point Conception to be the Chumash "Western Gate" – a portal for souls to reach *Shimilaqsha* (land of the dead). In applying principles of the Native American Heritage Act and American Indian Religious Freedom Act, they argued Point Conception a place of religious significance, deserving of cultural protection by virtue of a sacred deed. Through intertwining land, culture and religion into a narrative such that destruction of one is destruction to the other, they also argued that physical

development would block the portal and hence their religion and culture. This discourse made effective the use of what Ronald Niezen terms *the politics of shame*: "the effort to influence a decision or policy through dissemination of information to an audience that is a source of political power, information that exposes the inappropriateness, harm, or illegality of a course of action" (2003: 179). According to Niezen, this discourse is useful to influence social and political public bodies who romanticize indigenous people as pristine entities living in perfect balance and harmony with nature and who imagine loss of such lifeways will come with any environmental destruction or outside incursion (2003: 179-80).

Here, the "politics of shame," worked to create a central forum of aligned interests by inducting people with similar interests in preserving the sanctity of the site. Local ranchers, surfers, celebrities, archeologists, fishermen and environmentalists joined the alliance against the "shameful" LNG proposal. What would then be termed a "resistance," fell in line with Gayatri Spivak's (1987) notion of "strategic essentialism," although those who joined the resistance had various motivations for the site's protection from development, the disparate social groups set aside local differences to temporarily forge a sense of solidarity as a collective movement so as to achieve specific political goals. In this case, the goal was to stop development and collectivity occurred by specifically defining a problem (environmental destruction) and solution (environmental protection). It was the Quabajai, though, that media attention centered on, giving them a platform to influentially transfer the message that Point Conception is a sacred Chumash site at risk (see Haley and Wilcoxon 1997: 770). Pronouncing themselves the leaders -

the "Keepers of the Western Gate" - of the collective preservation movement, members of the Quabajai Indian Association occupied Point Conception from May 1978 to March 1979. The media attention drawn from demonstration and occupation was effective since "everyone loves the underdog," according to one of the occupiers (personal communication 9/12/2009). The *little guys* fighting the *big bad corporate guys* in the battle to preserve *Shimilaqsha* gained pan-Indian significance as a central symbol of indigenous struggle, which, in turn, buttressed Quabajai's assertion of a Chumash ethos.

Point conception, as a *point of shame* could thus start the "translation" process - the point of creation of an actor-network to get ideas and objectives accepted through creating a central forum for aligned interests (Callon 1986). As mentioned above, "translation" involves four moments: problemization, interessement, enrollment and mobilization. Problemization, in this case, occurred when primary actors defined common problems and needs (environmental protection) to induct others with similar interests. Interessement - convincing others to accept representative terms of their involvement as defined by the focal actor (Callon 1986) – occurred when Quabajai members deemed themselves "Keepers of the Western Gate." Enrollment occurred as representatives accepted the roles, relationships and interests defined for them during interessement, which in this case was "protect the sacred." Mobilization occurred when allies (the media, fisherman, environmental activists) were delegated to enroll active support for collective representation.

The "resistance," through politicized pressure, was successful enough to stop the LNG facility from being built. However, in years following the Point Conception

encampment, the Quabajai Indian Association fragmented due to differences in political aims and ideology, reducing the Association to members without identifiable ancestry (O'Connor 1989: 13). The Reservation members that left formed their own governing organizations including Santa Ynez Elders Council and Kit Wo 'N' Unio Corporation. In an attempt to regain membership strength and unification, non-reservation groups formed a syndicate called the United Chumash Council (UCC) (O'Connor 1989: 14) which represented the following component organizations active in reviving cultural heritage and cultural resource planning: the Quabajai Association, the Southern Owl Clan, the Cieneguitas Indian Association, the Brotherhood of the Tomol, and Sacred Arrow Society. In 1982, the UCC organized under the umbrella term the Coastal Band of the Chumash Nation to establish a non-profit foundation and filed their intent to petition for federal recognition to the Branch of Acknowledgement and Research.

One of the requirements to gain federal recognition under the Federal Acknowledgment Process (discussed in length in Chapter Seven) is that petitioning members establish descent from a historical Indian tribe (25 C.F.R. § 83.7 (d)). The Cieneguitas branch of the Coastal Band, which focused on genealogical and mission records research to establish descent, asked a then doctoral student of anthropology (whose research involved mission archives) to assist them in researching their lineage. After investigating birth, baptismal, census and marriage records, he could not find any evidence that principal members of Cieneguitas and the Coastal Band had lineage to Chumash mission Indians, but rather were descendants of Spanish/Mexican colonizers of

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⁸² Membership to each group overlapped with the primary representatives belonging to one single extended family (see King et al. 1985: 106-109)

Santa Barbara. Coastal Band members rejected his findings saying, "it's just paperwork and doesn't mean anything" (personal communication 12/15/10). It signified the principal point in which using archival research as a means to trace descent turned the anthropologist into the antagonist amongst claimants: "[He] is a white man and who is he to tell an Indian person who is Indian and who isn't?...I don't have to prove anything to anyone. And as far as I'm concerned, the mission records are 99% inaccurate" (Corwin, LA Times, 5/26/87). Quabajai members would also turn against those with traceable Chumash descent and who were working closely with anthropologists or museums in collaborative projects calling them, "betrayers to the Indian cause", "Uncle Toms" or "Hang-around-the-Fort" Indians⁸⁴ (personal communication, 11/12/2010). Later, when the California Indian Advisory Committee (CAIC) at the Santa Barbara Museum of Natural History was formed as a collaborative forum between museum curators/ anthropologists, museum directors and southern and central California Indian representatives, 85 they would be called "puppets for the museum" or "the anthropologist's Indians" by those without demonstrable lineage. The vitriolic backlash was understandable. Coastal Band members had found considerable clout in asserting a Chumash identity. Evidence showing they did not have lineage would alter that path.

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⁸³ Defined informally as the "black man who will do anything to stay in good standing with the white man including betray his own people" (www.urbandictionary.com).

⁸⁴ A borrowed term stemming from Lakota terminology to derogatorily refer to Lakota groups who had settled near government agencies and were adopting dominant culture's ways rather than maintaining own traditions (Blevins 2001: 153).

⁸⁵ The California Indian Advisory Committee is designed to gain Native input regarding the museum's collection management, research, public programs, docent training program and exhibits related to California Indian culture. The CAIC also consults with agencies, planners and other outside bodies regarding cultural heritage projects in the larger community.

Questioning intent

Although the LNG facility was never built at Point Conception, this same site would later be used by Chevron Oil Corporation to build a pipeline to transfer oil discovered off Point Conception beginning in 1983. Since the proposed pipeline was to be built over archeological sites of Chumash historical importance, monitors were required. The UCC monopolized monitoring bids over the Reservation Chumash groups through "intimidation and threats of violence" and were hired by Chevron during the development phase of the pipeline, making \$20 to \$25 an hour (O'Connor 1989: 15-16). Their newfound employment brought skepticism of their reasons to occupy Point Conception, since their participation in the pipeline project contradicted their prior message during for heritage preservation. "Why did they not protest the pipeline if they were so concerned about the environment?" questioned one descendant..:

They called Point Conception sacred, but allowed them to run a pipeline from the ocean to the land once they were hired as monitors. Why allow that? Our burials were still being destroyed, our artifacts still being dug up. What happened to the movement to protect sacred sites then? Oh yeah, money. (personal communication, 6/21/09)

Despite such questions, by proclaiming themselves the rightful most likely Chumash descendants to bureaucrats, developers, and county officials, the UCC continued to dominate the acquisition of monitoring positions at archaeological, oil development and construction sites throughout the 1980s and 1990s to create an economic niche where they could charge upwards of \$200 a day per monitor.⁸⁶

also asks for 35 cents per mile for auto and 40% overhead on all charges.

⁸⁶ This figure is based on a 1991 rate sheet provided by the Owl Clan to Ventura County. The rate sheet

With continuing genealogical and ethnohistorical investigations showing that UCC and Coastal Band core members lacked Chumash ancestry, matters of indigenous authenticity, blood quantum, representation and motives came to developers' attention as anthropologists began to confront claims to Chumash heritage and identity as well as assertions of sites' religious significance. For example, in a 1983 critique of the EIR an archeologist hired by Pasadena Mutual argued that the religious significance of the site was exaggerated and "individuals consulted concerning the religious significance of Hammonds Meadow" had not demonstrated they were "of Chumash descent, educated in traditional religious values, or empowered to speak authoritatively for legitimate Chumash descendants" (Craig 1983: 11). Similarly, Haley and Wilcoxon (1997) would argue that Point Conception was not widely believed to be the Western Gate amongst historical Chumash, 87 but became an embellished story by participants of the LNG resistance who were not of Chumash descent. In an open newspaper letter regarding Hammonds Meadow, another archeologist called for the county to require proof of ethnicity from people making claims to indigenous rights and participating in policy arenas related to sacred site protection:

I am a professional archeologist who is concerned about the Hammond Meadow issue: I do not care whether Pasadena Savings develops the

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⁸⁷ Based on their ethnographic research of Harrington's papers, Haley and Wilcoxon (1997) point out the narrator *Shimilaksha* story, Maria Solares, was of both Inezeño Chumash and Yokut descent and possibly influenced by Yokut oral tradition. A few other consultants mention Point conception, but their interpretations of it being a sacred portal are ambiguous: Dead go to Shimilaksa Conception Ind's tell them to come back and wash their faces and paint them and *toloache* (hallucinogen made from Datura plant) (Harrington 1986: 19/0609); "humkáka = Point Conception. Said that a person who was about to die would be seen by Conception people before they died. *Atajan el que ya se va a morir* – make them return so they will not die. Dead went west" (Harrington 1986: 19/0608). According to Ventureño consultant, Fernando Point Conception was not a place for the afterlife: "Said dead went to the west. Did not go to Pt. *Concepcion*. No ghosts or anything about Pt. *Concepcion* as far as he has ever heard" (Harrington 1986: 69/750).

property or not. However, I do care very much whether the county lends credibility to the claims of the so-called "Chumash" Indians who are attempting to block development on the basis of the alleged sanctity of an archeological site situated on the property. A book could be written on the fraudulent claims and spurious arguments which have been presented in connection to the Hammond Meadows issue. Please permit me to simplify the situation by offering the following assertion which I defy anyone to disprove: (1) There is not a single full-blooded Chumash Indian alive on the face of the earth today. (2) There is not a single individual alive today who was born into the traditional Chumash way of life. (3) The Chumash religion was extinct early in this century when John P. Harrington collected the notes which are providing the basis for the present "revival". Now these assertions cannot be disproved because they are facts. The question of whether the county should recognize the claims of our recently evolved tribe of Chumash is another matter. My own opinion is that everyone has the right to call himself a "Chumash Indian" or a "Martian" if he might so desire. However, when such claims infringe upon the rights of others or affect matters of public policy, then the claimant should be required to prove his authenticity. In the present case, this would be an easy matter since the official rolls of the Bureau of Indian Affairs are open to the public. (David M. Van Horn, Ph.D. Santa Barbara News Press, November 30, 1983.)

Confronting "fraudulent claims and spuriousness arguments" with genealogical research proved futile during an era of political/ethnic correctness and in a State with vague guidelines for determining eligibility to be an American Indian monitor or MLD. Some blamed developers and agencies as lackadaisical and simply "looking for someone to say they were Indian so that policy requirements could be fulfilled. But no one spent the time to do the research". Rather, "If one acted and said they were Indian, then they were in" according to one with identifiable Chumash ancestry (personal communication 11/1/10). Furthermore, there was no (and is still no) thresholds or criteria for agencies to decide who is Native, in part because "they did not want to get into the issue of who is and who is not Native" nor "question anyone's integrity," stated an agency representative (personal communication 2/21/2011).

Prior to the 1990s, in order to be placed on the Most Likely Defendant NAHC referral list "one could simply fill out an application stating the community recognizes them as a descendant," allowing many without established descent to become the primary contacts to agencies and subsequent consultants for the treatment of found Chumash burials and artifacts (personal communication, 11/12/2010). As the NAHC list became the barometer for valid Native consultants, Coastal Band members would adamantly argue their right to be persons of contact and representatives of Chumash interests over those with descent but not on the list:⁸⁸

They stormed into offices and claimed to be Chumash because they were on the list and white people are not going to say 'well how can you prove it' because that is politically incorrect. No one in those days questioned ethnic assertion....So they got away with it. I was trying to tell them they are not Chumash and they would blow me off completely..... (Ernestine De Soto, personal communication 9/6/09).

Despite protest from anthropologists and verified descendants, county and state officials maintained that proof of indigenous descent was not required in the EIR process, only community or ethnic association: "We do have a review process and I can assure you it is thorough....But are we in the business of thoroughly checking genealogy? The answer is no." As a result, local governments continued to repatriate burial remains to the Coastal Band, corporations and developers employed them as monitors, academics helped promote and defend their claims, agencies provided them funding, and scholars and

⁸⁸ In one incident, they attempted to have a monitor hired by a development company arrested because she was not on the most-likely descent list even though she had demonstrable lineage and cultural resource expertise (personal communication 12/5/2009).

Stated by Kevin Brett, spokesman for Governor Deukmejian, in response to allegations that they appointed a member of the UCC without ancestry to the Native American Advisory Board of the NAHC. Reported by Miles Corwin, "Heritage of Indians Questioned," *Los Angeles Times*, May 26, 1987.

journalists reported their versions of "traditional" Chumash culture even though they were distinct from those of identifiable descent (Haley and Wilcoxon 2005: 435).

To strengthen an ethnic positioning, claimants would self-label their groups 'tribal' or 'Indian nation', and according to local descendants, "act like the way people think a tribe should act" to make them "think you're Indian"... "It's not about who is really Native or not.... it's more about who is accepted by the community (personal communication 2/28/09). Such external recognition, particularly from official government agencies not only provided validation and prestige, but also, according to Mary O'Connor, ultimately reinforced the "incentive for the continued expression [and construction] of Chumash ethnicity" (1989: 16) as some would also argue that being Chumash brought "money, notoriety and support, especially from people who are totally ignorant and don't do research. It's their brass ring" (Barbareño descendant, personal communication, 5/2006). To override increasing doubt toward their ethnic claims, undocumented claimants would seek relationships with agency representative who, due to their governmental positions, could provide official validation stronger than anthropologists' opinion.

Suspicion and Backlash: Building off the anti-group

Joane Nagel points out how unlike federally recognized tribes, unrecognized groups receive greater suspicion about their legitimacy and claims to indigenous rights, particularly when resources and benefits associated with ethnicity are amassed by indigenous claimants (1996: 193; 237). Indeed, with profit to be made in the name of cultural resource and sacred site protection, cynicism of self-ascribed ethnicity claims

were transformed into accusations of greed and self-serving monetary purposes by those with identifiable Chumash descent:

Cultural resources came into play. People could benefit, and all of a sudden everyone said they were Chumash. Why did they not say they were Chumash in the 1950s? If they could be hired as monitors by being Filipino, they would probably start saying they are Filipino (personal communication, Ventureño descendant 11/28/10).

Well, it's one thing if you are dishonest, it's lucrative. It's popular. 'Look at me, I'm spiritual and wise.' You can get a lot of chicks that way. If it didn't become so popular and beneficial to be Indian, none of them would claim they are. You can charge 65 dollars an hour to do medicine work. You can sell books or make films and get notoriety and do different things now because thirty years ago, it wasn't cool to be Indian... Now it's even cooler to be Chumash. (fieldnotes, Barbareño descendant, 11/1/10)

Families with demonstrable descent realized they could not just express disapproval of the tactics by claimants to empower themselves, but had to strengthen their own organizational efforts and relationships with external validating sources to make their presence known as "true" indigenes. To form and strengthen their positioning with external bodies, they openly criticized the Coastal Band and other claimants as *anti-groups* (Latour 2005: 33) - the illegitimate others whose actions of "ethnic fraud" were threatening the efforts of actual Chumash. ⁹⁰ In a way, the Coastal Band inadvertently became a focal catalyst from which to unite against. Actively "stopping their interests" provided incentive for descendant Chumash to publicly reemerge, induct allies and establish group boundaries and solidarity based on blood ties:

When we sit back and remain complacent, we allow people to step forward and take our places in our community. We needed to step forward

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⁹⁰ Latour points out that "as actors engage in criticizing other agencies accused of being fake, archaic, absurd, irrational, artificial, or illusory..... accounts of agency will constantly add new entities while withdrawing others as illegitimate" (2005 56).

and stand up and say enough. Here is what is left of who we are and we are not going to let you take it from us. We are not going to let people just go out there and spew crap (personal communication 11/12/2010).

Starting in the 1990s, families with identifiable Chumash descent organized around the theme "prove your ancestral ties" in an attempt to delegitimize identity competitors. They then found support with anthropologists and developers who believed the NAHC should provide documentation of ancestry before referring MLDs. Together, they worked to convince the NAHC to remove those without established descent from the MLD List (Haley and Wilcoxon 1997: 767). While this later contributed to redesigning NAHC policy to require that an MLD provide documentation tracing descent to specific village sites, "no one is ever taken off the list and members who were on the list prior to genealogy requirements are grandfathered in and can still be contacted by agencies" according to one of the commissioners of the NAHC (personal communication 12/8/10). And still, NAHC guidelines for monitors only recommend that preference be given to local indigenes that have experience with cultural resources and knowledge about local American Indian village sites, culture, religion, ceremony and burial practices. There is no requirement for proof of genealogical descent to determine indigeneity. To date, only the Community Development Department of the City of Santa Barbara has made it policy that monitors at county sites have proof of direct Barbareño lineage.

Besides taking steps to affect MLD policy, those of identifiable Chumash descent realized they also needed to develop a similar savvy in gaining recognition and influence in the public and political sphere:

They were aggressively out there presenting themselves as Chumash and recreating Chumash culture based on our ancestors' stories. You can go

down the list: making *tomols*, 'aps⁹¹, dressing up like Indians, getting themselves into newspapers, creating non-profits under the Chumash name, writing letters to agencies demanding to be consultants and monitors, representing themselves as priests or traditional medicine people...suing for the return of our artifacts... I have never gone out to look for a fight, but I have never run away from a fight. And right now, they are kicking sand in our face. As a group, besides standing up for ourselves, we need to start being the ones reclaiming our heritage. (Ventureño descendant, fieldnotes 11/10/2010)

Latour states that to both drive change and the alignment of actors in the network, actors "will not only enter into a controversy over which agency is taking over but also on the ways in which it is making its influence felt" (Latour 2005: 57). Chumash descendants could not just protest when entering the controversy, but needed to understand how, why, and which outreach strategies of anti-groups had been effective. Through implementing similar networking strategies (writing letters to agencies, attending development planning meetings, collaborating with museums, participating in cultural events, insisting on consultation in the environmental review processes, and establishing relationships with agencies and policymakers), they began to shift views amongst influential bodies that could provide informal recognition.

The difference in their approach was in stressing that Chumash representation be based on traceable descent. Here, the ways ancient bloodlines were evoked constructed a sense of shared homogeneity within one group to differentiate cultural belongingness and set boundaries from which to exclude factions existing in the same environment (see Cohen 1985). For example, whereas letters from undocumented claimants would often use language insisting the right to monitor or represent heritage because they are,

⁹¹ 'Aps are traditional Chumash house.

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generally speaking, "ancient medicine people," letters from descendants (particularly to institutions and agencies involving Chumash participation and education) would provide details of lineage, family history and intimate knowledge of sites to establish their "ancient" connection:

To whom it may concern

..... we can trace our families' heritage thousands of years prior to colonization. We can also trace our ancestry in many villages throughout Chumash territory, which includes the central California coast and northern Channel Islands.... There is much Chumash knowledge and history to be told and shared which can contribute to a greater understanding of the sanctity of water. Our people have always had a strong connection to all bodies of water. It was my great grandfather, Juan de Jesus, who owned a track of land just west of the Ventura River across from the sacred site known as Wind Sycamore. Juan de Jesus later became the alcalde of the people of Ventura and moved to Padre Juan Canyon, near the mouth of the Ventura River....Being tied directly to this watershed area helps people understand that we, as Native people, are still connected to our land and waters and are concerned about their quality... (BVBMI draft letter to non-profit organization, Channelkeeper, 1/23/10)

The effort to shift Chumash influence and representation toward identifiable descendant families was helped by the 1987 documentary "Chumash: the Glowing Ember" which highlighted the genealogy controversy and competing positions between self-identified Chumash and academics whose research revealed otherwise. Following its release, journalists gave more in-depth attention to investigating identity which, in turn, caused widespread public speculation about Chumash claims. As a result, more agencies, archeologists and developers started to take steps to hire individuals verified by ethnohistorians and genealogists as having descent, although not legally required. In

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⁹² See for example: "Heritage of Indians Questioned: Genealogists Cast Doubt on Background of Chumash Group" (Miles Corwin, *Los Angeles Times* 1987); "Non-Chumash Group Still Monitoring Sites: UCC's Claim to Chumash Heritage Criticized," (Chris Ziegler, *Daily Nexus*, May 20, 1988, 1).

retaliation, claimant organizations without identifiable descent would employ a series of forceful tactics (including lawsuits and threats of violence) in politicized land claim cases to counter the reemergence of Chumash descendants and ensure their representation in regional historical sites under environmental review.

Battling over burials

The opposing groups came to a head over the matter of burials found at a prehistoric Chumash settlement and cemetery in the Calleguas Creek flood-control channel located on private property in Ventura County. In 1980, the Ventura County Flood Control District commissioned California State University to conduct a study to determine the extent and archeological significance of the site. Following EIR protocol, the U.S. Army Corps of Engineers contacted the NAHC who referred the Candelaria American Indian Council to be monitors. The study concluded that flooding and annual erosion cycles caused extensive damage to artifacts and remains. The floods of 1983 destroyed the Calleguas Creek levees and President Reagan declared Ventura County a federal disaster. Consequently, funding of \$784,000 was made available through the Federal Emergency Management Agency (FEMA) to repair the levees and dredge the site. Later it was determined that the dredging might adversely affect the site and FEMA suspended funding until the U.S. Corps of Engineers reached a memorandum of agreement (MOA) between state and federal historical preservation agencies.

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⁹³ Since 1976, the site has been listed on the National Register of Historic Places.

⁹⁴ The Candalaria was founded in 1973 as a central organization structure for many Indian tribes throughout the nation. Its purpose was to provide services to low-income Native families in job training and placement, education, books, food, clothing, shelter, counseling and advocacy and family and tribal research for establishing enrollment.

Negotiations for MOA to express convergence of intention between different parties began between the Army Corps of Engineers, FEMA, historic preservation agencies, the County Flood Control District, the Candelaria American Indian Council and the Ventureño Chumash of Ventura County. The MOA was finalized in 1985 providing that Candelaria and Ventureño representatives have input on all-site related activities and that, if test excavations warranted, continued funding must be provided for a data recovery and burial relocation program.

In June 1986, the Corps received a letter from a representative of the Southern United Chumash Council and its governing body, the Coastal Band of the Chumash Nation expressing concern that the project at Calleguas Creek was the Chumash village of *Muwu*. ⁹⁶ The letter also stated that the Corps should use the Coastal Band of the Chumash Nation as monitors for the project instead of the Candelaria and Ventureño Chumash. The Corps returned a letter of explanation to the Coastal Band stating that an MOA was in place with the Candelaria and Ventureño Chumash as signatories because the NAHC gave the Corps their names as the appropriate American Indian consultants for Ventura County. The letter also stated that the MOA specifies that Candelaria and Ventureño Chumash approve the hiring of any American Indian monitors and that they have no authority in the matter.

In July 1986, after sixteen Chumash burials were discovered, the on-site monitor demanded that archeological work be suspended. All MOA parties agreed to suspend the

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⁹⁵ Both Candelaria and Ventureño Chumash membership enrollment was based on identifiable descent. The Ventureño Chumash of Ventura County is non-profit corporation that works to establish educational and cultural programs for Ventureño Chumash descendants.

⁹⁶ According to archeological investigations, the site is further south of claimants' assertion.

work until alternatives for protecting the burials could be found. Eventually all parties voted in favor of the reburial of the remains to Thousand Oaks in order to protect them from being washed out to the ocean. While work was suspended, the exposed burials were vandalized. When members of the Coastal Band learned that burials were exposed, they shut down the data recovery excavations and occupied the site, where they camped, held ceremony and covered the burials with three feet of sand. According to archeologists and monitors involved, the Coastal Band did so by threatening on-site archeologists, students and monitors with violence if they did not leave (personal communications 6/06). In an attempt to resolve disputes, a meeting was held between representatives of each from party and the Waterways Experimental Station (a Corps research facility) was called in to assess if the site could be preserved in place. Upon inspection, Waterways concluded that it was not feasible (engineering-wise) to preserve the burial site. Furthermore, FEMA informed the County it would not receive federal funding for flood-control unless the remains were reburied in accordance with federal regulations for the treatment of Indian burials. The signatories to the MOA agreed to continue the data recovery and relocate the burials to land provided by the County.

In 1986, the Coastal Band of the Chumash Nation filed a \$50-million lawsuit against federal, state and county agencies and Chumash charging that removal of burials would infringe upon their civil rights, first amendment rights, and rights of traditional religious worship under AIRFA. In using similar arguments made at Point Conception - that the site was sacred and a point of access to the spirit world - the Coastal Band claimed that if the burials are relocated, "traditional Chumash will be cut-off from Muwu

and direct access to the spirit world" and that "their ancient way of life cannot continue [since] Muwu is the 'cornerstone of the religion' and is intimately related to daily living." 97

In court, they presented themselves as Chumash traditional medicine people who have continuously used the site for ceremony and argued their religion prohibits disturbance of ancestors' graves. The court, however, ruled in favor of the defendants for several reasons. First, there was no clear consensus amongst contemporary Native groups regarding acceptable Chumash burial practices. Second, according to legal precedence (Northwest Indian Cemetery, 764 F.2d 581), the only way a burial ground could be considered "central and indispensable" to Native religious practice is if regular use of the site is demonstrated. The court found that since the site is located on privately owned gated property, access for regular religious ritual would be impossible unless continuing trespass occurred. Furthermore, people with longstanding association with the area could not provide testimony that they witnessed regular religious observances. Third, there was considerable doubt, per archeologists' testimony, that the site was the village of Muwu. Finally, because there still remains a significant number of Chumash sites intact and accessible to those wishing to conduct ceremony, the judge found that religious practice would not be impaired. 98 While the ruling represented a victory for descendant families, the judicial system still sidestepped the issue of ancestry by not basing the matter on who

⁹⁷ Cited from Memorandum of Decision and Order No. CV 86-7979 PAR, p. 16. United States District Court Central District of California. *Coastal Band of the Chumash Nation v. Ventura County*.

⁹⁸ Memorandum of Decision and Order No. CV 86-7979 PAR. United States District Court Central District of California. Coastal Band of the Chumash Nation v. Ventura County.

"legitimately" represents Chumash, but rather that defendants "acted in good faith to secure Chumash participation in the agreement" (Enriquez, *LA Times*, 12/22/1986).

Returning to Hammonds Meadow

The battles over monitoring rights and decision-making power over Chumash heritage sites continue to create boundaries between identifiable descent and culturally affiliated Chumash groups, particularly amongst federally unrecognized groups who must establish themselves as indigenes through different standards from those federally recognized. A recent example occurred again at Hammonds Meadow, identified by some as the prior village site of Shalawa, where the remaining untouched acreage has come under new prospect. As mentioned above, UCC members had participated with activist groups in the 1970s and 1980s to preserve three acres of the site as an open space parcel. Although the three-acre plot is contained within a private gated community, access via the beach allows for its public use. In 2010, the Montecito Sea Meadows Homeowners Association set forth a proposal to replace invasive weeds overtaking the property with plants indigenous to the area. Initially invited to the planning session was an undocumented claimant who had become a County Parks liaison to represent Chumash perspectives. He relayed that the Native position was to leave the site untouched. However, with learning of identity controversies, the Association turned to finding sources to understand the histories of families with direct descent to the village site.

On November 12, 2010, the Association's planner reached out to the California Indian Advisory Committee (CAIC) of the Santa Barbara Museum of Natural History (of which two of its members are direct descendants of inhabitants of the village *Shalawa*) to

Stress his desire that the plan be an "ongoing process of consultation with the appropriate Chumash community members." This served as an opportunity for descendants to represent an organized front in which to assert their right to represent *their* heritage. An informal meeting was conducted at Hammonds Meadow where claimants and CAIC members attended and clashed. Tying their cultural connection to the meadow through the site's burials, continuing ceremonial practice and previous activism for the meadow's preservation, claimants argued the site be left "in tact" and that they be directly consulted during all phases of planning: "Will you get our permission before you do anything? We, the Chumash, would rather not have our relatives disturbed." One of the CAIC members retorted, "Your relatives? We *are* the Chumash."

The Association representative explained that because the plan was not a development project, the process of review does not require ongoing consultation, but will have a level of review open to the public. He also pointed how that the Association's intention was to assemble a distribution list to create dialogue with "the Chumash community and understand respectful protocol in dealing with their ancestral sites." A CAIC member stated that when dealing with ancestral land, one should consult with the descendants and that whatever they decide, everyone else should respect. Yet, an undocumented claimant interjected "we want it to be left alone. It's not a priority to make this place something it is not." So the planner explained, "unfortunately it's not going to stop." Angrily, the claimant replied "so you are unstoppable. Are you making this a threat and a challenge?" Another claimant then asked, "are you going to hire any Chumash to have eyes on the inside." Upsetting here to CAIC members was not that preservation was

requested (because they share the same goal of minimal impact), but who was requesting the right of consultation in order to attempt to attain a job: "Oh boy! Here we go. Now we know why you're here. Yep, it's all about the money. This is not how Chumash should be represented." Ultimately, the CAIC influenced the planner to conduct their suggested protocol and consult with families with direct descent to the village. They then stepped apart from undocumented claimants to bless the site through prayer and the dusting of tobacco (see Figure 10).



Figure 10: Chumash Blessing by Julie Tumamait, Alan Salazar and Eleanor Arellanes. Photograph taken by Kohanya Ranch 11/12/2010

Conclusion

This chapter served as a backdrop to continuing tensions amongst federally unrecognized Chumash claimants, where matters of "authentic" indigeneity and motives for ethnic assertion have come under investigation. Besides introducing emerging "blood" and descendant identity narratives as used to contest traditionalist practitioners'

symbolic land claims, the cases of Hammonds Meadow, Point Conception, and Calleguas Creek demonstrate how recent cultural preservation laws designed for American Indian participation and rights protection have manifested into politicized contests for cultural ownership. While the objectives of environmental and sacred site protection policies represent well-intentioned attempts to rectify indigenous losses and allow for more balanced decision-making, the fact remains that without clear policy criteria for agencies to evaluate what descendants feel qualifies them as American Indian, non-Indians can easily usurp privileges intended by such policies:

I have been working with federal and state organizations and I have had to fight every inch of the way to prove who I am... that I have the right to say something. My pedigree is always on the line and I can always show it. Why isn't theirs? We need to take a stand. We need to make schools and agencies require proof. This Rockefeller guy went to prison for saying he was someone. If someone lies about having a Ph.D., they would be fired. Why are we going to let someone run around and say 'I am an Indian' and take our jobs and culture? (Salinan descendant speaking to Chumash, Fernandeño and Tataviam descendants at a CAIC meeting at the SB Musuem of Natural History 10/12/10)

Since its implementation in 1990, NAGPRA has mandated "the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated" (U.S. Department of the Interior 1995:62134) and that "federal agency officials must consult with known lineal descendants and Indian tribe officials" (U.S. Department of the Interior 1995:62162). Lineal descendant, as defined by NAGPRA regulations, is:

...an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe or Native American organization or by the common law

system of descendance to a known Native American individual whose remains, funerary objects, or sacred objects are being claimed under these regulations (U.S. Department of the Interior 1995:62160).

While the National Park Service in southern California⁹⁹ makes it a policy to follow NAGPRA regulations for identifying appropriate Native consultants (see McLendon and Johnson 1999), other agencies have not adopted similar criteria. Thus, a primary reason for contention regarding ethnic claims manifests from inconsistent, but pre-determined, Western standards from which to acknowledge and categorize indigeneity. On one hand, indigeneity is legitimized by outsiders through a dogma of self-identification. On the other, genealogical descent lines or tribal status define American Indian populations. In turn, competing symbolic expressions and discourses of cultural/land connection are used to acquire ethnic credibility via public acknowledgement. How such expressions are accepted by outside bodies (e.g. agencies, developers, anthropologists and/or the mainstream public) ultimately strengthens the ability to make ethnic-based claims and represent indigenous culture. This often means that whoever is successful in influencing the indigenous narrative via strong ally enrollment, public outreach and/or networkbuilding can ultimately shift acceptable meanings of indigenous and effectively expand their power base. Before a further discussion of competing symbolic expressions and discourses used to garner support and strengthen ethnic-based claims, I turn first to examining various external definitions of "indigenous" because they, in part, influence boundary-making standards of groups and shape mainstream understandings of indigeneity.

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⁹⁹ They represent Channel Islands National Park and Santa Monica Mountains National Recreation Area.

Chapter Five:

Ethnicity Theft or Identity Crisis?

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MIXED BLOOD
They ask me
        HOWI
         resolve
         my identity.
           As if it were a
                problem
        ... solve my identity,
                 as if it were a
                     mystery?
        \dots dissolve
           my identity,
               as if it were
                   soluble?
They ask me
     HOW
       Ι
       negotiate
         my identity.
           As if it were a
                contract.
        ... initiate
             my identity,
               as if it were a
                 neophyte?
        ---appreciate
             my identity, as if it were an
                   interest rate?
My identity
      is not
            a problem
              a mystery
             soluble
             a contract
            a neophyte
            an interest rate
Mixed blood:
        resolves
        solves
        dissolves
        negotiates
        initiates
        appreciates....
                And again they ask me HOW
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Teresia Kieuea Teaiwa, 1995

Unlike most populations whose ethnic identity is based solely on descent and personal cultural experience, American Indian identity has been defined by outside dominant society through blood, documentation and phenotype that, in turn, have become the foundation from which to exclude or include claims. Much is the case in California where anthropological testimony can legitimate ethnicity and influence the decisions of agencies and institutions when seeking Native consultation or representation. Yet, attempting to define indigeneity here pose compelling dilemmas for non-native anthropologists whose own ethnicity does not face the same scrutiny, but whose authoritative positioning privileges them power to validate indigeneity. However, rather than validate or judge, this chapter continues to investigate politicized identity debates by first looking to various external definitions of indigenous and how they contributed to increasing claims to American Indian identity. I then present reactions by Native Intellectuals of such liberal definitions since they have manifested into increasing cases termed "ethnic fraud." I apply their arguments to ask important questions in how to provide testimony and representations of those who self-ascribe. In seeking then to posit diverse representations, I consider how sources of genealogical documentation have been used to verify and negate Chumash claims and subsequently frame group boundaries. With examining this climate filled with multi-sided conflicts and positions as to who or not indigenous, and given that indigeneity is the connecting point for political mobilization, I then question if the Chumash revitalization process can still be considered a "movement" given the heterogeneity of claimants.

External Understandings of Indigenous

While there is no official universal definition of indigenousness, common modern understandings stem from the much cited "working definition" of "indigenous communities, peoples and nations" by Jose Martinez Cobo, the United Nations Special Rapporteur to the Sub-Commission on Prevention of Discrimination¹⁰⁰:

Indigenous communities, peoples and nations are those which having a historical continuity¹⁰¹ with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them.

Another widely used understanding of "indigenous" comes from the International Labour Organization's (ILO), an affiliate agency of the U.N, 1989 Convention 169, which states required provisions¹⁰² in the Convention be applied to:

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The "Study of the Problem of Discrimination against Indigenous Populations" began in 1972 and was completed and presented to the UN Sub-Commission on Prevention of Discrimination of Minorities in 1986. See E/CN.4/Sub.2/1986/7/Add.4, United Nations Publication, Sales No.E.86.XiV.3. at par. 379. For a deeper history of this report, see Minde et al. (2008: 53-55),

¹⁰¹ According to this definition, historical continuity can be demonstrated by one or more of the following: a) Occupation of ancestral lands, or part of them; b) Common ancestry with original occupants of these lands; c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.) d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language); e) Residence on certain parts of the country, or in certain regions of the world. 102 Key provisions include: "1) Governments develop coordinated and systematic action to protect the rights of indigenous and tribal peoples; 2) Governments consult these peoples through appropriate procedures and representative institutions when applying the Convention's provisions, and ensure their participation in the process of development; 3) Governments ensure that indigenous and tribal peoples have the right to decide their own priorities for the process of development; 4) Governments respect indigenous and tribal peoples' special relationship with lands, which includes territories both occupied and used; 6) The rights of ownership and possession over lands traditionally occupied are recognized and governments take steps to identify these peoples' lands, and to establish procedures to resolve land claims; 7) The rights to natural resources on lands and territories are safeguarded, including the right to participate in the use, management and conservation of resources; 8) Where the State retains ownership of mineral and subsurface resources, indigenous and tribal peoples should be consulted prior to programs of exploration or exploitation of resources and wherever possible participate in the benefits of exploitation and receive compensation for damage resulting from exploitation; 9) Indigenous and tribal peoples should not be removed from lands except where necessary as an exceptional measure and with their free and informed

- a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- b) People in independent countries who are regarded as indigenous on account of their descent from the population which inhabited the country, or a geographical region to which the country belongs 103

While the former definition has since been critiqued for its colonialist thinking of continuity and conquest and the latter for its condescending terminology of indigenous "peoples" (Minde 2008: 82-3), it is important to note that both were formulated during the time African independence and Civil Rights movements began to inspire an "international consensus in the 1950s and 1960s that viewed colonial governance as oppressive and condemned race discrimination and apartheid" (*ibid*: 53). Complementing this consensus was a changing academic paradigm that moved away from externally imposed "objective" standards of ethnicity to constructivist or situational positioning. According to the constructivist view presented by Fredrik Barth 1969 in Ethnic Groups and Boundaries, ethnicity and identity should be treated as a continuing process of ascription - made through the combination of self-identification/referral and ethnic attribution by others - rather than on cultural context (e.g. shared descent). What matters, according to Barth, is how "politics of difference" creates inclusive identity: how people

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consent. If consent cannot be obtained, relocation should only occur in compliance with due legal process. 10) Whenever possible, indigenous and tribal peoples should have the right to return to traditional lands, or to receive compensation if return is not possible." The Convention has only been ratified by 18 countries as of 2007 which include Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominica, Ecuador, Honduras, Guatemala, Mexico, Peru, Venezuela, Denmark, Fiji, Norway, the Netherlands, and Spain. Since the United States has not ratified ILO Convention 169, they are not bounded to its required provisions or definitions

¹⁰³ International Labour Organization, *Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries* (1989), Article I.

socially define, construct and identify distinction and maintain social organization through inter-group boundary mechanisms.

This neoliberal concept – emphasizing flexibility in which to constitute identity and heritage - is reflected in the UN "working definition" which, although stresses descent to pre-contact populations, also makes clear that self-identification and acceptance of self-referral ultimately be regarded as the fundamental element for determining who indigeneity:

On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group)....This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference. (Matinez-Cobo 1986)

The above understanding of indigenous is by no means legally binding under international law. It was, however instrumental for the drafters of the United Nations Declaration on the Rights of Indigenous People to forego a formal universal definition of indigenous in lieu of self-identification. ¹⁰⁴ Ironically, the lack of a clear definition is a principle reason many countries did not adopt the ILO Convention or the Declaration. ¹⁰⁵ For example, the 2007 United States reply to the UN stated:

Even more fundamental and debilitating to the effective application and implementation of the declaration is its failure to define the phrase "indigenous peoples." This obvious shortcoming will subject application of the declaration to endless debate, especially if entities not properly entitled to such status seek to enjoy the special benefits and rights contained in the declaration. (Hagen 2007)

¹⁰⁴ See UN Doc. E/CN.4/Sub.2/1994/2/Add.1 which states "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."

For rights declared in this document, see United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007, available at www.un.org/esa/socdev/unpfil/documents/DRIPS_en.pdf

Since the UN and the ILO Convention ultimately leave determination of indigenous to be decided upon at the national level, the United States held onto this power as evidenced in their reassertion to the UN that "Indian tribes" are "political entities with inherent powers of self-government as first peoples" (*ibid*), although no formal definition of indigenous was provided. It seemed, though, that the decision was based more than on governmental power to rule strategy in determining legal "Indian tribes," but reflected growing concerns in conflating descent and constructed identity to determine rights for indigenous entitlement.

Ethnic Fraud?

It's great that it's popular to be American Indian. The interest is good. But it's now a problem when people are abusing ethnic claims. Some knew deep down that they were not Chumash and thought they could get away with it. The systems have allowed them to get away with it. The problem though is that they have been living a lie and they would have to admit that their whole life is a lie. If people who over the past 40 years have asserted themselves as Indian and all of a sudden cannot do so, then their lives become a lie. So they work very hard to protect that lie.

-Personal communication, 8/08/2010

Thicker than language and culture, blood is the only recognized material that will always protect you from allegation of ethnic fraud; if it didn't, we might see even more celebrity identity controversies than we already do.

-Scott Richard Lyons, 2010: 42-3

Obvious in the United States reply is that legitimating the approach of selfidentification to determine indigenous would open floodgates to false ethnic claims; hence, potential exploitation of distribution of benefits. Indeed, the self-identification movement has benefitted people with no demonstrable descent, particularly in higher education institutions seeking to diversify. Like U.S. census methods established in the

1960s¹⁰⁶ to fulfill affirmative action policies, universities have typically used the selfproving "check the box" method as common standard to determine ethnicity, which ultimately led to a rise of "illegitimate" claimants securing positions in higher education. 107 With growing concern over documented cases of ethnicity abuse by illegitimate recipients, Native intellectuals would create the term "ethnic fraud" to refer to "the deliberate falsification or changing of ethnic identities in an attempt to achieve personal advantage or gain" (Gonzales 2001: 169); "the inaccurate self-identification of race by person applying for faculty positions at mainstream colleges and universities, or for admissions into special programs, and for research consideration" (Pewewardy 2004: 201); or people with "no demonstrable blood connection to indigenous communities beyond what they imagine or just assert" (Lyons 2010: 43). In an effort to ensure accurate ethnic hiring, the Association of American Indian and Alaska Native Professors (AAIANP) issued a "Statement of Ethnic Fraud" recommending that colleges and universities receive from job applicants "documentation of enrollment in a state or federally recognized nation/tribe" or "establish a case-by-case review process for those unable" to provide such documentation. Many institutions, however, have not adopted this policy in fear of lawsuits or being viewed as intolerant. This, according to Cornel Pewewardy, buttresses a "conspiracy of negligence" because "ethnic fraud" not only involves one making a false statement but the institution that corroborates it (2004: 202).

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¹⁰⁶ Since the 1960s, in order to ascertain "race" in censuses, the United States has relied on self-identification.

¹⁰⁷ The most infamous examples are those of University of Colorado professor Ward Churchill who falsified his membership to the United Keetoowah Band of Cherokee Indians and psychology professor, Terry Tafoya who falsified his membership to the Taos Pueblo and Warm Springs Tribe of Oregon as well as his Ph.D. credential.

A similar concern is addressed by Brian Haley (2002), who argues that when anthropologists employ a Barthian approach to legitimize ethnicity without addressing the climate of identity politics or asking deeper questions regarding the accuracy of claims, we potentially perpetuate a form of deception. Might such a scenario also be considered "complicity" as described by Rosaldo (1989) and Marcus (1998)? Taken from the OED definition "accomplice; partnership in an evil action" or "State of being complex or involved," complicity (the "evil twin" to rapport) occurs when the anthropologists and persons of study are aware of aspects that make the social, but do not fully question or acknowledge it (Marcus 1998: 107). Rather, they stay in the "immediate confines of the local" (Marcus 1998: 122). Whereas Rosaldo suggested such complicity creates an immoral partnership with "evil" imperial ways, thus leading to an impasse such to terminate an anthropological project, Marcus suggests extending beyond the "traditional site-specific mise-en-scène of fieldwork outward to other sides" (1998: 122). I take this to mean, map the broader context through multi-sited research.

I have taken this to mean that before advocacy and supportive testimony can occur, the sources from which information is gathered and used to build an argument must be considered, not to accuse of fakery or in-authenticity, but to position the different and broader means in which identity representations are negotiated and asserted. It is a delicate balance that takes time during fieldwork to build relationships, undertake facts, and understand the source and context from which information is told. Since "anthropology is often a cultural critique as much as disinterested science" (Handler in Haley and Wilcoxon 1997: 780), it also becomes a quandary that forces anthropologists

to sometimes forego a neutral perspective and take a side...or as one mentor told me, "call a spade of a spade." Calling a "spade a spade" was not a simple matter of identifying the various anti-groups threatening to dissolve each other (Latour 2005: 33), but of understanding the way identities are practiced as categories (Bourdieu 1990) and negotiated within external governmental processes of objectification, classification and normalization (Foucault 1977, 1981).

Material resources for identity

In the first draft of this dissertation, I begrudgingly planned to call a *spade a* spade by utilizing Haley and Wilcoxon's (1997) terminology of "traditionalist/ nondescendant" or their later labeling of "neo-Chumash" (2005) to differentiate the ethnic community recently formed in the late 1960s from "older" families with identifiable Chumash descent (the "non-traditionalists"). Although locally, many have appropriated the term "neo-Chumash" to classify those without established descent, indicating the influence academic papers can have on affecting local discourse (see Bruner 1986), it has also understandably generated tremendous animosity from selfascribed claimants who equate this labeling with fakery (see for example, Radić 2003). At the same time, Chumash with demonstrable ancestral ties have argued that those without documentation should not even be called Chumash, even if "neo" precedes it, because "they are not Chumash at any level" (personal communication 11/1/10). In short, there was no mutual consensus on appropriate labeling. Bringing another matter to point was when one undocumented consultant asked if I label some as "neo-Chumash", should she call me a "neo-anthropologist" since I am have not been practicing as long as

tenured professors (personal communication 10/15/10). This is a fair question that touches upon correlating identity to length of stay and experience. That is, how long does one need to be "in place" to deserve the right to assert a label to indicate their belongingness to a community? It brought me to re-evaluate using such terminology as a mechanism to box people into a temporal schema of "older" and "newer" considering the spectrum of Chumash claimant experience.

While there are "older, historically-rooted Chumash communities" with established descent, direct intergenerational knowledge of ancestry, and continued presence in the area, there are some who until recently have learned through genealogical research of their ancestral ties (Haley 2002; McClendon and Johnson 1999). With discovery of Chumash ancestry, many have begun to self-identify as Chumash and participate in cultural practices. In short, they have "the blood", but not the "experience." There are also others with established descent and have known their families histories, but were either raised within different cultural influences or no longer reside in the immediate area due to practical and personal reasons. They have the "blood," but not the continued experience within the spatial proximity of the "older community." Yet, they are not begrudged by historically-rooted descendants. For example, Barbareño descendant and elder, Lew Silva, musician and jewelry maker, who was born, raised and lived continuously in this region, stated:

There are ones coming forth, all of sudden. We have people from out of the state and they are coming back. It's fine by me. I knew who I was. Others certainly were not raised in it....I don't begrudge them their Chumash ancestry. I personally wish we would be like the Cherokees who go by the family. I think it would be nice to handle it that way. (personal communication 5/16/2006)

Instead, begrudged are families and individuals with no demonstrable descent, but who promote themselves as Chumash through traditionalist practice, which they claim was continuously carried from throughout colonialism. They argue they have the "experience," but cannot show "the blood."

John Johnson (2003) attempts to rectify this dilemma by expanding upon the division of Family A and B from O'Connor (mentioned above) to distinguish the communities into 3 circles through the use of a Venn diagram: Circle A (a small circle which sits inside the larger Circle B) represents those with traceable Chumash descent and maintained continuous identity as Indian. The larger Circle B represents those with some degree of Chumash ancestry but also includes those who "did no maintain a pattern of intermarriage with other Chumash descendants or remain part of Chumash communities" which probably number 5,000 people (2003: 70). Circle C, mostly sits outside Circles A and B with a slight overlap to both, represent neo-Chumash social groups emerging in the late 1960s, but lack genealogical evidence of Chumash ancestry. The overlap of Circle C is to represent the minority of people from Circle A and B who have accepted Circle C's "ideology of traditionalism and/or believe that the tribal recognition effort being launched by members of Circle C might prove beneficial were it to be successful" (2003: 71)

Between the circles is a tangible divisive mechanism exists amongst unrecognized groups competing to establish themselves as "the region's true indigenes" (Haley and Wilcoxon: 1997: 777). It warrants classification in order to situate differing discourses of Chumash history, tradition and identity that have emerged. The issue at hand is not of

longevity of public Chumash assertion, but of the ways ancestral ties are demonstrated. Boundaries formed through the way common attributes are shared ("commonality"). On one side has been traditionalist practice; on the other is having or lacking particular identifying documents that mark Chumash ancestral descent. Thus, I have referred to individuals of this study within the dichotomy of "undocumented claimants" and "documented Chumash" for three reasons.

The first, and perhaps most important, reason for such labeling is that there is ample primary and secondary historical written evidence (expedition and garrison lists, land, religious and civil records, letters, diaries, testimonials, recorded oral histories, obituaries, marriage records, genealogical databases, and news stories) that trace the lineage of undocumented claimants to Spanish colonizers who emigrated from Mexico to California (Haley 2002; Haley and Wilcoxon 1997, 2005; Johnson 2003). To date exist no tangible recorded evidence that they have ancestry or historical affiliation to California's Indian population at contact. Rather, more damaging to their claims of Chumash descent is the abundance of records that trace their ancestry to Spanish/Mexican colonizers:

These sources reveal that ancestors of the founders of today's neo-Chumash communities are two members of the 1769 Portolá Expedition, one soldier posted in ca. 1773, two members of Rivera y Moncada's 1774 solder recruits, two 1776 arrivals associated with soldier postings, 12 arrivals with De Anza's 1776 Expedition of colonists, five associated with soldier postings in ca. 1778; 26 members of the 1781 Rivera y Moncada Expedition of colonists, three associated with a soldier posting in 1787, one soldier posting ca. 1788-89, one more in ca. 1804, a member of the Esquadron de Mazatlán in 1819, and lastly, a settler from Baja California before 1820. (Haley 2002: 115-6)

In short, they have "the incriminating" documentation that now associates them as the "wrongful colonizers" in post-colonial discourse. Conversely, documented Chumash are able to easily demonstrate their decent to pre-contact populations through "technocratic artifacts" (Riles 2006): genealogy research, mission records, marriage records, birth and death records, BIA records, censuses and historical and ethnographic records (McClendon and Johnson 1999). In particular, the missions have provided an essential source for California indigenous descendants to demonstrate their lineage, since Franciscan padres recorded all baptisms, including the village site of birth, political status, Indian name, converted Spanish name and estimate of age (Johnson 1988). They have the "validity of documentation" that can be "declared by proper authorities" to give them "official existence" (Herzfeld 1993: 125-6).

The second reason was not to conflate descent/ancestry with cultural identity. Take as an example my paternal grandparents who descended from Belarus. During the Polish Soviet War, when Belorussia was absorbed into Poland, they identified as Polish and appropriated Polish traditions and language. When America was perceived by them to provide greater opportunity, they later moved to the United States, adopted American cultural lifeways and self-referred as Polish-American. Their cultural identity and self-labeling changed, although they had no ancestry to Poland or America. Reasons for their shifting identity in each case had to do with surviving and existing within changing political and economic conditions. Similarly, Haley and Wilcoxon in demonstrating demonstrate the changing identity assertions of undocumented Claimants – from *gente de razon* under Spain's 16th century caste system, *Californio* in the 18th century, white and

Spanish in the 19th century, to Chumash in the late 20th century, argue that each shift in identity assertion served to either bring higher status or because some identities lost salience (1997; 2005: 441). Examples given include, asserting Spanish identity became a more viable means to evade anti-Mexican prejudice in the 19th century and that later Chumash assertions correlated to when judgment rolls opened for monetary repatriation for lands. However, if genealogical evidence were considered for their claims, none could be found, thus creating distinction between ancestry and identity: the former is inherited, the latter constructed.

This led me to consider how the self-ascription process can lead to dilemmas regarding representation. According to undocumented claimants, "in Indian country, if someone believes and says they are Indian, they are" (personal communication, 11/7/2009). So I asked some if they would consider the following scenario: "If I came to you and said I was Chumash, would that be sufficient to make me Indian in your eyes?" A lengthy pause usually occurred and followed with the response, "Well no, you would have to show it". I would reply, "If I learned the ethnographies and ceremonies and dressed in regalia, would you then accept me as Chumash?" Well maybe, some said, "we think an adoption process should occur. If someone learns the traditions and language they can be adopted into the Chumash culture" (personal communication 5/5/10). This is an interesting argument that caused me to wonder if I appropriated what I had learned from studying Chumash ethnographies and oral tradition and then presented myself to the public as Chumash, would reporters and anthropologists then come to me asking for my insights? Would my version of history and tradition have the potential to reach and

influence mainstream thinking? Would I then be entitled to represent Chumash perspectives in policy arenas or be qualified to provide knowledge worth citing in someone's dissertation, book or newspaper article? Would this warrant me the ability to make claims to indigenous rights, make decisions on burials and monitor archeological sites? I do not attempt to answer these questions, but rather pose the scenario in order present conflicts in accepting the liberal self-ascription positioning as enough to warrant a credible source of indigenous representation and knowledge. That is, self-identification may seem like a decolonizing means to combat governmental categorizations as defined by Western rule. Yet, is it enough for someone to say "because I said so" merit one the privilege to represent indigenous culture and gain an entitlement to unique rights?

The third reason to differentiate assertion practices was that having or lacking demonstrable Chumash ancestry reflects itself in various discursive strategies used to evince an "authentic" ethnos. For example, documented Chumash often introduce themselves by explaining their family lines very specifically – e.g. who their mother, father, grandmother, ancestor is, which village site they descend from, marriage patterns, etc. – all of which can be shown through textual research. Undocumented claimants generally do not make direct reference to their ancestral lines or villages they descend from, but argue they are Chumash because their parents and/or grandparents told them they are. To explain lack of documentary trace, they argue that mission records are flawed or that during the mission period their families hid from the Spaniards or ran off

to Mexico with the Yokuts¹⁰⁸ before they could be inducted into the mission system and thus no records exist. In stating this, they place their ancestors as successful resisters to mission hegemony, simultaneously implying that documented ancestors were incapable of resistance. Similarly, without tracing their families to judgment rolls and census records, they position their families as successfully resisting "technologies of domination" – the organizing techniques governments use to know, classify and control the population (Foucault 1988). Documented families find these arguments overused and questionable first because if their ancestors "ran off with Yokuts, they would not have been raised as Chumash. They would have been raised as Yokuts. The argument falls apart" (personal communication 9/08/2009). Second, they see missionaries as quite successful in inducting Chumash into the mission system and recording the baptismal process. According to an anthropologist who many Chumash work with to trace their lineage.:

The early missionaries were very good at keeping records of all of the Chumash Indians who came to the missions....Eventually all of the Chumash Indians became affiliated with the missions over a 50 year period. So, all Chumash Indians today are descended from people who lived at the missions. The mission and church records have preserved all of the baptisms, marriages, and burials performed there. Using these records and later United States census records, as well as records that kept by Chumash families themselves, the lineages can be traced. (personal communication 5/16/06)

The process of collecting and conserving "technocratic documents," in turn, provide the means by which individuals inform, identify and later present themselves (Brenneis 2006). Here, the project of discovery of Chumash identity via mission documentation

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¹⁰⁸ The Yokuts are the neighboring indigenous populations east of the Chumash. Prior to European contact, they occupied the entire San Joaquin region in central California.

becomes a project of discovery for who was not. The Western archive becomes an "actant" at it is enrolled as an ally to give strength to a position (Latour 1999). Ironically the missions - once a place of Chumash cultural and physical decline – have become an important historical repository for their validation. Retrieving the colonial past through them produces the colonial present (Gregory 2004: 9). As missions serve to adjudicate identity through its records, they gain a different agentive quality to remain a central institution of power, even in postcolonial times.

Having or lacking mission documentation manifests into a verbal litmus test between experience and familial lines when rival groups confront each other for representation in development site seeking Native purview. As an example, the following argument took place during the meeting held by the Montecito Sea Meadows Homeowners Association with claimants in November of 2010 to consider Native protocol for a proposed plan to replace weeds with indigenous plants:

- A: I just hear you talking about representing yourself as Indian. But who are you really?
- B: I was raised here.
- A: What family are you from? Who are your ancestors?
- B: My family has been here for ages. My family is buried here.
- A: But who are they? What are their names?
- B: We have been protecting this site since the 1960s against developers. Where have you been?
- A: Our families have been here for thousands of years.
- B: I don't need to prove to you if I am Chumash. I am Chumash. Is the job interview over yet?
- A: No, I am Chumash. And you are not hired.
- B: Real Indians don't ask other Indians to prove it.
- A: Well, I am a real Indian and I have to prove it all the time, to agencies, to other Indians, to myself...and I can. And real Indians know who their families are and can trace the lineage. Why can't you?

The above conversation speaks of competing positions regarding physical and cultural spaces and local forms of validating identity. The first is of longevity, belongingness and experience with land: how long and in what manner has one been involved in a place to make a claim about it. Respondent "B" argued that his family has occupied the area for "ages" through activism and through burial placement, which gives him the right to speak for its protection. He further implies that his prior political activity, his consistent (yet recent) practice to protect land from development, gives him right of representation.

Rather than continuous practice, the argument of respondent "A" instead revolves around longevity of blood: the length of ancestral occupation correlating with rightful position to give indigenous voice for land.

Another point emerging from this discourse is how long-enduring knowledge of family histories sustains a durable sense of ancestry. From this knowledge, different networks form. For example, according to interviewees of demonstrable descent, their families are interconnected and know who each other are through surnames, upbringing and experience:

The Chumash families are all related at some level. We all know who is who. We know who the ones that don't have blood. All you have to do is ask them who they're related to. They [undocumented claimants] know our ways and history because they grew up here. One of them was my neighbor and is Mexican and was raised in a Mexican household. He knows he's Mexican and not Chumash. He used to take part in the Chicano movement. But, he also learned our ways because he lived next to us. Now he presents himself as a medicine man and elder. (Barbareño descendant, personal communication 9/5/10)

From this perspective, it appears that undocumented groups exist within a spectrum of self-understanding – a "situated subjectivity" (Brubaker and Cooper 2005) from which

one genuinely believes they are Chumash, or perhaps genuinely want to be part of a movement, to strategically claiming an ethnic identity for gain when knowing one is not. In any case, the continued practice to identify as Chumash reifies constructions into an experienced reality (Bourdieu 1990 [1980]) to form another network.

It is important to point out that simply knowing family relationships does not amount to the external validation needed for rights claims. Rather, ethnic status has been bestowed by anthropologists and genealogical researchers who hold a certain power to legitimize Chumash identity due to their access to documentation:

All Indians were storytellers not book writers. When the government asked us to put our lineage down, we knew it in our heads. They would not let us in the missions and museums to check our own records.... People don't take much credence in what we say. Unless there is someone with a doctorate and says you are Chumash, you are not a Chumash. ... In our family, a doctorate said we were. Since [that person] said it was so, we were. (Barbareño descendant, personal communication 6/6/2010)

Emerging archeological and genetic research has also revealed that ancestral Chumash were possibly the earliest settlers in the Americas, contradicting that the "crossing the land bridge from Asia" was the only pathway (Johnson and Lorenz 2006). Descendants could provide an intriguing link of earlier settlement via coastal routes which, in turn, would not only destabilize set academic theories of migration, but would offer new understandings of continuity. Subsequently, being a Chumash descendant brought status since lineage implied embodying ancientness to the present. Without the ability to provide lineage, family history and name, documented Chumash often reject undocumented claimants' efforts to promote Chumash culture and create a boundary of social exclusion. In turn, undocumented claimants verbally scorn the idea of genealogical

research, accusing it to be demeaning, racist, colonialist and the "evil work of the white man who does it to take more land" (fieldnotes 3/2/10). They also seem to steadily target anthropologists who have conducted genealogical research. At different gatherings I attended, undocumented claimants would often openly state that anthropologists are "greedy" "unwelcomed", "intrusive" "meddlesome", "opportunistic, white gatekeepers....out to suppress Native people" and "fracture and divide communities." ¹⁰⁹

In arguing that orally passed knowledge is the only "true Indian way" to transmit information, the disparaging *anti- anthropologist* narrative has worked to belittle academic testimony and offset the authority of textual evidence, thereby strengthening their own identity position. Conversely, because ethnohistorical and genealogical research can provide proof of lineage and ancestral testimony which, in turn, helps to buttress rights claims and foster individual ethnic pride, many (not all) documented Chumash utilize it and, in the process, believe anthropologists to be of value due to their ability and willingness to record and research:

We need to stand up for ourselves and for the people who were brave enough to share their culture with anthropologists and museums that have helped us to research own history and culture. For a lot of us, our parents did not teach us. So we have to defend that and keep their words alive, their language alive and not let them reinvent who we are. (fieldnotes, Ventureño descendant to fellow descendants at a CAIC meeting, 9/17/10)

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¹⁰⁹ After feeling exhausted by these contestations, there came a point where I desired a reprieve and attended a workshop on Chumash plant healing in hopes to learn the ways ancestral knowledge was revived in educational arenas and tap into the extending network. The reprieve did not last long as the head speaker (who I later learned that her ancestry has been refuted) began her public lecture with the statement "I hate anthropologists. I hate scientists. I hate anybody who studies my culture, who thinks they own it" (fieldnotes 4/11/2010). Anthropologists, in turn, were quick to point out the information such claimants were using to demonstrate their culture came from their research.

Conclusion: Figuring the Network of Chumash Revitalization

So, who are the Chumash? A recently evolved family who self-ascribe as "Chumash" and have gained attention through the media and politicized indigenous affairs? The federally recognized Santa Ynez Chumash? Or families who are not federally recognized, but have established ancestral descent? Is this discussion necessary?:

This is not just a matter of who is Chumash and who is not Chumash. Why don't we debate if Halle Berry is African-American or half white and half black. Native Americans are subject to anthropological discussions that no other ethnic group in America is subjected to. Is this discussion necessary? Yes. (Posted by Alan Salazar, *Tataviam/Chumash/Fernandeño* descendant, *The Independent* website, January 22, 2007).

The answer for many Chumash descendants is "yes" because "they [undocumented claimants] take away from the real concerns of the real communities. They take time away. We have to stop our own efforts to debate them. We waste our energy. This is why we want it to stop" (fieldnotes, Ineseño descendant 2/27/2011).

The answer is "maybe not" for others seeking to reject the trend of conforming to external definitions and standards for being indigenous:

Everybody is looking at their family lines. Ultimately, we are all connected. There are no walls. People created those standards and these are part of our boundary lines. We accept them and at the same time think, should we? Maybe there should not be those lines. (personal communication 5/8/2010)

The answer is "yes" for others who are calling for legal protection of their heritage and ethnicity by confronting ways in which Chumash images, knowledge and practices can be freely commodified, appropriated and marketed to validate identity claims. The

answer for anthropologists is "yes," because the specific shape a collective right may take often depends on ways the government, academics and public institutions define and use the concept of indigeneity. Various strategies for contemporary ethnic cultural assertion reflect contrasting external academic definitions and legal standards that have emerged over the past five decades. Thus, with burgeoning ethnic claims it is important to ask questions of why indigenous identity becomes more politicized and complex as groups mobilize for recognition and rights and adopt contrasting discourses and strategies emerging from neoliberal policies – e.g. autonomy yet inclusion for equal civil and participatory rights; self-identify yet still prove identity through textual evidence and rigid government requirements.

Which is more advantageous to a particular group? Perhaps it is a matter of finding the most effective forum, "the most advantageous jurisdictions and legal institutions both within and beyond the nation-state in which to pursue their collective interest." (Comaroff and Comaroff 2009: 56). Or maybe it is matter of who is externally judging. For example, the Coastal Band recently sued American Indian Health Services. ¹¹⁰ Through court decision, they were reappointed as AIHS Board of Directors and gained State Recognition by order of the Superior Court of the State of California due to meeting the definition of "Urban Indian" within the meaning of Title V of the

¹¹⁰ Martha Jaimes; Michael Cordero; Francis Rose Uribe, Janet Darlene Garcia; and John Morales V. American Indian Health Service; Al Granados; Martin Young, Russell Granger; Linda Murray and DOES 1 through 25, inclusive, case number 1266707, Assigned to Judge James W. Brown. February 10, 2010. Superior Court of the State of California for the County of Santa Barbara.

Indian Health Care Improvement Act.¹¹¹ Title V does not provide a definition of "Urban Indian" and although no privilege or rights come from State recognition in California (see Koenig and Stein 2008), this official form of recognition can serve to strengthen their future positioning with government agencies to make rights claims even without acceptance as "true" Chumash by local documented families.

An undocumented claimant once stated to me, "when I go anywhere else, I am not asked to prove if I am Indian or not. It only happens in here," while other consultants would often point out "no one asks you to prove your lineage" and to make a point some would ask me to prove my Italian side (fieldnotes 3/15/10). Although I would jokingly offer to make them pasta to prove part of my heritage, discussions led to deeper issues of sovereignty and 'what's at stake': there are no unique benefits, rights, access to resources, policies of redress or political powers attached with the demonstration of my ethnicity. I could construct my identity from an ethnic mutt to a Russian Italian princess for self-representation purposes. Yet, it would mean nothing politically or economically since there is nothing to gain with this assertion. Nor does my ancestry generate controversy over ownership and representation of heritage which is why the matter becomes anthropologically relevant enough to ask: Who *really* are we culturally studying/collaborating with to rectify the effects of colonialism and work with towards finding better policy solutions? Whose testimony should we follow as an accurate

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¹¹¹ Under the authority of the Snyder Act IHCIA Title V "directs the HHS Secretary to make contracts with or grants to UIOs for health projects to serve urban Indians, and sets requirements for the contracts and grants" for the purpose of making health services more accessible and available to urban Indians.

However, if I were to use my self-titled Russian Italian princess to, for example, sell a piece of jewelry that I claim is passed down from my royal lineage while knowing it is not, then there would be a legal issue here.

representation of the Chumash experience to avoid complicity? Whose boundaries should we work within for cultural research and appreciation purposes?

With such questions comes the danger of chalking up undocumented claimants' beliefs, traditions and narratives as invented or co-conspired. Would this mean their knowledge given to journalists, anthropologist and the public is a lie? Do places they name sacred become unsacred because they attached their voice to it? Is their Native opinion of value or is it part of a charade masking a real con-game? Paul Connerton argues that researchers interested in social memory should "continue to question the statements of their informants," not to accuse them of deception, but "because if they were to accept them at face value that would that would amount to abandoning their autonomy as practising historians" (1989: 14). Conversely, Alison Landsberg points out that in the current commodity culture, where memories "circulate in the same way that commodities do" and can never be privately owned, "[w]hat matters is not the source of the memories but how they are invoked and used" (2004: 146-7). The latter suggests a neutral positioning such as to not become mired in ethnic judgment, but rather focus on investigating how cultural representations, knowledge and narratives are generated, disputed and articulated to generate notions of authenticity and in-authenticity. In so doing, objectivity can be obtained if it is defined as "an ideal which is to be sought through continuing exchange and evaluation of concerns, observations, and interpretations" while always asking how knowledge is produced and for what reason (Dyck and Waldram 1993: 14). Yet, such neutral positioning also brings a paradox, because without situating the source of historical and cultural memories as they are told

in the present, I would as Brian Haley (2002) points out possibly comply with a conspiracy of negligence.

Here, the problem of what Emma Cervone calls "split loyalty" arises: "the rigor of the analysis and the quest for scientific 'excellence' on the one hand and political or ethical commitment to the study community on the other", which often arise through experiencing tensions and contradictions inherent in any social formation (2007: 103). Thus, I focused on the identity-based politics, because I felt I could not even begin to illustrate Chumash revitalization and routes for recognition – which include their histories, their voice, their experience and their concerns - without attempting to ask or define who is of Chumash ancestry. I did so by mapping the opposing sides of the controversies and different strategies and discourses used to solidify a Chumash identity and achieve informal levels of recognition.

The direction of research is a reflection on previous scholarly articles addressing Chumash identity-based politics (Flynn and Laderman 1994; Haley 2002; Haley and Wilcoxon 1997, 2005; Johnson 2003; O'Connor 1989), level of strength in relationships made throughout my fieldwork, knowledge presented to me in interviews, and the agency and interests of consultants which came through an engaged approach. I have spent time with individuals, organization and families of identifiable descent whose histories of loss, destruction, determination, and survival run deep. They embody different memories of colonization and different positions as to the direction revitalization should take.

Such rapport has also shaped many research questions concerning indigeneity and determined my subsequent positioning to support and follow their efforts and testimonies.

With them, I found the value of human spirit at work - of how indigenous culture changed but was never obsolete. Yet, to negate the influence and knowledge of self-ascribed, undocumented claimants in contemporary Chumash politics would also neglect a fuller understanding of the network of indigenous revitalization. The current network and movement is not discriminating, but is an inclusive entity that can enroll new allies, catalysts, and antagonists to create the social process of revitalization through arguments, contradictions, and controversies that feed off each other and reshape meanings of indigeneity. The inclusion though brings further controversy to the ways cultural tradition, practice and narratives are interpreted, appropriated and presented to broader arenas, of which the next chapter explores.

Chapter Six

Dueling Expressions and Representations of Chumash Revitalization

There are many existing cultural symbols from which people can choose to mold their identity or deploy to their advantage to assert Native distinction (A. Cohen 1985). In revitalization projects, some may consciously emulate markers of identity to embody a past believed to be glorious (Handler and Linnekin 1984). Others may find better expression of identity by rejecting outmoded concepts of indigeneity and satisfying internal recognition. Here, the debates as to who is and not Chumash have manifested into these different discursive and embodied "Chumash" representations at public and political sites where various historical sources can be freely used to create strategic symbols of struggle, continuity and heritage. This chapter examines these differences by first looking to how ethnic identity-claims are strengthened through performance. From the various contestations over representations, I look to how group boundaries are constructed and made durable through the negotiation of the "authentic" Native body. I then explore debates regarding the interpretation and ownership of oral tradition as it is used to strengthen ethnic claims. With the current media and internet age, where Native symbols are being widely circulated to garner broader support for ethnic claims, I bring attention to new questions of copyright as symbolic Chumash representations, when brought to the marketable world of non-profits, are leading for calls for lawsuits to end "ethnicity theft."

Every "body" wants to be Chumash

There was one man saying he was Indian and he would wear nothing but a grass skirt and paint is body in Chumash colors. He would talk about how he liked to go up to the

mountains and dance to the music of the winds from the trees. We call him one with missing feathers.

-Ventureño descendant, 6/6/2010

In ethnic identity-based struggles, in which politics of authenticity sets the tone for legitimating heritage, one may look to bodily practices, "the corporeal image...that performs the inscriptions of cultural difference" (Mathur 2007: 12). Mary Douglas (1966; 1970) suggests the human physical body symbolizes the social body and thus can serve as a site where societal understandings can be observed. Similarly, Anthony Cohen (1985) introduced the concept of "symbolic construction of community" - the use of material and ritual (e.g. ceremonies, ritual, regalia, and commemorations) to create group cohesion and mark boundaries – as a means to study ways collectivity is expressed, transmitted and maintained. ¹¹³ Put another way, the body is a fundamental medium for group communication bringing to those within a sense of belonging and stability which, in turn, maintains group boundaries and social order:

The image of a boundary, in the absence of a separation that surrounds a social group and divides it from other groups and from its surrounding environment, has proved analytically powerful for many purposes in social science. . . In the study of ethnicity, it has helped understand the signaling effects of cultural idioms whereby membership in contrasted ethnic groups are made visible and thereby socially effective. (Barth 2000: 34)

Understanding underlying social reasons for bodily representation and use of symbolic material— of what is and what is not acceptable for physical use - can also serve to map how societal hierarchies and classifications are constructed.

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¹¹³ See also Thomas Csordas (1994) who suggests a phenomenological viewpoint from the body to evidence the transcendent nature of the embodied self, with social meaning reflective of cultural and textual objects and changing relationships of group identity.

Bodily practices hold memory and experiences in their re-enactment of the past, that albeit temporal, express what sole narrations and texts cannot (Connerton 1989). Thus, as learned histories and memories are converted into a form of embodied knowledge, the body can also be treated as a site that activates social memory and, in turn, echoes different historical points (see also Mathur 2007; Stoller 1995). In conceiving the body as symbolic of politicized interpretations to authenticate Chumash identity, the following attempts to understand how local indigenous corporeal practice and image - of what is appropriated, innovated, codified and converted into a form of embodied knowledge (see also Stoller 1995) - are reflective of underlying political and social factors that shape group divisions.

Authentic or Essentialist?

As culture is acted out and worn, the advantage of observing corporeal practice lies in its live replication and mediation of cultural possession within tensions and dynamics of cultural belonging. Rituals and ceremonies are repetitive in nature; thereby creating a recognizable idea of practice, which reproduces memories into a form of a knowable culture (Bourdieu 1977). In the strategic process to apply repeated practices and stories from the ancestral past, traditional performances in the public sphere become agents (Latour 1998, 2005) that create a distinct representation as they are accepted as common sense. Such is observable in cases of traditionalist performances, images and practices which are devised to fit external mainstream expectations of indigeneity. For example, regalia of feathered headdresses and skirts can often be seen at pow-wows and cultural events (see Figure 11). The attire of the men are quite similar to a photograph

staged and taken by archeologist Léon de Cessac in 1878 of Ineseño descendant Rafael Solares wearing ceremonial regalia of feathered headdress, bead necklace, cord skirt, and body paint (see Figure 12).¹¹⁴



Figure 11: Powwow & Inter Tribal Gathering in Malibu Bluffs Park. Photograph by Kohanya Ranch $4/23/06\,$



Figure 12: Rafael Solares. Léon de Cessac , photographer, 1878 Santa Barbara, CA; from the Collection of Bancroft Library.

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¹¹⁴ To date, photographs taken by Cessac of Rafael Solares are the only known photographic evidence of what ancestral ceremonial regalia looked like.

By reintegrating Solares's attire - now iconic due to its wide reproduction in museums, internet and publications - an essentialist strategy is used to affix perceived pre-contact tradition on the body. Yet, the essentialist display serves a purpose. Techniques of formality, fixity and repetition – mimicking ethnographic snapshots (photos and texts) and performing traditions that symbolize Native ancestry – wield "authenticity" in the eyes of the public. After all, the validity of the image often relies on the viewers' acceptance that an object is a "true" reflection of a culture. There is also a form of reciprocity that occurs between the media and Native claimants. According to one journalist, American Indians dressed in traditionalist regalia "sell newspapers...the images bring the reader into the exotic that exists in their own backyard and the readers want this" (fieldnotes 10/20/09). The live Native preserved in a photographic image for the public view, essentially becomes an "article of consumption, promoted into an item for aesthetic appreciation" (Sontag 1997 [2001]: 110). The "aesthetic appreciation" of Native culture is palpable now as Chumash ancestral symbols have become iconic, readily recognized by the public to demarcate otherness while also attracting the "tourist gaze" to experience the "out of the ordinary" (Urry 1990 [2002]) (see Figure 13).

So as not to disillusion the non-Native public, Euro-American image-making tradition - capturing the "proud primitive" moment –works to mold what has become popular, even if they are viewed as inaccurate indigenous representations. Julie Tumamait recalled how a...:

...photographer kept on telling me to move my hawk feather fan closer to my face as if this were a natural pose for an Indian. I don't go around holding my fan to my face. But they pose you instead of letting you act normally. (personal communication 11/1/10)



Figure 13: The "tourist gaze." Living history demonstration by Julie Tumamait at Santa Barbara Presidio. Photograph taken by Kohanya Ranch, 4/17/2010.

Similarly, Alan Salazar spoke of how when journalists to interview his Band,..:

...people in my group send me to be photographed or to give the interview because I have long hair, act stoic and look the way the audience would expect an Indian to look like. Then the journalist will always ask me to raise my hands up to the sky holding an abalone shell or eagle feather (Alan Salazar, personal communication, 9/26/06).

Later when I asked Salazar if I could take a picture of him, he joked, "wait, let me look like a spiritual Indian" and pointed upwards to the sky (see Figure 14). While making jest to ways image is produced, it also evidenced the cognizance in ways performance and display of sometimes stereotypical image strengthens external recognition of their existence: "place me here and I will because it makes a model that will reach others," stated one (fieldnotes 10/11/2009).



Figure 14: Alan Salazar. Photograph by Kohanya Ranch 10/29/06

Similar to works of George Catlin and Edward Curtis, whose posed romanticized portrayals of Indians reflect their own mythological expectations (see Hight 1998), "colonial clichés" (King 1998: 28) are still crafted by journalists, promoting an idea of authenticity that affects public expectations. This is not to say that the public expects American Indians to always look traditional. Most know that indigenous people also wear blue jeans and carry cell phones and that their lifestyles and symbols do change. They are aware that fry bread and dyed pink and lime-green feathers at pow-wows did not exist in ancient times. What they do expect, though, is that indigenous people who are trading on essentialized form of culture look as if they embody traditional culture. Thus often, the idealized past is reworked in a way that reinforces the link between the European gaze and what Tony Bennett terms the "exhibitionary complex" where the living display of

'primitive peoples' serve to "underlie the rhetoric of progress by serving as its counterpoint" (1995: 92). Perhaps the need to establish Western notions of continuity presents itself in an institutionalized invisible surveillance such that, when pre-contact symbols are encouraged to be visible displays of history, the exhibition of Indianness may become a form of inspection and control to keep the American Indian in the unchanging past and away from modern positions of power (see Bennett 1995).

Generally speaking, because there is no shared accepted aesthetic or academic standard of "correct" indigenous representation, the conflation of past tradition equating 'authentic' often normalizes assumptions: anyone dressed in regalia or carrying what looks like an exotic or historically distant object is "inherently, rightfully, fully possessed of the heritage they represent in public" (Clifton 1990: 30). This dynamic reflects the consequent relationship between regimes of power and the perceptions of the 'primitive' throughout colonialism, in which principles of collecting, consuming and producing culture work to objectify and other-ize (see also Carr 1996; McLoughlin 1999; Mihesuah 1957; Pearce 1994). In his analysis of the dominant order of imperial spectacle in India, Saloni Mathur (2007: 12) treats such colonial forms of display as "suspicious signs" and "symptoms of crisis and dysfunction" that continue to affirm hegemonic power. The "suspicious signs" symbolize a continuing colonial present "split between its presence as original and authoritative and its articulation as repetition and difference" (Bhabha 1994: 153). In effect, through the repeated consumption and commodification of the colonial image of the Native, societal standards of the American Indian are reinforced so that certain power structures are maintained (see also Coombe 1998). Thus, colonial

representational patterns are continued via what Timothy Mitchell (1989:221) calls "the machinery of representation" as the public continues to expect (and is continuously given) little more than the stereotypes and tropes established in colonial discourses and ideologies of display. Such stereotypical colonial forms of display are often carried into public ethos and practices, where if the retelling of the Indian story wanders too far from the "dominant pattern of preferred expectations in style and in substance" (Clifton 1996: 30) historic value is deemed diminished by Westerners who lament modernity's "feelings of lost authenticity" (Clifford 1988: 4).

Although the concept of "authenticity" has since been destabilized as a means to divide *genuine* and *fake* to understanding its constructional nature (e.g. Bruner 2005), there is also caution for its complete scholarly deconstruction because it "remains nonetheless entrenched in popular thought and is an emotional, political issue for indigenous people "(Linnekin 1991: 446). Authenticity is also a potent symbolic commodity in the postmodern world (Baudrillard 1981). What must be understood, instead, is how ideas of authenticity are formed and articulated within a network of expectations that define and recognize indigenous ethnicity. For example, many standards for assessing Indian identity have been based on European primordial and essentialized standards based on physiology, phenotype and perceived immutable differences. Even though postmodern research has challenged fixed versions of ethnicity based on biology and physiology, the general public often expects that "true" indigenous people look like unspoiled, static relics of the pre-contact past, contained within the realm of a pristine and unchanged time. In effect, because authenticity is conflated with *the old*,

the ancient, the past, the more one embodies an ahistorical idealization of traditional culture, the more "Indian" one is presumed to be. Thus, for some, traditionalist symbols reified on the body becomes an essential tool for social movement actors seeking recognition and reclamation of cultural identity from the public.

Haley and Wilcoxon (1997) suggest that the implementation of traditional symbols is often a crucial strategy for undocumented claimants to gain credibility as Chumash because they cannot trace their family genealogies to indigenous populations existing during European contact. Instead, outside informal recognition and legitimacy of ethnic identity can be obtained through public arenas and networks such as the media, which do not hold rigorous government standards for ethnic proof, but are based on behavior and appearance. In such arenas, indigenous distinction can be legitimized through evoking visual cultural practices and aesthetic symbols based on Western evaluations of precontact indigeneity. Being considered "authentic" occurs through consciously constructing and repeating images appropriated in current expectations so that meaning takes on appearances of truths in a physically framed corporeal experience. In turn, when current principles are recognized as "true", they send a message of persistence or "proof of existence after survival" (Yoneyama 1999:103). The repetition of such symbols can also be used to reinforce the appearance of seamless cultural survivals (Connerton 1989: 45, 48; McMullen 1996). That is, as one can imply continuity due to techniques of formality and fixity, so can repetitive practices serve to instill the message of belongingness (Bourdieu 1977) - as opposed to the displaced or dispossessed (see also Ahmed et al. 2003). In recognizing the ways publicity and acceptance can be generated

through essentialized versions the pre-contact past, undocumented claimants seem to have created a reciprocal marriage with the media. Newspapers fulfill the public appetite for the exotic and in turn, traditionalist imagery reinforces recognition and distinction from the outsider; hence strengthening cultural credence in the public eye and a greater ability to draw outside support. For many documented Chumash, though, the essentialized representation of *their* culture works to deny the capacity of American Indian change.

According to Latour, whenever work to trace social boundaries is to be done, one can look at how group delineations are made as competing groups establish anti-groups (mentioned also above) as they are designated to be "empty, archaic, dangerous, obsolete" to make boundaries more durable (2005: 32). After all, "[g]roups are not silent things, but rather the provisional product of a constant uproar made by the millions of contradictory voices about what is a group and who pertains to what" (Latour 2005: 31). For example, in implementing the traditionalist model of authenticity, many undocumented claimants designate their group as the "one's keeping the culture alive" and the "true carriers of Chumash tradition" because they "show it" and need not be "possessed by the Western material trappings." Such statements suggest that the degree in an individual's security in their lineage correlates with the level of material Native symbols employed. However, it also insinuates that the comfort generated from textual evidence of ethnicity result in the lack of need to partake in revitalizing tradition, hence the name-calling of "Chu-ins" (connoting shoe-ins as mentioned in Chapter Four). In retaliation, documented Chumash argue it is a misrepresentation to exhibit ahistorical

Native notions imposed by Western colonial ideologies in order to achieve recognition. Not only, some argue, does it perpetuate archaic stereotypes in tourist spaces and mainstream consciousness, but creates public standards of *believable* indigeneity: "This guy is going around half-naked in the newspapers stating he is a Chumash elder. Now everyone thinks we should all look like this," (Barbareño descendant, personal communication 11/11/09).

While documented Chumash are active in efforts to remember, revive and preserve ancestral tradition as an imperative means for cultural persistence, it is often amidst a reckoning to balance how to represent themselves as "current" and still be recognized as indigenous. To do so requires an absence "carefully crafted within (or away from) the construction of replications of the past" (Cohen 1994: 150) to embody the historical changes experienced throughout the aftermath of colonialism. For example, the simple adornment of a piece abalone jewelry upon Western clothing is enough to mark indigenous identity and respect ancestral tradition, but need not re-exact a idealized past as a strategy for spectacle (see Figure 15). Instead, the simultaneous presentation of cross-temporal changes of post-colonial experience becomes an even more important political statement of survivance, and perhaps a more viable method for altering continuing colonial conceptions.



Figure 15: Documented descent representation. Alan Salazar, Tataviam/Chumash/Fernandeño descendant, 2006 Chumash Powwow & InterTribal Gathering in Malibu Bluffs Park, Malibu Canyon. Photograph by Kohanya Ranch 4/23/06

Neither case of physical presentation should serve as a blueprint for assessing indigenous identity: one dressed in ceremonial regalia should not be viewed as overcompensating for lack of documentation or readily complying with archetypal images for political gain. Nor vice versa: one wearing modern clothing is therefore a documented descendant. However, corporeal negotiations of "authenticity" are representative of the divide between traditionalist and non-traditionalist Chumash representation where nuanced and powerful forms of agencies occur to generate internal standards and boundaries for ancestral revival and remembrance. The undocumented body appears active in the quest for outside recognition of Chumash identity through a mimetic occupation of the past traditional ancestral body. For documented Chumash, isolating the colonially-expected Indian image on the body works to not only silence contemporary indigenous views regarding their own aesthetic and political attempts of revival, but also

makes invisible all the changes experienced between the pre-contact world and the present – which is just as "authentic" (see also McLoughlin 1999). Thus, their imagemaking strategies often involve contesting and attempting to change essentializing images and stereotypes that continue to be consumed in the public sphere. Importantly, they feel that the embodiment and interpretation of ancestral Chumash have rightful owners. In short, they want their bodies back.

Telling the Chumash Story

It is not so simple as saying 'let the Indians represent their own culture'. The multiple opinions of all of us become just as problematic. The many people claiming ownership is even worse. And of course, there is the issue of when, where and who decides which *Indian has the authority to even come in and represent our culture in the first place* - Julie Tumamait, 5/12/2006

At a California Indian Advisory Council (CAIC) meeting in February 2011, two issues regarding the interpretation and representation of Chumash history and tradition were discussed. The first was the matter of a recently evolved group self-identifying as Chumash and performing "Chumash" birdsongs in the *Samala* (Santa Ynez Chumash) language. According to some CAIC members, neither their oral tradition nor recorded histories indicate their ancestors performed birdsongs. Rather, they pointed out, birdsongs were a Yuman tradition that, since borrowed into Cahuilla culture over time, have been continuously practiced and taught by Cahuilla elders throughout the 1900s. 115 When the lead singer of the "Chumash" birdsong group was confronted from a descendant about the appropriation of Cahuilla traditional music and asked to provide copies of the

¹¹⁵ Furthermore, according to Cahuilla oral and written history, no Chumash had lived amongst them a hundred years ago to have been able to learn and carry their tradition.

recordings, the lead singer declined. Besides the fact that tribal protocol (of asking elders permission to perform such songs) did not occur, of major concern to documented families was that such "misappropriation" and "misrepresentation" of their history would cause further loss of their Native culture. Sounding defeated, one pointed out "there is really nothing we can do to stop an individual from publicly telling Chumash history.

Call it 'freedom of speech'" (fieldnotes 2/18/2011).

Attending the same meeting were staff members from the Channel Islands National Park Service (NPS) requesting Chumash input for their General Management Planning process. They brought to the CAIC members' attention that a non-profit organization whose members represented themselves as Chumash elders were requesting a 30,000 dollar grant from the NPS for obtain a marine protected area permit and develop demonstration programs for children to "inform, help shape and train the Channel Islands National Marine Sanctuary and California Department of Fish and Game in proper education of Chumash culture, values and history" (fieldnotes 2/18/2011). The eyebrows in the room raised as they heard the name of the non-profit organization whose executive director, although claiming to be a Chumash elder, had never been able to demonstrate his lineage. A CAIC member stated: "he's created quite a career off representing Chumash culture" and another followed with the question, "how much money would be going into education materials and how much would be kept for them?" (fieldnotes 2/18/2011). Besides cynicism regarding how the grant would be used, of major concern was with how their history would be taught: "I've looked at their website. It's not our real history, language or facts. It's their own interpretation" (fieldnotes 2/18/2011). From

here, the meeting evolved from simply asking input for a Planning process to the NPS asking how their traditional history should be controlled, disseminated and portrayed.

The above discussions speak of two major recognition issues faced by descendant families as Chumash ancestral knowledge is brought to public arenas, institutions and agencies as a tool for education and consultation. The first is a matter of source: of who gets to tell and teach Chumash culture. The second is a matter of representation: how Chumash culture is interpreted and imparted. Both issues are of high import to descendant families since those who communicate culture are in a power position to alter mainstream knowledge. Not surprisingly, negotiating *whose* version of history is the *authentic* one to reclaim and assert has led to political battlegrounds of representation, such that the act of telling culture involves contesting the function, agenda and political intent by actors implementing the Chumash story.

The telling of cultural narratives (oral, performed and written), particularly in social sites of cultural production (powwows, festivals, museums, parks, schools, ceremonial/sacred sites, cultural and community centers, and internet sites) has become a viable means for unrecognized groups to enforce moral codes and worldviews; educate to ensure further cultural "survivance" (Vizenor 1994); generate an acceptance of alternative knowledge productions and; bind identity to place (e.g. Basso 1996).

Importantly, public story telling is a point of connection for American Indians to influence the public's understanding of the contemporary indigenous experience.

Simultaneously, though, historical renditions can either: instill or change preexisting

ideologies and public perceptions; protest or buttress stereotypes; and grant or counter Western authoritative authorial presence (Chakrabarty1992).

Those who create, perform, tell and conduct cultural narratives and traditional practices are often considered to be "culture carriers:" a valuable and elite position generally commended for one's ability to retain and reclaim historical transmission and use it to educate Native and non-Native communities (see also McMullen 1996). Julie Tumamait, for example became a cultural carrier in following her father, Vincent Tumamait, who began to embrace his Chumash heritage after his retirement as an oil field roustabout, trucker and mechanic with Shell Oil Co. in Ventura in 1983. For the next nine years until his death in 1992, he would work with anthropologists in recovering Chumash cultural knowledge, songs, dances and stories to share at public functions, schools and Chumash families. Many local descendants feel he contributed greatly to "this renaissance and a spirit inside people to say "it's never too late," according to his daughter, Julie, who was the one from his seven children he mentored most directly. During his funeral, an elder passed to Julie a sacred pipe to bestow her status of elder. "I became a pipe carrier at that time," stated Julie, "which came to mean for me, my family, and my extended family that I was the one responsible for keeping the culture going and to try to keep this ideal of community awareness" (personal communication 6/10/2006).

As educators, culture carriers feel a responsibility to know genealogies, family histories and interconnections, written histories and personal life stories and transmit that knowledge to ensure cultural survival. However, unlike indigenous cultures who have been able to transmit inter-generational knowledge and language unhindered, Chumash

descendants often link the telling of ancestral memories to an ethnographic source, although the art of storytelling never ceased:

We are people of the spoken word. Every thing we learned was carried down by grandparents, not teachers and not books. Therefore, we learn to listen very carefully to words and observe those that speak them...Oral narratives are important because words are misconstrued all the time. We came from a culture that said what they meant all the time. (Lew Silva, Barbareño descendant, 5/6/07)

Thus, when carrying and presenting Chumash knowledge in cultural presentation, many make clear that the knowledge comes from both ethnographic sources as well as personal familial experiences of native oral tradition and practice (fieldnotes, Alan Salazar 9/5/2009; Julie Tumamait 9/09/2008)

Those who impart what they know often see themselves as survivors carrying the responsibility to bear witness, be heard, and transmit their ancestral stories that could not be articulated for centuries:

For some families, Indian stories were told in their homes, but they were told not to tell them in public. For other families, their parents did not share any stories or language because they were scared their kids would use them in public and be ridiculed. So many Chumash do not know anything about our culture. I say it is not your fault. Do not be embarrassed because of efforts to take our culture away. The missionaries and the American government did not want us to know our culture. Do not be embarrassed that you do not know where to find it now. This is my purpose - to find our culture, our stories, our language and teach it. (Julie Tumamait, personal communication, 4/21/2007)

Chumash history recovered from archaeological, linguistic and ethnohistorical branches of anthropology proved valuable during the first wave of cultural revival in the 1960s and 1970s which primarily involved reversing the extinct or invisible stigma

through a demonstration of ancestral knowledge. However, as revitalization strategies became more intertwined with politicized goals, controversies over cultural ownership would manifest in ways history was interpreted and told. This led to the next wave of cultural revival which brought growing criticism that predominant historical sources have been translated via Western interpretations of Indianness:

People have learned Chumash culture from a completely Anglo-American version with half-fictions which are taken verbatim.... They [anthropologists] come and ask us questions and yet already have their own answers to their own questions to fit some pre-conceived Western theory rather than listening to our answers and viewpoints that may be quite different (personal communication, 10/07/09).

In turn, a schism between anthropologists and Chumash claimants would occur over credit received in writing Chumash culture via Harrington's papers. On one hand, anthropologists were praised in newspapers for compiling Harrington's papers into accessible learning format: "armed with a trove of scattered notes, linguist saves ancestral tongue from brink of extinction" (Chawkins, LA Times, 4/20/2008). However, the mainstream discourse of "savior" bestowed agency solely to the anthropologist – as individuals capable to *rescue the brown people* through noble words and deeds (Bhabha 1994: 185) – leaving Chumash the passive, grateful and dependent parties awaiting Western help. As descendants would retort sarcastically, "I'm so lucky they rescued me from extinction," said one Chumash sarcastically (fieldnotes 5/5/2010), came a "confrontation of modalities, of the ways knowledge is rendered, marked with authority, and transformed into literature" (D. Cohen 1994: 233-4). Some would adamantly argue

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¹¹⁶ In particular, John Peabody Harrington's ethnographic papers have been a primary resource used to reconstruct, reify, and/or legitimize Chumash cultural practices and traditions.

that Harrington was simply "a typewriter for our voice" (personal communications 8/25/06). Others would accuse anthropologists of building careers off their culture and complain their own words and deeds stories were not viewed as credible.

Rather than simply reiterating past literatures, some began to deconstruct, and even invalidate Western interpretations in favor of a production and recitation of historical knowledge relevant to their present and within their own systems of understandings. For example, many have voiced their frustration with non-Native interpretations of their pictographs and landscapes: "No one knows what our rock art symbolized and they cannot understand how my ancestors experienced our sacred sites" (personal communication, 8/1/2010). Another expressed his dissatisfaction with anthropological terms used to label their relationships such as polygamy and monogamy: "What is monogamous or polygamous for the Westerner does not necessarily mean it is the same thing to us" (personal communication, 4/21/09).

Many descendants did not find the need to defy and contradict Western form of knowledge transmission, but intertwine current indigenous voice and intergenerational memory into present practice to honor ancestral knowledge attained via ethnographic work, while also acknowledging that remembrance is an imperfect process. In so doing, many realized they "can never go back to exactly how it was," but can incorporate and amalgamate known surviving ceremonies and stories into present practice and experiences to fit the desires and practicalities of people living now (personal communication 10/29/06). Depending on a group's power, needs, position (traditionalist or non-traditionalist) and specific agenda, different recollections and testimonies of

history and tradition have emerged. Orality has since become a process of negotiating and contesting which historical and cultural sources and forms should be retrieved, preserved, modified or discarded in order to benefit a particular individual or group in the present.

And like corporeal negotiations of "authenticity," differing interpretations bring contention between rivaling groups as retrieved memories are interpreted and implemented in the present.

Conflicting nostalgias

Because recognizable Native symbols, stories and traditions publicly waned, particularly due to series of American assimilation and acculturation policies from the late 1700s through mid 1900s, it may not always be possible to determine whether traditional cultural narratives and practices used now come from direct inter-generational knowledge, amalgamated from pan-Indian influences or interpreted from Western historical sources. This has been at the heart of the Chumash identity debates, especially as topical anthropological theories have brought to light the use of "invented tradition" as a means to fulfill contemporary needs in cultural revivals (e.g. Hobsbawm and Ranger 1983; Handler and Linnekin 1984; Keesing 1989). Here also is where the discovery of Harrington's papers brought matters of rightful ownership via presentation. Questions raised were: who should be privileged to tell and interpret his notes and for what purpose? Many living descendants can trace their lineage directly to Harrington's consultants (such as Juan Justo, Rosario Cooper, Juan Estaban Pico, Fernando Librado, Maria Solares, Cecilio Tumamait, and Candelaria Valenzuela) and feel a deep sense of protection over how their ancestors' stories are interpreted and utilized. Notable of an

example is that three generations of Ernestine De Soto's family – her mother, Mary Yee, grandmother, Lucretia Garcia and great-grandmother, Luisa Ygnacio - were primary consultants to Harrington. When ancestral stories have changed at the hands of undocumented claimants for what descendants believed to be for political reasons, descendants would argue for a protocol "to leave written history as is" out of respect for cultural preservation and "rightful descent ownership":

It's our story to be told, not theirs....The stories from Harrington have been preserved for us. For a culture that had devastations for 150 years, those stories from our ancestors are all we have. These clowns are remaking it and calling it traditional. They don't understand the word tradition. Instead, those who can't make true heritage claims, badmouth the messenger...they badmouth Harrington. Then they change the stories, protocol and traditions...call it their own and do not give credit because they say anthropologists are bad... I think it's fine to want to keep the language alive and be creative in making new stories. But say so. Say it is contemporary. Say where it comes from. That is where there is disrespect....for the efforts of our ancestors and Harrington who worked so hard to preserve them. So maybe you can't trust anthropologists, but what else do we have. I would rather have Harrington than these neo-Chumash. (amalgamated from descendant interviews 4/21/07, 3/23/2011)

Ethnographic renditions would also be reinterpreted and synchronized with increasingly strong pan-Indian influences, despite descendants' protest of the new public representations being called Chumash, particularly because the public "accepts these stories and practices without question" (personal communication 3/01/2011). Another consultant complained about ways claimants were using scare tactics and millennial prophecy for present agendas and political intent:

They were saying the world was coming to an end or that lands were cursed. If they did not get hired as monitors, they would tell developers and agencies they would put an ancient Chumash curse on them. This is not what our culture is about. (personal communication 10/20/09)

Of main concern, though, was how a historical guilt discourse (Niezen 2003; Barkan 2001) became more prominent in politicized arenas as claimant protestors would carry picket signs such as "stop the cultural genocide." "I don't want to say manipulation, but there is a guilt - a kind of karmic pressure - being used with the white person," complained one descendant. "They're using atrocities of the past to have an advantage now in saying they are Indian to make demands" (personal communication 5/5/2010).

Here, the "politics of shame," (Niezen 2003) - using narratives of guilt, embarrassment and apologies - could enlist support for what I call *spaces of regret*. Spaces of regret exist in politicized arenas (e.g. commemorative sites, sacred sites, development sites, participatory and reparation claims arenas) where contestations over the possession, appropriation and control of history, land, and artifacts are made powerful by marginalized people through traditional performance and a rhetoric of historical injustice (see also Barkan 2001). Such performances and narratives often force viewers and listeners to confront a sense of regret for their ancestors past transgressions and consequently feel an obligation to rectify losses incurred in the past. When this occurs, listeners are transformed into engaged participants of a "shared victimhood" (Yoneyama 1999: 130) and yet, at the same time, experience uneasiness at remotely being the cause. Thus, a moral discourse of embarrassment (Whittaker 1994) – one in which witnesses are made to feel responsible for colonizers actions (see also McMullen 1996: 71) – can be used to enlist temporary support in current endeavors. At the same time, those who claim to have experienced (or, whose ancestors have experienced) defeat, injustice or marginalization can find a familiar bond in a rhetorical strategy of loss as well as a means to benefit from others' regrets. Within *spaces of regret*, Native recitations are also shared and may take on a new life where retellings of oppression or Native knowledge may be altered to uphold significance to present situations (White 1991). In so doing, political actors can often position themselves to more effectively demand rights or make policy change; ask that educational and representational institutions expose the devastating effects of conquest and colonialism; and attempt to alter stereotyped Native representations. Even if no practical impact or actual power to address unjust histories through laws and policies occur, dialogues exchanged in *spaces of regret* can create an outlet for expressing various perspectives or ease guilt from histories of conquest, suppression and domination.

Such dialogues are important to documented Chumash. The difference, according to Eleanor Arellanes, descendant of the Village of Milkiw in Santa Barbara, is that "descendants don't use the guilt tactics. It's time to move on from the anger. The past is the past and we need to let it go and heal from it. We can't do anything to change the past. All we can do is change the future and look for ways to preserve our culture." She felt at times that carrying the picket sign and using aggressive protest tactics "is a defense mechanism, a mask, making those without documentation unapproachable. Yes, you may gain media attention, but the messages being sent aren't Chumash and can't make people really understand or know you." It is why she explained that descendants take more productive routes for reconciliation including working collaborative with agencies, representational institutions and anthropologists in heritage preservation, historical recovery and lineage projects from which to share and learn different perspectives and

knowledge (personal communication 12/04/2011). For example, Julie Tumamait presents cultural programs for numerous private and public organizations including elementary and high schools, colleges, museums, the Elder Hostel, the Boys and Girls Club, the State and National Park Service, Rotary clubs and the Channel Island Nature Conservancy. She mentioned that many times teachers, museum and agency representatives have come up to her to apologize for the past, of which she would reply that "it is not a time to dwell on the darkness, but to teach cultural awareness and respect now" (1/04/2009).

In fear of what they perceived as inaccurate portrayals of their culture, particularly in the regret and shaming discourses, documented descendants began to take steps to control what they consider to be unique Chumash traditions and histories.

Generally, descendants agree that when stories are told, credit should be given to the source and be subject to elder approval of acceptable codes of ancestral representation.

When interpretations of stories arise that are not thought of as respectful to ancestors or deviate too much from ethnohistorical accounts, culture carriers take on the role of cultural authorities in attempts to monitor the transmission of oral and symbolic tradition. This may come in the form of direct confrontation, polite negotiation or request.

However, with freedom of speech, freedom of press and freedom that public cultural arenas provide, protocol need not be legally adhered to.

Linda Tuhiwai Smith asserts that to recuperate historical losses from continuing colonial structures, "[t]elling our stories from the past, reclaiming the past, giving testimony to the injustices of the past are all strategies which are commonly employed by indigenous peoples struggling for justice" (1999: 34). And although Native historical

interpretations are rarely acknowledged to be legitimate historical sources as Western interpretations are, "the need to tell our stories remains the powerful imperative of a powerful form of resistance" (L. Smith 1999: 35). For Chumash descendants, the act of telling their own stories is not as much a form of resistance or rebellion against modernity or a colonial history as it is a restorative and educational practice which integrates different versions and elements of the past into the present via a narrative form considered uniquely Indian. However, in many ways telling *their* stories is a form of resistance against groups they see as usurping their ancestors' stories or not respecting local protocol standards of oral dissemination.

With preservation a main concern, descendant culture carriers prioritize that their ancestors' stories be memorialized in a way that allows for some sense of experiential authenticity, even if the source comes from ethnohistorical recordings. Thus, there is a concerted effort amongst documented Chumash to preserve what is known directly, while also cherishing the unknown fragments yet to be recovered:

We have survived and we are still here after 13,000 years and even though we can never retrieve what was taken away, we cannot embellish parts that we do not know about....So when they [undocumented claimants] make up things about our culture and history and say they always practiced Chumash religion secretly and then use it to make a claim that something is sacred to get money or land or make a ruckus, I get angry because the history they are creating is not true to our culture. (Barbareño Chumash, personal communication, 3/01/2010)

An example of descendants' displeasure in constructivist history-making tactics was directed toward one claimant who labels himself a 'Chumash priest:'

We didn't have priests. We had medicine people and healers. And no Chumash during the mission era became priests. I don't believe he joined a ministry, and there are no Chumash churches for him to be ordained in.

So how is he a priest? I suppose in calling himself a priest, people think he's holy and should be revered (personal communication 9/20/2009).

In many ways, asserting oneself as priest (or in other cases "chief") works to give an aura of authority and influence to the non-Native outsider. However, for documented Chumash, such self-presentation contradicts their actual historical roles.

Another contradiction emerged regarding the contemporary leadership roles of women, of which there are many: from tribal chairs to healers, family spokesperson and elder. At one point, traditionalist discourses opposed such positions, as some stated that only men held elite positions. Quickly, descendants turned to literature based on Harrington's papers that reveal the high status of women through their roles as a *wot* (chief)¹¹⁷, ritual practitioners¹¹⁸, doctors¹¹⁹, diagnosticians, herbalists and medicine people (Blackburn 1975; Walker and Hudson 1993). Thus, gender dynamics in historical interpretations became vitally important here to validate the remarkable amount of female leadership in the present.

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¹¹⁷ For example, Fernando Librado, Harrington's key consultant, tells of a female *wot* (chiefs): After a civil war on Santa Cruz Island, the leaders "decided to make peace by declaring the woman captain or princess of all the four islands. She was above all other captains, and her name and official title was *Luhui*, which means "native" (Librado 1977, 15).

¹¹⁸ Ethnographies show that both men and women were trained in the supernatural if they were selected to be leaders or medical doctors of a village (Blackburn 1975: 67-74; Walker and Hudson 1993: 36-45). Training included the memorization of curing formulae and songs, knowledge of therapeutics, herbology, botany, pharmaceutics, knowledge of the supernatural (and how to converse with it) as well as the manipulation of cult objects such as the 'atishwin (dream helper's charm).

¹¹⁹ See for example Harrington (1985: 7/0240), which gives testimony about a woman named Tuliana, a "doctress;" Walker and Hudson (1993:49-50) who mention an Ineseño woman being called "doctress," a female curing-doctor who owned a crystal rock mortar to ground tobacco for healing and; Blackburn (1975: 286-7) who tells of female healer who used songs as a method for curing. Also, a curing method done through *shutilhil* (red ants) was usually practiced by an old woman, called the ant doctor (Walker and Hudson 1993: 58-9). Women's roles as medicine doctors are also indicated in the Ventureño Chumash language. For example, the word for medicine woman is *aluc-tec-an-wa* and medicine man is *a luc-tec* (Harrington 1985: 75/0575; Heizer 1955: 118).

Accusations of invented traditions and inaccurate narrative representations - of purporting historical knowledge where no continuing historical evidence exists – reveal different discursive and political revitalization strategies amongst rival groups. For some, the desire to want to know the past may manifest in speculative attempts to fill it. For others, "certain things are lost and kept secret and that's how they will remain... You cannot go changing and making up things to fill in what we don't know. It's like rewriting the stories in the Bible or changing the words of the Torah," according to Julie Tumamait (fieldnotes 09/25/2010). Embedded in the various strategies are two kinds of nostalgia: restorative and reflexive. According to Sveltana Boym (2001), the former attempts to fill in the cracks while the latter recognizes them:

Restorative nostalgia puts emphasis on *nostos* and proposes to rebuild a lost home and patch up memory gaps. Reflective nostalgia dwells in *algia*, in longing and loss, the imperfect process of remembrance. ...Restorative nostalgia manifests itself in total reconstructions of monuments of the past, while reflective nostalgia linger on ruins, the patina of time and history, in the dreams of another place and another time. (Boym 2001: 41)

The different forms of nostalgia that emerge evidence that Chumash revitalization, as a symbolic activity, is a negotiated and crafted process creating different criteria for how history *should* be interpreted, how replications of the past *should* appear, and how indigenous identity *should* be presented. It also uncovers how the constant relation of the past to the present is integrated and contextualized differently as individuals, in maintaining group boundaries, actively produce and represent versions of history, memory and tradition based on various sources of knowledge. The group boundaries, formed from different standards for discursive representation, produce a dueling episteme

(Foucault 1972) as knowledge communities form diverging views of history that, in turn, structure the way people think about the past.

Cultural memorializing becomes an ongoing activity making present - whether it be in the form of individual, social or collective agency – to position political, historical and cultural belonging tactics (Werbner 1998). In the process, historical memories gain agency with its potential to instigate cultural debates over heterogeneous interpretations (Latour 2005). However, understanding the source of cultural narratives and embodied practices is a reminder that the past is a site (Marcus 1998): a symbolic resource that provides many dimensions of meaning, altering according to political and social ideologies used "in the hands of the living" (Bradley 1987: 3) such that "social life is constantly being rethought, rephrased, repositioned from the point of view of the teller" (Appadurai 1991: 470). Accordingly, it becomes important to ask whose hands use the past to produce current culture and historical memories and who has the authority to authenticate it (see e.g. Mahon 2000)? This, according to Edward Bruner, "is a matter of power" (2005: 150). After all, "[k]nowledge and power go hand in hand, reinforcing each other" (Ossman 1994: 97).

Power, as mentioned before, comes from the strength of relational ties and alliances made amongst institutions, audiences, policy makers and government officials granted the ability to empower various forms of knowledge and accept or reject different ethnic assertions and definitions. The contests amongst rival groups for their acceptance, particularly with agencies and institutions eliciting Native perspective, bring different strategies in assembly and outreach which result in various standards for assessing

ethnicity. For example, organizations created by undocumented claimants are based on an ideology of inclusivity – "we need all the help we can get" - and thus often require little evidence of ethnicity for membership: "all anyone has to say is that they are Chumash and have someone in the tribe vouch for them and provide a signature that they are" (personal communication 6/6/2010). With such loose criteria, such organizations are able to induct a vast membership which, in turn, allows them the capacity to readily and simultaneously be present in several sites where they can have influence. Strength and power is found in numbers as they are often able to reach agencies, audiences, journalists etc. first and thus inform a broader public. For documented claimants, their strength lies in the success to influence agencies, institutions, etc to hold ethnicity criteria based on proven descent. "We have to set precedence in our community that we will be held to a standard. It's time for us rebuke that spirit of oppression," stated a Ventureño descendant, in referring to the "misappropriation" of her ancestral culture (fieldnotes 2/12/2011).

To rebuke the "spirit of oppression" means to enter the same channels from which undocumented claimants derive their power and be able to shift liberal standards to more rigid ones through stronger communication. For example, a representative from the National Park Service, after bringing attention to the CAIC about the non-profit organization requesting a grant from NPS (mentioned above) asked, "how do we, as a federal agency, improve communication with you to review something like this and how do you, as a Chumash community respond to this." Members of the CAIC responded, "if you communicate with us, it will stop them. It will mean they are not just dealing with you, but with us. They will think twice if they know real Chumash are hearing about

this." It was advised that NPS representatives create an informal advisory committee modeled after the Museum of Natural History CAIC so that any similar inquiry could be shared amongst descendant families. The actions of NPS agency, in wanting to learn descendant protocol, demonstrated the shift in desire by agencies to have a communicative forum to intimately understand the ethnic-based controversies before granting privileges to represent and disseminate Chumash knowledge.

Not all agencies and institutions follow this practice however, but instead base their determination for Chumash participation upon perceived expertise, experience, affiliations and knowledge. Again, the question of what constitutes Chumash knowledge and expertise to fulfill a niche in policy arenas varies. For example, as part of the ongoing Marine Life Protection Act (MLPA) implementation process¹²⁰ (discussed further in Chapter Ten), a Regional Stakeholder Group was established to hold hearings and make recommendations for the Department of Fish and Game. One woman representing herself as Chumash was chosen by the MLPA to represent the opinions, knowledge and concerns of central coastal California Indians. When asking what constitutes substantial knowledge and how stakeholders are selected, an MLPA representative replied:

We ask if they can represent a group of people, show experience in the marine region, have strong network ties, feel a commitment to a place, have intimate knowledge of a place, be able to identify areas they think should be protected, demonstrate that they can work with other groups, show leadership of a group. They have to demonstrate that they were nominated by their group. (personal communication 7/07/2009)

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¹²⁰ The MLPA was signed into CA state law in 1999 to improve design and management of marine protected areas (MPAs) in state waters. After two failed attempts the MLPA initiative was launched in 2004 to direct the state to create and manage a network of marine protected areas. Part of the latter initiative was to establish an MLPA Blue Ribbon Task Force, Master Plan Science Advisory Team and a Regional Stakeholder Group in order to bring multi-interest support and broader participation.

How is this determined? "Well, they send us a letter telling us so and then we interview them. We don't deal with the details of how the communities work through local controversies of who is Native and who is not. That is for the communities to work through," according to another MLPA representative (personal communication 7/07/2009). Consequently, the stakeholder (whose ethnicity had been refuted) gained representational power in a state policy arena, bringing knowledge from other undocumented claimants that, according to descendants, are not Chumash. One such example was at an MLPA South Coast Tribal Forum in February 2009 where indigenous groups were invited to bring their views regarding appropriate protection and tribal use during the MLPA implementation. Attendees included undocumented claimants who urged that means for traditional Chumash lifeways be undisturbed: "We want tribal exemptions to be able to have access to marine protected zones to collect kelp and hunt sea life as our ancestors did. We want to be able to enter those sacred areas and pray." When hearing of this, some documented Chumash were disturbed:

Kelp was used traditionally by the northern tribes. We used sea grass. They are turning kelp into something else so that can have some kind of argument with the MLPA. But, it's an invented issue. They keep on saying they want to keep sacred places in the ocean sacred. There are no sacred sites in the water. The whole ocean is sacred. (personal communication July 18, 2009)

Survivance strategies of Chumash culture thus bring new questions amongst a network with diverse players and positions: Who survives? Exactly what cultural forms and knowledges are surviving and who is making cultural forms and knowledge survive?

And, as survivance is demonstrated through the freedom oral narrative provides, fears arise of what will be saved or will become lost through such freedom:

I'll give you a scenario. If these people keep taking our songs, symbols, language and traditions and turn it into something else, where is our culture going to be in 20 years? We won't recognize it. They will have changed everything about it. Such misrepresentation is a disrespect to our ancestors. (personal communication 11/17/2010)

Validating and refuting through internet zones

As accusations of fraudulence have continued to weave throughout public and private sites, identity claims have strengthened, rivals have been delegitimized, and agendas have advanced depending on the effectiveness to influence the wider network. In many ways, sites of networking become validation zones as external and internal standards entangle in negotiations to solidify an indigenous identity or have it rejected. More recently, a predominate means to network, construct social interest, gain publicity and impact public opinion occurs through the internet, where both documented and undocumented groups have established a presence in the public eye through self-designed websites, Facebook groups, and online news articles. The sites of the "information age" embody Manuel Castells' (2004) theory of network society where the internet, through its ability to extend information, becomes a key vehicle for social movements to "develop and promote new values by which to change social institutions" and enables marginalized cultures a means of re-affirmation through connecting with and influencing a broader world via shared information flows (Stalder 2006: 99). Here then, new exploratory forms

of power and its practice can be observed as devises, artifacts and inscriptions become tools to strengthen and stabilize networks (Latour and Woolgar 1986).

Presence in media and internet space has proved to be particularly beneficial for undocumented claimants to create an aura of credibility and link their organizations into a form of sociability (Castell 2001: 133) from which to find alliances with journalists, activists, and beneficiaries. Many have pointed out how undocumented claimants "are very good at using media. They get a lot of website representation. They get themselves into...magazine[s] and into newspapers (personal communication 5/18/2010). Like the mission archive that is enrolled as an actant 121 to buttress claims through documentation, newspaper articles and internet sites (blogs, self-designed websites) also gain agency as it strengthens self-ascribed claims in its ability to articulate through broader relations (Latour 1988; 1999). The employment of material inscriptions, according to John Law, also makes for a more durable ordering strategy: "a relatively stable network is one embodied in and performed by a range of durable materials" (1992: 8). Texts are invaluable in networking because they can be used to gain credibility as they carry information (seemingly irrefutable) to other people. In the process, internet inscriptions, although created by humans, become an active entity connecting actors through the process of circulation, interpretation, appropriation and translation ¹²² (Callon 1991; Latour 1999). How the information gains response can then be used to evaluate and combine equivalent interests from which to enroll membership (Callon and Law 1982).

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¹²¹ To remind, *actants* are anything endowed with the ability to act and include human and non-human actors such as artifacts, inscriptions (anything written), technology, devices and statements (Latour 1987).

¹²² To remind, translation is a statement-making process performed by an actor to give direction toward a particular argument to enroll support and allies (Law 1992).

While the internet provides a strong means for stability as translations can be freely and widely circulated to garner support, the same outlet also provides a public platform to air grievances and buffer undocumented claimants' ability to gain credibility through their monopolization of media space. For example, following an on-line news article which mentions a claimant giving a "Chumash" blessing at a ground-breaking site, a blogger posted that this person...:

...is not Chumash! She went to go verify her family tree and found out she has no Indian Blood. But she believes that if you act a certain way or do good acts for the native community then it makes her a real [C]humash. ...Now people who don't know any better look to her for blessing...ha you['re] all getting blessed by a Spanish mex faker! If you don't have a drop of Chumash blood then you need to make it known you don't... If you can't verify it by family tree or by blood test then you need to be adopted but there is [no] current method for Chumash adoption process so until that happen[s] it a[i]n't happening for the fakes! (posted in Comments by "telldatruth, "Ocean Science Education Building Breaks Ground," Santa Barbara Independent website 1/11/2010)

Through technologically enabled mediations, actors with opposing interests create different translations to exclude, weaken or discredit competing claims to ancestry (Castells 2001: 133). This form of internet enrollment, in turn, gives strength to the documented position from which a different network society can emerge.

The above blog also speaks of the shifting affect that can occur in free media space: where one can gain notoriety and publicity and simultaneously be vulnerable to public outings and accusations of illegitimacy. Here, social media and the internet platform allows for a discursive policing mechanism: where one unseen person can monitor (and perhaps govern) representation through surveillance to control how power and knowledge are disseminated (Foucault 1977). Thus, it is not only the front and back

stage to analyze public power of representation and performance (cf. Goffman 1959), but "under the stage" where the world of gossip and dissemination sends information to sanction behavior without having to take a public stance (Bailey 1977: 119).

In another news article, an anonymous blogger posted the following after an undocumented claimant received recognition for leading a public Chumash ceremony:

A religious ceremony by a person who claims to be a Native American is more desirable than a dedication by a priest or a rabbi? This is an insult to the Native Americans, whose religion is considered a performance. The "Chumash" in this photo is of Spanish descent and changed his name. Which background do you suppose the participants in the photos have? What a pity that people don't know their own identities?. (posted in Comments by kdmven, "Malibu's Surfrider Beach declared first-ever World Surfing Reserve," *LA Times* website, 10/10/10)

This 'outing' illuminates how social media and the internet can become a tool to break the barriers of private authoritative judgment to create an open public court easily and freely exploited to shame, refute, reclaim, embarrass, judge and vindicate through support of a mainstream audience. In a sense, when inscriptions work to fracture through contestations of credibility, translations do not succeed. Consequently actor alignment is weakened and the network, overcome with unlinking heterogeneous elements, is at risk to dissolve (Latour 2005). Thus, the dilemma remains on whether to work to bring opposing groups together or remain in uncompromising boundaries.

Chumash.org: non-for-profits and the copyright of culture

The controversies for how Chumash knowledge and representation can be freely used and interpreted have extended into the non-for-profit world, a place of what John and Jean Comaroff (2009) call the "identity industry": where culture, identity and

capitalism converge into *ethno-preneurialism*, *ethno-incorporation*, *ethno-commodification*, and *ethno-enterprise*¹²³. Prior to petitioning for federal recognition, unrecognized groups often incorporate their bands into ethnic nonprofit foundations to: institute an aura of officialness and legitimacy; publicly evidence a group identity and; raise money in the name of education, heritage and environmental preservation. As a 501(c)(3) non-profit, organizations can enjoy: exemption from federal income and unemployment tax; eligibility for tax deductable donations, government and foundation grants and; importantly, establish business credibility as long as certain responsibilities are maintained.¹²⁴

For local unrecognized organizations that have established an ethnic non-profit, a website is usually created where traditional Chumash symbols — 'aps (see Figure 16), tomols (see Figure 17), and rock pictographs (see Figures 18) - are often displayed to invoke a sense of cultural authenticity. Alongside symbols, members are listed with their executive body titles to demonstrate corporate professionalism (e.g. governing board, administrative assistant, treasurer, secretary, staff attorney, operations manager, etc.). This is generally followed by "Chumash" historical narratives and mission statements such as "bring our culture and heritage back to life, create dignity with the people, educate the public...." Then, the "donate here" button is prominently displayed for

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¹²³ According to John and Jean Comaroff, the convergence of culture, identity and capitalism reflect three features of the current neoliberal moment: the reduction of culture to intellectual property, "the displacement of politics into the realm of law; and the growing naturalization of the trope of identity" (2009: 150).

¹²⁴ For example, demonstrate adequate record keeping, donor substantiation, public support, avoid "excess benefits" for insiders, and obey disclosure laws.

people to send tax deductible donations to help the maintenance of heritage, revitalization of language and preservation of sacred sites.



Figure 16: 'Ap. Retrieved from www.wishtoyo.org/projects-cultural-nc-chumash-discovery-village.html



Figure 17: Tomol. Retrieved from http://www.chumashindian.com/dwellings-tomols-tools.htm



Figure 18: Rock pictograph symbols. Retrieved from http://turtleclansaticoy.tripod.com/id12.html

How culture is represented as a "naturally copyrighted possession" and marketed to a larger audience through non-profit website representation has the potential to attract "novel means for animating social connection...uniting people(s) in relation to the world beyond;" yet internally divide people with "new lines of tension between private and public possession" (Comaroff and Comaroff 2009: 37-8). For example, as indigenous representations, symbols, knowledge and messages are disseminated by ethnic nonprofits, posted on websites, circulated through the internet, and brought to forums of participation, new concerns over intellectual property and ethnic-commodification confront ways in which images, knowledge and practices can be freely appropriated and implemented to validate ethnic claims. Rival unrecognized groups have intersected in these non-profit spaces as historical and cultural renditions are commodified: appropriated freely and interpreted liberally to articulate an ethnic belonging and, in turn, gain donations in the name of education, heritage preservation and environmentalism.

The problem some feel is that mass-media appropriations and disseminations of indigenous knowledge are not subject to the same scrutiny in academia. For example, in reaction to online publications by a non-Native giving an interpretation of Chumash sacred sites, descendants complained:

I don't see peer review by Native people. Academics peer review each others works. But no one peer reviews the knowledge that is put out on the internet by these individuals and groups.... people don't see our beliefs as equal. They see Native religion and culture as open season. There is no protection.... There is no stopping it.... Yes, I believe in freedom of press, but not without responsibility especially when you're slandering other people's culture. (fieldnotes from 2/11/2011 and 09/25/2010)

Without some form of copyright protection, peer review or controlled protocol, many documented descendants feel such freedom to disseminate knowledge gives unlimited power to anyone to change their culture through telling and presentation, particularly because audiences allot narrators an authoritative presence in their testimonies.

Nor are there trademark laws applicable to the protection of Native culture as used for non-profits, even when the names, logos and symbols (e.g. rock pictographs), as cultural associations can work to provide a form of income. "It's become a racket," stated one descendant...:

...Anyone can set up a non-profit organization and call it Chumash and post their non-profit on the internet. As a non-profit, people can call themselves whatever they want and ask for donations. They use our symbols and post their own made-up stories of what Chumash culture is. They have made a lot of money by doing this. They also get a lot of validation (personal communication 5/18/2010).

Yet, people have been able to claim copyright protection of symbols used for image recognition. For example, pro-wrestler Diamond Dallas Page was able to trademark his hand gesture called the "Diamond Cutter," which served as a basis for recent lawsuits against music artists, Jay-Z and 3OH!3's "misappropriation" of the gesture to perform and connect with audiences (see Figure 19). Although the diamond shape is certainly not an original creation by Page, his copyrighting of it served to protect its association with his identity. Similarly sports teams have been able to trademark stereotypical Indian logos and mascots under merchandising rights that protect visual associations in the market place (see Coombe 1998: 186-198). Although descendants did not originally create rock pictograph symbols now used identify contemporary culture (see Figures 20),

could they do the same? Could they copyright ancestral symbols in the name of protecting identity association? If so, what would be the thresholds to protect the right and which Chumash descendant would hold that right?



Figure 19: "Diamond" Dallas Page, 19 June 2011.
Retrieved from www.flickr.com/photos/53936799@N05/5881913767.
Creative Commons Attribution-Share Alike 2.0 Generic. Attribution: 5of7



Figures 20: Rock pictograph symbols displayed at Guadalupe Cultural Arts & Education and Center Thousand Oaks Chumash Interpretive Center. Photographs taken by Kohanya Ranch

The protest by documented descendants surrounds authorship and unauthorized acquisition of ancestral knowledge: the belief that there should be sovereign ownership of traditional knowledge – as a "naturally copyrighted property of the people who embody them" (Comaroff and Comaroff 2009: 36) - and legal mechanisms to protect such knowledge against misappropriation. Yet, defining boundaries of 'public domain' leave conflicts between intellectual property rights and freedom of speech: "individual rights to indigenous expertise and cultural creativity" and the increasing "impulse to treat 'tradition' as intellectual property, subject to innovative action" (Comaroff and Comaroff 2009: 36). But what happens when innovative action brings accusations of cultural plagiarism as money is gained from utilizing otherwise-defined identity symbols?

The questioning of the ability to freely innovate, disseminate knowledge and create a representational body through non-profit foundations has brought forth the "language of legalities" as accusations of ethnic fraud are leading to calls by documented descendants for litigation and copyright protection of their heritage:

The non-profit business is huge. But there are no requirements for verifying ethnic names in non-profits. Is this not ethnic fraud? I think at this point it should become a legal issue and the district attorney should handle it. Like any cause of identity theft, a complaint should be able to be filed by a citizen for ethnicity theft. Why can't we sue people who are making money off our ethnicity? (personal communication 8/08/09)

The consideration of a lawsuit indicates "a characteristic or our times: the fetishisms of the law" such that "lawfare" - "the use of legal means for political and economic ends" (Comaroff and Comaroff 2009: 53, 56) - is increasingly replacing conventional means to empower indigenous cultures:

Ethno-activists and ethno-preneurs tend now to believe strongly in the insurgent potential of lawfare. They seem ever more ready to put intellectual property regimes to work in the effort to secure the value vested in difference-and in doing so, to render cultural identity into the language of copyright sovereignty, and patent... Its deployment by "little people" against others more powerful also has historical precursors: intermittently throughout the nineteenth and twentieth centuries, colonized populations appealed to courts to protect them against settler predation, state oppression, and the excesses of capital. But lawfare as a so-called "Lilliputian strategy" appears to have found its historical moment in the late twentieth century, gaining ground to include sovereign ownership of cultural knowledge. (Comaroff and Comaroff 2009: 56)

Could an ethnic lawsuit rectify matters? Should tradition, identity and culture have copyright protection? Who would determine, and on what basis, false claims to authenticity and origin? Should society set standards, codified in written law for "ethnic truth" in order to negotiate conflicting claims? If so, who would judge claims to heritage....jury, anthropologists, the Bureau of Indian Affairs? How would it be judged....blood quantum, demonstrating knowledge and practice of traditional knowledge, DNA? For documented Chumash, these are complex questions to answer:

Who's going to be the person to say yes you're native or no you're not.. Should you have to always pull out your DNA card or offer that someone swab your cheek. It's a touchy subject (personal communication 2/28/09)

We can't let outsiders give them positions so that they can profit and make decisions about culture. Who is going to decide how this is going to be? I don't know, but it needs to be decided. My opinion is those who are documented should come together as a collective and decide who is who. (personal communication 2/21/2011)

In an attempt to diffuse industrial and commercial misappropriations of traditional indigenous knowledge and cultural expressions, the World International Property

Organization (WIPO) is attempting to create improved policies requiring meaningful

consent, respect and recognition of indigenous values and refocus laws that strengthen legal constraints against various forms of misuse (e.g. "inappropriate" copying or mimicking) of indigenous knowledge and expression. To date, sui generis systems and the intellectual property system have been used to protect against "unauthorized or inappropriate use of traditional knowledge by third parties beyond the traditional circle" (WIPO, booklet n. 2: 4). However, in seeking more multiple options for protections to satisfy various indigenous experiences, WIPO suggest making applicable a variety of options to satisfy diverse circumstances of needed heritage protection. 125 There might also be protection found under the Indian Arts and Crafts Act of 1990 which attempts to reduce counterfeiting and deceptive marketing practices by imposing large penalties. Whether these options can be effectively applied to protect against "misappropriations" of indigenous knowledge and cultural expression as used in non-profits has yet to be learned here, since no ethnic lawsuit has occurred to set a legal precedence. However, the matter leads to a bigger question in marketing ethnicity. If such an ethnic lawsuit was successful and set a precedent for copyrighting cultural knowledge, what would this mean for any ethnic representation as it relates to the corporate world?

Conclusion

As the appropriation and construction of indigenous images and knowledge continue to be contested by innovative individuals in conscious identity-making strategies

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¹²⁵ These include: existing intellectual property systems, adapted IP rights, *sui generis* systems, non IP options, trade practices and labeling laws, use of contracts, customary and indigenous laws and protocols, cultural heritage preservation laws and programs, and common law remedies (e.g. unjust enrichment, rights of publicity, blasphemy, and criminal law).

in the public sphere, revitalizing groups are finding an effective expression through disagreement in the new historicism. Varying expressions can be weaved together from an articulating network of discourses, subjectivities and power relations that continuously redefine ideas and images of what it means to be Indian. In this weaving of narratives, images and agendas, the connections between indigenous voices, anthropological inquiries, journalistic reporting, policy-makers, government frameworks, documented Chumash and undocumented claimants contribute to the heterogeneity of a collective. For some, the diverse positions should be seen as parts of the infinite flows and articulations that constitute the network of revitalization where catalysts, antagonists, and anti-groups are all actants with different levels of influence that, through a rally of action and consequence, contribute to create a public awareness of a Chumash existence:

.....when I look at the progress made to save the Chumash language, the Chumash *Tomol* culture, the Chumash basketry knowledge, the Chumash traditional stories and so much more of the Chumash culture I am saddened. This progress has been made by non-Chumash and Chumash people. Who has had more impact? Who cares. ...Is there a simple answer to who is and who is not Chumash, no. So, why don't we share all of our knowledge, documentation, and records with each other. If we can spend all this time writing these responses why don't we *share* our family histories openly ...? If knowledge is wisdom, then lets gather as much knowledge, from all parties involved, then make decisions based on facts not on who debates the best.[emphasis added] (Posted by Alan Salazar, *The Independent* website, January 22, 2007 09:15 PM)

Yet, the *sharing* is not so simple. For undocumented claimants, sharing their family histories might mean an exposure that would offset their claims. For documented descendants, sharing of their culture is seen to lead to misappropriation, a weakening of their own recognition efforts and cases of "ethnicity theft." Ultimately, sharing by either

side has political consequences, because there is something greater at stake for unrecognized groups: attaining formal legal sovereign status. This is something to be obtained through the Federal Acknowledgement Process, which requires more than the demonstration and discourse of indigeneity, but a paper trail a descent and tribal practice to prove an indigenous entity. Thus, within the quagmire of dueling identity expressions, it was also necessary to recognize and follow those with identifiable Chumash ancestry to understand the greater hindrances for formal recognition maintained by bureaucratic structures, of which the next chapter explores.

Chapter Seven:

The Quest for Federal Recognition

In early 2010, an 18 year-old Chumash woman of Obispeño descent was accepted to a university in Colorado on a merit scholarship. The merit scholarship, however, was not enough to pay for out- of- state fees. Soon after, she learned she would be a recipient of a \$40,000 First Nation scholarship through the same university and was given 48 hours to accept or decline. The family was ecstatic. Not only could she now afford her tuition, she would also be the first from her Chumash side of the family to attend college. When they called the university to accept, they were asked to provide a federal or state identification number. Being that the family was not part of a state or federally recognized tribe, they could not provide a number. They told the university that her Chumash ancestry had been established through genealogical and historical research and that they could provide verifying documentation. An anthropologist, whose research could demonstrate her lineage, also spoke with university representatives to verify that she was indeed of Chumash descent. These means to prove her ancestry were not sufficient enough to legally consider her American Indian and her scholarship offer was revoked.

It is a misconception to think that unrecognized tribes desire the status of federally recognized (or Acknowledged) for the sole purpose of casino revenues. While federal recognition allots sovereign immunity, entitling tribes to develop gaming and other forms of economic development, it also qualifies indigenous groups to federal assistance programs in education, social services, health services, law enforcement and resource protection. With Acknowledgement also comes eligibility for economic assistance, land, and housing grants. Of critical importance, Acknowledgement affirms tribes a formal government-to-government "trust" relationship with the United States with powers and authorities afforded by Constitutional protections. Such government-to-government relationship ultimately allows groups to officially participate, or act, as consultants with national agencies in policies that pertain to their heritage.

Federal recognition of an indigenous group occurs through a formal political act that recognizes a tribe's legal status as a sovereign and distinct political society.

Currently, 564 tribes have achieved sovereign status by the United States government either through treaty, congressional statute, presidential executive order, judicial opinion or administrative decisions within the executive branch. Now, however, federal recognition can only occur by an Act of Congress, under a provision of the Indian Reorganization Act (IRA), 126 or through administrative ruling by the Office of Federal Acknowledgement 127 (OFA). To qualify as a legal tribe through the latter route requires unrecognized groups submit to a lengthy, complex and arduous set of regulations known as the Federal Acknowledgment Process (FAP). Under 25 C.F.R. § 83.7 *Procedures for Establishing that an American Indian Group Exists as an Indian Tribe*, core membership of petitioners are to fulfill all seven of the following criteria to prove their tribal entity:

(a) The petitioner has been identified¹²⁸ as an American Indian entity on a substantially continuous basis since 1900.¹²⁹

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⁽b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.¹³⁰

¹²⁶ Under the Indian Reorganization Act (also known as the Wheeler-Howard Act) amended and codified in Title 25, Section 261-579, if all group members can demonstrate half or more Indian blood as well has have land brought into trust, they may be eligible for federal recognition.

This process was established in 1978 charging the Branch of Acknowledgment and Research (BAR) - a division of the Bureau of Indian Affairs (BIA) – with the responsibility of determining the eligibility of indigenous communities for federal recognition. The BAR was renamed the OFA in 2003 within the Department of the Interior (DOI).

¹²⁸ Identification means outside approval/validation based on outside entity such as federal authorities; State, county, parish, government; anthropologists, historians, newspapers and books; relationships with Indian tribes or with national, regional, or state Indian organizations.

¹²⁹ Originally, this criterion stated "from historical times to present." In response to Congressional demands, this provision was revised in 1994 to require groups show they had been identified as Indian on a substantially continuous basis since 1900. Yet, the definition set forth in C.F.R. § 83.1 states: *Continuously* or *continuous* means extending from first sustained contact with non-Indians throughout the group's history to the present substantially without interruption."

¹³⁰ As defined by 25 C.F.R. § 83.1, "Historically, historical or history means dating from first sustained contact with non-Indians."

- (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.
- (e) ... 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 petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.
- (g) [petitioning members] are [not] the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

The burden of proof lies on petitioners to provide documentation (e.g. newspapers, mission records, external testimony, ethnographic, census, baptismal and genealogy records) that satisfies all of the above bureaucratic "legal tests" (B.G. Miller 2003). This means that those applying must do so through an archived history – one that was made available through Western written accounts of indigenous culture, while negating indigenous forms of history and memory (e.g. oral tradition, commemoration, embodied tradition). Even if such documentation were ample, it alone does not guarantee federal recognition. Nor does the OFA need to provide reasoning for the basis of their rulings; "they merely need to conclude that evidence presented to fulfill various legal tests is inadequate" (B.G. Miller 2003: 80). In most cases, they do. While very few unrecognized groups have established sovereignty through the OFA, ¹³¹ and whilst the FAP is incredibly expensive, ¹³² competitive and slow, ¹³³ official tribal status carries

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¹³¹ Since 1978, of the 47 tribal applications processed, only 16 tribes have received Acknowledgment through FAP. Not one indigenous community in California has received federal recognition through this process although California has the highest quota of petitioning tribes at a current number of 74.

¹³² Costs can amount to hundreds of thousand dollars for research and legal fees.

¹³³ The average wait time for a decision from the OFA ranges from 20 to 29 years.

important political, cultural and economic consequences, making its attempt worthwhile to at least 332 unrecognized communities who have petitioned for federal recognition.¹³⁴

This chapter addresses Chumash tribal building and organizational efforts amidst opposition and challenges to qualify for federal acknowledgement through exploring the practices, campaigns and politics of the Barbareño-Ventureño Band of Mission Indians (BVBMI) in evidencing tribal existence through collecting and reconstructing their histories from Western records. I focus on the BVBMI because in their effort to conform to BAR generic tribal procedures are fraught with concerns that, in the name of a legal positivism, essentialize indigeneity in a way neither representative of their unique history, nor of their current social life. Such efforts symbolize the foremost struggles of reemerging descendant groups who must work to deny their changing realities to modify their representations and histories to qualify for projects defined by governmental power.

In examining the practical difficulties, tactics and politics of Chumash group identity as Barbareño and Ventureño families organize for the FAP process, I ask the following: How do urban Indians, who traditionally have lived as separate family groups, shift into a collective "we" for recognition endeavors? What happens to their model of themselves as they do so? This involves looking in depth at how different strategies and actions shift concepts of social cohesion, sovereignty and tribal belonging as well as understanding the political, historical, economic and social factors that hinder Acknowledgement. At issue is not only what makes a group officially indigenous but, what makes them an official "tribal community" based on their historical textual evidence

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¹³⁴ This number is based on the latest OFA listing of petitioning tribes as of September 22, 2008. According to this list, California has the highest quota of petitioning tribes.

and academic interpretation of such history. Such interpretations are critical for understanding how local indigenous people accept or reject political identity strategies. Within spaces where political rhetoric is actively negotiated and contestations play off the ambiguities of federal regulations, I investigate the nuanced interpretations of continuity by raising the questions: What is "authentic" indigenous tribal history? Is it one that seamlessly links the pre-contact past to the present through notions of immutability? Is it one that has been chronicled through writing? Is it one that can be discovered or remembered through alternative forms of memory (body, commemorations, oral tradition)? Or more importantly, can an authentic American Indian tribal history be acknowledged as one in which in which indigenous people have occupied the shared effects of culture change, even if their pre-contact traditions and language subsided, shifted or were hidden during historic times to the present? I then provide an understanding of California's complex history with indigenous people to clarify and highlight challenges to fulfill OFA criteria. In doing so, I question the applicability of government tribal standards by deconstructing Western historical frameworks and classification systems on which such regulations are based. I argue that current government standards carry colonial ideas of continuity and history which work to support current power structures of exclusion by buttressing dependency on policies and outside institutions that name and define its subjects.

In many ways, the federal recognition process maintains the 'space of marginality' (Herzfeld 1992) as indigenous groups must conform to pejorative categories inherent in the "tribal slot" through essentialized demonstrations of group identity. Yet,

such demonstrations bring conflict with changing individualities. Within this conflict, the role of memory and history are at the fore because how the past is remembered and assembled ultimately shapes the foundation for alternative strategies that can take on legal force through norms and policies. Thus, rather than positioning Chumash descendants as bounded to continuing colonial politics and static definitions - conforming to forces that construct rules - I address the agency of individuals and groups to react to, and redefine, dependence on such rules. In doing so, this chapter draws inspiration from growing literature that probes the political, legal and social struggles of unrecognized groups (B.G. Miller 2003; M. E. Miller 2004).

Indigenous rights-based endeavors also involve a large range of outside historical and genealogical research and academic defense of historical interpretations. Here, anthropologists have taken key roles with government agencies as "expert witnesses" to validate or delegitimize Native claims to ancestry, sacred lands and authentic indigenous knowledge. Thus, academics are central actors in the FAP process – not only because of their 'credible' training, but because of the power given to them in § 83.7 (a)(4)¹³⁵ to authoritatively support or refute continuous Indian history and identity. As a result, indigenous groups, often employ the support of outside cultural and ethnicity technicians (i.e. anthropologists, historical scholars, genealogists) because they are considered apt to testify that something is cultural or tribal (Haley and Wilcoxon 1997: 777). Although our research and concepts are posed as collaborative with indigenous groups to make

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¹³⁵ Under criteria A, an American Indian entity is to be demonstrated by being identified on a continuous bases by Federal authorities, relationships with State governments, dealings with local governments (e.g. county, parish), newspapers/books, anthropologists, historians, and scholars, and/or relationships with Indian tribes or with national, regional, or state Indian organizations.

claims, our authoritative positioning with bureaucrats are seen by many to foster and maintain unequal power relationships. Hence, these collaborations create a paradox in anthropological positioning: we work to validate an experience that conforms to Western historical and epistemological modern orders, while at the same time critique them.

I examine how these collaborations enhance or impede rights claims endeavors as Chumash contest and reconcile how to rework their histories into a Western frame to demonstrate continuity. David Cohen refers to such contestations of remembering as "incomplete dialectics of experience" and suggests an approach that contextualizes the complexities of historical production that lay in the margins and shadows in the "sometimes disconnected and nonreciprocal readings of the past" (1994: 122). I take this suggestion, as well as heed his advice, that anthropologists will have to "confront more directly the ways that popular and official constructions of the past, as well as political suppression of historical knowledge, shape and deform the processes of knowledge production and the general knowledge of the past in the world" (Cohen 1994: 244).

The Irony of Validation: proving descent for Criterion E

As a reaction to contested Chumash identity claims (discussed in the previous chapter), the Barbareño-Ventureño Mission Band of Indians formed in 2001 after a meeting was called at Arroyo Park in Ventura County inviting families with established Chumash descent. Two topics were of primary concern to descendants. First, was to unify descendant families into a solidified band for political, personal and social purposes. Second was to expose and counter representational efforts of groups and individuals who

they perceived as opportunistically claiming Chumash identity and benefiting from doing so:

...we cannot allow this anymore. This is so disrespectful for these people to be making decisions on our burials and on our artifacts and representing themselves in government political issues. They are taking monitoring jobs and raising money by being hell-bent on claiming our ancestry and saying they have the right to represent us... So we called a meeting and a lot of people came [and realized if we] are serious about turning things around, then [we need to] be a group that will be the ones who will say, we are the real Chumash and we are not taking it anymore. You are not going to continue to pretend you represent us and speak as one of us anymore' . . . And people started showing interest and people from up north started coming and we organized our group (Julie Tumamait, personal communication 7/10/06).

Expressing disapproval of indigenous deception, however, could not be enough to offset public and political perception. The realization occurred they would have to come out of their passive (but proud) closet and "play the government game" (personal communication 12/09): a game filled with paperwork, bureaucratic rules and legal adherence, but one which could ironically validate and strengthen their own indigenous positioning. In effect, the idea of 'fallaciousness' became a catalyst to produce a "truth" that could be established through the genealogical paper trail needed for federal recognition.

The first challenge was to bring Chumash descendants together physically to unify into what is perceived by the OFA to be tribal structure, a task proven not simple due to the realities of urban Indian living:

...a lot of the families moved away. It got too expensive. Some people moved because they were working with the military. Other people said I'm not living here anymore... People moved out of state. So it was really hard to pull people in. (Julie Tumamait, personal communication 7/10/06)

Although BVBMI members had always found commonality based on shared histories, informal gatherings and ancestral ties, they had not overtly presented themselves to the public or government as a single organized group. Rather than distinguishing themselves via territorial distinctions, they defied the barriers of anthropologically defined "culture areas" in the process of their naming. The conjoined name Barbareño-Ventureño Mission Band of Indians 137 instead reflected more accurately experiences known to descendant Chumash families – a history underlined by dislocation, oppression, and movement – and yet still connected through shared experiences, decades of intermarriage and known lineage to ancestors surviving the mission era. Their title also reflected a conformance to "the language that the federal government likes to hear" (personal communication, 6/10/2006); hence the term "Mission" to tie their history to a colonial ancestral experience provable via records written by Franciscan padres. With this name, they took the first step in the FAP process by sending a letter to the government on January 17, 2002 declaring their intent to pursue federal recognition.

Since submitting their letter of intent, they stand at number 239 on the national list of groups petitioning for recognition: a number on the waiting list which may not be considered for as long as 20 years due to a backlog of over 300 cases and a minute OFA staff. As they wait for consideration, each member has been working to complete their

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¹³⁶ Although many had previously been part of earlier independent Chumash organizations including the Quabajai Chumash Council (1968-1972), San Buenaventura Mission Band (1980-1984), Candelaria American Indian Council (1970 – present), Santa Barbara Indian Center and the Cieneguitas Indian Association.

¹³⁷ The name Barbareño-Ventureño was chosen to distinguish their language and territory (plus the letter "B" comes before "C").

See for example Robin Nazzaro's (2005) General Accounting Office report, GAO-05-347 at http://www.gao.gov/new.items/d05347t.pdf which, upon review of timeliness of the Interior Office of FAP

enrollment packets – providing data to ensure individual membership can work to fulfill OFA descent criteria: family name, address, degree of blood, 139 tribal affiliation, names of parents or ancestors through which enrollment is claimed, birth, baptism and marriage certificates. 140 Such data works to fulfill criterion E, demonstration of lineal descent: members must be able to trace their ancestral lines to indigenous people residing in Chumash territories prior to European contact and throughout historical times. Through genealogy and historical records, all 60 enrolled members of the BVBMI are able to evidence their lineage to Chumash families who had lived in Santa Barbara or Ventura from mission times to the early 1900s. 141 At difficulty though is the overwhelming task of assembling material documentation of ancestry as required for FAP submission: mission baptismal and burial records; genealogy forms; birth and marriage certificates; roll numbers; census, school and name change records church; enrollment papers, and affidavits of recognition by tribal leaders.

Although minimum blood quantum is no longer required for the FAP¹⁴² (Miller 2003: 85; BIA, BAR 1997: 38), genetic and durational links to "known" historical tribes are 143 which basically means that blood is still the required verifier of Indian identity. The standard means by which to do so is often to trace a blood relation to someone listed on a

concluded that despite recent improvements in resources, time frames and procedures "it will still take

years to work through the existing backlog of tribal recognition petitions."

Total percentage of blood that a person possesses that is native due to bloodline to a federal recognized tribe or village.

¹⁴⁰ Plus, to ensure criteria F is fulfilled, each member must state they are not members of any other acknowledged tribe.

¹⁴¹ In most cases, their ancestry has been verified by anthropologists and/or genealogists.

¹⁴² The Bureau of Indian Affairs had used a "blood quantum" definition – of one-fourth degree American Indian blood - to recognize a person as American Indian"

¹⁴³ See for example M.E. Miller (2006: 62) who examples subjective determinations made by BAR staff who have declined petitions based on lack of Indian ancestry throughout protracted American history periods.

prior U.S. census roll. However, unlike a quantum blood approach, lineal descent means that there is no definitive point at which their tribe can cease to exist even with intermarriage:

The most any family has is three quarters even though people claim they are full-blooded. Our blood lines are thinned out and our children and children's children's blood lines will be even more thinned out unless our future generations marry each other which, in this day and age, is not likely. Nor do we advocate that people should marry each other out of the need to have more blood quantum. (personal communication 6/12/2010)

Defining Chumash through lineal descent, in short, creates an effective strategy for continuing cultural survivance. However, a contradiction occurred in attempting to conform to ways FAP standards were perceived. The BVBMI had been advised by anthropologists and federal recognition bureaucrats that demonstrating blood quantum still remains a significant concept for the OFA when defining "tribal" (fieldnotes 2/27/2010). As such, each BVBMI member has been working to obtain individual Certificate of Degree of Indian Blood (CDIB)¹⁴⁴ from their regional BIA office to officiate their descent. While it has been argued that archaic racial discourse extending from eugenics is maintained in this criterion (see M.E. Miller 2004:11; Snipp 1989: 34-5) and often viewed as demeaning by others - "we are supposed to be the first people, yet we are the only ones who have to go through this process" - blood is still highly viewed as a valuable asset for those who can demonstrate it:

There was a time when just baptism records showed who you were. Now we also have the DNA. I think we should all carry a DNA card. There are

Although a CDIB offers no benefits (e.g. access to Indian Health Service and tribal programs), it does provide the paperwork to verify a genetic ancestral thread.

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¹⁴⁴ To obtain a CDIB, birth certificates or documentation that show a blood relationship to a parent, grandparent, or great grandparent listed on an Indian census roll, tribal base roll, or Indian judgment fund distribution roll must be submitted.

a lot who do not want to do DNA because they know darn well what that is going to show....they are descendants to Baja soldiers and not Chumash. Before the cheek swab, it could be proven through hair. And they [undocumented claimants] came out and said, "you're not going to do something with my hair....you'll be taking our soul." (Barbareño elder and BVBMI member, personal communication 6/25/2010)

Not only could "blood" become internalized as a powerful signifier to connect and solidify group identity through a shared attribute, it could also work to exclude antigroups accused of ethnic fraud. Thus, external standards of descent and blood were warranted to offset 'wannabe' tribes. Unlike their rival groups, whose membership criteria is minimally based (e.g. self-identification), this requirement could effectively bar those accused of specious Chumash identity claims:

The neo-Chumash argument is 'prove I'm not' and you can't really prove you are not. But we already know who we are and can prove who we are through baptism records and through our blood degree. They cannot. (fieldnotes, Eleanor Arellanes, BVBMI member, 10/1/10)

Membership inclusion was also negotiated to ensure high evidence of blood degree:

We need people enrolled who have highest degree of blood and people who live locally. There is another subgroup – people who have very little Chumash blood and whose family does not show up during mission times and did not contribute to culture or carry on cultural things. They may not be able to document their families as being a part of culture. But they can contribute to our Band and community. Do we want to include them in our Band or not? (fieldnotes, BVBMI tribal meeting 8/20/09)

The choice to exclude to adhere to blood criteria would mean sacrificing broader endeavors that could be achieved with greater membership.

Criterion B: Proving Community Distinction from Historical Times

Raymond Williams influentially stated that community "unlike all other terms of social organization (state, nation, society, etc.) . . . seems never to be used unfavourably."

(1976:76). It has now become somewhat hackneyed, overly injected into mainstream and political idioms to evoke an intimate imagery of unity. From politicians and activists to religious leaders and neighbors, the word is used strategically to conjoin individuals into an imagined state of commonality by appealing to psychological needs for belongingness. It forms under the premise of inclusion: of perceived shared connections to a place, to a cause, to a belief or to an ethnicity. Regardless of its benign connotations, "community", through its invocation of unity, presumes an idea of impenetrable singularity, which ironically creates a platform to divide. It becomes "an undifferentiated thing with intrinsic powers, that speaks with a single voice" (Watts 2000:37), where pluralism cannot exist within, but as a whole can create a stance different from that which is outside.

Problematically for indigenous populations, this notion of singularity is projected unto them by government and mainstream understandings which uphold mythic aboriginal ideas that romanticize their populations to exist within a bounded vacuum. Hence a demonstration of localization, coherency and longevity to place is deemed necessary to fulfill FAP criterion B: existing as a distinct community from historical times to present (25 C.F.R. § 83.7 (b)). In part, this comes from traditional anthropological studies that substantiated culture in monolithic terms, where unified knowledge, values and tradition occur only in un-contacted homogenous space. Although anthropologists have long since recognized there are no bounded cultures to enter (see Gupta and Ferguson 1992), the common assumption that authentic culture occurs in relation to tangible physical proximity pervades federal standards. Even though the OFA

recognition committee is comprised of anthropologists and historians, assuming to be familiar with changing scholarship, it seems that they have not been privy to the more recent re-evaluations of culture and territory. Instead, Western social constructions of unification embedded by Euro-American binary classification systems (see also McCulloch and Wilkins 1995) continue in the following FAP definition of community, promoting colonial matrices that divide stable, solitary and coherent tribal insiders from non-Indian outsiders in order to establish where the indigenous distinctly belong:

...any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. *Community* must be understood in the context of the history, geography, culture and social organization of the group (25 CFR § 83.1).

This definition of community is central to criterion B which considers sufficient evidence of tribal existence to be more than 50 percent of the petitioning group members: are married to each other; reside in an exclusive (or almost exclusive) geographical area; and maintain distinct cultural patterns (e.g. language, kinship organization, religion) (25 CFR 83.7 (2) (i-iii)). Exactly what constitutes an exclusive geographic area remains unclear. Are fifty percent of members tolive together, isolated from the rest of society?:

Without living on a reservation, I cannot conceive of this possibility. But we are not recognized, so why would we live on a reservation. Are we to move out of our neighborhoods and cut off our lives with Non-Native people and all move in together. Should I divorce my husband and marry a Band member? (fieldnotes 2/28/2010)

This issue of how to organize a collective community that demonstrates cohesiveness, distinctiveness and solidarity from a California history, which scattered its Native populations, also remains a core topic in BVBMI meetings. Like most

unrecognized tribes, the BVBMI have not lived isolated reservation lands. They have lived sporadically throughout various areas, such that establishing distinctiveness of their communities is challenging. Furthermore, while several members reside in Ventura and Santa Barbara, they do not all live in a cluster together. Some also live outside of Chumash defined territory (from Sacramento to San Diego), but would still drive monthly for tribal meetings, powwows and policy events. Other families have moved from California due to the economic downturn and loss of jobs. Without a permanent land-base, members have had to meet in various places available to them. Bringing foldout chairs and tarps, makeshift meetings in flexible spaces - from parks and museum conference rooms (see Figure 21) to community and foundation centers (Figure 22) and finally to the property they acquired in Saticoy (see Figures 23 and 24) – worked to accommodate fluid people and schedules and allow the unification of physically distanced members. Sometimes, meetings were as simple as a dinner amongst friends. Although not political in intent, conversations asking about one's family might turn to addressing issues regarding the Band's needs. As these events formed and people gathered and interacted, their temporary land-base and community was made (Goffman 1967), even when floating ones. Permanent context did not exist as a factor which explains or accounts for a place. Rather, "placeness" was brought to a situation through framing - a human perceptual consciousness tied to the spot of activity (Latour 2005: 7, 24). Yet still, the pervasive question on everyone's mind was: would non-permanence equate to non-Indian in the judgment of the BAR?



Figure 21: Meeting at Oakbrook Park Interpretive Center, photograph by Kohanya Ranch 7/28/2008



Figure 22: Meeting at the Ojai Foundation. Photographs taken by Kohanya Ranch 1-31-09



Figure 23: Meeting in parking lot at Saticoy Site. Photograph taken by Kohanya Ranch, 9-27-08.



Figure 24: Meeting in undeveloped property at Saticoy. Photograph taken by Kohanya Ranch, 2/27/2010.

The array of flexible meeting sites often hindered attendance, which became a problem for their decision-making process, since a majority vote is required by board members. Due to the difficulties related to travel, many times there were not enough board members present to make a majority from which to vote on a matter. One solution has been to have quarterly ballots via mail to make the voting procedure work. Another has been to utilize current communication technology to have greater member participation and fulfill attendance standards (e.g. Skype or conference calls) (fieldnotes, BVBMI tribal meeting, Ventura 2/28/2011). However, even if social ties are maintained via modern-day communicative and travel devices, preserved alliances in these forms may be futile for recognition, for inherent in the acknowledgement definition is that indigenous solidarity can only occur through stabilized seclusion. In other words, "nomadic" does not count.

Regardless, in response to conforming to the *bounded physical space equals* distinct Indian standard, the BVBMI have thought of re-strategizing their band-making tactics. Where originally the only requirement for membership was lineal descent, BVBMI leadership began to question whether they should only include those living within deemed traditional Chumash territory or to ask extended family members living "outside" to return. They pondered whether a Post Office box address could suffice to show their locality and thus community. One joked, "they do not state how large a tribe should be. Maybe to complete this requirement, we should limit our band to four people, two of whom have Chumash descent, are married and live together. That's 50 percent" (fieldnotes, BVBMI tribal meeting 3/25/10). While it is obvious that government

standards clearly neglect the fluid and heterogeneous integrations that make up the indigenous world, and particularly the urban Indian experience, it had successfully contributed in shaping a local discourse and (possible) practice to create "outsiders" of those who reside and move beyond the fringes of bounded space. Outsiders, in this case were "displaced" Chumash who, due to their movement outside traditional territory, could not contribute to the case of continuity, according to anthropological advice:

We don't need more out of state members. We need to have community that is here. That is the tribe. Be the people who are involved. It's not that those who moved away can't be members. It's just that the tribe has to be in the old territory and be continuous community that exists today or there's no hope of Acknowledgement. If people move back, that's great. Federally recognized tribes have people all over but most of the people live on the reservations. The emphasis needs to be on the local community. (fieldnotes BVBMI tribal meeting 9/27/08)

Ironically, to be distinct would possibly mean negating the potential strength that broader alliances could bring.

The second part of criterion B requires a petitioning group demonstrate a community existence from historical times until the present by showing evidence "in some combination" of "significant" rates of marriage; informal social interaction/relationships that connect each other; "strong patterns" of discrimination, shared labor, cultural patterns and secular activity and; a persisting collective Indian identity over the past 50 years (§ CFR 83.7(b)(1)). The ambiguity in "significant" and

social distinctions by non-members; (vi) Shared sacred or secular ritual activity encompassing most of the group; (vii) Cultural patterns shared among a significant portion of the group that are different from those

¹⁴⁶ Criteria language reads as follows: "(i) Significant rates of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations; (ii) Significant social relationships connecting individual members; (iii) Significant rates of informal social interaction which exist broadly among the members of a group; (iv) A significant degree of shared or cooperative labor or other economic activity among the membership; (v) Evidence of strong patterns of discrimination or other

"strong patterns" left BVBMI members to then question which and how much of the above would provide the effective *combination* in the eyes of the BAR to demonstrate their continuous existence as a tribe. Should they attempt two of these and forego others? If so, which ones? They could definitely evidence patterns of discrimination: "it's the written history of the United States," stated one (fieldnotes 5/25/10). They could show social relationships and informal social interactions that connected families and individual Chumash to each other, but wondered what would suffice to connect the BAR reviewer periodically from first contact to the present: mission records, ethnographic studies, letters, phone records, Facebook correspondence?

Another major obstacle for the BVBMI is proving through documentation a continuous "shared sacred or secular ritual activity" (§ CFR 83.7(b)(1)(vi)):

Proving our continuing religion, that's a little more difficult. That is where without language, spirituality is gone. It was literally beaten out of our ancestors. But it has started up again. And even though my language and ancestors went underground, there are still little stories that took us into the modern day culture. So yes, they were in the church, doing the Catholic prayers. Yet, in the background, they were still casting spells when no one was looking. (Julie Tumamait, personal correspondence, 6/10/2006)

Demonstrating continuous ritual activity is especially difficult since Civilization

Regulations created by Congress in 1880 outlawed public and private American Indian religious practices in order to eliminate "heathenish practices." Although in 1934 John Collier, the commissioner of Indian Affairs, reformed policy for indigenous religious freedom, it was a right given legally only to federally recognized Indians. Even with the

of the non-Indian populations with whom it interacts [e.g.]...language, kinship organization, or religious beliefs and practices.; (viii) The persistence of a named, collective Indian identity continuously over a period of more than 50 years, notwithstanding changes in name" (§ CFR 83.7(b)(1)).

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later passing of the American Indian Religious Freedom Act in 1978¹⁴⁷, "Indian" in the 1994 amendment to AIRFA is defined as a member of an Indian tribe "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians" (43 U.S.C. 1601 et seq.). Unrecognized groups do not hold this status and thus, the freedom to practice traditional religion may to this day be considered "illegal" for unrecognized indigenes.

While members of the BVBMI consider how to actively converge their families to fit government standards of community, they also use the language of community and history to describe their transformation and growth, particularly when combined to create buzzwords that imply progress, (e.g. "community development", "community builder", "community activist" and most recently, "virtual Indian communities"). Through such phrasing, community is no longer static, but becomes something almost organismic in that it can grow, be built, be fractioned, be moved, be stable, be strengthened and die. Such language implies that community has its own agency that coalesces with human actions (Latour 2005). In this symbiotic and organic relationship, Chumash create a liminal zone, devoid of boundaries and open to change. At the same time, by talking of and evidencing their ancestral histories in opposing durational terms to settler society - "our communities were here far longer than Westerners" - they establish their present communities as linked to the long-standing past, a tactic which confers an aura of ethnic authority and deters their liminality. Thus, the rhetoric of durational and localized

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¹⁴⁷ The declaration states "to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religions…including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites" (42 U.S.C. 1996).

Chumash community need not be considered a binding term that essentializes Chumash but, instead, a powerful discursive device to demonstrate belongingness and right to place regardless of previous circumstances.

Criterion A: Proving Identifiable Continuity

Criterion A poses an even further obstacle since a petitioning must not only demonstrate their community exists in terms of OFA standards, they most also evidence through records that a predominant portion of their group has been identified as a tribe by the outside community on a continuous basis since 1900 (25 C.F.R. § 83.7 (a)). This brings forth several questions of what standards create an "identifiable" tribe and Indianness according to outsiders. Is it phenotype, Native regalia, behavior, blood, selfidentification? OFA regulations merely state that identifiable continuity be evidenced by external bodies or through relationships with external bodies (e.g. federal authorities, state and local governments, parish, newspapers/books, anthropologists, historians, scholars, and/or relationships with Indian tribes or with national, regional, or state Indian organizations). But which and how much of the above external testimony will suffice as accurate identification? Whose testimony would best serve to validate a tribal existence and who can invalidate it? Herein stems the potential of FAP criteria to influence traditionalist constructions of identity that are not necessarily representative of the indigenous experience. For example, in their examination of denied federal recognition of the Lumbee Tribe, McCulloch and Wilkins reveal how their rejection stemmed partly from local non-Natives and opposing tribes' testimonies that the Lumbee lacked cultural

and genetic features or what were "thought to be 'traditional' Indian customs and traits" (1995: 370).

Due to the lack of clarity for demonstrating what identifiable community continuance means, *symbols of continuity* - images and discourses that relate to long-standing ancestral pasts (e.g. traditional ethnic symbols) - may be thought of as needed to create a historical representation that links the past into a central symbol of contemporary indigenous identity. It may also influence the need to employ the now common rhetoric of *durational community* within a fixed territory to confer an aura of coherency and belongingness:

Our communities have been here for thousands of years. But we need more ethnographic demonstrations that our families have traditional and long-term relationships with the land from which our ancestors resided. (fieldnotes 4/15/2010)

While anthropological investigation may be useful for this endeavor, it is challenging for the BVBMI to find external validations of an existing indigenous tribe during a time when U.S. assimilation policies prevailed (discussed further below). It is also difficult to demonstrate significant inter-marriage rates and cooperative labor and cultural patterns (e.g. language and kinship organization) after a post-mission history that separated and prevented them a joint existence. According to Ernestine De Soto, "the problem was created two hundred and twenty years ago, when we had been split up, separated and everybody scattered to the four winds (personal communication 5/16/2006).

Families did continue to interact though and maintained knowledge and contact with other Chumash families. However, unlike other unrecognized groups (e.g. Lumbee) who, despite lack of collective lands, clustered in discrete regions which allowed

maintenance of tribal organization, kinship ties and traditions (cf. Clifford 1988), unrecognized Chumash cannot evidence such bounded clustering as a basis for continuous "tribal" lifestyle and communication. Another major obstacle has been in classifying any part of their history (pre-contact and post-contact) as tribal. Thus, I turn to understanding the historical factors experienced by Chumash in California, as it dramatically underscores how the task to reconstruct a tribal history from documentation is almost inconceivable.

Demonstrating 'tribal' existence through the unique California experience

Although there is no uniform legal definition of "tribe," the term as used by the OFA presumes it exists as a bounded, cemented and cohesive one-dimensional unit, as implied in embedded language of singularity. For example criterion E requires petitioning members descend from a historical Indian tribe which "functioned as a single autonomous political entity" and criterion C requires demonstration of "maintained political influence or authority over its members as an autonomous entity from historical times until the present." The conceptual problem of these criterion for Chumash is that traditionally (according to ethnographic and archeological investigations) they were never organized as a single political, cultural or linguistic group, but consisted of independent governing families with different languages whose villages served as the bases for political organization (Blackburn 1975: 12):

People never make a connection that we were not really tribes. But, you cannot say clan because we were not just families. We were small little autonomous groups who shared common values, beliefs and rituals made

possible by our far-reaching trade networks and gatherings. Also, the term band is too big of a word for what we were. We were independent groups, but we were connected. So, you can't box us into the legal or academic terms in order to get an understanding our culture. (Frank Arredondo, personal communication 4/28/2010)

Academic interpretations suggest that by the 18th century, diverse Chumash settlements were linked by similar cultural traits, related languages, intermarriage (Johnson 1988), social/political systems, and a networked trade system (Gamble 3008) integrating them into a loose ethnic entity that set them apart from other California tribes. Each village had a male or female¹⁴⁸ *wot* (chief/captain), *paxa* (ceremonial leader), *k'sen* (messenger), medicinal healers, ritual practitioners, and third gender undertakers (see Harrington 1986: 79/0468, 0527; 69/1006; Hollimon 1997, 2000). Ventureño tradition reports that a governing body consisted of the *siliyik* (council of officials), composed of twenty men who based themselves in various Chumash areas to govern (Librado 1977: 17-8). The officials were divided into twelve 'antap (political religious society) and eight to twelve *shan* (officers) depending on the size of the village¹⁴⁹ (Harrington 1986 79/443) whose social practices (ritual gatherings, large ceremonial congregations and feast) served to link and unify different Chumash villages (Blackburn 1976; Gamble 2008: 264; King 1990).

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¹⁴⁸ For example Luhui (Encarnacion) was a princess/ruler of the four northern islands, possibly when missionaries began to occupy the area (Hudson and Underhay 1978; Librado and Hudson 1977: 15). Usually the ruler position was inherited by a male lineal descendant, unless there were no men in line. In which case, the female descendant would become ruler.

¹⁴⁹ The elite 'antap society members were known to perform covert rituals, dances and songs and ritually use toloache (Datura meteloides or jimson weed hallucinogen) perhaps to induce visions, predictions, and spirit guides (Blackburn 1975). They also were adept in sorcery, poison-making and astronomical knowledge. Ceremonies were often performed by the 'antap society including silijyk (winter solstice), rites of passage and spiritual cleansings which involved dancing, rituals and singing accompanied by clapper sticks, whistles, rattles.

While such lifeways may qualify as tribe (if defined within a broad ethnological perspective as "a group of indigenous people connected by biology or blood; kinship, cultural and spiritual values; language; political authority; and a territorial land base" (Wilkins 2007: 17), it may not fit the bounded solitary unified entity as ambiguously implied in criterion E. Regardless, the tribal concept is generally one imposed by external government standards rather than one accepted by internal definitions and understandings. California's later history – from the mission period to well after becoming part of the United States – further problematizes ways in which contemporary Chumash can be defined as a tribe if criterion B and C (having an uninterrupted existence as a distinct historic political entity) are employed as a measure. Formal and informal leadership and political entity practices were rarely documented (see also Campisi 1991). Additionally, California's history towards indigenous populations involved a series of dislocating tactics, which were employed effectively.

The Mission Era

Then the Spanish people came. They taught us how to pray...pray, close your eyes and pray. When we opened our eyes and looked up, all our riches were gone.

-Edna Lopez, Ventureño Chumash Elder, 9/16/08

In the 1700s, California was one of the last areas of coastal North America not yet colonized. In order to prevent rival European nations (Britain and Russia) from gaining control of California, Spain worked to make a legitimate claim to California land and protect its existing colonies in Mexico. In the late 1700s, the Gaspar de Portolá and Juan

Bautista de Anza expeditions¹⁵⁰ brought *padres*, soldiers and their families to occupy, colonize and settle coastal areas along California. To successfully do so required a system by which large Indian settlements could be inducted for labor. This system became known as California's "Mission Period." Beginning in 1772, the plan for Spanish settlement included the establishment of three institutions: presidios¹⁵¹ (military garrisons or forts), missions and pueblos¹⁵² (small towns). Following occupation, the missionary religious system became the most integral part for the Spanish colonization of the Americas. Between 1769 and 1824, Franciscan *padres* led the effort to establish a chain of 21 missions on or along the California Coast, where indigenous populations were highest (see Figure 25). The first mission founded in territory occupied by Chumashan peoples was that of San Luis Obispo de Tolosa in 1772 by Father Junipero Serra, followed by San Buenaventura (1782), La Purísima Concepción de la Santísima Virgen María (1787), Santa Bárbara (1786), and Santa Inés Virgen y Martír (1804).

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¹⁵⁰ The Anza expedition mission was to colonize San Francisco Bay area.

¹⁵¹ With indigenous labor, California presidios were built in Sonoma, Monterey, San Francisco, San Diego and Santa Barbara between 1769 and 1782. Their purpose of presidios was to deter invasion from rival countries, protect settlers from possible Native attacks, and create headquarters for government officials. They also served as trading posts and supply stations for settlers. The Santa Barbara presidio was the last presidio to be officially founded in April 21, 1782. Its location was chosen for its harbor and strategic position for defense of the coast between San Luis Obispo and San Fernando Valley.
¹⁵² Spanish established official pueblos in Los Angeles, San Jose and Branciforte (near Santa Cruz) to bring

¹⁵² Spanish established official pueblos in Los Angeles, San Jose and Branciforte (near Santa Cruz) to bring Mexican civilian colonists who could supply the military with agricultural products and expand population centers and military reserves if invaded.

At the time of California Settlement, Spain had already established an array of missions and presidios in Mexico and the American southwest.



Figure 25: Map of Missions. Retrieved from http://memory.loc.gov/intldl/eshtml/es-1-es-1-4-4.html#track1_1. Illustrative Maps, Parallel Histories: Spain, the United States, and the American Frontier. Library of Congress

Using the *reducción* strategy to relocate and assimilate indigenous people in order to fortify control of their lands, missions were to be temporary institutions of Native conversion, "civilization" and supervision (Sandos 2004). As Christian citizens, indigenes could be used for labor and backup military for Spanish interests. Whereas many Chumash were forcibly removed by soldiers from their villages to missions, Franciscan *padres* also drew many in through promoting the idea that missions would

help self-sustain them¹⁵⁴ and that after ten years of service as "good Christians," they would be released with farmland (Sandos 2004: 177; Miller 1988: 25). Ethnography told otherwise:

I have gone thru five stages in life. The last one is with the priesthood. We were told that God would give us our share. But we got only a g-string once a year, and much work and some lashings. 155

Rather than the expected ten-year process of conversion, three decades of subjugation to missionary colonization ensued, essentially turning most Chumash into a laboring/slave class of *Indios* who were unacknowledged as tribes (Field et al. 1999: 196). Franciscan attempts to erode the traditional Chumash system included teaching neophytes to abandon their cultural lifeways, adopt Spanish language and religion and learn labor skills needed to build missions and presidios. When neophytes did not adhere to the imposed labor regiment, punishments included the withholding of food rations or whippings:

After taking J.P. out of the stocks, they took him to outside door of the *cepo*...and made him lie down on his belly and gave him 25 lashes. For lashing used a *barrejon de membrillo* (large tree branch), 6 ft long ½" diam[eter] or so. They also used *picotas* at the mission. The *picota* was a forked pole 8 feet high. To whip thus strip the man naked. The whipper of course wore his g-string (Fernando Librado to Harrington 1986: 69/1015).

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¹⁵⁴ Willingness to enter the mission system may have been contingent on climate and resource conditions. According to Larson, Johnson and Michaelsen (1994), changing climactic conditions before and during colonization caused droughts and other ecological impacts that diminished flora and fauna that Chumash relied upon. Therefore, when the Spanish proposed the learning of agricultural skills via a relationship with the church, Chumash peoples perhaps considered this an "acceptable alternative" to their poor subsistence conditions.

¹⁵⁵ As told to John Peabody Harrington by Fernando Librado's (*Kitsepawit*) in retelling Jose Sebastian experience during the mission period (Harrington 1986: 69/0721-0722).

¹⁵⁶ Skills taught included tile making, agriculture, animal husbandry, woodworking, leather craft making, and learning the Spanish language and religion (Miller 1988: 30).

The mission era also brought infections to the Chumash including measles, syphilis, tuberculosis and cholera, diseases causing their numbers to decrease drastically. In and around the missions, where there was dense aggregation of Chumash and less sanitary conditions, pneumonia, diphtheria and pleurisy spread rapidly and by 1805, an estimated 5,602 Chumash were reported living (Walker & Johnson 1994: 2003). In 1810 Mexico rebelled against Spain, overthrew Spanish rule in 1822 and formed the Republic of Mexico in 1824. Deteriorating living conditions and growing enmity between Mexican administrators, caused some neophytes to leave the missions. Their departure along with the increasing spread of contagious diseases and high infant mortality rates reduced Chumash population at the missions to 1,182 by 1832 (Walker & Johnson 1994).

Secularization

In 1834, the Mission period ended with the passing of secularization laws by the Mexican Assembly. ¹⁵⁷ The laws were meant to emancipate neophyte *Indios* (as Mexican citizens) from secular control of the missions, transform missions into pueblos and distribute mission lands, livestock, equipment and seeds equally to resident neophytes and civil administrators ¹⁵⁸ (see Johnson 1993; Miller 1988:35). However, the administrators did not transfer property intended for neophytes. Instead, most of the land became the property of the *gente de razón* ¹⁵⁹ (literally "rational people") who converted the lands into private estates called *ranchos* or *rancherias*. Dispossessed of their lands,

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¹⁵⁷ This period was under the governorship of Jose Figueroa.

¹⁵⁸ Civil administrators were charged with oversight of missions until secularization was completed.

¹⁵⁹ Derived from the *sistema de castas* to socially distinguish racial categories, *gente de razón* is a Spanish colonial term to refer to culturally Hispanic people.

Chumash had little choice but to separate to find employment at the *ranchos* or neighboring towns, isolating them from their families and traditions (see also Johnson 1993). Others withdrew to the interior to join kin already there or to form new sociopolitical tribes.

Statehood: Conform or Die

Following the conquest of California during the Mexican-American War of 1847, the California territory was acquired by the United States as part of the 1848 Treaty of Guadalupe Hidalgo and became a State in 1850. Per Articles VIII and IX of the Treaty, the United States agreed to protect the civil and property rights of Mexican citizens and eventually provide U.S. citizenship to those already living on the land. During this time, indigenous Californians were acknowledged as Mexican citizens by the United States, who under Spanish law had been secured fixed rights of property. Yet, the Treaty did not come to fruition. Rather, practices and policies that isolated Chumash from their lands and traditional lifeways ensued for the next 100 years - from the opposition to reserve lands for Indians (Field 1999: 197), to extermination, enslavement, and assimilation.

The discovery of gold and opportunities for land then brought a wave of American immigrants, bringing prejudices and campaigns to rid California *Indios* of their land and/or use them for labor (Castillo 1992: 73-75; see also Hurtado 2002: 96). Rights guaranteed by the Treaty of Guadalupe Hildago were soon lost as California Governor, Peter Burnett, declared in his 1851 message that: "a war of extermination will continue to

be waged until the Indian race becomes extinct." ¹⁶⁰ Continuing the frontier policy - "the only good Indian is a dead Indian" - the state legislature enacted laws in 1851 and 1852 allowing the governor to authorize payment of over 1.1 million dollars to fund Indian wars and reimburse citizens for killing indigenous Californians. Numerous vigilante hunting parties formed resulting in the deaths of thousands of California Indians. Slavery of adult California Indians and the kidnapping of Native children for labor were also made legal in 1850 under the *Act for the Government and Protection of Indians*, an ironic title when reading the policy language:

This law declared that any Indian, on the word of a White man, could be declared a vagrant, thrown in jail, and have his labor sold at auction for up to four months with no pay. This indenture law further said any Indian adult or child with the consent of his parent could be legally bound over to a white citizen for a period of years, laboring for subsistence only. These laws marked the transition of the Indian from peonage to virtual slavery; they gave free vent to the exploitative ethos of Americans who soon took advantage of the situation (Castillo 1978: 108)

In an attempt to allay further massacre, violence and enslavement of California Indians, federal Indian Commissioners were sent to California to negotiate 18 treaties "of friendship and peace" with tribal groups between April 29, 1851 and August 22, 1852. According to these treaties, California Indians were to relinquish all aboriginal claims to their ancestral lands in exchange for reserved territories that were to be protected from non-Native encroachment¹⁶¹ (Hurtado 2002; 104). In keeping with treaty provisions, and ordered by federal officials, many California Indian groups abandoned their ancestral territories and moved to new lands believed held for them (Phillips 1981:50; 1997).

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 ^{160 &}quot;Message to California State Legislature," January 7, 1851, *California State Senate Journal*, 1851: 15.
 161 The area consisted of approximately 8.5 million acres with no more than 25,000 each.

Unbeknownst to them, the Senate refused to ratify the treaties and that Congress simultaneously passed laws to effectively transfer all Indian aboriginal lands into the public domain, effectively leaving Indians landless and poverty stricken (see Kelsey 1973: 231-32).

Knowledge of un-ratified treaties was made public in 1905 when, under the order of the Senate, Congress established 61 small reservations (totaling approximately 7,500 acres) for the settlement of homeless Indians. California Indians who settled into the reservations were able to later, with the passage of the Indian Reorganization Act in 1934, vote on whether to establish a constitution and, effectively, become recognized as a tribe with federally protected land bases. Many coastal Mission Indian groups, including the Chumash, did not choose to leave their ancestral territories and resettle and therefore did not establish recognition through these means. Only by virtue of the 1891 Mission Indian Relief Act and a settlement agreement between the Church and the Department of the Interior, a small group of five distinct Chumash families living at Zanje de Cota near Santa Inés Mission were recognized by the federal government under executive order in 1901 and given 75 acres from which the Santa Ynez Reservation was established. 162 Although it would seem that a bounded reservation space would foster a sense of indigenous cohesiveness, the five families, like unrecognized Chumash, were left impoverished, leading many to leave their families for work in nearby farms and marry into different ethnic families detached from the reservation (Gardner 1965).

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¹⁶² It was not until 1964 that they qualified to come under the Indian Reorganization Act by formally instituting their first Articles of Association.

Assimilation

Throughout the late 1800s and into the early 1900s, continuing risks in overtly being Indian (including removal and overt hostility) provided little incentive for unrecognized families to represent themselves publicly as Indian, much less form a public tribe. Dominant racist ideologies toward American Indians pervaded California, portraying them as "mouth-sapping, bloodthirsty, hateful savages in need of assimilation," according to one elder rather reluctant to recall these memories (personal communication 8/10/09). Furthermore in 1879, boarding schools for American Indian children became national policy and throughout the early 1900s, many Chumash children were sent to these schools whose policies were to force American assimilation through punishment and cultural, familial, spiritual and lingual alienation. ¹⁶³ One elder recalled how "they would crack your hand with a ruler if you spoke Spanish or Indian. If you did not learn English, you would learn fast" (Edna Lopez, Chumash elder, personal communication 9/16/08). Although many elders remember hearing the Chumash language at home, most were discouraged from learning their language and publicly demonstrating their Native practices, as their parents feared consequences of racial bias and public disdain. Thus, in many ways, Euro-Americanism in California succeeded in its purpose to rid its targets of "Indianness" through these series of tactics of disconnection,

¹⁶³ However, rather than assuming that governments succeeded in assimilation, in many ways the federal boarding school system can be thought of as a "successful failure that changed the lives of thousands of Indian children" who used the knowledge they gained to "benefit their own people", and eventually transform "the dominant system that brought them into the schools" (Trafzer et. al 2006: 29). See also Hamley (1994) and Adams (1995) for a comprehensive treatment of the origins, history, routines and cultural effects of the federal boarding school system in the late nineteenth and twentieth century.

seemingly leaving little room for inter-generational transmittance of indigenous knowledge, practice, political organization and thus "tribal" distinction.

To evade American prejudice and policies of dislocation, many Chumash, who by this time were of mixed descent or married into other ethnic families (especially Hispanic), more often chose to publicly represent themselves as Mexican (Edna Lopez, personal communication 9/16/2008; Walker and Hudson 1993: 32). "My grandmother did not want to be Chumash that's for sure. It was too painful because of the discrimination," stated Eleanor Arellanes, of her grandmother who descended from Chumash consultant to J.P. Harrington, Juan de Jesus Tumamait (personal communication 12/15/2010). This most likely led to inaccurate dwindling census numbers. ¹⁶⁴ Throughout the 1900s many Chumash descendants continued to publicly identify themselves as Mexican as a survival strategy. Although it also carried its own social stigma, it was the lesser of two evils:

[People] never talk about how the Mexican population had to ride in the back of the bus like the blacks down south. Back in the 1950's, I was held as an uneducated, stupid, shy, shrinking violet who is Mexican. There was no encouragement or help. (personal communication, Ernestine De Soto, 6/2006)

As a result, some even denied being Mexican according to one who now self-identifies as Chumash:

Before the 1970s, I wouldn't even say I was Mexican, even though I might have been more accepted than saying I was Indian. A lot of Chumash said they were Mexican. I would say I was white with a

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¹⁶⁴ According to the first California state census of 1852, the Chumash population was less than 600. The 1880 US Census Bureau reported only 200 Chumash people in California (Walker and Hudson 1993: 32), a number not reflective of actual descendants living in California.

tan or dark complexioned to be accepted. Never would I say I was Indian. (personal communication 8/10/2009)

Despite identity subversion, this does not mean that descendants lost a profound knowing, pride and practice of their Indian heritage. It was just not publicly announced, nor explicitly explained as Chumash or Indian prior to the 1970s according to elders (see also Haley and Wilcoxon 1997: 768):

Just because the language ended and just because we publicly identified ourselves other than Indian, didn't mean our ways stopped. 'Indian' was taught as a way of life. We knew we were Indian. We were raised Indian. We always ate traditional food such as acorn, fish and quail. When we were sick, mom would gather weeds to make teas to cure us. We knew and visited with other Indian families. But no one said this is the 'Indian', 'Chumash' or the 'tribal' way. That conversation did not exist until 40 years ago. (Benjamin Arellanes, Ventureño Chumash elder 11/28/09)

Even though traditional Chumash culture is poorly known, visible cultural symbols waned, and their language became extinct (but in the process of revival) there remained, and remains, an astonishing amount of continuity (evidenced in kin relations, Native foodways, herbal remedies, and place names) that quietly survived due to this constant "knowing" of being Indian. Unfortunately for petitioning Chumash, inherent in OFA policy is that "appearance of accommodation" equates to assimilation and disappearance and therefore a gap in continuous distinction (B.G. Miller 2003: 105), which will most likely leave them denied of federal recognition under the current standards.

My intention in outlining California's unique and detrimental history toward its indigenous population is not to categorize Chumash histories into "master narratives"-which neatly fit indigenous people according to unilinear levels of assimilation (Bruner 1986). Rather, it is that Chumash cultural and physical survival be viewed as an ability to

strategically adapt to social and political circumstances given the massive social, legal, political and economic barriers. This does not mean that intermarriage, dislocation, destabilization and public identification as Mexican or other ethnicity equates to culture loss at one given point or that a profound sense of indigenous identity discontinued. 165 Nor does it mean indigenous social cohesion, informal group mobilization, communication and political involvement ended. Rather, the "civilizing" process in California created an environment in which Native expression had to be restricted or "covered" (Goffman 1963) in order to appear to assimilate to Euro-American standards and elude state oppression. 166 In effect, the racist ideologies and political and legal realities that existed throughout historic times to the present served to erase the physical (recorded) proof needed by unrecognized Chumash to fulfill OFA criteria.

Criterion C: Showing Maintenance of Political Autonomy

Mark Miller (2006: 60) points out that, in many cases, Western notions of governance become the only means to evaluate what tribal means for bureaucrats in charge of acknowledgment:

Because of the "messiness" of ethnic identity, BAR members are often forced to look to formal organization or bureaucratic relationship to make sense of overlapping social webs. This emphasis on political functioning often misses real "on the ground" activity. George Roth, FAP anthropologist, has argued, his office is not recognizing an ethnological or ethnic group per se. "It is obvious we are recognizing a political body; that is the basis here because special status rests on the survival of sovereignty [that] must be aboriginal and not extinguished," notes Roth. This emphasis on a political body, however, has disadvantaged groups. Clearly, certain

¹⁶⁵ See also Harrington notes which demonstrate the intergenerational continuation of Chumash stories, knowledge and traditions from 1912 to 1960.

¹⁶⁶ This strategy is not unlike several indigenous groups (e.g. the Snohomish or the Mashpee) who have had to choose a path of state avoidance for survival (see Miller 2003; Clifford 1988).

groups lacked any form of formal organization or relations with outside governments that they can point to as evidence of the concept; they now fail to qualify as a tribe.

To reflect a structure familiar to bureaucrats, the BVBMI organized their tribal makeup via a format much like a corporate structure - with a president or tribal leader, secretary, treasurer, record of minutes, elections, and board members from which decisions were to be carried out through a majority voting system. The minutes, votes and agendas are to later be submitted to the BAR upon Acknowledgement submission (and any changes in the membership structure are to continuously be reported to the BIA) in order to show the establishment and maintenance of community tribal building. The imposition of an artificial corporate structure as a measurement of "tribalness" creates a paradox because traditionally, Chumash did not organize as a formal organization - compiling written records of meetings, agendas and minutes. Yet, traditional tribal identity is inexplicably forced to reflect, post facto, a modernized political body.

Although most members of the BVBMI have a long-standing identity as American Indians, have maintained familial ties, and some can show political involvement, an almost insurmountable obstacle in fitting BAR regulations is that prior to the 1970s, their political organizational system was informal and undocumented. Many current BVBMI members can demonstrate they were involved in political work and leadership since the 1960s with burgeoning endeavors to reclaim heritage. However, they must also provide documentation that evidences political activity on a continuous basis since 1900. To comply, many have begun the process of research to find written

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¹⁶⁷ For example, one BVBMI member was the leader of the San Buenaventura American Indian Counsel formed in the 1960s.

evidence of their families' prior political dealings through ethnographies. Julie Tumamait recounted how...:

We have that little tiny gap in the continuity of politics. My family's line comes down from a line of chiefs. Then it goes to my great grandfather who was a *majordomo* [captain/head or steward] in the mission times. Then there was my grandfather who was considered a medicine person in those times, not necessarily a chief, but had some high standing in the social. I do not know if he did any business with the government, but Juan de Jesus did. My father took the role of *paxa* [ceremonial leader] ...and did some work with the government. He had involvement with agencies, like my cousin and I have. I worked in many government agencies, spoke as a representative and courts and supreme courts. So we have that political continuity. (fieldnotes, 6/10/2006)

With Harrington's papers and research aid by anthropologists, others have been able to find further evidences of political activity. For example, one family of the BVBMI learned through an anthropologist that their ancestor was Petra Pico, a *capitana* of the Ventureño region. According to the anthropologist:

...she died in 1900. But all these pieces can come together for criteria.... Showing that there is a community, a lineage...when you are gathering information for one you may shed light on the other. There will be people in families who will be looked at as leaders. As you're gathering evidence for one you can uncover 400 others. (fieldnotes, BVBMI meeting 9-27-08)

Problematically though, there is no definition provided by the OFA of the number of individuals in the petitioning group who must show political continuity. Nor is there some kind of standard or outline for what kind of political activity or level of formality qualifies their ancestors as being part of a political entity. Could someone who was influential or considered a spokesperson be considered a political leader? Do family gatherings count? According one member of the BVBMI:

When families got together for any occasion, they discussed politics, culture and history. Every time they had reunions and ceremonies or

something as simple as a barbeque, we were acting as a political organization. They did not sign-in their names and have a secretary recording minutes. But, before and after ceremonies and meals, we always discussed our political and cultural issues and made decisions as a group. We cannot prove these meetings through documentation or newspaper articles of our efforts to organize. How could we? (fieldnotes, 8/11/10).

Such dialogues point to a testimony of continued sovereignty of which was publicly dormant, but existed inherently in their vastly interconnected familial gatherings. The problem, however, is in its oral transmittion. While petitioners may use "oral history when...talking about their own lifetimes...as useful evidence for showing your tribe exists as a political entity today" (BIA, BAR 1997: 22), the OFA gives little credence to undocumented oral testimony regarding prior generations, considering it "to be nothing more that a form of lay testimony" (B.G. Miller 2003: 110): "when people talk about they have heard—what their grandparents told them, for example—this evidence is not as strong as personal, first hand accounts of actual experiences" (BIA, BAR 1997: 22-23)

Because of the OFA's position that oral memory conflicts with the "truth" of written memories, BVBMI hope the practice of remembering may lead to a paper trace:

...a lot of us have lost our grandparents and what do we remember, where do we remember going as children? What do we remember them talking about? Try to bring back that memory. Because we need to connect this continuity of going from place to place. ... And so it's going back and taking to your older siblings, seeing what they might remember. (fieldnotes, BVBMI tribal meeting, Saticoy 2/28/09)

However, if there is no document to verify a grandparent had experiences of political organization, proof of continuity as a historical political entity cannot occur and petitioners will most likely fail to be eligible as a tribe. What this means for the BVBMI is that the FAP ultimately amounts to a *Catch-22*– a problematic situation characterized

by absurdity, for which the only solution is denied by the circumstance inherent in the problem itself (Heller 1961).

The circumstance inherent in the Catch-22 situation is that oral knowledge is considered to be the primary means by which American Indians transmit generational history, but its legitimate trace may only come from the 'fixed' archive written by outsiders. Credibility given to the written testimony lies in its unfaltering stance that *once* frozen on paper, history becomes stable. New facts only gain their right to existence due to previously created facts (Trouillot 1995). Indigenous forms of historical preservation (oral tradition and embodied practices), on the other hand, are often labeled "myths" that alter meaning through circulation (cf Leeming and Adams 1998). Oral narratives are flexible and can be changed, interpreted and embellished at will by the narrator who can add or eliminate information that could "prove contradictory to current self-perception and self-orientation" (McMullen 1996: 347-8, see also Kahrs 1998). Thus, its form strikes Western formal academia as unfamiliar, shifting and therefore inexact (McMullen 1996). For example, in lacking Western academic written standards for citations, oral narrative sources are not subject to the same contestation or refutation regarding their creation or perpetuation (McMullen 1996: 347). Yet, dismissed is the idea that documents are also subject to change as they are interpreted and mediated. Conversely oral tradition may stay steadfast through time. The imagined true/false binary between written and oral has resulted in the tendency of researchers "to follow the visible wake of the past, ignoring the quiet eddies of potentially critical material that form at the same time" (Cohen 1994: 118). As a result, contemporary indigenes must often rely on the language

of Western archives in attempts to recover, reconstruct and validate their own history (L. Smith 1999). Since the written archive maintains dominant explanatory power, I now turn to chronicled sources of Chumash history that substantiate "first-hand accounts of actual experiences" (BIA, BAR 1997:23).

Reconstructing continuity from "actual experiences"

Vine Deloria wrote that popular American-Indian history is a whitewash of the "shortcomings" of the "winners"—the conquering culture—and an attempt at "apology" for those shortcomings¹⁶⁸. Perhaps federal recognition is another rewrite of history that attempts to whitewash the shortcomings of the conquering culture. From the point of view of non-Indians, perhaps, federal recognition is a look back at history, a look back that allows the politicians of the conquering culture to acknowledge that there were Indian tribes at the time of First Contact, or in 1871, or in 1900, or whatever arbitrary time. Federal recognition is an attempt to recreate an idyllic past history that, in all reality and fairness, can never be recreated. Federal recognition is the conquering culture's modest, even weak, attempt at apology.

-Matthew Fletcher (2006-2007)

The OFA language of "an uninterrupted existence" brings forth the issue of memory, or, rather, accepted modes of memory transmission which qualify to prove continuity. That is, how does historical knowledge become fetishized as 'truths' in social practices and norms in institutional structures, policies and relationships (Dei et. al 2000)? What are the processes that connect the way people think, experience, act, and express meaning in reaction to the forces that construct knowledge and create dependence of that knowledge (Foucault 1972 [2002])? In Western society, the accepted mode of "modern memory is above all archival...[in which the] materiality of the trace, the immediacy of the recording [and] the visibility of the image" (Nora 1989: 13) is relied on to connect points in time from one moment to the next to constitute a known series (Foucault 1972 [2002]: 8). This system of identification is inherent in government

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¹⁶⁸ Vine Deloria, Jr., Afterword, in AMERICA IN 1492, supra note 14, at 429, 429.

policies which enforce a continued colonial paradigm for how the past is to be thought of, recorded, remembered and authenticated. Accordingly, the reconstruction of an uninterrupted existence as tribe for FAP requires amassing a collection of available written evidences that can presumably trace indigenous history in an orderly, connected and gradual process through ethnographic, historical and archeological accounts - even when such recordings do not link the pre-contact past to present and even when indigenous notions of historical remembrance differ.

In contextualizing the construction of OFA standards that establish "authentic" continuity as it relates to tradition, permanence, distinction, and community, it must be first understood that history and the nation-state are irrevocably binding and interchanging, defining and creating what both are (Dirks 1990). Colonialism happened at the same time nation-states were forming, and consequently manifested into European standards by which to situate a national history (see Said 1993, 2001). In such times, interpretations of Indianness were written into historical canons and displayed in visual representations that focused on strengthening modernity; hence privileging the formulation of nationalism. At one point, nation-building was strengthened by inexorable texts of the disappearing primitive American Indian "to try to make reparation for their complicity in the destruction of the Indians and all they represent" (Carr 1996: 21; see also Drinnon 1990). At other points, American Indians were put in the "tribal slot" as ahistorical subjects segregated from civilization, change, modernity (Li 2000).

Dominated by written memory-making strategies, culture could be manipulated. The rudimentary function of this manipulation lent to the transformation of indigenous oral and pictographic traditions into written genres and scientific codifications in order to legitimize the building of the nation via "movement across the continent" (Carr 1996: 21, 24). In this process, the notion of history became constitutibley Eurocentric (Chakrabarty 1992; 2000), one fashioned by provisions of progress and perpetuated by a narrative of sequential events (Halbwachs 1952 [1992]: 47). Accordingly, authenticity and authority become closely linked (Bruner 2005: 163): the control of historical narratives became, in essence, a social control (see Guha 1983) as who decides what is authentic and how it should be presented is subject to hierarchies of power and views that generate from hegemonic discourses (see also Bhabha 1994: 153). Any challenges to one history, particularly a settler/colonial history that created an ideology of land appropriation and formed nation-states, would bring doubt to the legitimacy of nationalist narratives (Dirks 1990; Mackey 2005).

For petitioning tribes, proof of a past to justify the present must be established through Western standards of continuity: a unilinear, irreversible and unrepeatable timeline accounted for in tangible (written) evidences. This does not mean that the need to search for one's origins, identity and past is defined by written history, but, rather, that the process and modes in which history is to be recovered and spoken of, are confined to operations and discourses "defined by their functions" (De Certeau 1988: 20). The operational function inherent in Western definitions of time and continuity are embedded in ways Chumash history and culture have been written and thought of in archaeological

investigations, ethnohistorical data, and records of early European explorers and missionaries. Often, the crafting of historical events and terms of order were dictated by those in power. As Michel-Rolph Trouillot (1995) reminds, the conquerors in cultural and territorial battles -those who win the wars and those who maintain power- maintain the right to dominate historical narrative. Thus, history will inherently offer an unequal level of artificial construction: privileging some events and people's experience while purposely leaving out knowledges and activities of others (Trouillot 1995: 48). In effect, the mere limitation for indigenous cultural and historical perspective allows for continued inequalities in political power, equal rights and resource control. Yet, "the very mechanism that makes any historical recording possible also ensures that historical facts are not created equal" (Trouillot 1995: 49). Regardless, current struggles for human rights - be they land or recognition - are inextricably tied to dominant standards of histories, and their contexts, that are assumed accurate (e.g. government documents, newspaper articles, mission records, and ethnographic/historical research).

Early inscribed informational sources on Chumash history predominately come from Spanish explorations (1542-1770), the Mission period (1772-1834), a period of ethnographic interest (1870-19600) and archeological research beginning in the late 1800s (Blackburn 1975: 47). Information from Spanish explorers, in particular the Portolà expedition of 1769, are based on brief expeditions in which recorded observations of Chumash pertained mostly to their material culture (Kroeber 1925 [1976]), economy, dress, technology, political organization, population size, and placenames. No information was recorded on Chumash cultural lifeways, cosmology, astronomy, art or

ceremonies (Blackburn 1975: 3; Hudson and Underhay 1978: 15-6). Likewise, Franciscan missionaries, in being more concerned with educating Chumash neophytes in Christian ways than in recording their cultural practices, beliefs, language and traditions, focused mostly on documenting material culture and recording baptisms (Hudson and Underhay 1978: 15-6). However, because they also took the role as archivists, friars provided many detailed occurrences of the mission period now used to reconstruct history. Late 1800s and early 1900s archeological explorations and ethnographic research by Alphonse Pinart, Henry Hensaw, Paul Schumacher, Stephen Bowers, Lorenzo Yates and Philip Mills Jones provide information on Chumash placenames, language, material culture, and maps, although their primary interests were to collect artifacts for museums. French naturalist, Léon de Cessac, was probably one of the first archaeologists to consult with Chumash people about the uses of native objects, native names for locations, and the location of villages and cemeteries between 1877 and 1879 (Reichlen and Heizer 1964). Although his notebooks were lost in the 1880s, a preliminary report on his investigations (1951a), a published article on effigies (1951b), and New York Times interview (1880)¹⁷⁰ exemplify de Cessac's use of Native knowledge to interpret Chumash material culture. As mentioned previously, ethnographic collections of John Peabody Harrington have become a primary resource to Chumash history. Yet, other major works from early anthropologists such as Alfred Louis Kroeber (1925) are also influential historical sources. Yet both anthropologists focused on "salvage" anthropology,

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¹⁶⁹ He is also the only person to take photographs of a Chumash person in traditional ceremonial regalia in 1878 (mentioned prior). Ten photographs of Rafael Solares are now preserved at the Musee de l'Homme in Paris along with his collections.

¹⁷⁰ "Old Bones of the Past: Relics of Prehistoric Americans," Proquest Historical Newspapers *New York Times*, pg. 2, February 8, 1880. author unknown

recording what believed to be remnants of dying cultures (language, traditions and knowledge) rather than on surviving political structures.

Thomas Blackburn contends that there is still a gap in information regarding

Chumash acculturation and assimilation between the period of secularization in 1834 and
the beginning of ethnographic research in 1870 (Blackburn 1975: 4). However, it is
precisely the reliance on such documentation that serves to maintain structures of
unconscious subordination that ensure workings of power, or what Pierre Bourdieu
(1977) calls *doxic* taxonomies. That is, rather than reinterpreting the "gap" as something
other than acquiescence and assimilation into the larger society, the material context that
frames cultural dispositions (in this case, proof of an ethnographic existence) has
ultimately reinforced conditions that promote ideas of sequential progress and decline
through the presence and absence of recorded events. The empirical orders, as Michel
Foucault reminds, are now the basic elements of historical analysis:

For history in its classical form, the discontinuous was both the given and the unthinkable: the raw material of history, which presented itself in the form of dispersed events – decision, accidents, initiatives, discoveries; the material which, through analysis, had to be rearranged, reduced, effaced in order to reveal the continuity of events. Discontinuity was the stigma of temporal dislocation that it was the historian's task to remove from history. (Foucault 1972 [2002]: 9)

For contemporary Chumash, who embody centuries of cultural loss and the ability to publicly present their own histories and perspective, such authoritative literature can be simultaneously empowering and constraining depending on their political or social endeavor. For federal recognition purposes, the lack of ethnographic evidence during the

"gap" of assimilation may be detrimental because the breach in the chronicle implies a rupture in historical continuity.

A fundamental issue surrounding the reclamation and uncovering of indigenous practices involves how ethnographic accounts are interpreted and implemented throughout different historical conditions (Stoler 2002; Merry 2003), particularly when ethnological investigations require collaborative work with anthropologists and historians to fulfill criterion. The scenario implies that anthropologists hold a certain power through creating textual history that affects knowledge, practices and language and, consequently, in actively constructing culture (Bruner 1986). Although the above historical sources may be considered a credible means to reify and legitimize Chumash tribal existence, this does not imply that such knowledges are without controversy. Indigenous histories have been translated and controlled via Western authorial interpretations, which are constantly subject to newly negotiated and contested interpretations and productions. This is particularly the case with the recent onslaught of politicized claims by which cultural anthropologists, ethnohistorians and archeologists increasingly play a considerable role in the interpretation and further uncovering of Chumash history and culture. As a result, refashioning which interpreted past should be used to benefit rights-claims and representation can be problematic. First, details of history must be reassembled in the present, conflicting methods – what happened (the historical process) and what has happened (historical knowledge) – can be misconstrued in the documenting process (Trouillot 1995). Second, indigenous people must often work within an existing Western historical canon and concurrently build oppositions to it (Chakrabarty 1992) through

purported distinct forms of memory (e.g. oral and embodied tradition) to establish a unique Native representation (Linnekin 1983; Chakrabarty 1992). The paradox inherent in the different ways to evidence what has happened affects the discourse of agency regarding the past: either show concession and therefore assimilation, or resistance and therefore autonomy. It becomes a strategic choice which may require the BVBMI to negate certain realities of their history to evidence continuity. Yet to make such a choice evidences how memory and history can be considered fluid and mutable, in which the past is a narrative, rather than a singular and static discourse (Asad 1986).

Since narratives are constantly being transformed with each retelling, the historical conditions and temporal schemas that construct perspectives and meaning of the story to evidence cultural identities must be considered (Comaroff and Comaroff 1992). If considering the confrontation of modalities that play off ways indigenous knowledge is actively negotiated and rendered practically "on the ground"- outside of the literary and government defined confinements - a different story emerges to evince how the past become a fluid resource in the hands of the living. That is, whereas written histories often contradict and reinterpret Native culture in a Western framework, oral narratives and indigenous historiographies can oppose this to evidence the uniqueness and separateness of Native peoples' histories from Euro-American histories (Linnekin 1983; Chakrabarty1992). In so doing, orality can become synonymous with agency in social action and discourse (Stoller 1995), revealing indigenous discursive counter-histories and counter-memories as they are coupled with repetitive symbolic practices (e.g. Comaroff and Comaroff 1992). Because there are no fixed designs for evidencing

how this past is to be laid out in the present, contestable discourses may allow indigenous groups a means of reaction and reformulation to proceed with a creative openness in producing their own nonlinear dynamic. This is now occurring as Chumash descendants increasingly ask their elders to recall their stories from which to create their own documented histories. Here then, history becomes "not just a struggle for expression by the powerless, but also a weapon, not so much in its depth and range, but in its fleeting images, all the more powerful because they are undefined, unelaborated" (Rappaport 1988: 719). The power of the undefined can transform situations of subordination into dialogical spaces for new forms of political recognition, in part, because meanings, expressed through systems of representation and signification, are unstable and "always capable of being deployed against the grain" (Coombe 1998: 28).

Bringing Indigenous "historiography" into the Acknowledgment Process?

...where, in the past, history deciphered the traces left by men, it now deploys a mass of elements that have to be grouped, made relevant, placed in relation to one another to form totalities.

-Michel Foucault 1972 [2002]: 8

Uncovering how societies' pasts are processed and discounted within hegemonic histories can help marginalized groups reconcile the detrimental effects of colonialism, alter mainstream views and influence political and legal endeavors. This is increasingly the trend in post-colonial and indigenous historiography, as colonial systems of representation are being dismembered to find decolonizing methodologies that counter histories of domination and world system theories (cf. Wallerstein 1987; Wolf 1982) for more inclusive history-making configurations developed by a proactive Native

consciousness (e.g. Duara 2003). For example, as Native historiography is increasingly formalized in texts, internet sites and academic canons, they gain stronger validity. That is, since written 'truths' become a device to strengthen dominance and maintain power inequities (Foucault 1972 [2002], 1980 [2001]), one mission by indigenous groups is to bring their own historiographies into policy arenas that can work to scrutinize the textual properties of hegemonic modes of representation, in order not to repeat them (Guha 1983). Part of doing so involves the critical examination of the economy and politics which govern the production of the past and its implementation in the present (Appadurai 2000), as well as breaking down official forms of historical origins and tradition as it relates to national identity and heritage (e.g. Shryock 1997; Chaterjee 1986). This includes turning to understandings that are more aligned with American Indian perspectives, rethinking continuity and searching for evidences of indigenous histories other than those based on the European viewpoint.

Beyond deconstructing atemporal composites inherent in the structure, narratives and practices of the written script (Bruner 1986; Clifford 1988; Guha 1983), the focus of post-colonial and Native intellectual inquiry is to emphasize that ruptured, refracted and hybrid memories may not be in conflict with history (cf. Nora 1989). Rather, there is a deeper recognition that memories (and therefore histories) are capable of continuing in living traces embedded in material, embodied and oral evidences not always (officially) documented or represented in the written archive (e.g. Connerton 1989; De Boeck 1989; Taylor 2003). Richard Werbner (1998), for example, suggests not reducing memory to an "artefact of the here and now, as if it were merely a backwards construction after the

fact" (1998: 2). Rather, he argues, all forms of politicized memory and history – those alive and buried, textualized and performed, embodied, silenced (but later revealed), must be problematized. Buried memories produce what Werbner refers to as unfinished narratives: "popular history in which the past is perceived to be unfinished, festering in the present – these are narratives which motivate people to call again and again for a public resolution to their predicament" (1998: 9). Other post-colonial scholars have argued for going beyond a necessity to fill in the "gaps" of the past by focusing on patterns of cultural expression through the dominant explanatory power of texts, to one that considers that fragments, refractions, changes, nostalgic recollections and losses in memory are just as valid to defining continuity (e.g. Connerton 1989; De Boeck 1998). For example, Paul Connerton (1989) argues that cultural memories are not only documents, stories, images and artifacts from the past, but that they are also constructed in any "act of transfer" (1989:39). Similarly, Michel-Rolph Trouillot (1995) argues that the chronicling of history is not just a "storage model of memory-history" (1995: 14) in which the distant past sits idly, awaiting retrieval. Nor is it "a burial-place where lost identities are mourned, in a desperate attempt to keep their atrophied representations alive" (De Boeck 1998: 30). Rather it is a living and layered "creation of mentions and silences" (Trouillot 1995: 50). This means that despite the epistemological struggles to document limited evidence, it is in the inborn silences specific to production and plot structure that the rest of the story is maintained and where researchers may discover alternatives that were not relevant in the structures of the Western historical canons:

For indigenous people, the effort to uncover and remember what was buried is not only valuable for federal recognition, but also encourages a social and political process for decolonization: where once colonized people seek to reemerge their identities, tell their own histories, and reassert their distinct qualities in an effort to gain some form of independence (see also Duara 2003; Musgrave 1994). The issue in the post-colonial transformation of indigenous people, then, is not so much one of forgetting or recalling. Nor is it to posit history and memory in complementary or opposing constructions (cf. Nora 1989). Rather, it is recognizing the various expressions of historical agency – the heterogeneous chains of dialogues that sometimes results in a historical collective (e.g. Harkin 1997) - and calling attention to the many guises of power that construct historical versions of what we "know" (see Dei 2000). The decolonizing process goes beyond simply opposing colonial and imperial knowledges. Implicit in the process is the desire to understand it - to be able to use the tools of Western research (Woodward 1997; L. Smith 1999) – in order to be aware of the events which continue to incur structures of domination.

The above perspectives become important to evidence that indigenous history does not begin with written colonial accounts, nor does it end with acquisition of lands and assimilation, but is transferred through various means that need only to be uncovered and acknowledged such that "[i]f we allow that historical consciousness and representation may take very different forms from those of the West, people everywhere turn out to have had history all along" (Comaroff and Comaroff 1992: 5). This point is quite effective, and proves to be essential for contemporary indigenous revitalization

movements. The key, however, would be for OFA researches and staff to consider and incorporate more holistic research models and interpretive methods to investigate the historical processes that disconnected Native peoples from their own histories.

Although changing anthropological, post-colonial and Native intellectual tactics are helping to create a new indigenous historiography, the key question is how such views can penetrate or influence the legal process of recognition. It is important to point out that OFA criteria are modeled after American Eastern tribes, with no separate standards for the rest of America's Indians. The issue, then, is how to influence a shift in their standards: from requiring a linear written transmission of history and Eastern tribal models and, instead, consider the variety of Native social formations and unique state circumstances that lead to the inability to produce certain transmissions. Bruce G. Miller (2003) has given examples of anthropologists (e.g. Deloria, Campisi, Fogelson, Sturtevant, Suttles) who have critiqued the recognition standards before Congress as unsatisfactory. In particular, Wayne Suttles "advocated a more nuanced understanding of indigenous social organization consisting of an unbounded and changing social network of relations of reciprocity, marriage, political influence, and the sharing of resources, among other sorts or relations" (Miller 2003: 81). Following Suttles argument, Miller points out that many social organizations after contact were not chiefdoms, but consequences of "myths of chiefly and bounded societies" from which "groups are forced further and further into documentation of a past that never existed" (Miller 2003: 84-5). Conversely though, anthropological "invented tradition" paradigms – of how cultural institutions are invented to serve present needs (Hobsbawm and Ranger 1993) have been

detrimental for documented descendants and have led OFA researchers to "refuse to take any claim of Indian descent or history at face value" (Miller: 2003: 63). I also argue that the refusal to take any claim at face value stems from discourses and practices made popular through pan-Indianism and increasingly utilized in politicized land claims and movements. There is also cynicism directed toward people trying to "fill" their histories with oral narratives with events that may not have happened. Yet, such are perpetuated by the pressure to prove an artificial continuous tribal past based on OFA criterion.

Opposition to change

Many unrecognized tribes, including groups identifying themselves as Chumash, have argued that OFA criteria fosters division and controversy between indigenous groups when attempting to situate the ambiguities and uncertainties over what constitutes and defines gaps or continuities in indigenous history (see B. Hill 2002). California petitioners have argued that OFA continuum tribal standards - *uninterrupted existence as single, distinct and autonomous entity*— be held an inaccurate guideline to fit all American indigenous groups, or at least in need of transparent redefinition. Others who consider Acknowledgement bureaucracies to be a corrupt, incompetent and archaic institutions filled with administrative delays on tribal economic, political and land development — are calling for its abolition¹⁷¹ and for the enactment of new legislative practices, policy frameworks, and procedures. Yet they face many powerful opponents who prefer to keep the Process as is.

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¹⁷¹ See for example, the <u>Abolishment of The Bureau of Indian Affairs</u> Petition to The Senate at http://www.petitiononline.com/rdmr3/petition.html

Federal recognition can have a significant effect on a tribe, surrounding communities, and its benefits and costs are felt throughout the nation as a whole. For federally recognized tribes, their quasi-sovereign status to participate in federal assistance programs and national policy negotiations privileges them to a higher political access and social rank: "It makes them real, authentic. They get to say legally that they are tribal, where we really cannot...even though we know we are. It's not a position they want to share" (fieldnotes 8/17/10). Competitive tensions understandably occur between unrecognized groups, not only because of the advantages distribution of federal resources brings to select Indian tribes, but because of the power that accompanies Acknowledgement (e.g. priority to make repatriation claims under NAGPRA, allowance to manage natural resources on Indian lands and ability to maintain their own system of governance). The influx of "wannabe" tribes - those who do not have strong claims to ethnicity or tribalism but nonetheless identify and organize as tribal (Green 1988) - has also brought suspicion and concern of claims abuse, lending to increased support of rigorous OFA procedures. 172 With costs and resources at stake, opposing parties of federal recognition may strategically use memory work to enforce their own versions of history, community, justice and rights in order to maintain control of land, ruling relations, and authority in national discourses (see for example Mackey 2005). Thus, in considering the opposition to the empowerment of marginalized people, it is little wonder that methods by which to receive federal recognition are complex and laborious, laden

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¹⁷² Such support has come from federal tribes and anthropologists as well as unrecognized communities with demonstrable descent (M. Miller 2004: 69). For example, coalitions have been established by powerful federally recognized tribes lobbying against changing criteria.

with ambiguous regulations that ultimately leave the burden of proof on indigenous peoples to evidence an Indian history that, for many, systematically eroded.

It should also be considered how the OFA reflects the classic Weberian bureaucracy: 'a modern judge who is a vending machine into which the pleadings are inserted together with the fee and which then disgorges the judgment together with its reasons mechanically derived from the code" (Weber 1946 trans.). In the Weberian model, the fixed division of labor and legal traditions set in 'calculable rules' (explicit, impersonal, intentional and rational) that govern decisions and actions simultaneously thwart or destroy innovative ideas and communication to maintain a hierarchy of authority. Originally, bureaucracy was seen as an effective machine where 'speed' and workers' specialization attributed to its fullest development. However specialization through division of labor brings lack of coordination and an understanding of the larger process of an institution. Workers within the bureaucracy essentially become 'stuck' in the fixed roles given them without chance to branch into new directions and change a structure. Accordingly, because bureaucracy inhibits change or new innovations, this structure ultimately creates an interest to minimize work load, dodge accountability, and increasingly gear toward a state of paralysis. Such paralysis is exactly what has occurred with the federal recognition process. Their power of government agencies to control how narratives ought to be demonstrated to evidence continuity and their power to deny different events and histories to emerge via oral tradition, sustains their hierarchies. If the OFA were to say "yes" to changing criteria or "yes" to federally recognizing a tribe, it would mean more work and cost. Instead, the burden is placed on American Indian

groups to fulfill unyielding criteria which, in turn, deflects responsibility away from bureaucrats. In short, the overall bureaucratic design of the OFA works to keep unrecognized people in place.

The political context of federal recognition has also become quite unstable leading to less desired solutions for a restructuring of the bureaucratic FAP process. For surrounding non-Native communities, who fear local casinos may encroach their landscape, disturb their social mores (see Darian-Smith 2004) and cause loss to their own claims and perceived rights, indigenous empowerment (in any form) is seen as a threat (e.g. Mackey 2005). This is particularly the case in Chumash country where there are many foes of the Santa Ynez Chumash because they have a casino, as reflected in organized coalitions aiming to prevent their land purchasing expansion. Here, even researchers (anthropologists, historians and genealogists) have been labeled "hired guns" for unrecognized tribes: "It brings corruption. They [unrecognized tribes] entice investors and academics into efforts for recognition for promised casino revenue should they get federally recognized", according to one representative of the "anti-land/casino" expansion (4/20/2011). Such increasing vitriol directed toward Indian casinos has created strong oppositional bodies toward furthering recognition claims. As an example, the BVBMI were advised by one anthropologist that if they were to receive funds from the federally recognized Santa Ynez Chumash, it would be a possible risk in receiving recognition since:

¹⁷³ Most notable and vocal are the Santa Ynez Valley Concerned Citizens which formed in 2000 to "represent and articulate local stakeholders responses to and concerns with the every-evolving land use development plans of the Santa Ynez Band of Mission Indians" (www.syvconcernedcitizens.com).

...there are BAR administrators who are anti-casino and oppose tribes who have these backers...The casino thing has a downside. It raises red flags and brings in people who affect policies with people of federal acknowledgement. Some of these cases are not decided on their merit but on their politics. So showing sufficient tribal continuity on paper may still have no desired effect. (fieldnotes 9/27/08)

One of the greatest challenges for achieving federal recognition is raising sufficient monies to complete an application process which can cost hundreds of thousands of dollars. The Administration for Native Americans (ANA) once provided grants for groups filing for federal petition to aid with research. However, such funding ceased due to pressure opposing tribal gaming. Yet without funds, legal and research endeavors necessary to fulfill criteria, bringing indigenous historical perspectives into the FAP process cannot even begin to occur; hence perpetuating the "Catch-22."

Proposing a Balance

The BVBMI, in recognizing the public and bureaucratic animosity toward Indian gaming and, in agreeing that they have no desire to have a casino should they receive recognition (despite the benefits), are working to change mainstream conceptions of goals for being Acknowledged. This has involved reaching out to the public through lectures and discussions in representational and educational spaces (newspapers, schools cultural events), handing out brochures, writing letters to agencies and creating websites promoting their mission statement to make clear that their intentions revolve only around the preservation and education of their heritage:

To bring Chumash people together, to instill pride and the respect of our culture. As a nation, we will educate the community in which we live. We will reach out to the many areas of the community in ways of art,

storytelling, music and dance. We are the earth keepers. We will protect and preserve the land that has culture and sacred significance to our people by creating a government-to-government relationship. We will continue to be a presence in the world and celebrate our wholeness. (Barbareño-Ventureño Band of Mission Indians Mission Statement)

The equitable government relationship means inclusion: having equal rights of representation and decision-making in policy arenas. Thus voiced goals are toward diminishing the governmental barriers that define "real" American Indians. According to one woman of Obispeño descent, but without Acknowledgement...:

There is this divide. Until you have federal recognition, you are nothing. And if you have federal recognition, you are everything. There needs to be some kind of system or method for people who are of American Indian descent to participate in benefits, like scholarships and healthcare without a casino. (Fieldnotes 8/17/10)

Does this mean bureaucratic and policy procedures should be restructured or should other forms of recognition replace the current one?

There had been hope amongst BVBMI members that since the current Obama administration implemented policy to improve outreach and conditions of federally recognized tribes, it would also work to make changes in federal recognition policy:

Obama wants to create a summit for American Indians, but it is probably only going to be for recognized tribes. I am thinking about literature I can send to Obama of tribes who are not recognized. They outweigh recognized tribes. What happens to us? When will they change these laws to finally get us recognized? These are old laws... that they determined to say who we are. We know who we are. When will they know who we are? We can provide lineage but that still is not enough. When people apply for health services ...they don't recognize us. These are the kind of stories that our president needs to hear to change that. We are urban Indian and have been turned against. It's another way to terminate us again...It's really shameful that they build this country on our relatives and yet we are the last ones to be heard and served. (Julie Tumamait, 2/28/09)

To date, there have been no policies designed for greater outreach and protection of unrecognized groups. Nor are there changes in BAR policy to incorporate standards that take into account current urban Indian experience, or to at least make criteria more specifically designed to incorporate diverse indigenous histories.

Conclusion

At a personal level, federal recognition does not make us more Indian. It means more for the outside world that needs to know we are real Indians. But at the bigger picture federal recognition means a lot to our community because it gives us protection and rights for repatriation.

-Julie Tumamait 8/1/2011

Although many American Indians create their own standards for assessing personal identity and/or group membership, it is not often without thought of how to satisfy external expectations and government requirements to later make rights claims. Unfortunately, federal recognition standards are still based on relational, geographical and prototypical approaches that do not take into account self-identification or realities of contemporary urban indigenous experiences. As a result, many unrecognized tribes use a series of exclusionary tactics in the making and organizing of their bands in hopes to later satisfy OFA criteria. This is not to say that compliance of governmental standards mean conformance and acquiescence. Connecting to and preserving an indigenous past through tangible means (demonstration of maintained cultural practices and landscape bonds, blood-line, documentation, name, enrollment, birthplace and family lineage) works to stabilize a meaningful sense of identity through known ancestry. However, to be federally acknowledged as a legitimate sovereignty - a "true" indigenous political entity - remains a priority for most unrecognized American Indian tribes. It is another form of dependency

for outside validation that unrecognized groups must rely upon to eligibly participate in a formal government-to-government relationship. Thus, to be politically recognized is never a process of self-identification, but an external one – the Velveteen rabbit made real by others' beliefs. It is always subject to judgment, scrutiny and proof far beyond internal measurements of ethnicity.

A general consensus amongst many unrecognized families is that changes for Acknowledgement procedures will never occur, causing many to forego the process of organizing into tribes as defined by the government:

It's not going to be in my lifetime. I can tell you that. They [the OFA] are a bunch of criminals...It's only because maybe my great, great grandchildren may have rights I don't. So maybe our efforts now can make a foundation the future. (Ernestine De Soto, 5/16/2006)

Many have also seen the futile efforts for federal recognition by California bands such as the Juaneño Band of Mission Indians that have well-documented records of tribal continuity and descent: "if they can't make it, I don't see how any of us could because they have a pretty continuous record (fieldnotes BVBMI tribal meeting 9/27/08). Even federal recognition does not guarantee just compensation and access to government monies.¹⁷⁴

American Indian trust accounts managed by the BIA (see 573 F.3d 808 (D.C. Cir. 2009) extending from *Cobell v. Babbitt (filed June 10, 1996) and later Cobell v. Kempthorne* and *Cobell v. Norton.*) When audited, it was also revealed that between 1973 and 1992, at least 2.4 billion in tribal trust accounts were unaccounted for and left untraceable (see Misplaced Trust: The Bureau of Indian Affairs' Mismanagement of the Indian Trust Fund, H.R. Rep. No. 499, 102ND Cong., 2ND Sess. 1992, 1992 WL 83494 (Leg.Hist.).

For example, in the famous long-running class action lawsuit, *Cobell vs. Salazar*, it had been revealed the Department of Interior and Treasury had mismanaged over \$450,000 million held in over 300,000

Chapter Eight

Finding More Viable Forms of Recognition

So, why do some groups bother to attempt the Federal Recognition process that is seemingly futile? For some, it seems to be for certain advantages found in organizing as a group: from creating a band and a non-profit organization to seeking state-recognition. This chapter explores these advantages as unrecognized Chumash groups engage to find optional (but more viable) forms of recognition when organizing as tribal entities.

Finding Collectivity in "Banding"

Organizing for federal recognition is not the only goal for the BVBMI. They have pointed out several times of the importance of togetherness. Thus, in the act of gathering as a tribe, a structure and forum is created from which to reconnect families and share a common sense of identity and history according to BVBMI members:

I think it's really important to remember that we formed a together not only for federal recognition and the projects out at State parks, but for us in general to be able to connect and remember...to communicate all the different happenings in the communities... to take what we remember of our culture and work to educate the public. (Eleanor Arellanes, 7/6/2010)

What if we never get federal recognition? Just the idea that we do still gather and exist and recognize that people are willing to participate, that's the dream. It's not just Native people – it's family. The act of gathering brings out family...Federal recognition is great but just that we are gathering is more important. (Patrick Tumamait, 9/16/2009)

Beyond just connecting together, a band entity creates a sense of formality - an aura of officialness, professionalism and legitimacy - as members define their meeting forums as councils and organize hierarchal roles and responsibilities in their governing board- from chair, to treasurer and secretary. In many ways, this serves to dispense the formalities

necessary to influence goals and outcomes, disseminate knowledge, and strategize how to extend their local endeavors:

We have to be known at a formal level. We are trying to introduce ourselves as a tribal band to the local city and county. They know us as individuals, but not as a tribal entity, not as a close-knit community. (fieldnotes, BVMI tribal meeting 2/28/2010)

In this process of enacting bureaucratic skills, the BVBMI have subsequently found an effective means to produce value, organize group roles and responsibilities, relate to the business and development sector, and participate with agencies and educational institutions. For example as an official body, the BVBMI actively work to attract support and collaborative opportunities with other foundations, agencies and institutions. The "T" transforms into a narrative of the collective "we": a political unit with representational ability. This lends credibility and stronger positioning, particularly in political and policy arenas, since group entities are often viewed to hold a strong base with consensus in numbers. While this can work through physical presence, "as soon as words are spoken, the transformation of individual into group action becomes even more apparent as individuals begin to mix their discussion of business with their discussion of their relationships to each other individually and as a group" (Schwartzman 1989: 79):

The first question whenever I go to a development or policy meeting is "who do I represent" or "what tribe or group are you affiliated with," not "who are you?" If I just say me, no one really listens. As a group you can get somewhere...they listen. As a Band member, I somehow become professional and official (Frank Arrendondo, 08/08/2010).

(CAUSE mission statement. Retrieved from www.coastalalliance.com)

¹⁷⁵ For example, they have been able to partner with other non-for-profit foundation in collaborative projects such as the Central Coast Alliance United for A Sustainable Economy (CAUSE) which works to "realize social, economic and environmental justice for the people of the California Central Coast Region."

Besides rhetoric strategies to transform individual presence to a representation of a larger body, several business-type accoutrements and bureaucratic tactics are also used to officiate an organized body. Strategies are drawn from corporate structures; consequently, actions and processes are formalized on paper: they record minutes, hold elections via ballot, satisfy written agendas, etc. Also, because the "surest way of guaranteeing referentiality is through the self-referentiality, or, rather, the self-referencing, of bureaucratic documentation" (Herzfeld 1993: 125), the BVBMI have issued identification cards (see Figure 26) to demonstrate they have adhered to lineage requirements. Second, logos have been created which are worn on t-shirts and jackets, placed on banners for cultural events, and used on letterheads and business cards (see Figure 27). Logos, in their simplicity, connect association in a visual instant, creating distinction through representation. As one Chumash stated, "You see a logo of Apple and you know immediately who that is. This is important in the Native world too."

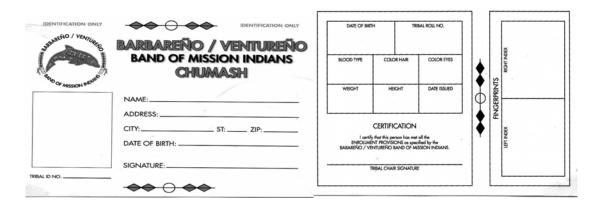


Figure 26: Identification Card. Courtesy of the Barbareño/Ventureño Band of Mission Indians

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¹⁷⁶ The cards mean that a member has voting rights in the Band's decision-making process. They are also used to attain access to American Indian healthcare.



Figure 27: Logo. Courtesy of the Barbareño/Ventureño Band of Mission Indians

The image becomes important for it works to symbolize what an organization represents, making others aware of what one stands for. In the case of the BVBMI, their brand is a dolphin with rock pictograph symbols from ancestral times, both of which are iconic of Chumash culture. The colors of red, white and black are also considered distinctly Chumash, as they were used for rock pictographs. The dolphin, besides central to their origin stories, tells the viewer they are a coastal people associated with marine living. As the logo is circulated, it works as a form of advertisement – making recognizable through repeated familiarity. It simply makes them known. "Prior to making a formal Band people knew us, but did not know we are organized. It's normal now to understand us and have relationships with us because we have letterhead and business cards."

Finding Status is Non-Profiting

The third and most important is to incorporate their Band into a non-for-profit foundation which, as mentioned in the previous chapter, brings controversy over ownership and representation of heritage. However, it is increasingly the means for unrecognized groups to develop the bureaucratic skills needed for outreach, partnerships and funding. Many BVBMI meetings revolve around how local business can be achieved

through being a non-profit. This means for them, "we have to create a membership group based on nonprofit regulations with a third of the membership present to pass any laws or motions within the group" (fieldnotes, BVBMI meeting 2/23/2010). Thus, in order to progress as an unrecognized but "professional" representational unit, the BVBMI follow the protocol of non-profit foundations in the way meetings are held. According to Frederick Bailey (1977) meetings create committees who establish and work to maintain a ritual-like structure necessary to develop a sense of community. Communication traditions are established to develop the organization through continuous contact in meetings from which to dispense formalities necessary to strategize ways to influence goals and outcomes, disseminate knowledge, and extend their local educational and collaborative endeavors. 177 Meetings need not be in a boardroom, but simply the gathering of people who agree to assemble for the purpose related to the functioning of a group (e.g. exchange ideas, develop procedures, make recommendations) (Goffman 1963). And, unlike boardrooms - with rectangular meeting tables and a lead speaker/director at the head – Chumash councils, like most American Indian groups, sit in a circular formation. While symbolizing the "continuum where everything moves and cycles...the sun, the moon, the season" the structured circular interaction works to give equal respect to people present and disintegrate decision-making hierarchy: "no one is in charge" (personal communication 8/26/2011).

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¹⁷⁷ I take a meeting to be understood from Erving Goffman as a type of gathering or encounter with focused interaction that "occurs when people effectively agree to sustain for a time a single focus of cognitive and visual attention, as in a conversation, a board game, or a joint task sustained by a close face to face circle of contributors" (1961: 7).

With formalities in place, a sense of stability and legitimacy is established. Importantly tax-exempt status is achieved - with the major advantage being the ability to apply for grants and raise funds for community building, education and cultural preservation ¹⁷⁸:

I treat it like a non-profit in order to receive funds or money from donations or fund-raising. We can't act as a tribal band, because we are not recognized yet by anybody. Even with state recognition, it still doesn't give business owners or philanthropists that tax-write off if they donate to you without a non-profit number. That was one of the reasons [for] getting over that hurdle of getting a non-profit. (Julie Tumamait 3/3/2011)

As a nonprofit organization, the BVBMI is promoted via self-designed internet websites and Facebook, where an alternative space is increasingly proven to draw support and alliances, gain recognition outside of governmental authority, shift power relations, and raise funds in the name of cultural and environmental awareness, education and preservation. While this works to evidence to the OFA that they are building a "tribal community," recognition through a non-profit means that the impenetrable bureaucratic dinosaur is no longer the only source to find credibility.

The irony of establishing indigeneity as an ethnic incorporation illustrates how the politics of ethnic difference have entered the marketplace, creating new strategies for identity assertion, profit, survival and organization akin to capitalist corporate-like behavior (Comaroff and Comaroff 2009). The convergence of culture, ethnic identity and

"Social and Economic Development Strategies." See www.acf.hhs.gov/programs/ana/grants

¹⁷⁸ Under these causes, ethnic non-profits qualify for certain status grants. For example, although the ANA no longer provide grants for communities filing for federal petition to aid with research, it still awards grants to eligible Native non-profits that "successfully apply for discretionary funds" for "Environmental Regulatory Enhancement", "Family Preservation," "Native Language Preservation and Maintenance" and

capitalism into an identity industry, according to the Commaroffs, provide "novel means for animating social connection" (2009: 37), yet also bring questions of the continuities between ethnic corporations and prior organizational forms. The Santa Ynez Chumash have seemed to dissolve this dichotomy between traditional tribal ways and modern Western models of formal corporate behavior in explaining that business, trade and capitalism have always been part of their culture:

In the beginning, Chumash used bead money as currency, made from small disks shaped from the Olivella shell. We can imagine thousands of beads circulating in the community as our Chumash ancestors made significant contributions that enhanced the quality of life for many in the community. Today, the Chumash tribe continues with our long-standing tradition of giving. Our tribe has reached out to hundreds of local groups, organizations and schools in the community [through donations]. ¹⁷⁹

Like their cousins, the BVBMI and other unrecognized Chumash groups also see themselves as carrying on the traditions that allowed their ancestors to prevail for thousands of years prior to contact. "We always were capitalists," mentioned Alan Salazar, "not just hunters and gatherers." Thus, continuity is demonstrated in their corporate behavior. However, while the incorporation of identity and commodification of culture may allow formerly marginalized ethnic groups a palpable means to gain social, political and economic advancement, these trends also bring new questions and contestations over matters of cultural integrity, authenticity, appropriation and intellectual property rights (as mentioned in the previous chapter). For example, finding alternative means of recognition in more liberal non-profit avenues also means attracting competitors to utilize the same tactics and possibly diminish their own claims.

¹⁷⁹ Retrieved from http://www.santaynezchumash.org/contributions.html

State-recognition

Another alternative to Acknowledgment is state recognition which, due to the federalist system, empowers individual states the autonomy to define, recognize and act toward its tribes ¹⁸⁰ (Koenig and Stein 2008: 83,104). According to Alexa Koenig and Jonathan Stein, since the Federal Acknowledgment Process "has been increasingly viewed as 'broken,' some states are "filling that gap by increasing state-tribal communication, providing state tribes with limited benefits and support, and beginning the process of resolving centuries of conflict" (2008:94). In part, this is because of state governments' desire to better improve indigenous conditions, aid in heritage preservation and find mutually beneficial political relationships (Cohen 1945; Koenig and Stein 2008: 83). States vary in approaches for recognizing tribes and in creating government-togovernment relationships: from having appointed agencies to coordinate interaction between tribes and state governments; to passing legislative resolutions or; giving recognition at the informal level to (Koenig and Stein 2008: 85-86). Koenig and Stein (2008: 103-107) categorize state recognition approaches or processes into four groups: (1) State Law; (2) Administrative; (3) Legislative; and (4) Executive. 181 These forms of

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Koenig and Stein state that this relates "to the general theory that federal laws involving tribes preempt state laws, which is in-turn grounded in the historic paradigm of federal supremacy being necessary to states (as when tribes have asked or applied for state recognition), state authority is arguably not preempted by the federal government. In such situations, this is because state action does not conflict with the federal government's predominant goal of furthering tribal self-governance. Another view is that the states' authority emerges from the 10th Amendment, which guarantees that powers not specifically enumerated in the United States Constitution as rights of the federal government, are reserved to the states" (2007: 93-4).

181 The first – state law recognition – is the most formal means to create state recognition. It occurs through passage of a new state law approved by the Governor which, through the force of law, binds the state to establish a government-to-government relationship with a tribe. The second – administrative recognitionallots executive agencies empowered by statutes the ability to create recognition standards. The third and less formal process– legislative recognition – occurs through a joint resolution by one or both houses of the state legislature to create a government-to-government relationship. This form of recognition does not carry

state recognition offer limiting powers in comparison to federally recognized tribes. Nonetheless, they allow for sovereign characteristics as "recognized by the state's laws, legislative resolutions, administrative regulations and other documents that collectively define the government-to-government relationship" (Koenig and Stein 2008: 86).

The third and the most informal process, legislative recognition, has been used in California¹⁸² to recognize two tribes: the Gabrielino-Tongva of Los Angeles recognized in 1994 and the Juaneno Band of Mission Indians in Orange County in 1993. However, these tribes receive no benefits, rights, or protections associated with federal recognized tribes. 183 Nor do they receive any services or aide from state agencies not also afforded to other unrecognized tribes. They are merely acknowledged by the state "that a particular tribal group constitutes the indigenous people of a particular area in the state" (Cohen 1945 §3.02[9] at 171) However, the official labeling as "state-recognized" does mean "a tribe's current home state has legally accepted it as a representative group of a particular nation" (Healy and Orenski 2001: xviii) such that a government-to-government relationship can be created. This, according to some Chumash "legally means nothing," since no practical redress occurs, and thus becomes only a symbolic act: a form of official recognition considered "formal" in sound, but "informal" in action (fieldnotes 4/1/2011). For others, there is great significance in being recognized at any official level because it creates visibility and grants a distinct position:

the force of law; however, it is more easily accomplished. The fourth – executive recognition – occurs through gubernatorial proclamation, executive order, or historic treaty.

¹⁸³ Benefits vary through states. In some, state-recognized tribes may qualify for federal Indian programs or education grants.

¹⁸² The California Legislature has authority under its constitution to grant official state-recognition to tribes through Assembly Joint Resolutions with a majority vote in both houses (Koenig and Stein 2008: 106).

Indians feel invisible, left out. This [state-recognition] makes them feel visible. It literally means acknowledging and concerning views of group...that the state has to talk to us because we are recognized as equal to the State in status...and that the State should communicate with us at an equal level about heritage, cultural and environmental preservation and the needs of the community. It also means that county agencies have to treat tribes as if they are state agencies. We want to be treated differently than the general public in how we are dealt with. Federal recognized groups have a sovereign voice. We also want to be acknowledged independently and make it clear that our voice is completely separate from the public and from American Indians in general. So many times Chumash get all lumped together. With state-recognition, it would mean our voice is completely separate from other Indians. It lets us have our own identity (Frank Arredondo, personal communication 5/5/2011).

For some who may never receive federal recognition, state acknowledgment brings validation of their ethnic claim and social acceptance. As mentioned in the previous chapter state-recognition was recently awarded to the Coastal Band through judicial ruling. No formal powers or benefits are bestowed with this, except that they now receive acknowledgement from an authoritative body that "they are who they say they are, which for the Coastal Band, (who locals say are not Chumash), means a lot" (Barbareño descendant, personal communication 5/20/11). Thus, even though the practical awards of state-recognition are little, official recognition in any form means that American Indian identity, as codified by law, becomes palpable: a group is entitled to claim their name and their status as legitimate due to external ascription. For the BVBMI, this has left them to ponder again how a people with no proof of descent can achieve any form of recognition.

The status of state-recognition does bring unanswered questions regarding furthering the quest for federal acknowledgement: can state-recognition be an effective step toward federal acknowledgment? Do OFA officials feel that state recognition

suffices so as not to need federal recognition? If so, would the quest for state recognition hinder federal recognition goals? Until further research on state-recognized tribes' pursuits for Acknowledgement occurs, a definitive answer is unavailable. However, it is work noting that no state-recognized tribe has attained federal recognition in California.

Conclusion

Through presenting and promoting their Bands as political and corporate entities, several opportunities come for alternative forms of recognition and participation in official decision-making arenas. In particular, through incorporating their identities into ethnic non-for profit foundations, a greater means is found to raise funds, collaborate with agencies, policy-makers and institutions and reach a broader audience from which to raise awareness of their existence. The overall goal for these strategies of recognition is to be able to meaningfully participate as equals (be consulted, help create and be part) of the decisions in policies that impact their cultural, economical and social well-being:

The only thing about being Native or not is the federal standards. But we are Native and true descendants and we want the right to be able to participate on equal footing as our cousins who are recognized. There is no difference in our blood lines, just the villages we descend from. But we are not included...When our ancestral remains our found, Santa Ynez [Chumash] are contacted. This is changing with state policy and with other agencies at a more informal level. (Julie Tumamait, 4/12/2010)

The next chapter explores these changing laws and policy contexts in California and how they are working to strengthen and empower federally unrecognized tribes to meaningfully engage (participate, collaborate and communicate with) official policy arenas of policy and representation.

Chapter Nine:

American Indian Consultation and Participation in Policy

Federal policy for American Indians shows the same line of progression as do other areas of policy consideration. Today hardly a thought is voiced in the area of Indian policy without consultation with a wide variety of Indian people. Policy seems no worse today than it did in earlier eras of American history. But is it worse today than it was yesterday?

- Vine Deloria, 1992: 3

Boy I have got a lot to tell you on consultation process in this town....none of the agencies have done anything close to consultation that the Native would agree is true consultation - Chumash Descendant, July 9, 2010

On November 5th 2009 President Barack Obama convened the 1st Annual White House Tribal Nation Conference with 386 federally recognized tribal nations¹⁸⁴ attending, assuring them "you will not be forgotten as long as I'm in this White House." Declaring his commitment (via signature) to fulfill the requirements of Executive Order 13175 for regular and meaningful consultation and collaboration with tribal officials in the development of Federal policy,¹⁸⁵ President Obama's speech reflected the years of stagnated policy practices: "Without real communication and consultation, we're stuck, year after year, with policies that don't work on issues specific to you and on broader issues that affect all of us. And you deserve to have a voice in both."

Alongside Executive Order 13175 several laws and policies exist that mandate and/or suggest American Indian consultation, particularly in environmental and heritage preservation. The catchword of consultation has now entered the human rights arena, affecting a universal conception that with consultation, equality across the global

¹⁸⁵ Executive Order 13175 was a directive originally issued by President Clinton on November 6, 2000.

¹⁸⁴ Only federally recognized tribes were invited to participate in this meeting to review the process and receive comments.

spectrum can occur. One might presume, then, that such a speech advocating "real consultation" would be embraced and celebrated by American's indigenous population.

Instead a tone of apathy, born of cynicism, ensued. Attendees of the Conference felt that the policy of consultation, without balanced decision-making and effective implementing actions to enforce their needs, would become a meaningless discourse:

Tribal concerns boil down to two points: 1) The Executive Order is viewed by federal agencies as merely a procedural requirement with no focus on the substantive goals of tribal self-government and fulfillment of the federal trust responsibility. Tribal leaders spend a great deal of time and resources engaging with a federal agency only to receive little response directed toward tribal recommendations. 2) Sometimes federal agencies ignore or refuse to carry out their responsibilities under the Executive Order, and there are no mechanisms for accountability. 186

To instill trust in the Order, President Obama announced the U.S. support of the U.N.

Declaration on the Rights of Indigenous People by stating that:

action addressed in those consultations are taken. 187

The United States recognized the significance of the Declaration's provisions on free, prior and informed consent, which the United States understands to call for a process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders, before the

To clarify "consent" as it was announced for support the UN Declaration, the US government issued the following statement:

...the U.S. understands the concept of "free, prior and informed consent" or 'FPIC' to call for a process of *meaningful* consultation with tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultation are taken...The U.S. supports additional protections for indigenous peoples in the context of *certain*

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¹⁸⁶ Excerpt from letter written by Jefferson Keel of the National Congress of American Indians to Secretary of Agriculture, Tom Vilsack, 12/14/09

¹⁸⁷ Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples: Initiative to Promote the Government-to-Government Relationship and Improve the Lives of Indigenous Peoples. Held at the Annual White House Tribal Nations Conference December 16, 2010.

projects with *special* circumstances. However, the U.S. does not believe there is an international consensus in favor of a definition of FPIC that requires the agreement of indigenous peoples."[emphasis added]¹⁸⁸

In this *clarification*, "FPIC" remained ambiguous since "meaningful" did not amount to agreement and "certain and special" seemed to indicate only the undefined exceptional circumstances.

No wonder apathetic sentiments by American Indians again seemed to follow:

"What matters far more than words – what matters far more than any resolution or declaration – are actions to match those words.... That's the standard I expect my administration to be held to." The statement falls in line with a question asked by a colleague comparing the Armenian-American desire for a genocide resolution: "what's up with the seeming rejection/ambivalence of the Native American Apology? On you give me some info about the local reactions?" While the Resolution "urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land," following is a disclaimer that "Nothing in this Joint Resolution - (1) authorizes or supports any claim against the United States; or (2) serves as a settlement of any claim against the United States" (Bill Text 111th Congress 2009-2010, S.J. Res.14). Policies without measures for rectification seem to be the source from which the indifference stems: "A REAL apology would be to make

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¹⁸⁸ Update of the International Finance Corporation's Policy and Performance Standards on Environmental and Social Sustainability, and Access to Information Policy, May 12, 2011.

¹⁸⁹. "Obama Will Sign U.N. Declaration on the Rights of Indigenous Peoples." By Meteor Blades, December 17, 2010. Retrieved from www.nativeamericannetroots.net, an online forum for American Indian Issues.

¹⁹⁰ This refers to President Barack Obama's signing the Native American Apology Resolution into law on December 19, 2009 "to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States" (Bill Text 111th Congress 2009-2010, S.J. Res.14). The Apology Resolution was included as Section 8113 in the 2010 Defense Appropriations Act, H.R. 3326, Public Law No. 111-118.

full restitution to the Native Americans. All this political jerrymandering only shows us all that our government doesn't mean what it says, especially when it comes to Native Americans." Many Chumash held a similar opinion: "...so what are we to do? Say we accept the Apology and say it's okay that the U.S. took our lands and destroyed our people. But there is no potential for reparation from this?" (Frank Arredondo, 4/1/2011). "We don't need any more words, we need action," stated an Obispeno descendant (fieldnotes 1/11/2010). Such statements embody centuries of broken treaties and broken promises experienced by American Indians.

The now popular policy buzzwords, "consultation", "participation", and "consent" infiltrate local and global legal discourses that urge indigenous engagement in the policy process. But what does such terminology really mean and what power comes with it? Do "meaningful" consultation, participation and collaboration provide a substantive means to translate political or material changes for indigenous peoples? Or is it simply a symbolic gesture - a transformation in policy discourse without real legal enforcement for implementation (c.f. Mauro and Hardison 2000; Stidsen 2006)? Or worse, is the participation practice a new convention to maintain inequities in political power and access to resources, rather than actually empowering disadvantaged peoples (Cooke and Kothari (2001)? And what of the needs and opinions of non-federally recognized who are excluded from the Apology¹⁹² and the White House Conference.

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¹⁹¹ Blog post by Survival Acres "United States apologies to American Indians – but forgets to tell them?!" lawlib.lclark.edu/blog/native_america/?p3680

¹⁹² Since the Resolution "commends the State governments that have begun reconciliation efforts with *recognized* Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries" (J.S. Res. 14. IS Sec. 1(7)).

Without being considered an official tribe worthy of invitation to consultation forums, are there other ways they can gain participatory privileges in policies that affect their culture? How can they utilize policy space to maneuver power relations and influence policy change to better their circumstances? Answering these questions involves examining how national and state consultation laws translate locally in their negotiations, interpretations and implementations.

Here through Chapter Twelve maps the controversies, dilemmas and compromises between policy actors and unrecognized Chumash in negotiating ambiguous and conflicting legal definitions to implement consultation policy. This chapter begins with an introduction to the national laws and procedures for indigenous consultation which have emerged in reaction to discourse coalitions calling for environmental and historic preservation. As most of these laws specifically pertain to federally recognized tribes, I examine their elisions and affordances together with efforts by unrecognized groups to challenge and reconcile such legalized forms of exclusivity. A primary issue in the contestations is that they are only allotted commenting privileges as public participants. Thus, I offer an observation of why commenting in policy remains an unsatisfactory act for Native Californians.

Laws for Tribal Consultation

The statutory language of consultation and participation with Indian tribes emerged from historic and environmental preservation legislations that required environmental review in order to avoid harming historic properties. Of first significance was the 1966 National Historic Preservation Act through Lyndon Johnson (NHPA) and

its Amendments of 1980 that established the Advisory Council on Historic Preservation (ACHP), the National Register of Historic Places¹⁹³ (NRHP), the list of National Historic Landmarks, the State Historic Preservation Offices¹⁹⁴ (SHPO) and the Section 106 review process. Of import to American Indian tribes is the Section 106 process of NHPA and its amendments (36 CFR Part 800) which mandates that federal agencies have a procedural obligation to reduce potential harm and damage to historical properties when considering projects (e.g. construction, rehabilitation or demolition) on sites listed (or eligible for listing). This requires a review process that considers and assesses possible impacts. ¹⁹⁵ In 1992, the U.S. Congress adopted amendments to the NHPA (P.L. 102-575) that allowed federally recognized Indian tribes to take on a more formal responsibility as consultants for the preservation of significant historic properties on tribal lands. ¹⁹⁶ To meet statutory responsibilities of the NHPA, Section 106 requires federal agencies to consult with Indian tribes on a government-to-government basis throughout the review

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¹⁹³ The National Register lists historic properties maintained by the National Park Service which includes buildings, structure, objects, districts and sites of national, state, or local importance.

¹⁹⁴ SHPO works at the state level to implement the Federal Historic Preservation Program. Its responsibilities include: recognizing and coordinating statewide inventory of historic properties, reviewing nominations of properties to be included in the NRHP, maintaining a statewide preservation plan and acting as advising consultant for the Section 106 review process.

¹⁹⁵ This is to provide the ACHP an opportunity to comment on projects prior to making a final decision. These undertakings typically include projects, activities, or programs that require a permit, a license, or approval from a federal agency. Complying with Section 106 of the NHPA is a statutory obligation that is separate and distinct from complying with the National Environmental Policy Act (NEPA).

Preservation Officer (SHPO) with respect to tribal land. This means they are formerly entitled to actively participate as consulting parties for the Section 106 process. They may also have designated Tribal Historic Preservation Officers (THPOs) whom Federal agencies consult in lieu of the SHPO for undertakings occurring on, or affecting historic properties on, tribal lands.

process and acknowledge expertise of tribes in determining religious and cultural significance of historic properties (36 CFR 800).¹⁹⁷

Following the call for preservation set forth by the NRHP came various resource conservation statutes and executive orders requiring (but more often advising) that federal agencies involve American Indians in assessing impacts to the quality of the human environment. Most considerable is the National Environmental Policy Act (NEPA) of 1970 (and its Amendments of 1980) which requires the preparation of an environmental assessment (EA) or environmental impact statement (EIS) for any proposed major federal action that may significantly affect the quality of the human environment. While NEPA regulations did not initially require consultation from Indian tribes, its Council did. Established in 1970 as part of NEPA to oversee federal agency implementation of the EIS process and referee agency disagreements over environmental assessments, CEQ set guidelines and regulations directing federal agencies to consult early with appropriate state and local agencies, Indian tribes, interested private persons and organizations when its own involvement is reasonably foreseeable and provide them opportunities to participate in preparing EAs or EISs (section 40 CFR 1501.2 (e)(2)).

Tribal consultation legalese then manifested into several seminal pieces of federal legislation that extended beyond environmental review and historic assessment to create a more direct impact on the protection of American Indian rights and preservation of their

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¹⁹⁷ The decision to participate or not participate in the historic preservation program rests with the tribe. If the choice is to formally participate, a tribe may assume official responsibility for a number of functions aimed at the preservation of significant historic properties including: identifying and maintaining inventories of culturally significant properties; nominating properties to registers of historic places, conducting Section 106 reviews of Federal agency projects on tribal lands, and leading educational programs on the importance of preserving historic properties.

spiritual and material culture. For example, Executive Order 13175: "Consultation and Coordination with Indian Tribal Governments 11/16/2000" directs agencies to respect tribal self-government and sovereignty and to carry out timely and meaningful consultation when they are developing policies or regulations that may affect tribes. The Archaeological Resources Protection Act (ARPA) of 1979 (P.L. 96-95; 16 U.S.C. 470aa-47011) requires consultation prior to issuance of ARPA permits¹⁹⁸ for excavations on federal land, tribal consent for excavations on their land, and consultation concerning the disposition of artifacts recovered from permitted excavations. The American Indian Religious Freedom Act (AIRFA) affirmed the right of Native Americans to have access to their sacred places by making it policy of the United States "to protect and preserve for American Indians their right to believe, express, and exercise the traditional religions of American Indians." Section 106 became of further value to tribes since its process could overlap with these laws to involve their consultation. 199 Likewise, 1992 amendments to Section 101 of NHPA strengthened the interface between AIRFA, NAGPRA and NHPA.²⁰⁰ For example, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 is not an historic preservation law, but it can intersect with Section

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¹⁹⁸ Permits are for excavation of archaeological sites on federal and tribal lands. The law establishes civil and criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources on federal or tribal land.

¹⁹⁹ For example, although consultation is not enforced with religious practitioners according to ACHP guideline, if a place of religious importance to American Indians may be affected by an undertaking, then a process to coordinate with Section 106 consultation is suggested according to ACHP guidelines.

²⁰⁰ It did so by clarifying that: a) properties of traditional religious and cultural importance to an Indian

It did so by clarifying that: a) properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register and; b) in carrying out its responsibilities under Section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A). [16 U.S.C. 470a (a)(6)(A) and (B)]. See www.achp.gov/relationship.html#AIRFA.

106 because it pertains to the disposition of human remains and some cultural materials recovered during projects on federal and tribal lands.²⁰¹

While these laws are important to American Indians, the definitions used to discern tribes are based on "federal constructions, rather than vernacular or historical constructions" (Bruchac 2010: 5), hence legally limiting consultation to only those federally acknowledged as a tribe. In fact, most legal guidelines for indigenous consultation emphasize that federal agencies are not required to consult with non-recognized Indian tribes, but should derive consultation with tribes from the specific language of Section 101(d)(6)(B) of NHPA which only considers the unique legal relationship (government-to-government) between federally recognized Indian tribes and the United States as it is embodied in the U.S. Constitution, treaties, court decisions, federal statutes, and executive orders. Thus, agencies will turn to, for example, Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments", where

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²⁰¹ The law established a process through which American Indian remains, funerary objects, sacred objects, and items of cultural patrimony are to be repatriated to lineal descendents and culturally affiliated Indian tribes if found during intentional archaeological excavations and in cases of inadvertent discoveries on federal and tribal land (P.L. 101-601; 25 U.S.C. 3001 et seq.). NAGPRA implementing regulations refer to consultation or consultation-related concerns in several sections, including: 43 CFR 10.5 (consultation requirements for intentional excavation or inadvertent discovery); 43 CFR 10.8 (consultation requirements for summaries) and; 43 CFR 10.9 (consultation requirements for inventories). For activities on Federal lands, NAGPRA requires federal agencies consult with "appropriate" Indian tribes (including Alaska Native villages or Native Hawaiian organizations) prior to the intentional excavation, or removal after inadvertent discovery, of several kinds of cultural items, including human remains and objects of cultural patrimony. For activities on American Indian or Native Hawaiian lands, NAGPRA requires the consent of recognized tribes and organizations prior to the removal of cultural items. The law also provides for the repatriation of such items from Federal agencies and federally assisted museums and other repositories as well as consultation requirements when federally-funded museums prepare summaries and inventories of their holdings that are required by NAGPRA. The 1992 amendments to NHPA strengthened NAGPRA by encouraging "protection of Native American cultural items...and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups" [Section 112(b)(3)] and by stipulating that an "...agency's procedures for compliance with Section 106...provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with Section 3(c) of the Native American Graves Protection and Repatriation Act...." [Section 110(a)(2)(E)(iii)].

"tribe" means a community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a). Similarly under NAGPRA, tribes required to be consulted are those "recognized as eligible for the special programs and services provided by the US to Indians because of their status" (25 U.S.C. 3001, § 2(7)). Since the legal parameters apply only to federally recognized groups, unrecognized groups were basically denied the ability to invoke any of these laws.

"Interested Parties"

In accordance with ACHP guidelines for the Section 106 process, the only means by which unrecognized tribes may participate and possibly find influence in policy decisions is if they are recognized as "interested parties." The guidelines state that individuals or groups with a "demonstrated interest" in an undertaking (e.g. "the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties") may be invited by federal agencies to participate as "an additional consulting party" (36 CFR Section 800.2(c)(5)). For unrecognized tribes to meet the threshold of "demonstrated interest" depends on whether they can demonstrate: ancestral ties to the area of undertaking; concern with the effects of the undertaking or; if they can provide additional information worthy of consideration for the federal agencies' decision-making process (ACHP Handbook guidelines 2008: 9).

After demonstrating these forms of interest, the federal agency may then choose to bring non-federally recognized individuals or organizations to participate in the Section 106 consultation process. However, their participation is not legally required in the process

and is subject to invitation and approval by the responsible federal agency.²⁰² Basically, without a government-to-government relationship status, only federally recognized Indian tribes that attach religious and cultural significance to historic properties of a proposed undertaking have the statutory right to be consulting parties in the Section 106 process. If the agency decides that it is inappropriate to invite non-federally recognized tribes as "additional consulting parties," those tribes can still provide their views to the agency as members of the public under 36 CFR Section 800.2(d).²⁰³

For many unrecognized groups, being lumped into the generic category of "public" or "additional party" is considered demoting because it gives "less standing during negotiations," according to one Chumash claimant (fieldnotes 2/18/2011). As an example, the Federal Communications Commission (FCC) proposed the installation of telecommunications equipment on the Channel Island of Santa Cruz in 2009, known to Chumash as the historic village site of *Limuw*. Under Section 106 of the National Historic Preservation Act of 1966, the FCC is required to take into account the effects of its proposed undertakings on historic properties by preparing and transmitting a submission packet to the SHPO for consultation. The Nature Conservancy (TNC), a non-profit preservation organization which manages the part of Santa Cruz Island of the proposed

²⁰² As the ultimate decision on whether to consult with non-federally recognized tribes rests with the federal agency, it is advised by the ACHP that "the decision should be given careful consideration and made in consultation with the SHPO (or if on or affecting tribal lands, with the THPO or designated tribal official)" since "the inclusion of non-federally recognized groups in consultation may raise objections from some federally recognized tribes" (ACHP Handbook 2008: 10).

²⁰³In part, this is because the ACHP promotes the idea that "Tribes, Native Hawaiians, and the public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process." See www.achp.gov/106summary.html.

project, ²⁰⁴ was delegated authority by the FCC as consultant. To comply with public outreach guidelines, the TNC sought comments from all interested parties on the proposed project. In January 2010, a visit to the proposed project was conducted along with several "interested" individuals. The individuals, primarily consisting of unrecognized undocumented claimants, raised considerable concerns regarding the site, namely that project equipment was placed on shell midden (archeological feature consisting of mussels shells) making it a site of historical concern. To appease this concern, a letter from the TNC Santa Cruz Island Operation Director was issued to "all interested parties" stating that a federally recognized Chumash monitor and archeologists directed the equipment's movement to another location and that future information regarding plans for the telecommunications project would be provided to give an opportunity to comment on potential effects (fieldnotes 2/2010). This did not satisfy the unrecognized individuals since their input was not being directly elicited from an early stage of the plan's inception.

In retaliation, the "interested" individuals organized as the Chumash Association Alliance (CAA) and demanded from the TNC in a letter that "all tower work stop immediately, to prevent irreparable harm [,...that] TNC/NPS enter into Meaning Consultation with CAA" and that, "under the Freedom of Information Act," the CAA be provided "a list of all project/research currently in progress on Santa Cruz Island... a list of all the ground disturbance project/research for the last 10 years...[and] a copy of the

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²⁰⁴ Although Santa Cruz Island is included within the boundaries of Channel Islands National Park, the National Park only owns and operates approximately 24% of Santa Cruz Island. The remaining land is managed by non-profit organizations including: The Nature Conservancy, the University of California Field Station, and the Santa Cruz Island Foundation.

NAGPRA filling for Santa Cruz Island." After threatening a lawsuit – "we do believe the CA Court systems will find in our favor if an injunction were to be filed," they wanted to make clear being an "interested party" is a "false statement" since according to them:

...our Creation Story tells us of our birth on Santa Cruz Island, we are 'Stakeholders", not just "interest parties". CAA opinion is that when you refer to "interested parties" you are attempting to disconnect CAA and our represented members from our Creation Story, in CAA opinion we find this to be discriminatory, racists, ethnic cleanings and the continuation of Cultural Genocide. In CAA opinion this is in direct violation of our First, Fifth, and Fourteen Amendment. Additionally, in CAA opinion it is in total disregard for the Freedom of Religion ACT and in direct violation..... Please show CAA where it states that you do not have to have Meaningful Consultation with CAA. In the last paragraph you go on to try to attempt to fold CAA into the interested party capsule. [This] will not happen, we are STAKEHOLDERS, and you must follow the law. (letter to TNC retrieved from email distribution 2/18/2010)

Arguing tribal status based on correlating a creation story with being a stakeholder does not a tribe make in the eyes of agencies. Furthermore, not granting consulting party status to those with demonstrated interest in the affected historic properties is legally allowable (see 36 CFR Section 800.2(d)). Interested parties cannot demand consultation, but must be invited. However, the Section 106 process promotes the principle that public be provided opportunities to give their views to better inform the decision-making process and advises that "reasonable objections raised by any parties should always be considered" (ACHP 2008 guidelines 10). Thus, rather than denying a party the opportunity to participate in consultation, Section 106 guidelines suggest finding ways in which every party can be accommodated.²⁰⁵ Therefore, to stay within guidelines, agencies will often carefully craft how parties are labeled to provide

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²⁰⁵ For example, "separate consultation meetings can be held, with information and views shared amongst all the consulting parties as appropriate" (ACHP 2008 handbook: 10).

thresholds of participation and consultation, while also emphasizing the means in which they considered other input. Thus, the TNC replied,:

I strongly disagree that TNC has not honored the understanding reached with CAA on the Island or in subsequent conversations. Your areas of concern at the site in question were expeditiously and appropriately addressed. As indicated in your letter, we agreed to use an "authorized tribal observer" in doing so. The observer we used is authorized, trained and recognized by the Santa Ynez Band of Chumash Indians. This is the tribal group which is federally recognized, and therefore the one with which we need to deal with individually with respect to FCC requirements.... As a reminder, TNC is required to follow Federal and State guidelines and comply with other legal agreements which we have in place. As I have stated numerous times, however, this does not mean that we decline to deal with other Native American groups having an interest in the Island. Your group and other interested parties are being copied on all relevant correspondence and will continue to be copied. (letter from TNC to "all interested parties" 2/23/2010)

To follow up, a letter was sent once again to "Interested Parties" after the archeology report was completed and reviewed by the FCC asking that comments be provided for SHPO review in accordance with policy procedure. For the "interested parties," their commenting at this point was seen as an uncontestable act, an after-thought to already made action. "We are not part of the negotiating or policy-making process. We don't even get to know if or how they are considered...[or] what other peoples' comments are. We just give comments afterwards…It means nothing," stated one claimant (email correspondence, 2/27/2010).

One concern with agencies when granting consultation status to unrecognized tribes are the considerable identity-based debates amongst groups regarding who is (or not) a Chumash descendant. For example, the ethnic claims of the CAA core organizers have been contested by many individuals with identifiable Chumash descent. According

to documented families, "most of the people in the CAA do not have proven or documented ancestry. They cannot physically prove it the way we are able to through recordsSo they try to gather people with real descent into their organizations so they have some kind of credibility" (fieldnote, BVBMI tribal meeting, 2/27/2010).

Descendants who disapprove of guilt and shaming tactics employed by undocumented claimants often reject such gathering attempts:

...they make a big fuss with agencies telling them they are racists and destroying the land. We do not play the racist, cultural genocide card. The way I see it is, they are trying to gain more power and voice to further their fraudulent claims and eventually get monitor jobs. (Ventureño descendant, 2/27/2010)

To prevent undocumented claimants from representing Chumash culture (even only as interested parties), documented families will often contact agencies and express their concerns and objections regarding representation. In turn, undocumented claimants have become more adamant in asserting their presence in policy arenas.

Designating consultation privileges to unrecognized groups has now become a complex and sensitive issue for agency representatives who would rather avoid the complexities of judging and reconciling who is of actual Chumash descent. First, to grant consultation might mean giving some form of official recognition to undocumented claimants, causing more strife between unrecognized groups. Second, agencies are not equipped to accommodate a vast number of unrecognized groups who constantly disagree on fundamental issues regarding "authentic" Chumash tradition and identity. Thus, to avoid enflaming or being part of ethnicity-based controversies, agencies often revert to using mandatory legal standards which require consultation only with federally tribes:

In a legal sense, it is easier for agencies to deal with federally recognized tribes than having to deal with controversies or dealing with later protests as to who is real Indian or not. They don't want to get involved in that. It's just too political and complicated. So most will say 'it's not our position to consider who is Indian but to follow the law.' (personal communication, Santa Ynez tribal member 9/24/09)

Liberally granting consultation privileges in California is also complicated because there are more than 100 non-federally recognized groups in California due to historical circumstances, ²⁰⁶ perhaps more so than federally recognized tribes. ²⁰⁷ The differences in federal status do not accurately reflect descent, knowledge or the unique historical experiences of indigenous people over time. However, their present lack of federal status means that their ability to "consult" and make claims on historic properties depends entirely upon the decision of agencies and consent of the federally recognized tribes. Due to relational ties with the Santa Ynez Chumash, many unrecognized people hold an advantage for finding consent privileges. For example, when projects take place outside the territorial scope of Santa Ynez (e.g. Ventura County or the Channel Islands), their tribal representatives will sometimes recommend agencies contact and seek advice from Chumash descendants with ancestral ties or historic knowledge to that particular region. "It's not mandatory," according to an MLD from San Luis Obispo, "but is out of courtesy and respect (personal communication 6/1/2011). Because agencies do not generally have knowledge of ancestral relations to regions, such communication helps to buttress a means for tribal protocol rather than federal protocol. Yet, there is still a

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²⁰⁶ For example, during the "Termination Period" of the 1950s, Congress ended the federal government's relationship with more than 100 tribes in assimilation. Many tribes regained their recognition while many others are still seeking to restore their federal recognition status.

²⁰⁷ The ratio is reflected within the 7,000 mile Chumash region, where there are at least 16 federally unrecognized groups and only one federally recognition tribe.

reliance and dependence on the federally recognized Chumash to share power of repatriation. At the same time, more agencies are acknowledging the various historical circumstances that caused lack of federal recognition for many California indigenes are not reflective of their current historical knowledge to a place. Thus, consulting them is sometimes believed to benefit the Section 106 process mission to acquire information that enhances the agency's decision-making process.

Because it is the federal or state agency that ultimately makes the decision regarding the involvement of other consulting parties, unrecognized groups are increasingly making an effort to strengthen relationships with agency representatives, from which they can demonstrate the value of their knowledge. "The problem is that so many agencies just use guidelines and contact the federally recognized groups because they don't know you," stated one MLD. "Once they know who you are, they have a reference to consult...So, we have to show them we have information that can assist them" (personal communication 2/11/2011). This means initiating contact. One tactic might be demanding. Another might be inquiring or attending public comment meetings. Another is to write introductory letters to agencies which demonstrate they are an organized entity with cultural resource knowledge and availability:

To whom it may concern,

We, the Chumash Barbareño-Ventureño Band of Mission Indians...are comprised of descendants who can trace their Chumash families' heritage thousands of years prior to colonization. We can also trace our ancestry to many villages throughout Chumash territory, including the central California Coast and northern Channel Islands. Our band is involved in cultural resource management, education (all ranges), monitoring, research, and cultural awareness... Our purpose for contacting is that we are requesting that your agency put us on your consultation list as

interested parties during comment periods in policy negotiations, as pursuant to Senate Bill 18 and Section 106.

Such communicative interactions have worked to establish a rapport with agency representatives for later consideration of consultation.

Conclusion

As "the public" or "interested party," minimal participation is allotted in policy process. However, the space to comment can be enough to make a new contact zone where unrecognized American Indians can shift power structure of local policy process. This may come from establishing rapport with policy actors to establish a presence such to create an avenue for incremental changes in policy knowledge production. For some then, it is a chance to get into the dialectic - the democratic public discourse - where positions are stated, argued, negotiated from which the outcome of policy and practice result (Scollon 2010: 160). In this sense, participation, even at the least powerful level, is a means by which a continued dialogical practice can shift policy makers' attention from other-wise set rules to see the value of indigenous perspective. For others, the label "interested party" strips the distinction and value of their knowledge. Thus, many are utilizing the "comment zone" to confront and pressure policy makers to change ways they delegate roles and implement procedure. However, the overall complaint by unrecognized groups is that agencies seek comments after they make proposals, giving little value to their input. So, why do agencies and policy makers even seek comments from "interested parties"? Is it a matter of legal procedure, of courtesy, or policy protocol? Does it actually amount to balanced decision-making power in making and

implementing policy? The commenting protocol has extended into the public law-making process where policy actors I interviewed were often reluctant to give information about how competing comments are judged and balanced to make decisions in policy. The next chapter examines one such case.

Chapter Ten

Science versus Indigenous Knowledge in Policy: A case study of the Marine Life Protection Act Initiative

...if you understand policy as the consequence of political interactions, then you will understand why particular types of knowledge prevail.

- Keeley and Scoones 2003: 31

Policy arenas are interactive sites of cultural production as complex agendas and histories intersect to promote indigenous representation. Hence, they provide a unique platform for understanding how indigenous knowledge, identity, difference and representation is produced, negotiated and circulated within Western legal frameworks in efforts to influence policy outcomes. Yet, where policy zones offer a potential means of influence and expression of indigenous perspectives, they are by no means without barriers as dominant institutions inherently carry a structure of exclusion and resistance to "alternative" discourses and knowledge. Many times it can be observed how entrenched norms are threatened as different discourses and alliances work to pressure for change in the policy process. In such cases, it seems there are historical echoes and patterns of exclusivity that carry from colonial times and are repeated in the conflicting discourses between state and national institutions (Deloria 1992; Postero 2004). At one matter is "sharing power, which does not come easily to bureaucrats who have long-established positions and histories in their organization" (Esber 2004:17). Nor does it come easily to long-established recognized tribes who may not want to diminish their rank and status. At another matter is balancing perceived to be dichotomized forms of knowledge (indigenous knowledge versus Western science). This chapter addresses these policy

barriers through examining unsuccessful efforts for indigenous involvement and knowledge in the law-making process of the California Marine Life Protection Act.

Multi-interest or pre-set decision?

The California Marine Life Protection Act (MLPA) Initiative was proposed to direct California State to create, manage and re-evaluate a coordinated network of marine protected areas²⁰⁸ (MPA) along the coastline. With the original 1999 Initiative failing for five years due to lack of resources and insufficient public involvement, the California Department of Fish and Game (CDFG) reintroduced the Initiative in 2004 as a private/public partnership funded by private and state monies. Their strategy was to divide the coast into five study regions represented by a formal Blue Ribbon Task Force²⁰⁹ (BRTF), Science Advisory Team²¹⁰ (SAT) and Regional Stakeholders Group²¹¹ to develop and evaluate the MPAs, as well as to create a series of avenues from which to garner public involvement. Because policy narratives on environmental rehabilitation and protection "stick" (Keely and Scoones 2003) and have a higher chance of being adopted by judicial systems and governments (Scholtz 2006), highly promoted goals for creating

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²⁰⁸ MPAs are defined as discrete geographic zones that are off limits or restricted to fishing and gathering in order to protect or conserve marine life and habitat..

The Task Force is composed of five to eight public leaders selected by the secretary of the California Natural Resources Agency. Evaluate alternatives presented by the Stakeholder Group and makes recommendations to CDFG (www.dfg.ca.gov/mlpa).

²¹⁰ The task of the SAT is to provide the scientific knowledge and judgment necessary to assist the Blue Ribbon Task Force with meeting the objectives of the Initiative (www.dfg.ca.gov/mlpa).

²¹¹ The Stakeholder groups consist of individuals from all the interests that have a stake in the regional MLPA process, including fishermen, tribal representatives, preservationists, diving groups and harbormasters. Members are selected through an open nomination process, but the group is chosen by the director of CDFG and the chair of the Blue Ribbon Task Force, who evaluate the nominations and jointly make appointments (www.dfg.ca.gov/mlpa).

and re-evaluating MPAs were to "increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage."

The MLPA's core guiding policy was that the best "readily available science" be used in the redesign process, along with the advice and assistance of scientists, resource managers, experts, stakeholders and members of the public. To achieve such "multi-interest" support, members of the public were invited to attend public comment meetings in person or view/listen to webcasting meetings and provide comment. The *best readily available science*, however, was provided by the Science Advisory Team – a team of "technical experts" in fields such as marine ecology and life protection, environmental health sciences, underwater habitat biology, fisheries, water quality, oceanography, and MPA design and management. In each regional SAT (northern, central, south coast) the biologists, ecologists, oceanographers and economists are composed mostly of those with doctoral degrees. In July of 2009 I attended an MLPA public comment meeting in Oxnard where I was told at the public commenting meeting that the reason for this is because...:

...Science is in the law. It is supposed to be a science based process, but with public input. Most of the Science Advisory Team are academics and research scientists involved in California...a fabulous group with knowledge from Marine ecology, seaweed biology, technology, birds, water ecology, economics... (MLPA representative, 7/8/2009).

Yet, there was not one indigenous person on any of the SATs. I asked an MLPA representative how indigenous people provide knowledge and expertise useful for the MLPA process. The answer: comment to the knowledge already made; comment to

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²¹² Retrieved from www.dfg.ca.gov/mlpa.

²¹³ See www.dfg.ca.gov/mlpa.

stakeholders; comment through email or blog; or comment on pieces of paper left at public meetings..."We're taking all public opinion under consideration" (fieldnotes, 7/8/2009). In wanting to understand how meaningful their consideration was of indigenous input, I then asked: "what if Native people protest the protected areas? What if they want access to an area for traditional use? What if they suggest another area should be protected from environmental degradation?" I was told,:

Well, it still has to fall under the guidelines of SAT. . . It would go through stakeholders, but they would be guided by the SAT and Ribbon Task force to be in compliance with guidelines... The SAT do two things: develop a set of guidelines based on the law. Guidelines are written out on line and used to evaluate MPA proposals and go through a whole array of bioregional differences, habitat representation, MPA spacing, marine birds, mammals, opportunities for education and commercial and recreation ... Then they give evaluations that answer questions from the State advisory group. They will relay an overview to the Fish and Game with a recommendation. Then they ask for public feedback.... So please provide your comments.

After being handed a blank sheet of paper for my comments, I stated that "it seems that designated areas are already laid out" and asked "what would change if I were to say, for example, that the MPAs were insufficient in protecting the ocean and there needs to be more analysis? If they have already been evaluated, why do you really seek comments?" Again, I was given what seemed a rehearsed answer:

Because this is a public participation process to implement law...Now we are in the process of trying to select a final proposal by asking for your feedback on what works for you. They [CDFG] take the input and will select one of the three proposals. What they are looking for is a proposal that has what they call 'multi-interest' support. They want to see and want proof that there is multiple input...that there are a variety of interests included. No one is dominant.

Will changes come from this "multi-interest" public participation? The representative replied, "they plan not to make any changes... well, maybe minor changes." So I asked again "what good are my comments?"

It appeared from her statement and from their diagram of decision making (see Figure 28) that standard procedure for public support policy was still a rational linear model: one that entails a progressive series of key executive top-down stages, with little room for change from the bottom (cf. Bridgman and Davis 2003; Hogwood and Gunn 1984). In this model, 'policy narratives' (Roe 1991), agendas, practices and structures are created and implemented by those with decision-making privileges (Ostrom 2007) who, through categorizing, ordering and labelling the roles of policy actors seek to manage and maintain social order (Keeley and Scoones 2003: 37; Foucault 1991). In turn, the 'concepts and categorizations' becomes "expressions of knowledge and power, "controlling human subjects by the definitions and categories imposed on them" (Keeley and Scoones 2003: 37; Foucault 1980).

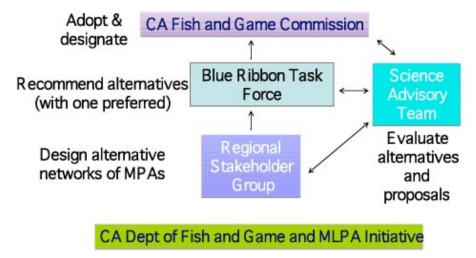


Figure 28: Retrieved from www.yournec.org/content/marine-protection-boon-or-bane-north-coast

It is obvious that their policy for involving public commenting to be to fit policy guidelines into pre-set technical solutions and agendas. It was "best done by hindsight....the road to programmatic hell [was] well paved, a beautiful boulevard of good intentions" (Deloria, 1992: 3). Consider the following: The director of the CDFG ultimately chooses the members for the stakeholder groups. The scientific "experts" already defined the contours of engagement: "scientists establish the facts about environmental realities, and policymakers come up with policy options in light of the facts (Keeley and Scoones 2003: 25). The SAT provides the initial guidelines for proposal development by the stakeholder groups and the CDFG (who implemented the MLPA) ultimately makes the final decisions on the MPAs. Although it was repeated to me that in this policy "no one dominates," it became clear that a particular set of knowledge-makers did. Their mutual relationship made for a process of selective inclusion in the public participatory exercise of policy making: science guided policy and policy made avenues for science. This became clear to indigenous people as well:

They should take seriously Native knowledge and ask what were your traditions and perspectives that allowed us to live here successfully for 13,000 years without destroying the planet. Then from there create a plan. Not how are you going to fit into our plan. No matter what, we have to fit their plan. (Ineseño descendant, personal communication 9/24/09)

While there is no indigenous person on the SATs that evaluates, recommends, adopts and designates, there was a call to have indigenous representatives as stakeholders along with kayakers, fishermen, recreational gamers and any other unpaid volunteers who could, according to MLPA policy actors, "demonstrate they represent a group and that

they have intimate knowledge to a place."²¹⁴ However, even with a stakeholder interest – whose task is to "design alternative networks to MPAs," it is the SAT who is charged with guiding the stakeholder development of draft MPA proposals.

For all of California, two stakeholders were chosen to represent indigenous perspectives of the central and southern coast, one of whom self-identified as Chumash. This was viewed as a meager and ill-reflective representation of Native concerns. "They are not really using indigenous knowledge to preserve oceans, but utilizing two stakeholders to represent all indigenes in this region to balance the policy," stated Ventureño descendant, Patrick Tumamait, after attending an MLPA forum meeting. "Who's to say their take on traditional uses are the same as ours? (personal communication 2/27/2009). The stakeholder, though, did attempt to gather local Native through letters, meetings and emails that could be brought to MLPA meetings. The response from most local indigenes was a resounding "what's the point?"

Why get involved? All they really they want is to conserve the ocean so that they can have more resources to exploit later. (Ineseño descendant, personal communication 9/24/2009)

There is no language in this Act that covers Native American culture or people – or our uses. Whether the proposals being accepted are going to include anything Native American is probably close to none. (Barbareño descendant, 6/11/2009)

They say they want the Native input, but it seems more like a procedure and they're going to do what they want to do anyway... What is the point of having us come together for these meetings? Just to say they got our comments? ... And we are descendants of this huge coastal area, but they omitted us... I guess I can only be here as a U.S. citizen who wants the

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²¹⁴ Demonstration of both, according to two MLPA policy actors, was based on an application letter, interviews and "perhaps follow-up phone calls" (fieldnotes 7/8/2009).

ocean protected... (fieldnotes, various statements from BVBMI members at their monthly meeting, 3/28/2009)

The underlying reason for indifference is based on the fact that there was nothing to distinguish indigenous input from the public. As only the public, their unique ancestral experience to the land and the ocean, stemming from long-term occupancy, is dismissed. This is viewed by Chumash as another form of invisibility – their expertise is not only belittled, but unacknowledged:

I am reaching for a reason to get involved. The way many feel is that they could use our knowledge. There would be a great opportunity in this for others to learn the relevance of indigenous knowledge. But they are not asking for that. They are asking for our comments without real concern for Native American views. (BVBMI member, fieldnotes 3/20/2010)

If they really want to save the ocean, the MLPA should have sat with us outside of the process and said, "hey we need help." For thousands of years, we were not destroying the ocean. We understood how to take care of it and help it regenerate. We understand laws of nature and how to recreate things so we could sustain ourselves. We did not overindulge. In this society, they wind up taking more than needed. In 200 years, they caused irreparable destruction to the ocean. We did not cause this destruction... They did with their culture of greed, entitlement, and overindulgence and they think their scientific knowledge can save it. (Ineseño Chumash descendant, personal communication 9/24/2009)

Another reason for apathy by local Chumash was in the neglect of their direct participation during the proposal making process. Thus, rather than providing comments felt to be fruitless, a letter from the BVBMI was sent on July 19, 2009 to MLPA representative stating:

We are deeply disappointed that the Chumash culture—or, for that matter, any native culture—was not addressed or mentioned in this process. Our culture is well known for its maritime history and documented village sites. An important question is just where do we, as Native people today, fit into this process? Without your more serious consideration of the ancestral uses of the oceans and adjacent lands, the MLPA process entirely

misses an important opportunity to address the longer history and continuity of cultures as they pertain to contemporary resources.

Notwithstanding the forceful tone of the letter, it was still felt that "whatever we say is not going to change anything. We can send letters, but it won't matter. Policy doesn't make any difference" (BVBMI member, personal communication 8/1/2009). Like unrecognized groups, federally recognized tribal input was also considered public comment - a categorization which tribal members felt disenfranchised them:

As Native people, we should not be considered and put into the same role as the public. Yes we are public because we live with other communities, but we go back to our sovereign nation. Show us same respect as any other foreign government that is dealing with America (Santa Ynez Chumash cultural representative, personal communication 9/24/09)

Protesting for "tribal science"

The above sentiments were shared by North Coast California tribes who formed a coalition to protest an SAT team meeting held in Eureka, California on June 29th, 2010. Holding picket signs to discursively shame - "MLPA Can't Hide the Genocide," MLPA Taking Tribal Rights Away," "Don't Mussel Us Out," "MLPA, I'm not your Stakeholder" - they charged into the meeting room arguing that MLPA methods of gathering data on indigenous subsistence lifeways via surveys was intrusive and disrespectful: "Why should we justify our use of ceremonial and subsistence gathering and harvesting?" They requested instead that an indigenous representative be able to sit at the SAT table to provide "tribal science" – a form of expertise based on genuine, rooted and long-term knowledge of marine life and environmental issues:

Of all the people here, tribal people have the longest scientific record and we don't understand why we were not invited to come to the table. We

have the longest observation of marine life to date. So we are confused on why we were not asked to come to the table and asked for our knowledge first hand. We feel disrespected in that instead of taking our science and bringing that to the table, we were simply given a survey to fill out.

At first, they were declined and asked to leave: "Please we are trying to have a science meeting here....We are trying to crunch numbers here....I ask with due respect and with due force that you let this meeting proceed," stated a SAT member. It was a technocratic response, "with science given a major role and law publics often labeled as ignorant, or incapable of handling the scientific complexities that guide decisions" (Keeley and Scoones 2003: 25). Their scientific knowledge community had been steadily controlled and empowered by the operation of institutional structures (Foucault 1980). In being able to visually frame environmental problems within this operation, Western scientific knowledge has become a steadfast power (Foucault 1980) of which alternative interpretations could potentially threaten.

After the coalition refused to leave, invoking their tribal rights as mandated by federal law to participate in policy and freely express their religion, the SAT conceded to open a public comment session where protesters took their turn to speak. The coalition's predominant goal was to break the confines of exclusive Western science in policy and bring their knowledge in for equal consideration. To challenge the power assumed in Western knowledge, they positioned their own technically informed "epistemic community" (Haas 1992) under the story line of "tribal science" to invoke a sense that their knowledge could also be positivistic, capable of reliable and valid outcomes. In many ways, it was a discursive strategy to shift the technocratic categories un-academic and "non-modern" indigenous (Latour 1993) to the category of elite experts. Since policy

makers and scientists mutually construct policy (Shackley and Wynne 1995), it would mean an equal chance to affect policy implementation.

In representing their knowledge and practices as "the best available science" based on their long-term pristine relationship as stewards of the earth, the coalition offered to educate policy makers and SAT members to better their process. The first strategy was to posit their knowledge as humanistic and compassionate in opposition to cold, objective and neutral scientific knowledge:

Science is black and white, devoid of emotion. We are people and we live with the ocean as well... We are part of nature, not separate. Who is to protect if not humans?...How do you apply science if it is not with compassion? We offer to educate you on cultural responsiveness, our responsibility to take care of ocean and estuaries and relatives who reside in the ocean.

The second strategy was to challenge the validity of "black boxed" scientific knowledge: where ideas become stable to be treated as facts as input and output are assumed to be truth regardless of its internal complexity and contradictions (Latour 1987):

I hear you say that you're only dealing with science and numbers. You are saying traditional is recreational. That is not science, but trying to fit it into a box which is not appropriate. How can your results be accurate? You are also saying that all activity needs to be considered at maximum for levels of protection. That makes no sense. Traditional people use things in ways that manage ecosystems.

The third was to demonstrate their expertise with preservation due to their long-term practice of caring for the land and then argue for their traditional rights to gather. It worked to place the policy makers as invasive trespassers as opposed to the other way around:

I am a traditional gatherer. My whole lifetime... I have spent teaching youth how and where to gather and how much to take. Each time I go to

certain areas, I make sure that place is not over harvested. I know what to take and how much . . . Everybody here knows these things. For you to come here and not have Native input around that table...[except for] filling out forms. I received that form. I won't waste my god-damn time. No one needs to know when and where I gather. ... We have gathered on the coastline forever. You are all visitors.... And you come here and shut the door on us. I feel like pulling up a chair and sitting down at your table, because maybe I'm a scientist. I do know how to take care of what Creator gave to us. First we have visitors come here and take our villages and then parks come in and take over. Now you want to regulate us.

The fourth strategy was to bring politicized ethnic discourse to assert their qualifications and capabilities in both Western and tribal science in order to request a place at the knowledge-making table:

I would strongly consider appointing a tribal person to this board. Tribes in these areas have qualifications in Western science and traditional tribal knowledge. This would be an asset.

By also claiming their knowledge and experience in policy, they worked to dissolve the modernization discourse and demote the position of scientists by placing them as devoid of policy experience. Thus, debates turned to clarifying the policy right process for participation: on whether the MLPA Initiative was a science-based process, a policy-based one, or both. Either way, Native Californians wanted in:

Tribal rights is not a scientific matter, it's a policy issue. ... I don't think anyone here are policy people. I don't think you got into your fields to be policy makers. This is not a science issue. You are being asked to discuss an issue that is not your field, not your expertise. No one here has a degree in Native American studies and tribal rights. This is not an issue for you to address. You need to take this back to the Blue Ribbon Task Force and tell them this is not a science issue, but a policy issue. If it is a science issue, than you need to have tribal scientists at the table. We are the foremost science people of marine life and environmental issues in general. So I ask if we can have someone sitting at the table today. ...find a way to include tribal science in this group otherwise it will never be good science...Only way to get [all facts and data] is to have tribal science in this group.

In response, they were told Western science in policy was a separate process and that indigenous dialogue was welcome as public comment, just not as science:

We have been trying to understand unique concerns of tribal communities. Within Western guidelines, we have been trying to understand impact, then to help them make policy recommendations. It's about respect for Western science. Not to disrespect, but to have as much information to have best policy. Science is part of this and so is dialogue so that the Task Force can make best policy. We will always go out of our way to include. There is public comment, stakeholders....please continue to share.

With that dismissive summary, the SAT executive director concluded that they had tried to be respectful to the tribes and include them in the discussion. And so, indigenous people were left again with only the status of public commenter, with no legal right to sit at the same table as policy knowledge-makers and decision-implementers. If tribal scientists were allowed to serve on the SAT, the pre-determined scientific conclusions might find conflict. Perhaps, they felt it better to leave the "black box" in tact.

Trying to elevate un-credentialed indigenous knowledge

Because policy making and procedure is bound by institutionalized guidelines that leave little room for comment to become meaningful participation, many Chumash debate whether to join the process or work to de-institutionalize it. Those seeking to de-institutionalize emphasize guilt terms of "being excluded" and "institutionalized racism." This may become an effective political tool when aimed directly at policy makers. However, guilt carries only so far as an attacking mechanism when no substantial alternative can be offered. Thus, other California Natives feel it more productive to accept that a complete overhaul of institutionalize policy structures is unrealistic and, instead "join the process" and attempt to effectuate change from within. In such cases, it

becomes more of a question on how to strengthen a position once "in." Hence, the call that meaningful indigenous participation in policy making be based on a mutual exchange of ideas has become dominant. It means a higher form of recognition: elevating one from the status of the ineffective outsider (the public) to an active insider (a knowledge-producer) empowered to make effective change in policy:

Tribes are outside the process. We are asking for inclusion in this process... We do not see the respect or communication which is a two-way process. Your approach is from a Western standpoint. You need to have cultural sensitivity from a tribal perspective and approach it with that understanding. (fieldnotes from protest of MLPA SAT meeting 7/29/2010)

In short, the two-way process of communication means true consultation, a word which now signifies power to affect policy.

Because of its power, it is used carefully or intentionally omitted by agencies when dealing with indigenous groups. For example, at an MLPA forum in Pacific Palisades, California Indians were invited for the purpose of seeking their engagement in the Initiative. Although it was stated that the goals of the meeting were to gain more indigenous involvement and ask how they could influence the process, the number one ground rule written on a board was "this is not a consultation" (fieldnotes 2/27/2009). "So without meaningful consultation, why are we here? How are we to influence the process", asked one?

Indigenous participation and meaningful consultation in Western policy forums is viewed to be hindered, in part, because traditional knowledge is considered by agencies as "non-modern" (Latour 1993) and unofficial because of the lack of academic credentials. Some Chumash agree:

I think the reason they don't think they owe us consultation is because we don't have letters behind our names. We don't have a college degree. But we have been out in the field monitoring, teaching the public, providing knowledge on sites for 25 to 30 years. Yet, we are not considered professionals. (Julie Tumamait, personal communication 2/12/2010)

Yet, there are no institutions offering diplomas, training and certificates in "tribal science" or for mastering harvesting and gathering techniques. Therefore...:

....most Natives are not considered to understand corporate policies...[or] the professionalism process that archeologists and agencies go through. They are not seen to be dialed in on knowing these dialogues. What happens is developers and agencies, instead of talking to us about our concerns, go to archeologists for interpretation....Our knowledge may be different and separate from archeologists, but it should be considered equal. (Frank Arredondo, personal communication 4/01/2011)

This is a consequence of "credentialism" (Collins 1970) which emerges in modern stratification systems (Weber 1958; 1961): "status groups" are created through certification and sorted into enhanced specialized roles required for the speed and efficiency of the bureaucratic machine. Without letters (e.g. M.A. or Ph.D.) behind their name, their knowledge is not accredited and therefore considered as unqualified, regardless of intimate experience with the environment and growing knowledge in policy. 215 Rather class and status distinctions are perpetuated as structures of inequality are reproduced through lack of credentialism (Collins 1979).

²¹⁵ Like policy arenas, representational heritage arenas give paid teaching positions to those that hold

degrees. In one example, Chumash/Fernandeño/Tataviam descendant Alan Salazar applied for a naturalist position for an outdoor environmental school which provides educational programs in Chumash Life and natural resources to elementary students. Although he has life experience with nature conservation, he did not hold a degree in science and was therefore told he could not be hired. In response, he asked if the current naturalists and docents teaching Chumash history and knowledge hold degrees in Native American studies. They did not to which Salazar replied, "we may not have initials behind our name, but we know our own history and culture" (fieldnotes, 9/5/09).

Some confessed that perhaps contributing to this non-inclusion practice is that indigenous people call for cultural sensitivity and ancestral site protection, but rarely give a measurable, tangible or statistical data from which a methodological plan for conservation can occur:

..to have influence means we have to come up with the answers. Most natives say 'here is the problem,' but then don't provide a solution and that is why we don't have influence. Some say science data is colonialist way of thinking. But at least they are coming up with data to show a possible solution. We need to be able to show why our ways of management would work. (Frank Arredondo, fieldnotes 8/15/2011)

Simply stating "we have environmental knowledge because we were always here" does not appease policy makers who rely on "inscription devises" - the written expressions of heritage outlined by numbers, graphs, figures and quotas - that circulate to generate support (Latour 1987). At matter, then, is lacking inscriptions to establish a trace of their environmental knowledge. Use of oral tradition does not translate into a tangible entity that can connect information into a dense form and consequently "lock actants into place" based on perceived credible data (Spinuzzi 2008: 87).

Contributing to the inability to produce inscriptions is the manner in which policy meetings are structured and actors are paid. Consider that meetings are usually held during the day which conflict with most work schedules of indigenous people. To compound the problem, only policy makers are paid for their time because the preconception embedded in Western policy procedure is that those at the top – the decision makers, scientists and academics - hold elite expertise worthy of payment for their time. Even though indigenous participation and consultation is called for to make policy making seemingly more inclusive and democratic, those who are at the bottom –

the public – are deemed volunteers, with no payment for their knowledge. This brings a predicament for unrecognized individuals who work full-time to support their families. Some work as teachers, construction workers, bankers, legal aids and administrators. Others work in the security business or health profession in sales, as nurses and counselors, while others rely on monitoring positions. Some have returned to school as full-time students. If they are to take time off and go to policy meetings and provide their perspective, they are not paid. According to an Obispeño descendant who works full-time in real-estate,:

I work nine to five, the same time these meetings are held. Everyone else there is paid for their time. If I am to participate, I would have to take off work and attend meetings as a commenter, not as an equal policy player. And most likely, my opinion and comments are not considered. So why should I attend their meetings? So they can say they consulted with the Indians to make their policies pass? (fieldnotes, 09/11/09)

Even when indigenous people are asked to consult rather than simply comment, they "do not get compensated for consultation either. The science people get paid," according to Julie Tumamait, whose presence is often requested for policy participation (personal communication 7/24/2010). Hence, due to the structure of payment and time of policy actors, knowledge production remains inherently Western through its implementation.

Conclusion

For those committed to effectuate change from within the established system, a viable means of redressing power differentials in Western decision-making spaces is to redefine what constitutes "valid" knowledge. One way is to position their knowledge in opposition to scientific knowledge as "unique expertise." Another is to demonstrate their

legal knowledge on indigenous rights and demand the enforcement of their meaningful participation in formal organizations. Another is to speak in scientific and policy terms, while also speaking for the group defined (e.g. indigenous people) (Keeley and Scoones 2003: 174). Many are finding that when they correlate their protocols and discourses within legally defined boundaries to make claims, they do not necessarily lose their unique tribal structure or protocols. Rather, they find that once armed with Western legalese, they are more empowered to negotiate policy and, in turn, bring their knowledge and beliefs to reshape the black-boxing policy structure that holds science as "solid fact." Frank Arredondo, Chumash descendant, cultural resource advocate, monitor and archeology student, spends most of his time reading policy and legal literature because:

It's fascinating to know your rights and uncover the loopholes in laws. When indigenous people have knowledge on policies, it often surprises policy makers whose knowledge is considered to be exclusive. They don't expect me to know reports and policies [or] construction and plumbing or trenching and building [or] know formulas and statistics. But I do. At first, they are dismissive. Then, when I start explaining to them the laws and procedures and clauses they missed, it surprises them and then they change their tone. (personal communication 7/7/2010)

Indeed, having legal and policy knowledge is a priority for many Chumash, who not only seek to better their circumstances, but also improve their roles and influence as policy participants. "It really is a matter of looking at the laws, documents, and language that the agencies use," according to one Native advocate. "You have to learn their language to use it against them because sometimes they're using it against you. Then you need to feed them your language and make them understand it (fieldnotes 2/14/2010).

To change the content of policy participation often depends on the success of local-level negotiations over knowledge, as well as forming a broader effort to pressure

for acceptance of indigenous expertise in policy. Whether this has an effect now depends on the way alliances and collaborations are drawn to coalesce into a movement strong enough to change exclusive institutional structures and political systems. If assembly amongst actants is especially coherent, alternative forms of expertise may, in turn, be black-boxed and treated as a reliable concept or technique from which to build other work (Spinuzzi 2008: 91). The next chapter examines such efforts as coalitions and discourses for preservation are forming to advantage Chumash efforts in influencing policy change.

Chapter Eleven:

Countering through Preservation Coalitions

Policies, it seems, often have a certain inertia, particular ideas and practices stick, despite challenges to basic concepts and ways of working. ... But things do change once distinct and well-guarded policy positions begin to fall apart, and other arguments become incorporated, softening the stance and, through this process, enlarging the associated actor network.

- Keeley and Scoones 2003: 97

Although authoritative positions within policy spaces are unequal due to their inherent structures of Western dominance, they are not fixed. Participation "comes in many shapes and forms to potentially shift the nature of the policy process as new policy entrepreneurs, actor networks, alliances and coalitions "forged by knowledge and power relationships...interact in unexpected ways" to divert modernist top-down technocratic versions of policy (Keeley and Scoones 2003: 4). Thus, the rise or fall of different policy implementations may at times depend upon the successful enrollment of actors (indigenous organizations, lobbyists, journalists, scientists, anti-development organizations, activists, donor groups, sympathetic audiences, anthropologists and politicians) emerging as a result of particular contexts, opportunities and timing to create a network powerful enough to infiltrate policy space and promote institutional change. This chapter examines this dynamic as Chumash groups are aligning and creating coalitions working to advance favorable interests of tribes and affect the larger policy process. In so doing, policy spaces and processes are considered "dynamic political fields" (Hickey and Mohan 2004: 18) where "multiple streams" of bending ideas (Zahariadis 2003) find "room to manouevre" (Clay and Schaffer 1984) policies for greater participatory opportunities and strategies for consultation.

Discourse coalitions

Currently, the story line of "listen to the first environmentalists" stick in "discourse coalitions" (Hass 1992) of antidevelopment, creating a powerful platform to approach policy makers and insist on more well-rounded solutions to environmental problems. The discourse is particularly effective when political pressure is put on "elected government officials who don't want to be viewed as bad guys to Native Americans," according to one politician (personal communication 11/4/2009). Coalition actors soon realize the indigenous alliance is valuable in influencing county and state political parties of their local responsibility, which can also work to decentralize federal governmental power.

To illustrate this point, I return to the protest of the MLPA SAT meeting in Eureka, California. Although, it did not result in bringing an indigenous actor to the science table, the protest was successful in garnering support, attracting media attention and creating publicity. The "politics of shame" (Niezen 2003) embedded on picket sign slogans such as 'keep away MLPA" were photographed and displayed in several newspapers to demonstrate the press savvy of indigenous protestors. Their orally transmitted knowledge did not translate into intermediaries. But the news articles of their protests did. Such inscriptions served to transport meaning and connect intentions from which actants and mediators emerged and aligned. Soon after, tribal members and allies gathered in Fort Bragg on July 21st, 2010 to march in protest to the violation of indigenous fishing and gathering rights. They were joined by recreational anglers, commercial fishermen, seaweed harvesters, environmentalists, sea urchin divers and

seafood industry. All had different reasons for opposing the MLPA Initiative, but came to show solidarity. The Native reason for protest surrounded economic impact: by denying tribes access to fish and gather would mean they could not practice their traditional sustainability methods. Without tradition, they argued, they lose the ability to be who they are; hence the "cultural genocide" prominently displayed on their signs. Their voiced desire was for acknowledgement of their traditional rights to manage their "own" coast and resources. Interestingly, their position deviated to anti-oil, anti-pollution and anti-corporate business. In suggesting that the agenda of the MLPA was to industrialize the California Coast for offshore drilling (an astute tactic considering the effects of the recent 2006 Gulf oil spill), indigenous groups drew support from environmental and antioil coalitions. Carrying picket signs reading "MLPA = Big Oil" and "Native Conservation, Not Naive Conservation," they marched into the MLPA Blue Ribbon Task Force meeting exclaiming that Western industrialism caused pollution, toxic waste dumping and oil spills and were the real threats to the ocean ecosystem, not the resource management practices of American Indians. "The people who have managed for the last 200 years haven't done so well in managing the land and our coast... It is wise to listen to the people who managed these lands for thousands of years" stated Thomas O'Rourke, the Yurok Tribal Council chair.

In a era in which massive manmade disasters caused by corporations leave citizens feeling angered and helpless, polar bears struggle to find ice landings and the movie "Avatar" brought audiences worldwide to cheer the indigenous aliens to oust the acquisitive human invaders, civic society is no longer accepting of corporate toxicity and

the over-development of nature. Hence, the environmental rehabilitation discourse in policy is flourishing (Keeley and Scoones 2003: 85) as demands for conservation and preservation of the pristine dominate. Consequently, indigenous people find support from those who do not want their landscapes destroyed for corporate profit:

We do a lot of coalition building. We always try to hook up with the environmental organizations. With university groups we have had a lot of success with that. We also work with homeowners, farmers, activists and fisherman to come together to discuss issues. We sit and find support with the issues because in the long run, we have the same interests of conservation even though we have different points of views, environmentally, culturally and economically. (fieldnotes, Native advocate to attendees at Earth First Sacred Sites workshop, Spirit Pine Sanctuary in Los Olivos 12/04/2010)

Translated and emphasized in this coalition building tactic is the "cultural survival" paradigm from international rights discourse which maintains that "a core feature of indigenous identity is a unique (often spiritual) relationship to the land" (Sylvain 2002: 1080). In invoking this paradigm, indigenous people insist that without their ability to maintain land, they lose what makes them indigenous:

In being a traditional Native American means we were the first environmentalists. We honor the earth. It's sacred. Our culture is based on that. Without the ability and access to land, we lose our culture. (fieldnotes, Native advocate to attendees at Earth First Sacred Sites workshop, Spirit Pine Sanctuary in Los Olivos 12/04/2010)

Accordingly, development is presented as something that would desecrate their sacred land, disrupt cultural continuity, raise threats to endangered species and cause environmental destruction. Also emphasized is their opposition to corporate industrialists: "there is nothing to be claimed, nothing to be owned by indigenous people when dealing with nature, other than its preservation," according to a Barbareño descendant (fieldnotes

3/15/2010). The idea of pollution and destruction strike a chord with society members who also feel a solution is to return to an untarnished past in order to have a "green" future. Hence, these discourses work to draw strength from an ever-expanding network of activists, research-action projects and foundations wanting to end environmental devastation in the name of progress and development. In turn, coalitions concerned with heritage, historical and environmental conservation broaden as they link with international indigenous rights discourse of cultural survival (Sylvain 2002).

Coalition Alignment

It is increasingly apparent that for indigenous people to gain positional strength in coalitions involve naming the environment sacred, representing themselves as the original and rooted protectors of it, and then instilling the idea that without indigenous knowledge and protection, balance of nature cannot be maintained. This will, in turn, destroy humanity. For example, at an Earth First Sacred Sites Workshop, potential coalitionists were reminded that:

Our responsibility is to protect earth, environment and animals first. We cannot protect our communities or survive without that. If this goes, we are left with nothing. Once out of balance and destroyed, then you are out of balance and destroyed. (fieldnotes, 2/14/2010)

In finding alignment with coalitions of environmental preservation as the earth's stewards, indigenous activists affect "change in policy" discourse in shaping certain problems (pollution, extinction) and classifying people in them (corporate Western polluters versus indigenous saviors). In framing a particular crisis, this mode of "problemization" (Callon and Latour 1981) works to position indigenous people as the

primary actors who define problems, needs and interests from which to attract and induct actors with similar interests. In so doing, they establish themselves the indispensable, authoritative, obligatory passage point of representation (Callon 1986).

To be successful in demonstrating authority for environmental defense measures, those speaking on nature's behalf must often take utilize the "pristine" discursive strategy to compete with those (the state, industry and environmentalists) who more often have their voices heard in policies and subsequently bear an affect on environmental and historic properties (Braun 2002: x). Here, definitions of pristine take on various forms depending on the political situation. For some, pristine means "leave alone." For others, it means a symbiotic relationship: to take care of nature means nature takes care of you. In either case, since human action affects the pristine, indigenes do well to position themselves as stewards best qualified to affect it.

Through tying the sanctity of place to conservation, allies who share similar views on environmental responsibility can be persuaded to support policy positions of anti-development. Here then is another demonstration of the starting point of "translation" – as ideas and objectives work to create a central forum of aligned interests for collective mobilization (Callon 1986). Strong mobilization, however, may require alliances with accredited experts to create an essence of legitimate and authoritative collective identity (Keeley and Scoones 2003:174). For example, successful coalition-building entities for Chumash are found with long-established anti-development organizations all in favor of the "green revolution" such as Santa Barbara

ChannelKeeper,²¹⁶ the California Cultural Resources Preservation Alliance, Inc.²¹⁷ (CCRPA), and the Central Coast Alliance for Sustainable Economy²¹⁸ (CAUSE). Due to the long-term relationships with Chumash, many of these organizations have been able to utilize their knowledge on historical properties and bolster their position for site protections. For example, the CCRPA mission statement states:

American Indian communities believe strongly that sites occupied by their ancestors should not be disturbed in any way, and archaeologists believe that non-intrusive investigations and historic preservation should be the norm. Not only do these sites have significant importance to American Indian communities, they are an important part of the heritage and history of our nation. (www.ccrpa.com)

Reciprocally, there is also an advantage for environmental organizations and coalitions to partner with local indigenous people who can invoke their unique rights in preservation efforts. For example, another effective ally has been the Environmental Defense Center²¹⁹ (EDC), a non-profit public interest law firm. During a proposal to develop an area in Naples, a broad coastal terrace west of Goleta, the EDC argued that two major villages once stood there and that the area remains religiously and culturally special to the Chumash as the western gateway to the next world. They have also sought Chumash participation, activism and knowledge on historic village sites in efforts to

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²¹⁶ A non-profit organization dedicated to protecting and restoring the Santa Barbara Channel and its watersheds through citizen action, field work, education and enforcement (www.sbck.org)

²¹⁷ CCRPA is an alliance of American Indians, scientific communities and preservation advocates working for the preservation of archeological sites and cultural resources. Formed in 1998 and incorporated in 2003 in response to accelerating development, especially in California, and the loss of a number of significant cultural and historic sites, including several coastal villages and cemeteries. They work to identify, preserve and protect all cultural resources (see http://www.ccrpa.com/home.html).

²¹⁸ CAUSE focuses on "grassroots power to realize social, economic, and environmental justice for people of the California Central Coast Region through policy research, leadership, development, organizing and advocacy" (www.coastalalliance.com).

²¹⁹ Established in 1977, the EDC represents community organizations in Santa Barbara, Ventura and San Luis Obispo Counties in environmental matters affecting California's south central coast.

restore Ormond Beach wetlands, which have been contaminated by decades of industrial dumping. Because these areas are of archeological significance and near the Chumash historic villages of Hueneme and Muwu, the chance for the site's future protection is strengthened. Evoking Chumash historical significance ultimately buttresses their goals for preservation. In turn, Chumash people draw from the support of such organizations to infiltrate the policy process and strengthen their call for consultation. ²²⁰ In having aligned with and supported one coalition means that Chumash are then able to extend their alliances and partnerships with several other foundations and anti-development organizations; hence broadening their network. ²²¹

Utilizing the "Sacred" Laws

To override policies of "no consultation" under the call for preservation,

American Indians also draw from a repertoire of state, national and international laws that

²²⁰ For example, the EDC, in their review of the 2007 DEIR of the proposed Venoco Paredon Oil and Gas Drilling Project off the Carpinteria coast, argued the Project inconsistent with Consultation guidelines: "The Chumash people have identified the Bluffs as a cultural site which would be affected by the proposed Project. Consultation with local Chumash representatives should be undertaken to understand the significance of this impact.... The discussion in the DEIR ...suggest a likelihood that Native American remains may be found at the proposed Project site. At the July 30, 2007, public hearing on the DEIR, representatives of the local Chumash people indicated that they had not been consulted in regards to the proposed Project and its likely impacts. This omission should be corrected, and the DEIR should be revised and re-circulated to present the results." (EDC comment letter regarding the 8/9/2007 Draft Environmental Impact Report for the proposed Venoco Paredon Project)

Association (CVA), the Nature Conservancy, the Environmental groups including the Carpinteria Valley Association (CVA), the Nature Conservancy, the Environmental Coalition of Ventura County and the California Coastal Conservancy, Get Oil Out (GOO!), and Stand in the Sand. CVA is a non-profit public interest group comprised of area residents who participate in issues that affect the community of Carpinteria, including land use issues and issues affecting water use, habitats, open spaces and the quality of life in Carpinteria. GOO! is a non-profit corporation whose mission is to protect the natural environment and beauty of the Santa Barbara Channel from the adverse effects of oil development. The Sierra Club Los Padres Chapter encompasses everything from National Forest Wilderness areas of the San Ynez Mountains to the Channel Islands National Park in the Santa Barbara Channel. The Chapter's activities range from traditional Sierra Club concerns with forest management and wilderness to the urban and growing problems with land use and energy development. Stand in the Sand grassroots collective that formed in response to the Gulf oil spill disaster

mandate their consultation and protection of indigenous religious rights. For example, the MLPA Initiative had been required to go through the CEQA regulations in order to pass. These regulations require local governments to prepare an EIR to discuss a project's environmental and historical impacts and consult with California American Indian tribes identified by the NAHC in order to protect and/or mitigate such impacts. Thus, MLPA staff sent letters to 60 American Indian contacts from the NAHC list to provide comments, questions or concerns regarding the proposed project. The main concerns from those who provided comments "focused on the potential loss of traditional huntinggathering areas, a lack of language in the MLPA regarding Native American interests or their role as stakeholders, and a feeling that Native American had little or no involvement in the MLPA Initiative planning process," despite the MLPA outreach program (South Coast MPA EIR report 8.1-9). The outreach program entailed a total of four meetings and a two-day Tribal Forum, which according to local indigenes, were not sufficient. Furthermore, as stated prior, the meetings would begin with the words "this is not a consultation." Another concern was that a search on the NAHC Sacred Lands Inventory²²² (discussed further below) had indicated the presence of American Indian sacred lands present on land adjacent to MPAs as well as cultural resources within onehalf mile of proposed project sites in southern California. However, no sacred lands were indicated by the NAHC to be within boundaries of the selected MPAs (South Coast MPA EIR report 8.1-9). "Not so," argued several California Indian groups that maintain they

²²² Besides acting as liaison in facilitating consultation with American Indians to mitigate potential project impact, the NAHC is responsible for identifying and cataloging American Indian cultural resources in California.

continually use ancestral territories at proposed MPAs to gather, pray and conduct ceremony which consequently "makes them sacred" under AIRFA.

The argument for different legal standards of consultation is common at policy meetings: where state and federal policies become juxtaposed into a maze of opposing interpretations as to who is entitled to consult and what that should require. During MLPA discussions, some tribal representatives suggested that true consultation be conducted in compliance with the federal requirements of NEPA, Section 106 and 4(f) of NHPA, the President's Council on Environmental Quality and NAGPRA. The law most often invoked was AIRFA, which gives American Indians' inherent cultural and religious rights to: freely believe, express, and exercise ceremonial and traditional rites; have access to sacred sites and; use and possess objects considered sacred. It is a right indigenous people know well and invoke in attempts to override development plans or policies that limit or deny access to the public. At the MLPA Forum in Pacific Palisades, tribal representatives made the point that "federal laws say that we can use sacred sites without hindrance" (fieldnotes 2/27/2009). Another brought forth the issue of preemption²²³: "how would you balance this since the federal law gives us a right to practice our traditions which would conflict with your state law to have no access zones" (fieldnotes 2/27/2009). For American Indians, the difference in these rights laws is palpable. The federal law would make them traditional ritual practitioners. The state law would make them trespassers.

²²³ Preemption means if a state law conflicts with federal law, state law is preempted and invalid and cannot be implemented because it is in conflict with federal law. The same standard follows with County and City law. If it is in conflict with State law, then the County law will be preempted. If City law is in conflict with County, then City law will be preempted.

As Forum attendees argued the Act needs to be prescriptive on traditional uses since "when we talk traditional, it is our religious beliefs" (fieldnotes 2/27/2009), questions turned to what they considered to be traditional. One stated "hunting" because "traditionally, we went to the sea to extract seaweed, abalone and mussel and we have a right to use these same areas for ceremony" (fieldnotes 2/27/2009). To position themselves as separate from the public and make rights claims for access and use, the meaning of traditional and sacred became reconstituted and reworked to fit existing legalese that defines American Indian religious freedom. "We can demonstrate the entire ocean is sacred," stated a Band representative after the meeting (personal communication 2/29/2009). The effort would be futile, because "in the long run, CEQA does not have issues with preemptions, because it is a powerful democracy tool. It does not require that much accept for a process and it's hard for process to be preempted," according to one lawyer (personal communication 12/21/2009). However, the invocation of sacred protection laws can offer a stronger stance for indigenes to effectively negotiate more equitable relationship with agencies. It can also foster tremendous animosity by development proponents.

Strengths and drawbacks in Coalitions to "Save the Sacred"

The "epistemic communities" (Haas 1995) – the ways communities share informed knowledge - create basic value-laden assumptions that serve to position actors within policy discourse. For American Indians, the ways communities share in the meaning of indigenous can either empower or disadvantage their position. In one sense, the naming of "indigenous" and "sacred" can be seen as a positive political activity in

that it works to shift their classification from "other interested parties," and "the public" to those that hold unique status and knowledge based on long-term experience with sites. There is concern, however, that to assert indigeneity through traditionalist means will bring colonial assumptions of *lazy*, *backward primitives*. Such essentializing assumptions can work to deny indigenous people status of modern citizens and, in turn, produce the very class inequalities and power structures they helped to sustain (Sylvain 2003: 114). The political activity of naming and classifying "indigenous" and the "sacred" can also have policy pitfalls when land is a rivaled resource: one group's use of it limits the use by others (Brown 2004: 9). As traditional and sacred site rights discourse brings conflicting entitlement claims, indigenous people may be left "open to accusations that their expressions of identity are merely opportunistic and therefore 'inauthentic' (Sylvain 2003: 115). Such is the case in this region where political actors and development promoters often promote the idea that religious claims of sacred are political tools for land rights claims rather than a practical tool for development, planning and science. For example, the latest local brouhaha surrounds the possible development of the Miramar located in Montecito:

If anyone can get financing, it would be [...] And we had all better hope that he is successful, because if he isn't, the next logical buyer could be the Chumash, who may find some burial bones, claim tribal sovereignty and build an oceanfront gambling casino with no development input whatsoever from the Montecito community. 224

This shows how the invocation of the sacred can diffuse policy and development plans because its meaning is contestable amongst policy makers and planners who feel the term

²²⁴ Editorial regarding the development proposal at the Miramar in Montecito entitled: "The Latest on the Miramar" by Bob Hazard, Montecito Journal 4-11 August 2011

becomes overused or misused to block development or reclaim space. *Guilt fatigue*²²⁵ sets in as the environment is argued to be in peril with development to the sacred and when talk of historical ancestral destruction is used for contemporary redress.

One case exampling this involves the Winchester Canyon Gun Club, located on federal land next to what the Chumash consider to be the sacred site of *Husahkiw* - a mountain that houses multi-pigmented Chumash cave paintings. In 1999, the "Coalition to Save Husahkiw" was formed in an effort to protect the site by asking for the relocation of the gun club to a non-culturally and environmentally sensitive area. Despite the Coalition, the Los Padres Forest Service (LPNF) granted the gun club a 20-year permit without an Environmental Impact Statement based on their findings of "No Significant Impact." They also informed the Coalition they need only to communicate with a federally recognized tribe regarding this matter and that the Coalition did not qualify as an "interested party."

Unrecognized groups, however, have become quite proficient in their legal knowledge of historic property protection as it relates to indigenous consultation. They appealed based on the fact that the site was found to be a traditional cultural property and that there was no consultation process. After appealing the LPFS and challenging the Environmental Assessment (EA), the United States Department of Agricultural reversed the Finding of "No Significant Impact" since there was "no evidence that the NHPA Section 106 consultation process has been completed" and no documentation could be

²²⁵ I use "guilt fatigue" to play off the term "compassion fatigue" (Moeller 1999) which describes media efforts to sensationalize immediate crises in reaction to the waning of public sympathy to long-term catastrophes.

The coalition gathered support from archeologists, anthropologists, international rock art organizations, an acoustic specialist, environmentalists and traditional Native practitioners.

found in the EA that "project mitigation measures are going to be effective." ²²⁷ To appease the Coalition and attempt a Section 106 process, the LPFS staff opened a twohour open house at the Los Padres National Forest Headquarters on December 9th, 2009 inviting the public to discuss the analysis and permit renewal process. At the meeting, the Coalition organizer, Monique Sonoquie, argued that the site is a well-documented sacred site and the environment of gun noise and pollution from lead pigeons has made it a toxic dump, impinging on Native "way of life...a non stop affect of our cultural and spiritual practice." The problem she was told by gun-club proponents was that "there isn't a place that does not have sacred sites....Even if we find a site that you agree on someone else may come and say, 'wait my great grandmother used this place.' So every spot can be designated as a sacred site at some point." They were assured by Sonoquie that "there is a difference between a village site and a ceremonial site where people from all tribes came together to do solstice." Even with such difference, the question remained: does that sacredness of a site give it protection? The answer is no. However there can be a strategic delay: "it creates a loophole that the permitting process has to go through because the site has to be addressed as a TCP [Traditional Cultural Property]. That means the whole area is significant, not just the part where gun club is," according to one cultural resource activist.

Strategic delays work when indigenous people and their allies know how to intertwine the intricacies of environmental and historic preservation laws with the legal

²²⁷ From announcement by the Coalition to Save Husahkiw entitled "A Stunning Victory in Fight to Preserve a Sacred Mountain", Los Padres Forest Service Decision Reversed, Santa Barara, CA, December 05, 2009

naming of the sacred. Sacred becomes a legal term worked under the "President's Report to Congress on American Indian Religious Freedom of August 1979" which states that lands are sacred for Native peoples if, for example:

...because of religious events which occurred there, because they contain specific natural products, because they are the dwelling place or embodiment of spiritual beings, because they surround or contain burial grounds or because they are sites conducive to communicating with spiritual beings.

Under this definition, there are different means to demonstrate the sacred. The most prominent is through burial sites which are vast throughout Chumash territory. And, just as non-indigenous citizens think of cemeteries as sacred, American Indians believe burial sites are spiritually significant and sacred deserving of the same respect. "What I don't like is seeing our burials placed under parking lots, tennis courts or building," stated Julie Tumamait in reaction to a development proposal. "I wouldn't want people playing on our ancestors' remains. I don't think Westerners would want playgrounds built over their cemeteries either" (personal communication 2/2/2010).

To parallel Western cemetery standards regarding development boundaries,

Chumash argue the same laws and rules should apply in terms of the distance between a

building and one of their cemetery plots: "We want the same respect in Western

cemetery calibrations? Western burials are considered to them and they would not put a

residential unit 5 feet away" (Frank Arredondo, personal communication 4/14/2010).

However, with public sites the issue of reburial sites equating the sacred becomes a

contested subject because "to some Indians, the idea is that once you rebury a body, that

ground is sacred. The body and space around it does not get touched" (Barbareño

descendant, personal communication 5/2/2009). According to Frank Arrendondo, if bones are repatriated and buried in a public site "that site becomes sacred to us" and can hinder development as "the developer would have to figure out how close they can get without impacting the remains" (personal communication 5/2/2009). However, one individual's remains do not constitute a cemetery, according to others, and one "cannot put human remains anywhere. It's illegal," according to MLD, Patrick Tumamait (fieldnotes 2/27/2010). Indeed, to designate a cemetery there has to be at least six bodies and it is recommended by the NAHC that reburials happen in the same place or close to where they were discovered. Once such bodies are reburied, it is then considered hallowed ground and therefore sanctified, according to Julie Tumamait who also serves as an NAHC commissioner (personal communication, 7/20/2011).

Sacred sites can also be demonstrated through artifacts if the artifacts indicate ceremonial or religious use. If artifacts indicate only hunting activity or a village site, indigenes may still feel it is sacred as it is a reminder that their ancestors were there:

Any site that gives us information about usage and place is considered sacred now even if it was not considered sacred before. It's because we were not being told by our parents and grandparents about the village sites. What we are learning now about these sites through ethnography and archeology makes them sacred to us now. In cases like hunting grounds, it's a personal opinion that it is sacred. It's not a law, but I do ask others to respect how I feel and mitigate impacts. Even if there is no ethnographic history that a place was a ceremonial site and even if we are not using it anymore because of our histories of displacement or it's located on private land or it has been developed, it does not mean it is not sacred. It does not mean we don't acknowledge that place as our ancestral link and hope for protection and pray for it. (Julie Tumamait, 7/20/2011)

Just as they have paralleled their sacredness of burial to Western standards of cemetery protection, Chumash descendants also correlate and compare their sacred

landscapes to Western churches in order to "use the language of others' religion so they can understand ours" (fieldnotes 2/14/2010). For example, at the meeting regarding relocation of the Winchester Canyon Gun Club, Sonoquie stated:

Yes, it's a gone club. But this place is our church. Think of your home. This is our home. We have spirits that live here. These trees, these rocks, this water, they are alive to us...The problem we have is guns because it interferes with our spiritual practice and our religion. It would be like if we went into your church and built a gun club there and say we won't shoot when you're holding service but the rest of the time we will. How would that affect your culture and your spirituality? (fieldnotes 12/9/2009)

An embedded theme of continuity also emerges here to become a potent political tool to gain power, strengthen preservation efforts, and enhance the argument for right to place through the implied message of persistence as Sonoquie continued, "*Husahkiw* is a site used for hundred and thousands of years for ceremony and not just by Chumash. We still utilize it. We still do those things" (fieldnotes 12/09/2009).

Demonstrating the Sacred in Practice

According to Executive Order 13007, sacred sites on Federal land are:

...sacred by virtue of its established religious significance to, or ceremonial use by an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Under this definition, the practice and telling of ceremony can become a political tool to exemplify the sacred. When religious ceremony is linked to the place it is practiced publicly, it can also signal a "disposition of reverence" to warrant a site's protection (Ashmore 2002: 1178). For one Chumash descendant, public ceremony may not only be a strategic act, but an "act of rebellion against the government and church which has been

so horrible and ominous. For us to do ceremony gives us a satisfaction against a system that has caused us so much harm" (personal communication 11/12/2006).

In attempts to ensure prescriptive protections, the collective effort to demonstrate ceremony and bring in alliances becomes a crucial mechanism in urging the protection of nature from further development. The coalition-building begins and the publicity follows. Journalists, foundations and anti-development organizations are contacted. "Protect the sacred" stories are published in newspapers and internet sites, circulated and consumed. The broad public and coalition actors are invited to witness and participate in ceremony. Audiences are transformed from gazers and listeners to engaged participants – sharing a sense of victimhood and responsibility, growing the coalition. The visibility of shared ceremonial practice, in turn, makes the culture meaningful as tradition is used to protect environmental boundaries and simultaneously break institutional hierarchies.

Importantly, "interessement" and "enrollment" occurs as others are convinced to accept terms of their involvement to mobilize into a collective representation in pursuit of aligned objectives (Callon 1986).

This pattern was demonstrated is the preservation effort for '*Iwihinmu*, ²²⁸ which is considered a sacred mountain by contemporary Chumash as it was traditionally viewed to be the center of the universe. Located in the Los Padres National Forest on the border of Ventura and Kern County, '*Iwihinmu* has the highest point in Chumash territory at 8,831 feet, with a panoramic view of the southern Sierra Nevada, Central Valley, the northern

228 It is also known as Mount Pinos as named in 1602. 'Iwihinmu is the Chumash word for the mountain.

Ventura county, the Caliente Range, Santa Barbara, and the Carrizo Plain²²⁹ (see Figure 29). '*Iwihinmu* in Chumash translates into "the place that nobody knows" and is considered by descendants a place of "balance and mystery": the very center of a living connection between the land, culture, and their ancestors. Based on Harrington's ethnographic accounts later published in Blackburn's (1975: 91) <u>December's Child</u>, ancestral Chumash beliefs hold that the world consists of three planes, Upper, Middle and Lower. The earth is the Middle World, an island suspended between the Upper and Lower Worlds and surrounded by the ocean. This is where the "First People" (supernatural beings who were both human and animal) lived prior to Chumash. This World is supported by two giant serpents whose movements cause earthquakes. Beneath is the Lower World where dark, malevolent beings dwell, or as Alan Salazar likes to joke "where politicians live." The Upper World is supported by a giant eagle whose wings cause the phases of the moon and where "Sky People" and supernatural beings (Sun, Moon, Morning Star) reside.

In this Chumash vertical, tripartite universe - consisting of worlds that are flat, circular and stacked on top of each other - the 'Antap (summit) of 'Iwihinmu is the top of the middle world where a horizontal view of the cardinal and mid-cardinal directions bisect the Middle World into ritual quarters. The mountain summit thus serves as an axis mundi and is considered a sacred plain providing a place of perfect balance and harmony that holds a concentrated power (an energy vortex) connecting Chumash with the highest level of physical space that can exist in the Middle World. To get there, one takes a

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²²⁹ US Congress designated 38,150 acres of the area as "the Chumash Wilderness" in 1992 as part of the 107 million acre National Wilderness Preservation System stemming from the Wilderness Act of 1964.

spiritual pathway: the higher one physically becomes, the closer one comes to supernatural beings of the Upper World, where a spiritual and physical change is said to be felt (Alan Salazar, personal communication 10/29/06). Like other sacred sites, Chumash descendants assert that 'Iwihinmu serves as a church where the emotive experience of such an ancient sites serves as a sanctuary to renew and reconnect (see also Colwell-Chanthaphonh and Ferguson 2006: 154). It's where one told, he came "to deal" with tragic circumstances. The difference for him was that, whereas some places of worship are modeled after "striking features of geology [or] placed in relation to mountains . . . to resemble them" (Taçon 40), the natural landscape itself has served as a place of worship. "Even trees atop the mountain serve as personal shrines or caves," stated Salazar (personal communication, 10/29/06).



Figure 29: 'Iwihinmu summit. Photograph by Kohanya Ranch 10/29/06

For fourteen years, Chumash representatives have been fighting a battle to prevent the United States Forest Service²³⁰ from enlarging parking lots, expanding campsites and constructing tour bus routes in order to accommodate more visitors to the mountain.

Since ancestral histories, cultural practices, and traditional beliefs are associated with local landscapes, Chumash argue that relationships with places such as '*Iwihinmu* have become fundamental in sustaining or empowering cultural identity. For them, the mountain represents and provides a sense of durability, permanence and continuity for a culture that has experienced tremendous cultural disruption. Thus, its preservation is symbiotic: preserving its balance will also preserve the balance of Chumash culture.

Chumash descendents also assert that those threatening their land do not consider their views that these places are integral to their heritage and historical identity:

They don't want to expand the roads and campsites and put in tour buses because tourism is more important than Chumash culture. They want to build here because they didn't think of Chumash culture at all. They want to get more people up to the mountain – make it more accessible for more tourists with buses. I asked if they are going to do this, are they going to hire more staff, more park rangers. Right now the trails need work. They said they do not have money for that and want to cut back. But they have money to build. For the last fifteen years, they have never had enough staff to take care of what they have now, so why build more campgrounds? More tourists mean more trash and the need for more bathrooms and custodial workers, but they do not hire them. (*Alan Salazar*, Chumash/Tataviam 10/10/06)

To get people to "think of" Chumash culture and preserve '*Iwihinmu* from developmental change, descendants face certain cultural quandaries in their confrontation with the United States Forest Service. Publicly practicing ceremony would mean

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²³⁰ The USFS manages Mount Pinos and surrounding areas of Ventura and Kern County "totaling 38, 150 acres area", now officially named "the Chumash wilderness."

conforming to Western notions of religion to prove to policy makers and the public that the mountain is a sacred place. It would possibly taint what are considered secret beliefs regarding '*Iwihinmu*, bringing dilemmas over actions that must be taken that contradict traditional beliefs:

I must tackle an inner struggle for the ultimate good: do we keep the secrets of 'Iwihinmu to ourselves by not letting it be photographed, videotaped, or spoken about or do we show Western people what 'Iwihinmu means to us so that we can save what is important..."If we don't tell anybody when we are there practicing ceremony, we can't maintain its traditional and continual religious use (personal communication, Alan Salazar 10/10/2006).

A choice must be made to tell, expose and dispel what was traditionally hidden to demonstrate continued practice and enforce Western legalities of sacred site protection. Thus, 'Iwihinmu-"the place nobody knows" - needs to become a place everyone knows. The result: a summer solstice ceremony is held annually by the Chumash Council of Bakersfield, increasingly drawing attention as tribal members and the public are invited to participate. The most recent, in 2010, gained media attention as its participants conducted ceremony and prayer to address the ecological destruction of the Gulf of Mexico. It served as a public reminder to agencies and developers of why preservation of places such as 'Iwihinmu is vital.

It is important to note here that ceremonial use of sites are not just used politically to stop interference and development, but are actively used as places for private worship: "Public ceremony is not just to show the government who we are, it is about the

collective effort to preserve and revive traditions, beliefs and stories²³¹ most important to our heritage" (personal communication, 5/12/2010). This entwined relationship of individuals and protected place "roots individuals in the social and cultural soils from which they have sprung together, holding them there in the grip of a shared identity, a localized version of selfhood" (Basso 1996: 85). Having ancestral knowledge about such sites, in turn, strengthens the cultural revitalization process. Therefore, places deemed sacred embed culturally historic meanings, instilling a sense of belonging and a bond to the land from which they come. ²³² This in turn, links contemporary Chumash descendents to a time in which their ancestors lived and survived, allowing a message that they too must survive and persist. Sacred place in this light give has agency (Latour 1999, 2005), such that in becoming a commemorative site, landscape transforms into a forum from which to testify for a past and continual presence (Connerton 1989) and send the message to agencies, policy makers and developers, "we are still here" and "you need to think of us." Due to the ability to draw attention through coalitions in environmental and development policy arenas, American Indians can make their presence directly known.

²³¹ The stories of places themselves become embedded in memory and serve as a vehicle for recalling knowledge with morally instructive stories that serve as a tribal history and a moral code of everyday situations. For example, Keith Basso, in his exploration of Western Apache place-centered narratives explains how sense of place and sense of self go hand and hand (1996: 86). The actual visiting to places "creates a unique experience in which place becomes inseparable from traditional narratives: Stories recall places and places recall stories" (Colwell-Chanthaphonh and Ferguson 2006: 150). As knowledge is imbued into space, this knowledge affects how land is perceived and consequently structures present communities and social practices.

²³² The stance holds that sacred places are inter-cut with multiple histories that bring together cultural practices from the past and present into a chain of continuing experiences that forge cultural memories (Basso 1996). As different biographies (objects, practices and life stories) are brought to a place, people mirror, value and socially construe their meaning and identities in relation to their surroundings environment (see also Appadurai 1986). The place itself then becomes a site of memory and an "obvious marker of identity" (Ossman 1994: 37) such that identities, organizing principles, cultural attitudes and societal standards can then be reworked to live out from it (Basso 1996).

Sacred Lands File

Sacred site protection warrants more than evidencing burial and ceremonial practice. To officially be considered sacred, the California Native American Heritage Commission maintains confidential records called the Sacred Lands File of places of special religious or social significance to American Indians. For a site to be qualified for the File, a one-page Sacred Lands Inventory Form - indicating whether the site is a sacred/power Area; worship/ritual site; burial site; reburial site or contains petroglyphs, geoglyph pictographs or cupules - is to be completed and submitted to the NAHC with supplemental documentary material of the sites cultural or religious significance. ²³³

Inherent problems of the File are that it can be both under- and over-inclusive. Because American Indians have experienced assaults on their sacred places (looting, pot-hunting, vandalizing), the File is under-inclusive because tribes, by understandably fearing destruction of sites, will not disclose their identity to the Commission should information leak for instance, to pothunters. In other instances, "people do not record a site because they don't know to, particularly with reburials. It screws everything up if people do not register sacred sites and try to make a claim later," according to Julie Tumamait who serves as an NAHC commissioner (7/20/2011). This means that while the discourse of the sacred can be used for policy rights and coalition-building, it can also be unproductive for making policy protections unless there is also documentation identifying

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²³³ In many cases, sacred places are located in public places. However, in California, the NAHC is also charged to "identify and catalog places of special religious and social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands" (PRC 5097.94) In such cases, the NAHC is given powers to "make recommendations to the Legislature relative to procedures which will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities" (Public Resource Code 5097.94 c).

exactly where the sacred lies. In one example, Frank Arredondo, appealed to the Santa Barbara Botanic Garden Plan to relocate their planned buildings, arguing that it is a sacred site. He was told by the Board that it is not a sacred site because they contacted the NAHC and it was not shown on their records. This does not mean, according to Arredondo, that it is not a sacred site. "The Board needs to contact the Native community (not just NAHC) to find out if it is a sacred site" since "there is a danger that publicly listing a sacred site could lead to its destruction."

The Sacred Sites File can be over-inclusive because any site, despite the level of evidence of its sacredness, may be placed on the list by anyone. No proof of a person's background or affiliation is required, nor are there policies or criteria used to determine what qualifies as sacred according to one NAHC commissioner (7/20/2010). What happens, according to one MLD is that...:

once you name a sacred site, they cannot argue with you. But, no one questions or verifies a site is sacred. It can just be nominated and listed unless someone objects. It's like Natives are given this pass that because of oral tradition, we are told that this is sacred, so be it. I realized that if I wanted to, I could list every town in the region and nominate them as sacred sites including on private lands. (personal communication, 11/12/2010)

Furthermore, one can simply state "the place is sanctified which makes it eligible for the File. There is no definition of sanctified in our policies or criteria and you cannot argue it's not" (Julie Tumamait NAHC commissioner 7/20/2011). The loose process and scrutiny for determining the sacred has left policy makers, agencies and development planners with concerns that manipulation of the sacred can occur as a political tool for preservation rather than for purely spiritual reasons. As a result, "Natives are considered

deliberate blockers to development and policy because we can say something is sacred," according to Frank Arredondo (fieldnotes 1/5/2011). And, often there is a backlash amongst non-indigenous opponents and developers who claim right of access to such lands: "If there are burials everywhere and everything is sacred, where are we supposed to build?" stated one building proponent (fieldnotes 8/15/2009). This statement reflects a prominent misconception in the naming of sacred sites.

Although placing a site on the List validates and supports its protection, there are no existing legal protections for certain categories of sacred places and none that provide a specific cause of action to defend sacred places against desecration or destruction. Rather, protections afforded by the Bill are prescriptive in nature through the legal term of "recommend" and "assist." The NAHC can recommend to agencies and private land owners certain actions and assist in negotiations, but their recommendations are not mandatory. Likewise, even though federal and state laws may offer some protection of historic places and artifacts, showing religious sanctity does not specifically ban development on sacred sites. It simply means Native people can request that impacts are reduced. Regardless, having sites included on the Sacred Sites File or National Register of Historic Places "gives more hoops and gives us a chance to say 'if you're going to develop, let's sit down and talk about avoiding sensitive areas and reducing impacts" according to Arrendondo (personal communication, 7/19/2011). Yet, most times "when it comes to profit, nature often loses" (Alan Salazar, personal communication 10/16/2006) in the process of selective ignoring and often the only tangible outcome is that a particular viewpoint gained attention. However, external attention and awareness can

bring change depending on the resources acquired and alliances gained to build stronger networks and claims.

Conclusion

Most newsworthy coalitions are not being created over healthcare issues, although American Indians need better health policies. Nor are wide-received coalitions occurring for employment, although unrecognized people need more resources. It is through the land and the call for its preservation that American Indians gain the most prominent forum from which to enter and change policies through consultation procedures. Thus, establishing and using sacred sites for preservation coalitions and rights claims becomes a task, but also a later tool for recognition and position in policy making. It is a stepping stone to achieve status of consultant. But why has consultation become such a coveted right for unrecognized groups? Is it an effective means for shared decision-making in policy? The next chapter explores this through examining state laws in California that privilege consultation to unrecognized individuals and tribes.

Chapter Twelve:

California Consultation Laws

Although discourse coalitions for greater consultation is now common, unanswered questions and debates occur regarding how valuable the act of consultation is in its application toward policy decision-making and implementation. Which level and at which time in the policy process do American Indians consult? Is there actual power that comes with consultation or does it amount to another form of ineffective commenting? California provides a unique platform to investigate these questions due to the implementation of two state laws, the California Environmental Quality Act (CEQA) and Senate Bill 18 (SB 18), which recommends formal consultation privileges to both federally and non-federally recognized tribes and individuals identified by the NAHC. These laws when juxtaposed with well-established national laws can extend a variety of avenues for consultation and participation to California indigenes. However, they are not without controversy or critique as guidelines and standards are negotiated and differently interpreted as to what satisfactory consultation should entail.

CEQA consultation

Since being implemented in 1970, CEQA requires lead agencies in undergoing projects to consider ways to mitigate possible impacts to archeological/cultural and historical resources through the EIR process. If the initial study of agencies identifies the

presence or likely presence of American Indian features, ²³⁴ actions for indigenous consultation are recommended to ensure proper identification and care of cultural resources that may be discovered during projects. To identify consulting parties, the NAHC recommends to agencies and developers that American Indian monitors and Most Likely Descendants (MLDs) on their Contact List²³⁵ be notified in order to get their input on potential project impacts and the disposition of American Indian burials.

MLDs are granted legal authority to make recommendations regarding the treatment and disposition of human remains if found. They are not required to have knowledge in cultural resources, but must be identified by the NAHC as individuals with indigenous descent to linguistically mapped territories. According to some Chumash MLDs, nuanced histories of individuals residing outside mapped territories are not taken into account, leading to problems when current residency (rather than ancestral history) becomes the basis for representing ancestral decision. Conversely, someone who descends from a village outside the scope of a project can be enabled to make recommendations on the disposition of human remains as long as they descend from the regional territory. This returns to the problems inherent in tribal territory delineations created from ethnological linguistic investigations (Kroeber 1925) and adopted by federal and state regulations. After identifying the American Indian group most likely descended

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²³⁴ These features can include American Indian graves and artifacts, traditional cultural landscapes, natural resources used for food, ceremonies or traditional crafts, and places that have special significant because of the spiritual power associated with them.

²³⁵The NAHC maintains a list of California tribes and corresponding contacts that local governments should use for meeting consultation requirements The Contact List is comprised of both federally recognized and unrecognized individuals.

Generally, this is established through genealogical or historical evidence. Ideally, they are also to have current ties to the culture as well as ties with community members who would be able to answer questions regarding best dispossession of remains (personal communication 7/1//2011).

within a culture area, potential MLDs are placed on a rotating list by the NAHC who are then chosen by the NAHC commission via interoffice decision. ²³⁷ This process, according to some Chumash does not allow for more specific geographic classification based on villages that would ensure the appropriate MLD (one actually connected lineage-wise to the deceased) to make recommendations on their ancestors' remains. Although an MLD can state the areas from which they descend, some feel the rotating list method turns into an "inconsistent lottery draw" because of the "loose definition of cultural association" in which a "mythological idea has been created that anyone living within the area has knowledge of burials and traditional native practices," according to Patrick Tumamait who is both an MLD and a monitor (Fieldnotes 6/13/10).

While MLDs are not paid for their time, ²³⁸ they are coveted positions which carry a sense of responsibility, pride and duty to a culture as well as bring external recognition:

If a body is found . . .sometimes a person will be called and they may have to travel a long distance and may ask the developer for travel expenses. They are not supposed to charge, but sometimes there is a hardship. But, when you sign up as an MLD in my perspective, it is a responsibility. It's an honorable position to be in and it should not be a money-making venture. It's my duty to be respectful to those remains. (Julie Tumamait, personal communication 7/20/10)

When I introduce myself at meeting, I say I am an MLD for Chumash territories and offer recommendations particularly if a body is found. I do not take this lightly, it is a responsibility. People respect that I am trying to preserve sites and protect my ancestors from being dug up (Frank Arredondo, personal communication 7/25/10)

²³⁷ Thus, in one year, an MLD may be chosen for a specific site and the very next year, there can be an entirely different MLD chosen although they may not have direct ties to that site.

²³⁸ However, in some cases MLD's have been reimbursed for their travel expenses.

The matter of lacking payment, though, returns to the issue of inequitable forms and structures of knowledge value.

Monitors, on the other hand, are paid with rates charged to developers ranging from \$18 to \$50 an hour. They are not required descend from sites in which they work, nor establish regional ties or knowledge on local rituals regarding dispossession of remains. They need only claim American Indian status. However there is no vetting process provided by the NAHC to affirm genealogy (NAHC commissioner, 7/20/2010). Rather, to qualify one should have cultural resource preservation knowledge and be able to identify artifacts. There is no official testing to determine qualification of adequate knowledge in cultural resources, only suggested guidelines that monitors should follow. Usually though, developers prefer an experienced monitor: "They don't want someone holding up a project every 5 minutes because they cannot decipher a rock from a *mano*," according to one Chumash monitor (fieldnotes 7/26/10).

While it is suggested by the NAHC that monitor roles, as observers, begin during ground-disturbing work in sensitive areas to avoid harmful impact, the NAHC does not identify who the most qualified monitor should be. They make recommendations based on their Contact List. To set forth the process of becoming a monitor, a person may send a letter and form to the NAHC stating that they are American Indian and that they want to be notified of upcoming projects. Most often, monitoring positions are acquired through

²³⁹ While archeologists and developers have been known to use one person to act as both monitor and MLD to save time, this practice is not supported by the NAHC and is considered socially taboo amongst several Chumash communities (personal communication 10/28/2009).

an informal process established through relationship-building. 240 Native groups may also make themselves known to agencies and development proponents via letters of request to be informed of projects and be considered for monitoring positions.²⁴¹ More frequently though, public comment meetings become a means for local Chumash to establish relationships with agency officials and development planners and request monitoring positions. In such cases, public comment meetings move from a space to voice opinion to an opportunity for employment, which does not always bode well with some Chumash:

My experience is that only time people attend meetings, the majority are there for getting the monitoring job. There is an ideal that it is supposed to protect sites, but no one ever really wants to do the work – which is going to the meetings all the time and making comments. People get burned out. What other reason are they there other than notoriety and recognition to attend meetings for free. I have been to meetings where people have not read reports. So why are they there? They know the verbiage: "we need to protect sites for our ancestors" and then later they contact the developers for monitoring jobs. (developer, personal communication 7/24/2010)

... I have been attending meetings with a collection of folks and I have watched what has been taking place. I can see very clearly why developers do not want to work with natives... we start fighting against each other over payment and entitlement. I'm sad to say they give the process a bad name. If I was a developer I wouldn't want to work with us either (Barbareño descendant, email correspondence, 7/9/2010)

For some then, the act of monitoring goes against Native morality and contrasts their roles of environmental stewards. In turn, payment for ancestral protection lends to local contestations over the indigenous perspective and place in the CEQA process:

I don't monitor. When you monitor, you are watching destruction. I don't want to do that. I am here to preserve and protect. I don't want to monitor nor offer help to businesses and corporations. It says "go ahead and pay us

²⁴⁰ As an example, an archeologist may validate a person to be qualified to monitor or a developer may have a long-term relationship and positive experience with a particular Native individual who they repeatedly use. ²⁴¹ Then, the assignment of monitors is negotiated through local city and county agencies.

to allow you to destroy our history and culture and we will be okay with it". (Ineseño descendant, personal communication 9/24/09)

Regardless, monitoring is generally still felt to be the only consultation opportunity to protect cultural properties in a policy process that will ultimately end in development.

Although "preservation in place" is the preferred approach by monitors to avoid damage on historical resources, CEQA Guidelines also seem to give considerable leeway for excavation if it's "the only feasible mitigation" and "scientifically consequential information" can be adequately recovered (§15126.4 (b)(3)). Due to possible cost and time efficiency, excavation often becomes the preferred method by agencies, rather than having to reroute development plans.²⁴² Within the process of determining exactly what "feasible mitigation" should entail, negotiations often become lengthy and cumbersome, creating the bases for numerous lawsuits concerning public and private projects particularly in this region. According to one lawyer, "there is a high knowledge quotient of CEQA negotiations here. People know how to use the process. People know how to delay or stop projects. That is not the intent of the process, but it can be used to do that",²⁴³ (personal communication 2/21/09). Furthermore, an "agency's nature is to aid development, not impede it," according to a county council member, although in the CEQA process they are supposed to remain neutral: "They want projects to go through because they will benefit the government economy, whether that be from gaining property tax or in helping to create jobs" (personal communication 7/26/10). Thus, it has been speculated by local Chumash that lead agencies, in fearing no development and

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²⁴² According to Chumash interviewees with MLD and monitor experience of at least four years.

This statement does not imply that indigenous people use CEQA to delay projects, but that a variety of county citizens have used their knowledge on CEQA to contest development projects.

lawsuits for sacred site protection, do not heed full recommendations of CEQA. Rather, with administrative protocol fulfilled in order to move on to the next phase of development, extra steps to ensure Native input are often not taken. And so, they are selectively ignored.

The recommendation strategy proposed by CEQA does not mandate that an MLD or monitor be present. Lack of clear guidelines is due to the fact that there are no substantive environmental thresholds in the CEQA statute. As mentioned above, CEQA (like most environmental laws) is procedural. It sets forth a process in which to mitigate impacts, rather than have solid criterion for such mitigation. There are neither legal requirements nor mitigation measures that obligate or force agencies and development proponents to acquire Native input. Its guidelines are simply suggestions – what agencies and developers *should* do, rather than *must do* as a statutory or legal requirement to make contact. This has led to several criticisms by Chumash who have experienced their opinions ignored as agencies fulfill the bare minimum of CEQA standards:

I have seen so many times where agencies say they contacted the NAHC who sent them the Contact List of American Indians along with a very general idea of what agencies are to follow through with. The problem is they get the List and they are done. They do not contact people on the List. They say they do, but so often the list is outdated. The phone numbers are outdated. And so no one is called. Then they say, well we tried and then continue with their project plans. (Frank Arredondo, 7/16/10)

One reason for lack of contact is that the List is perceived by most as outdated, with phone numbers and addresses no longer applicable. Agencies have complained that lack of an accurate and updated List is problematic: "we try to contact them and they have the wrong representatives or group" (personal communication 7/26/10). An attempt to

contact through the NAHC List, however, satisfies policy suggestions to provide opportunities for consultation. Yet, according to current MLDs and monitors, "they are using organizations that are not even in existence or in cultural resources anymore. You can't say you're doing consultation just because you tried to notify these groups" (fieldnotes 1/14/2010). Creating further problem is that the CEQA contacting procedures are deemed the "best standard" or "appropriate formal practice" for any California policies requiring American Indian consultation. Consequently, agencies across-the-board have consistently experienced contacting the "wrong person" (CEQA lawyer, personal communication 10/20/2009). Obviously, without appropriate contact information, consultation cannot occur and a cycle of non-communication perpetuates indigenous silence and invisibility.²⁴⁴

To compensate, individuals and/or organized groups often initiate contact with lead agencies through form letters that request they be consulted based on credentials and experience (e.g. non-profit status, lineal history, cultural resource protection experience, or demonstrating knowledge useful to protect environmental and sacred sites). When form letters have little impact, some might confront policy actors to demand the right to be informed when there are potential actions or changes in laws that affect their cultural heritage. For example, in response to the County of Ventura's neglect of informing and consulting Chumash communities regarding changing updates to the CEQA Initial Study

²⁴⁴ Attempts are being made to update the List with current contact information and appropriate Native representatives. For example, the NAHC is putting forth calls to tribal communities for updated address and phone information. Yet, a commissioner stated, "it is not the responsibility of the NAHC to find the correct information. People need to take the time to send in their changes" (fieldnotes 4/22/2010). Existing also are alternative avenues agencies can take to acquire Native consultation or at least making contact (e.g. asking community members, local anthropologists or other development agencies of possible contacts).

Assessment Guidelines, the BVBMI wrote to the Environmental Defense Center of their concern about this issue and how they are "at a loss as to why [they] weren't consulted" (emailed letter 2/2/2010).

Even with contact made, the typical practice of many agencies in order to fulfill the consultation requirement is a scoping process²⁴⁵. The process (although not required) involves public meetings to receive comments or gives opportunities to receive letters from the public. It is the initial process in Cultural Resource Management policy to determine the extent of the environmental/cultural impact of a proposed action and how to mitigate impact. However, it does not dictate the specific manner in which agencies should deal with the public.²⁴⁶ Instead, it suggests that agencies hold public meetings and set time and page limits for the EIR (Section 1501.7(b)). The problem with scoping, say many MLDs and monitors, is that Native opinion is clumped into public opinion, and commenting "is just like a last minute protocol," (personal communication, 3/11/2010), a perfunctory obligation, giving little value to their voice in decision making:

When it comes to most Native issues, it is specifically about avoidance to ways the issues are addressed or some reference to monitoring, if that. Most public meetings never address it. It's more like, "Ok, we had a meeting, we heard that you said that, we took your comments, we understand you're you are saying. Thank you and goodbye." (MLD, fieldnotes 11/2/2010)

Gaining our feedback is not consultation. So these laws become a joke on consultation.... There are very few times a developer has agreed to sit down and hear the voices. But usually, they consider public forums consultation - going to a meeting and telling them what your issues are.

²⁴⁶ CEQ Executive Office of the President, Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping, 4/30/1981

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²⁴⁵ Under NEPA regulations, scoping means "an early and open process for determining the scope of issues to be addressed" meant to encourage agencies to reflect or at least acknowledge the public's concerns (Section 1501.7).

They write it down on a chalk board and then go back and formulate a plan that in some round about way vaguely addresses your issues. It's like some general process that implies your issue will be addressed. (Chumash monitor, email correspondence 7/8/2010)

These agencies are supposed to intake everyone's input. But they look at us like we are second class. Put in your ideas, but we are going to do it anyway. You are dealing with our ancestors and culture, but they're going to do what they want anyway. (Patrick Tumamait, fieldnotes 2/27/2010)

According to interviewees, because Chumash have experienced little influence in sacred site protection by simply going to meetings, they rarely attend.²⁴⁷ Others feel that commenting can provide an opportunity to participate in the review of proposed projects because some power can be attained for later use at the appellate level. For example, one Ineseño descendant stated that he only attend hearings about developing areas because he wants to make sure they are not destroying sacred sites. "But you know all I can do at that point is comment …still, better to be there at least to protect the resources than not. (personal communication 9/24/09).

Procedural laws such as CEQA mean that any time there is approval of a proposed project, the lead agency must prepare environmental documentation, circulate public documents, notify the public, leave 45 days open for commenting, and then respond to the public.²⁴⁸ If the commenter is not satisfied with the decision by the

Unless, as some suggest, it is for recognition reasons or, as mentioned above, there is a chance to attain a monitoring position should a project go through.

²⁴⁸ For example, the CEQA process provides public participation for any citizen or any group citizens in a city, county or state agency decision making process. During any permit application or project proposal process, the public is allowed to review public documents and comment before decisions are made. In any democratic elected decision-making body in the U.S., there is a legislative body (e.g. lead agency) that makes decisions. If one commented on a topic at a hearing or wrote a letter, the opinion is recorded and the decision maker is required to respond to these comments. An agency does not necessarily have to identify something as historical or archeological or deem it has to be protected or not.

legislative body, that person can appeal if there is an appeal process.²⁴⁹ Thus, while there are no solid criteria for mitigating impacts and consulting nor prohibitions to limit development, there are procedural hoops that city, state and county agencies have to go through. It means that "everybody has a shot in CEQA process" which can be an advantage for indigenous groups who seek to delay development and call for more adequate knowledge sharing:

The work involved is prevention. So I come to prevent from digging up my ancestors and sacred sites any way I can, whether it be scrutinizing the policies or telling them they are not doing a good job or commenting. I have used those statements because it justifies in the process. I am trying to prevent bodies from being dug up and if commenting now can later help do that, I comment. (Frank Arredondo, 2/12/2010)

In short, it does no good to stay silent and locals know well that through commenting they are legally taking a step to exhaust all remedies, which can ultimately create the basis for a successful lawsuit.

The primary complaint, though, revolves around the point at which indigenous language and knowledge enters the review process. There is no commenting, consulting or notification stage for California indigenes in the pre-initiation/pre-approval stage of a project, causing many to feel their later input has no real affect:

In the stages of the development project, nothing really happens until a permit is submitted. That is the closest time when American Indians are contacted. At that point so much money is spent just to turn in an application in the pre-initiation phase, that it is already a done deal....At that point ...the plan amendments have already gone through the first stage before it becomes an EIR. Then they have us there at the Scoping stage. But that's too late. It's during the pre-application that is the best

²⁴⁹ For example, if one comments on the inadequacy of the process, they can later challenge that decision by appealing and even sue in court. It is a legal term called "exhaustion of remedies" meaning one has certain remedies (e.g. comment via letter writing or at a public meeting) before they can sue because the decision making body needs to have an opportunity to change a decision or process.

time for us to come in. That's when grading is happening where it can be determined the site is a sacred site and they need to consult with us. That's when the developer can look at the potential cost and change his mind. But by the time he gets to turning in his application and getting into a scoping meeting, he has already invested so much money. There is no reason to turn back. (Ventureño MLD, personal communication 8/12/2010)

Although CEQA suggests early provisions be made for an American Indian monitor and the disposition of recovered artifacts and remains in mitigation plans, its major flaw has been in its ambiguous language. As currently drafted, it prescribes the time in which CEQA compliance and tribal consultation occur as "feasible" enough to provide "meaningful information." Exactly what constitutes "meaningful information" is defined within the CEQA mandated timeline, which begins with a period of Public Outreach and Scoping followed by an Initial Study of Public Review lasting 30 days and ends with a preparation of the DEIR. It is not until a following 45 day period of public review that consultation occurs. By this time however, developers have already obtained permits, consulted city and county agencies, hired engineers and begun construction.

More often than not, the case has been that unless artifacts or remains are found, Native people and archeologists are neither contacted nor included in initial budgets. By this time, according to one Chumash monitor, "they are already digging...Usually by the time a monitor comes out, everything is already decided. The monitor is there as a second set of eyes but does not make changes to a project. I always looked at monitors as completely useless. It's a check box" (personal communication 7/15/2010). Even though project proponents have increased their efforts to actively invite indigenes to sites during

²⁵⁰ See Section 15004 (b) which states, "EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental consideration to influence project program and design and yet late enough to provide meaningful information for environmental assessment."

the development process (rather than public meetings), many Chumash view this as merely a perfunctory display in order to fulfill a policy procedure. "They will hear your grievances and ask you to perform and do your spiritual thing. Make them look good because they have their Indians now. Then they move on with their project and do what they want," stated Patrick Tumamait (fieldnotes 6/27/10).

The process by which participation has been implemented also created an unequal status level between archeologists and American Indians due to ways in which knowledge input is received and shared.²⁵¹ Because of the time of contact, payment of time and acknowledgement of opinion, archeologists are granted higher value and power in determining significance of historical sites, thus subliminally buttressing an uneven status relationship between planner, archeologist and American Indian consultant.

Furthermore, there are construction workers who are not trained in recognizing historic resources, but are working to complete projects within an approved budget. This led to concerns as to which time and whose time could affect the ways a site becomes significant. Usually, indigenous input, if any, was last in line. Understandably, Chumash concluded this hindered the protection of their historical features:

In planning, they leave it to the archeologist to determine what's out there on that site. They have them do a Phase One, a walk-through where they just look at the surface. Sometime's you cannot see anything depending on the time of year ...So then they deem it a negative declaration and put out the notices. For people who do not respond, it continues to stay a negative declaration. So, we want monitoring to start at early phases of projects, so we can see what's out there before bulldozers get out there. A lot of times, they put in general plans, 'we will start construction and if we find

²⁵¹ In most cases, the CEQA process creates a relationship with archeologists since the NAHC recommends that in areas of identified archeological sensitivity, a certified archeologist and cultural affiliated American Indian with knowledge in cultural resources monitor all ground-disturbing activities.

something, then we will call you.' But construction workers are not trained archeologists or Native monitors. You think they are going stop if they find something? No. We are not included in the budgets in the very beginning... Because construction guys have different ranges of what they bid – gouge and scrape is the cheapest. If they have to stop because burials are found, they bite the bullet...they do not have the budget. So instead of two days, it goes a week and cannot get paid more because of the money they bid on. It reflects on everybody if they do not get us in their on the beginning. (Julie Tumamait, personal communication, 7/20/10)

For Chumash, the CEQA process and its rhetoric of consultation inadequately protected and preserved sacred sites, features and remains. They wanted to know as soon as a project or plan considered and be able to advise city, country and state agencies throughout all processes as well as be present during all ground-disturbing activities. They wanted "true" consultation:

Consultation is supposed to mean our involvement throughout the process. If you get in on the consulting stage before a project comes to you (before shovel ready), you can make decisions in that project. We really should not need to work with an archeologist, but be able to go directly to a development person from the very beginning. (Chumash monitor, 3/8/2011)

Tribal groups throughout California felt the same and began to push for legislations that would enable them earlier participation in the development process. This manifested into the passing of California Senate Bill 18.

Senate Bill 18

Although many local indigenes support the intent of laws that promote the protection and preservation of historic/cultural places, policies rarely resulted in having their input at early planning stages. Furthermore, most laws provided protection only for sites on public lands and only addressed concerns of federally recognized tribes (with the

exception of CEQA) who still felt they had little decision making power in mitigating cultural impacts. In California, the principal concern by tribal groups was that a city or county could declare an area "Open-Space" (where public can have access to a property) and they did not have privileges for early access to remove artifacts and remains before sites were disturbed. In reaction, the California Governor's Office of Planning and Research (OPR) passed Senate Bill 18 (SB 18) on March 1, 2005 to require ongoing consultation with tribes regarding land use, cultural preservation and mitigation of environmental impacts to cultural places before individual site-specific and project-level land use decisions are made by a local government. Specifically, SB 18 mandates that prior to adoption or amendment of a city or county's general or specific plan, ²⁵² or when designating land as Open-Space for the purpose of protecting American Indian Cultural Places. 253 city and county agencies provide opportunities of consultation with California American Indian tribes at the earliest possible point in the planning process for the purpose of preserving, or mitigating impact to, cultural places located on land (both public and private) within the local government's jurisdiction.

The process entails that prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to tribes deemed appropriate via the NAHC Contact List and/or have traditional lands located

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²⁵² General Plan is the overall planning of a city, county or area where different zones, activities and purposes are established for different types of development and uses (Government Code § 65302). A specific plan addresses land use distribution, open space availability, and infrastructure of the community. Specific plans put provisions of general plans into action (GC § 65450).

²⁵³ Cultural Place refers to "places, features, and objects" described in Sections § 5097.9 and §5097.993 of the Public Resources Code (PRC). PRC §5097.9 pertains to Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine. PRC §5097.995 pertains to American Indian historic, cultural, or sacred sites, that is listed or may be eligible for listing in the California Register of Historic resources pursuant to Section 5024.1, including any historic or prehistoric ruins any burial ground, any archeological or historic site, any American Indian inscribed or rock art site.

within the city or county's jurisdiction and provide opportunities of consultation.²⁵⁴ If a tribe requests consultation, the local government and tribe are to engage in consultation for the purpose of protecting, or mitigating impact to, cultural places. However, it is still the local government that makes the decision to approve or deny a general or specific plan adoption, update or amendment.

While the goal of Senate Bill 18 is to get Native involvement at the earliest stage possible, at issue is that it only applies to proposed general plan amendments or declarations of accessible public sites. It does not apply to development projects. Another drawback has been in the process of making contact. SB 18, like other consultation policy processes, relies on lead agencies and board members to initiate the contact process through public notice and not the other way around. According to some Chumash, the public notice requirement is a benefit in that it provides another avenue to know of development proposal projects. On the other hand, it is a detriment since agencies do not directly contact them. Rather tribes or individuals on the NAHC Contact List must request notices of public hearings:

We used to have to wait and read about a development project in the newspaper. SB 18 is a way to shortcut the notification process of development proposals and let tribes know there is a project. It really is a way to notify people without sending out letters.... But there are still problems with the public notice requirement because we have to actively

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²⁵⁴ The referral must allow a 45 day comment period before approval by board of supervisors/city council (Government Code §65352). Once contacted, tribes have 90 days from received notification to request consultation, unless a shorted time frame is agreed by the tribe (GC § 65352, §65352.3). At least 10 days before public hearing, local government provides notice of hearing to tribes and any other persons who have requested such notice (GC §65092). Opportunities for consultation extend also to citizens, public agencies and other community groups and generally occur through public hearings or any other means the city or country deems appropriate (GC § 65351).

²⁵⁵ Where SB 18 does not apply means American Indians must revert to using CEQA guidelines as an option for consultation and cannot invoke the SB 18 process to alter, change or interfere with the CEQA process.

look for those notices. They don't come to us. (Frank Arredondo, personal communication, 07/28/2011)

In short, to give notice, to provide a referral and to initiate a process remains an agency's responsibility, leaving tribes to passively wait. Although tribes can initiate contact and reach out to agencies asking to engage in consultation, tribes would have to learn of projects through their own means. As a result, the act of one-sided contacting created an unequal power relation, giving agency and power to policy makers control over how and if consultation occurs.

While there are limitations to the process, SB 18 has become very important to American Indians because the law applies to their cultural places on both public and private lands. What makes SB 18 particularly significant is that it represents a major change in development policy because consultation is extended to non-federally recognized tribes. City and county agencies are obliged to contact tribes on the Contact List maintained by the NAHC to provide opportunities of consultation (GC §65352). For this purpose, the NAHC created a separate Contact List specific for the SB 18 process (distinct from the MLD list) and acknowledged unrecognized groups as tribes if they meet certain minimum criteria. ²⁵⁶

According to Chumash descendant, the new SB 18 List "still has glitches" causing stalls in the consultation process. First, many agencies claimed they were not initially informed that there were two separate lists differentiating the CEQA process

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²⁵⁶ For example, function as a governmental body; have completed petition for federal recognition; have documentation that they were formerly recognized; they are recognized as a tribe by surrounding community, including other tries and local governments or; if they are a non-profit organization dedicated to general governance and tribal community well-being.

from SB 18. Second, similar problems to the CEQA List (outdated phone numbers and addresses) leads to lack of contact:

The problem with initiation is the government agencies don't know about it about the List. Once they figured it out that there was a whole different List, then they sent out notice and twiddled thumbs for 90 days. And these contact numbers are still wrong. So then they wait 90 days and nothing happens. Then they leave and say "well that was the name on the Contact List' and say that means they filled the consultation guidelines." (Chumash MLD, personal communication 7/11/2010)

Third, the same identity-based controversies carry over since there is no requirement with the NAHC that a group must establish their lineage to be on the SB 18 Contact List. "NAHC just says prove you are a group, not your heritage. This is the glitch in the process," according to one NAHC commissioner. "There are times when a group is just a family of three people who have not demonstrated they have descent, but they have a non-profit and a mission statement and get on the List" (fieldnotes, 6/5/2011).

Regardless of its implementation glitches and verification procedures, SB 18

Contact List has represented a monumental shift in policy for unrecognized groups in

California: there is now a means for them to have equal participatory status as a federally recognized entity. The equal platform to participate and consult also means they receive a form of recognition and validation:

You have those who are unrecognized, but they are working at state level as consulters through CEQA and SB 18. There are given notifications from agencies that acknowledge them as a tribe. That recognition does not validate us as a federally recognized tribe, but it is a validation that recognizes us a native peoples. (BVBMI member, personal communication 6/5/2010)

With a form of recognition as the prize - being able to formally define themselves as a tribe - organizing as one follows. In turn, unrecognized individuals find greater incentive

to join and become part of collective tribal bodies with official rights. For example, the BVBMI has now started to consult and introduce themselves as a tribal group because they are now on the SB 18 Contact List. "With that consultation already in place it helps us to officially have the right to be part of the policy process" according to a BVBMI member (personal communication 8/4/2010). Perhaps the greatest value of SB 18 for unrecognized groups is that it is a platform from which to reach national arenas of participation. And many are calling for its framework of inclusion to extend to State and Federal policy arenas:

State level consultation is a step toward wanting access to the national level of consultation. When we have that level of state recognition, it should go to next level of federal consultation. We know that groups cannot be federally recognized as a tribe. We know the language difference. But we should be at the table. (Julie Tumamait, 6/20/2010)

Conclusion

Both CEQA and SB 18 reflect greater attempts by government agencies to involve Native input in planning processes. For unrecognized groups, it is a chance to be recognized at a more formal level. Yet, the processes, according to descendants requires more than just making contact and asking for their input. It means "being at the table" as ongoing consultants. But, what does consultation mean for different parties and can it amount to making meaningful policy that can satisfy indigenous actors? Does it really provide an equal voice to balance power relations in decision making and implementation? The next chapter explores this by examining the legal definitions of consultation, how they are applied by agencies and experienced by local Chumash.

Chapter Thirteen

Redefining Consultation

We know when they are just considering, it's not going to have an impact. Consider is an empty promise. Past experiences have shown us that when officials say consider, it means it's an afterthought to something they are already going to do.

-Patrick Tumamait, 9/16/2009

Policies that encourage Native engagement have brought indignation when American Indians conclude that their participatory privileges are minimized due to lack of guideline enforcement and ambiguities in legal definitions. Thus, this chapter explores how different and conflicting legal definitions of consultation bring interpretive struggles which either hinder or benefit Chumash attempts for meaningful participation in policy. From various perspectives, I then highlight what are perceived to be effective strategies and improving relationships between Chumash people, policy representatives, agencies, foundations and activists that are serving to advance more beneficial participatory opportunities and policies for American Indians. Since meaningful consultation and participation are ultimately intertwined with the quest for recognition, this chapter ends with opinions from Chumash consultants regarding motivations to participate: what they hope to see from consultation and why.

"Consult"

The Merriam-Webster definition of "consult" means "to have regard to; to ask the advice or opinion" while other sources expand this meaning to include to "ask guidance from; to refer to for information²⁵⁷; to consider; to take into account." The definitions

²⁵⁷ From www.merriam-Webster.com and dictionary.reference.com retrieved June 23, 2011

do not state "to agree with," "adhere to guidance," "decide with" or "follow advice from." Rather, with "consult," there is an implied level of inequality in the process of deciding: one party gathers information in order to make a decision, while the other party provides information without any power to choose or decide. By virtue of this language, those asking for consultation and choosing from what is given remain in a dominant, active position. The meaning has manifested in agency practice, where "consult" does not mean they need to act on recommendations or opinions, but simply consider. As a result Chumash have experienced "consult" to mean:

... they are still basically telling us what they are going to do. It's still their plans and proposals. They will consider our recommendation. But they don't have to. So our time and voice usually amounts to nothing. (BVMI member, personal communication 6/17/2010)

.....an act of talking about a situation, and that's it. In agency writings, there are usually no statements saying we are going to involve Native people in this project. They say 'we will counsel with you,' but they do not have us personally involved. They don't have to take our opinion or use our advice at all. (Ventureño MLD, 12/12/2009)

The "consider" catchword is standard in regulations and guidelines from which governmental agencies are to find "feasible" and "reasonable" agreement with American Indians in consultation. For example, the ACHP defines consultation as "...the process of seeking, discussing, and *considering* the views of other participants, and *where feasible*, seeking agreement with them regarding matters arising in the Section 106 process" (36 CFR Section 800.16 (f)). The SB 18 definition of consultation means "...the *meaningful* and timely process of seeking, discussing, and *considering* carefully the views of others,

 $^{^{258}}$ American Heritage Dictionary of the English Language, Fourth Edition 2000, Houghton Mifflin Company.

in a manner that is cognizant of all parties' cultural values and, *where feasible*, seeking agreement²⁵⁹ (GC §65352.4). The process of consultation, according to 106 guidelines:

... must provide an Indian tribe a *reasonable* opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties,...; articulate views on the undertaking's effects on such properties; and participate in the resolution of adverse effects [emphasis added] (36 CFR Section 800.2(c)(2)(ii)(A))

Yet, there is no published guidance to interpret 36 CFR 800.9 of "reasonable," nor is there a standard for timely and "feasible" consideration of consultation. SB 18 attempts in its guidelines to define "feasible" agreement as "when capable of being accomplished in a successful manner within a *reasonable* time taking into account economic, environmental, social and technological factors" (GC §65352.4; OPR Tribal Consultation Guidelines 2005: 24). This still remains vague since it is not defined *who* takes into account and defines the *reasonable* standards for economic, environmental, social and technological factors. Regardless, the OPR guidelines on SB 18 *suggest* consultation be "an on-going process, not a single event," that agencies meet with tribal governments on a regular basis to discuss common issues/concerns outside consultation requirements, and work with tribes to develop protocols used for the notice and consultation requirements of SB 18²⁶⁰ (OPR Tribal Consultation Guidelines 2005: 20). However, it does not say that agencies *must* grant ongoing participation.

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²⁵⁹ However, there is no requirement to preserve a cultural place or adopt mitigation measures if agreement cannot be reached. This means that if a tribe and government cannot come to agreement on preservation or mitigation of an adverse impact to a cultural place, neither party is required to take any action (OPR Tribal Consultation Guidelines 2005: 24).

²⁶⁰ The OPR also suggests that local governments consider incorporating policies into the General Plan regarding SB 18 and tribal consultation for the purpose of protecting places.

Without solid criteria of reasonable, Chumash have felt its meaning becomes weakened in local practice as its interpretation has been subject to agencies' discretion, with little attempt for Native agreement: "Its goal is to come to both parties agreeing on something. But when you get down to local level, it's 'what's your opinion, what are your thoughts and have a nice day.' So it becomes even looser," according to one MLD (personal communication 6/10/2010). Thus, like commenting, Chumash feel it an obligatory act to fulfill policy agenda and appease indigenous group, but without resulting in any meaningful resolution:

I always feel like when I go to a meeting there is a contrived politeness in the way they say there want our input to consider. But when we leave the meeting, it doesn't feel like that. It feels like they filled an obligation and their done with us. We usually do not see any effects from consultation. So its meaning get lost. (Patrick Tumamait, 9/16/2009)

I personally experienced the superficiality of obliging Native input at a Santa Barbara Botanic Garden Appeal Meeting in January 2010. I attended with two Chumash appellants concerned that building plans for a teaching and learning facility would possibly disturb cultural resources. In a private meeting room in the City Council Building we met with the City planner, a land use attorney, two County council members and the head of Santa Barbara Botanic Garden Initiative. The first goal for the appellants was that prior to building, there would be exploratory testing for presence and absence of cultural resources with an archeologist and monitor present. Their concern was the contradictory nature of the building as one stated, "You are looking to have a facility that is a teaching and learning facility...To go in and destroy cultural resources and turn around and rebuild it all back to tell the story doesn't make a lot of sense." They were

told that studies done in other areas reported no scientific evidence of subsurface remains and that a deeper investigation would cost money and delay. Negotiations turned to how science and Native knowledge could find a compromise:

Based on reports, this is a high sensitive area. Our understanding is there are a lot of feelings and connection to cultural ancestors – not just to resting places, but living spaces as well. You are creating a disturbance to items still significant to us. It is devastating to us to see that destruction and we know of destruction in the past. Just because they lost that scientific integrity, does not mean it has lost integrity with us.... We are coming from two separate places of thought: emotion and science. So let's get to a place of knowledge for everybody. (appellant, 1/14/2010)

With that request turned down, Chumash representatives asked that for the learning facility there be a cooperative forum or committee between the Botanic Garden and local Native people where ideas on representing culture could be shared on a constant basis:

There are a lot of people with plant knowledge from our ancestors. You have a beautiful opportunity to partner with the Native community and bring people together here. Don't disrespect us by destroying the archaeology there and ignoring our requests. It's hard when we hear about these things and you just take our comments. We want real consultation. Talk with us about how we can work together. If there is no way to avoid these places, at least learn from us so you can present the story of people who were there. (fieldnotes, appellant 1/14/2010)

When asking that SB 18 guidelines be followed for consultation, they were told by the County council member that the project proposal and development plan were already approved and that since the Board "likes finality, as a general rule," they could not facilitate the appeal. Again, Chumash involvement was only an afterthought to a plan already taken. The only agreement made was that there would be attempts to learn more about Chumash culture for representation. To date, however, no formal committee has been established.

It's just a suggestion

Because consultation laws are merely guidelines, the power first felt when laws were implemented increasingly diluted as the actuality of becoming consultants turned into an option rather than a mandate:

The county has caught on that there's no weight in Senate Bill 18. At first, they did not even know of the law. When they did, they scurried to consult with us. Then they realized laws were really just guidelines, so that kind of stopped. (Arrendondo, personal communication 7/26/2011)

With no means to have agencies adhere to consultation guidelines, Chumash would again retaliate through the only power they could find to establish their voice - delay projects:

Down the line are several other projects where known burials are located... and recently I started to bug people in one plan update that requires SB18 consultation... I also sent a follow up email with the NAHC & SHPO cc'd expressing to them the requirements of SB18. That will really make them shit their britches. In the end it puts a hold on the project for 90 days or so. It kinda pisses them off. Then later they realize that SB18 has no teeth, but by then the letters will go out and they will wait. (Barbareño MLD, email correspondence, 7/9/2010)

The message being sent is for acknowledgment and respect: "Just contact us early. Talk with us. Don't just tell us. Give us our paid dues of respect. Treat us as equals and we won't hold up your projects. Everybody wins" (Barbareño MLD, personal communication 8/1/2010). The inherent obstacle for indigenous people remains in policy language which is prescriptive in nature. Guidelines merely "encourage," "suggest," and "direct" agencies to "consider" engaging in consultation, but do not dictate or mandate exactly how agencies should implement consultation. Thus, while there may be an intention to resolve the influx of various voices now involved in policy making through consultation policies, guidelines reduce transparency and inclusivity into ambiguity.

"Feasible" can amount to a myriad of different interpretations by agencies (rather than American Indians) depending on the agendas of policy parties. In most cases the prescriptive message in guidelines creates a lackadaisical response of *not really having to* and often "seeking agreement" only amounts to making contact. Thus, the general statement from most Chumash consultants has been, "They call us up, say hi and what are your concerns, thank you and we never hear from them again."

Having direct levels of participation in formal and informal negotiation is seen to bring the ability to influence policy opinion, shape public discourse, and provide protection for cultural and environmental properties. Subsequently, consultation has become a word that connotes power and privilege, creating a boundary in ways meaningful decisions and knowledge are produced. Thus, as mentioned prior, the word is carefully used or avoided by policy makers to shape the context of knowledge production which, in turn, molds decision making. For example, many MLDs interviewed have mentioned that when they attend meetings or meet with developers or agency representatives, they are told "it's just talk, not a consultation."

Every door that is opened returns to the built-in limitations of bureaucratic structures which, as pointed out by Max Weber, limit capacity for change. What are the odds which Chumash have of effectuating change when the very agencies with which they must interact follow established official rules and dominant knowledge framings that preserve top-down hierarchical bureaucratic divisions? With agencies, Western scientific knowledge is framed as "elite-expertise" executed consistently by lower levels through pre-set rules regulations made from and controlled by above levels (Weber 1946; see also

Keeley and Scoones 2003: 176). Knowledge sharing is, in essence, power sharing. The State and Federal government maintain their power through a regime of knowledge that classifies Indian knowledge as un-academic and non-modern (Foucault 1983) through its system of credentialism (Collins 1979). Thus, they do not become privileged to be part of the "status groups" that constitute the *elite expertise* required for bureaucratic decision-making processes (Weber 1958). Rather, indigenous knowledge, framed as "alternative" and "local," becomes an afterthought to already approved policy designs. As Weber points out, the risk for bureaucratic structures is that if more actors are added in the decision-making process, so are multiple and diverse views, which add exponentially more complexity. To avoid this overwhelming scenario, opportunities to participate (and hence rise into a place of power and decision making) are limited. If laws were to mandate participation and consultation, rather than suggest, bureaucrats would be held responsibility for carrying out such rules. Perhaps guidelines are used to deflect responsibility and lesson the burden of work.

Meaningful consultation according to Chumash

For California indigenes, there are two different avenues for consultation. One concerns heritage: how does a proposed project affect indigenous heritage values (e.g. destruction of a sacred site, lost access for ceremony)? In this case the issue becomes assessing the sanctity and spiritual significance of a site. The second instance involves development and consulting with indigenous people in order to create or revise building plans to avoid impacting environmental or historic areas. In order for both kinds of consultation to occur, many Chumash agree that they must be organized in a way that

compartmentalizes their knowledge expertise to offer useful insight on various plan proposals (e.g. one group addresses cultural heritage concerns and another deals explicitly with developers). However, because the consultation process with indigenous tribes occurs in the aftermath in most policy processes, agencies often turn to a myriad of informal consultation laws which are inconsistent in their guidelines and definitions, rather than finding mutual agreement with tribes from the onset of policy procedure regarding the terms of consultation. This for one Chumash means their later input becomes ineffective: "it's worthless to meet with anyone if you do not know what the terms of the meeting are all about and most Natives don't want to go in and start debating those different definitions and guidelines" (personal communication 8/24/2010).

Without initial terms and one-set of clear formal consultation standards for every agency to follow, various interpretations ensue leading to conflicts regarding what the consultation and implementation process should entail:

When we talk about consultation, there are many different definitions. There is the executive order which differs from SB18. Caltrans²⁶¹ differs from Section 106. The biggest problem with local Indians here is that there is not one set of consultation rules across-the-board. Each agency is different and they treat relationships with us differently. Some walk the fine line under the radar by just receiving our comments. They have a meeting and then continue to do what they do. Others work more to engage us due to our longer histories and relationships with some agencies. But, there is not a standard letter agencies use. ...So consultation has a different hue from one agency to the next which is really unfortunate because it confuses everybody. (Frank Arredondo, personal communication, 7/16/10).

Others contend there is a reason for this:

²⁶¹ Caltrans Division of Transportation Planning defines consultation as "one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s) considers the views of both parties and periodically informs them about actions(s) taken. (23 CFR 450-104)

You cannot change state laws without a public process. Therefore laws are all guidelines. What kind of law would you write that is a fit all for tribes? We do not all have the same beliefs. Our histories are different. Our protocols are different. Our levels of knowledge are different. So we have to keep guidelines to fit different scenarios...how would you make one law for every situation? (Julie Tumamait, 7/4/2011).

While of course there are different heritage protocols and expertise unique to various tribes, what is agreed on by many California indigenes is that consultation across-the-board should mean an ongoing process where each party takes the time to *really* know each other, discuss terms of meetings, listen to and respect various views and make decisions based on mutually shared knowledge:

Consultation is sitting down, coming to us and asking us to help guide them, educate them about the culture. Ask us what is sensitive...ask how we are involved in cultural resource management. It means asking us if we are interested in early phases of research and planning. It's learning who we are, not just sitting there waiting to fulfill a checklist, but meeting face-to-face, so that we can really talk and listen to each other... really share different views and opinions throughout all levels including making decisions together. They do it with the engineers, with biologists, with everyone else. They do not do that with Native Americans. (Julie Tumamait, personal communication 7/20/10)

Scholars have demonstrated that the success of consultation depends on the levels of involvement and decision-making by actors (Cernea 1991; Deloria and Stoffle 1998). When people share in the knowledge and decision-making process, real partnerships are established (Deloria and Stoffle 1998). According to Vine Deloria and Richard Stoffle (1998), this can happen in a range of forms: asking local indigenous people to share in the decision of prioritizing cultural resources for protection; ask them to share in selecting best management practices or; share in long-range planning and monitoring of natural resources (see also McGoodwin 2001: 239). As equal partners, planners and

managers, indigenous people would become part of the process that makes policies and decisions that affect their lives. Given more meaningful responsibility in the policy process would most likely shift tones from apathy to desire to participate. It would also shift the retaliatory actions that offset, delay and oppose policy proposals to more proactive efforts to find mutually beneficial outcomes.

In following Vine Deloria and Richard Stoffle's (1998) model of consultation,
Chumash have drafted their own consultation standards based on shared decision-making
power they wish agencies and developers follow:

At several times over the past few years I have made public comment on the use of the word "consultation" with regards to notices like these, meetings and public documents. In keeping with my status quo' I need to keep repeating my concerns on the use of the word "consultation" in theses notices. When consultation is used to attract Native American Participants it always ends up as "comments", that what we have to say is taken as "under advisement" so to speak. This serves as a huge negative reaction from the people involved. That our voices are not really heard. Consultation leads itself to a greater impact on results...a meaningful agreement not just a method of capturing comments. The City of Goleta has dodged my point by calling meetings like this a "meet and confer." I am not suggesting that the SB County come up with its own term to explain our meeting but I am hoping that maybe the values and methods used in meaningful consultation are adopted. What is needed is the fundamental decision on the part of the SB County to share some decisionmaking power with Native Americans. Identify, prioritize, Management Practice, Long-term Planning and Monitoring.

<u>Identify</u> -I ask that the Native American people are asked to share in the decision to identify resources that are in need of protection.

<u>Prioritize</u> -I ask that the Native American people are asked to share in the decision to prioritize which cultural resources will be protected first.

<u>Management Practice-</u> I ask that the Native American people are asked to share in the decision to select from among a variety of management practices that most appropriately protect the cultural resources in the context of other resource uses.

Long-term Planning & Monitoring-I ask that the Native American people are asked to share in the long-range planning and monitoring of

theses cultural resources and lands that hold them.

To increase the quality of success the decision-making power must be shared. When the decision-making power is even to the point that negotiation takes place, it is called a Partnership. Partnership is a term used to describe the desired outcome of consultation relationships between Native American people and agencies and organizations. It requires shared power, mutual respect, and mechanisms for sustaining a long-term relationship. The establishment of mutual trust, common knowledge base, a cultural resource management plan and a monitoring plan are the basis of this partnership. . . My only last comment is what are the "terms" of this "consultation". Will we be granted any decision making authority or will our "comments" be taken at this time. If only "comments" are to be taken then I ask that the term "consultation" will not be used. I thank you for your time. (Drafted and Distributed by Frank Arredondo)

Spaces bringing more meaningful consultation

Indigenous participation in Western policy systems evidences how consultation becomes a powerful platform for indigenous expression in an era where colonial legal traditions and frameworks continue, but policy actors are attempting to yield to more inclusive strategies to incorporate indigenous opinion and balance decision making. For example, there are some agencies and institutions that appear to be actively creating collaborative projects that serve to advance indigenous knowledge and consultation particularly in arenas concerned with tourism, historic preservation and environmental conservancy. According to Chumash interviewed, most notable agencies working toward effectual forms of collaboration and consultation are the California NAHC, the National Park Service (Channel Islands and Santa Monica Mountains), the Channel Islands National Marine Sanctuary (CINMS), and the Los Padres United States Forest Service (USFS). One reason is that these agencies have created formidable positions for American Indians. For example, the NAHC commissioners are Native California

indigenes, including Chumash descendant Julie Tumamait. Their contact with other city, county and state agencies bring constant attention to indigenous protocol and concerns. The Advisory Council of the CINMS has Chumash representatives whose knowledge is sought in matters pertaining to sustainability and culture. The USFS employs a Chumash tribal liaison who communicates with local indigenous groups in matters regarding potential impacts to cultural resources within the Forest's jurisdiction. The NPS frequently engages with Chumash individuals (through workshops, meetings, email, and phone) in matters regarding cultural preservations and representation and have also worked in incorporating indigenous protocols when it comes to heritage stewardship. Mentioned before is the California Indian Advisory Committee (CAIC) of the Santa Barbara Museum of Natural History. It is not only a collaborative forum between museum curators, museum directors and California Indian descendants, but it is also a space from which local agencies can be introduced to Chumash representatives due to relationships with museum curators and staff. In following the Museum's advisory meeting format, California State Parks, in conjunction with the Santa Barbara Trust for Historic Preservation, formed a stakeholder group (which includes Chumash descendants) for the Interpretation Master Plan for El Presidio de Santa Barbara State Historic Park. The stakeholders' roles include providing expertise and advice regarding interpretive and educational services at El Presidio. Collaborating through forming advisory council's such has these allows Chumash to represent their culture and have a direct say on the interpretation of their history. ²⁶²

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²⁶² The data used from these questionnaires should not be viewed as static. In many cases, consultants

Some Chumash have also experienced what they would consider "real" consultation when they are invited by a developer or project proponent (originates a project idea) to sit down and hear opinions before actual development begins and continues throughout the process to a place where both parties feel can result in beneficial and satisfactory outcomes. The reason, some Chumash say, is because "agencies, boards and archeologists just take your feedback...and are ambiguous because they have no decision making authority until a project is done. The developers do, so consulting with them makes the difference" (personal communication 7/25/10). Chumash do feel their participation becomes balanced with agencies, developers and project proponents when consultation guidelines, such as SB 18, are actually followed. However, because developers have decision-making power, relationships with them are coveted. Although it does not result in Chumash being given official decision-making status, it does give them influence.

There are also agency representatives who evade bureaucratic rules that restrict rightful indigenous participation and freely work "below the radar" to find innovative ways for mutual dialogue. I met a couple who explained to me how close they have worked throughout the years with unrecognized individuals and although, they cannot formalize their status as "consultants" as governmentally defined, consider them true consultants. Ultimately, hiring tribal liaisons and having advisory councils that include unrecognized Chumash circumvent exclusionary state and federal regulation

would mention that relationships with agencies and institutions varied depending on the project proposed, the policy actors involved and the level of time invested in projects.

²⁶³ However, as mentioned before, SB 18 responsibilities are limited only to city and county governments and not to other public agencies and its guidelines are only used when there is an amendment.

confinements and empower unrecognized individuals groups. In turn, relational ties strengthen between Chumash and agency representative: the stronger they are, the more indigenous knowledge and decision-making structures gain credibility and influence in policy-making arenas.

It is also significant to note that in reaction to the repeated lack of state government consultation with California Indian Tribes (such as with the MLPA),

Governor Jerry Brown recently issued Executive Order B-10-11 on September 19, 2011 which is to create a tribal advisor position intended to "facilitate communication and consultation between tribes, the office of the Governor, state agencies, and agency tribal liaisons." While the position is an unpaid one, important is that the Order includes all California Native Americans regardless of federal status. Whether this fosters meaningful and satisfactory consultation is yet to be determined. However, many California tribes are eager to begin the process. For Chumash all these spaces are "doorways for the ability of tribal members to participate. No one way is perfect. But they are starting points and they are available for us to use" (personal communication 8/15/2011).

Conclusion

In California, where the majority of indigenous groups are unrecognized, the quest for consultation is a matter of gaining equality and recognition through having balanced input:

Only one-third of tribes are recognized here. It is unfair. It is imbalanced, especially when you have people who can demonstrate they are native and they have documentation. These Natives have useful knowledge that can be applied to policy that federally recognized tribes may not. But because

they lack of federal acknowledgement, they are at the bottom of the totem pole...sorry for the pun. (Julie Tumamait, 5/4/2010)

Recognition and consultation thus go hand in hand. It is a right given to federally recognized tribes that demands their presence and voices be acknowledged in polices that affect their culture. Without the same privilege, unrecognized people become lumped as "the public" with only commenting rights. As only "the public," they feel they lose their sense of status, distinction, agency and uniqueness as indigenous people and, in many ways, remain invisible and nonexistent. Thus, as many stated, consultation becomes "a matter of sovereignty." To be given the power to consult as a tribe with agencies makes their status synonymous with independent nation: consultation plus participation equals recognition as a sovereign indigenous tribe. Commenting equals any other citizen.

Despite regulation confinements, there are signs that efforts are being made to incorporate and balance indigenous knowledge in policy by non-Natives with an awareness of and sensitivity to narratives, ideas and practices of California indigenes. This is due, in part, to a continued practice by Chumash to engage bureaucratized institutional structures and break the "systems of semantic rules; those of domination as systems of resources; those of legitimation as systems of moral rules" (Giddens 1976 [1993]: 130). Gaining greater representation involves continued involvement in the mazes of Western legal discourse and policy procedures while trying also to change them. "It's like a friggin' marriage," stated one. "We marry the policies – I must be into polygamy." (personal communication 7/1/2011). These persistent dialogues between indigenous participants and agencies are part of the postcolonial fracturing of authority, working to collapse the power dichotomy in Western decision making arenas. For

example, Anthony Giddens writes of the "duality of social structure" where "social structures are both constituted by human agency, and yet at the same time are the very medium of that constitution" (1976 [1993]: 128-9). This principle can be applied to repetitive agentive practices to dissolve classificatory constraints and introduce indigenous understandings of consultation within heterogeneous bureaucratic and political contexts. The "interaction ritual" (Goffman 1967) - the act of co-presence (meeting face-to-face) in participatory arenas—may allow for dialectical mediations that, when reproduced consistently, make incremental shifts to reshape categorical policy structure and perhaps establish a new structured medium from which policy decisions are made. The more frequent the engagements and ongoing practice of collaboration and communication, perhaps the greater the opportunities to wear down existing "structures of signification" (Giddens 1976 [1993]: 130) made real from prior reproduction. At the very least, through a consistent practice and discursive "reckoning" within the policy arenas "motivated by disagreement and results in a decision for a present" (Winegar 2006: 7), Native engagement is working to evince a Chumash existence that extends beyond just being "still here" or "here part-time," but here in a meaningful manner equal to the way in which all people live. For now, equality means to Chumash a full time, twoway process: a constant mutual dialogue from which balanced decision-making can occur.

Chapter Fourteen:

Summary and Conclusion

The purpose of this dissertation was to investigate the significant rise of American Indian political power, rights claims and reaffirmation of identity through cultural revitalization movements in southern California. I primarily focused on revitalization efforts by federally unrecognized Chumash groups since they, like hundreds of other reemerging American Indians, are underrepresented in political, legal and social arenas and face a series of material and organizational challenges in pursuit of their goals.

Through tracing how recovered history and current indigenous knowledge is used for greater representation in political, social and policy arenas, this research sought to highlight effective practices, relationships and discourses that are strengthening Chumash recognition and influence in policy arenas.

From once being deemed an "extinct" culture, a predominant goal stemming from cultural revival is to counter the supposition of their extinction through various acts to gain recognition. This research identified and mapped three external forms: (1) informal validation from the public (2) formal federal and state acknowledgement and (3) participation and consultation privileges in policy. Within these different contexts, Chumash use a variety of strategies to garner recognition - from public practice of traditional ideas of indigenous culture and organizing as tribal units, to attracting media attention through protest, coalition building and mobilization. In particular, the increasing involvement of unrecognized individuals and groups in cultural resource spaces (as monitors and MLDs), policy arenas (as consultants and participants) and in

environmental/preservation coalitions has brought considerable momentum to their movement to be recognized, which at this point remains at the informal level.²⁶⁴

A primary objective of unrecognized Chumash groups in organizing as a tribal entity is to have formal federal acknowledgment: an official sovereign status enabling a meaningful government-to-government relationship with the United States. However, despite establishing descent, fulfilling criteria for federal acknowledgment is perceived an almost impossible goal for most unrecognized California groups. Besides lacking funding resources to complete the process, unrecognized groups face overwhelming opposition to tribal gaming, resulting in powerful lobbying efforts to suppress opportunities for federal recognition. I argued further that federal policy criteria - to demonstrate through documentation a distinct community that continuously maintained their presence, language and political organization - are neither reflective of their urban Indian experience nor of their unique California histories. Their histories since contact include population decline, dispersal, land loss, assimilation policies, racism and laws forbidding their cultural practice. Yet, the burden to prove an uninterrupted historical link makes the attempt to recover their ancestral worthwhile. It is not only to attain the privileges that come with federal recognition; it is to regain a connection to their ancestry, challenge local norms and influence broader policies to change ways history is to be remembered and accepted. Thus, this project examined how authenticity, continuity and "tribalness" are negotiated within governmental colonial tropes of distinctiveness, while contemporaneously trying to change such ideologies. Due to the political

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²⁶⁴ With the exception of California Senate Bill 18 to consult with unrecognized tribes placed on the NAHC list.

implications of terminology of discontinuity, it became a priority in this research to question teleological approaches to history and deconstruct theoretical explanations of conformity, resistance, and "invented tradition." Instead, I offered a theoretical framework that reconfigures divisive rhetorical negotiations of continuity and revitalization into indigenous understandings of "survivance" and "reemergence" in order to make sense out of a situation where continuous cultural transmission can be demonstrated partly through carriage of family traditions and partly through literature. "Survivance," as introduced by Gerald Vizenor, successfully worked here to explain extant Native practices through coping mechanisms and endurance strategies amidst periods of transformation.

With the evolving nature of post-colonial world structures, the rise of global ethnic nationalism and technological changes that advance communication, the phenomenon of indigenous revitalization has entered an important phase as several key trends have come together bringing new opportunities for American Indian cultural and political empowerment. First is the greater mainstream interest in Native culture and practices. Second is the shift in federal and state heritage and environmental preservation policies that now encourage Native affirmation. These legal routes are fundamental for unrecognized groups who are unsuccessful in their attempts to influence change in federal recognition policies, but can apply more concentrated efforts for a government-togovernment relationship through state-recognition, judicial ruling, Section 106 of the National Historic Preservation Act, CEQA and California Senate Bill 18. Third is the considerable potential of the internet age to bring broad support and promote cultural

identity and causes. This is reflected in California where local indigenes are finding innovative tactics for identity assertion, rights claims endeavors and cultural preservation through changing laws and network strategies. Such network strategies - coalition and alliance building, lobbying efforts, internet outreach, ongoing engagement in policy arenas, and aligning with advocates capable of influencing policy change – represent a significant shift from militant land occupation strategies of the 1960s and 1970s (see also Weibel-Orlando 2001: 105). It can now be observed how local discursive strategies combine with technological resources to gather and disseminate information and connect with broader arenas to create a collective movement necessary to achieve political influence. For example, research showed that effective means for unrecognized tribes to strengthen network building and public outreach are through social media and in establishing ethnic non-for-profit foundations. Non-profit organizations are particularly beneficial for unrecognized entities to solidify a group identity, evince an aura of professionalism and legitimacy, produce value, increase cultural awareness, relate to business and government sectors, and develop partnerships with agencies, foundations and educational institutions. Such engagement has also enabled unrecognized groups to draw credibility and recognition from alliances made outside of government evaluation. Importantly, necessary funds can be raised with non-profit status to develop programs that foster environmental, educational and heritage preservation. Yet, with unlimited freedom of cultural expression found in the non-profit space, prevalent identity-based controversies have brought new questions of intellectual property and ethnic fraud.

The existing identity-based debates amongst unrecognized tribes regarding legitimate ethnic assertion hindered presupposed notions of collectivity in this movement. Existing instead is an environment filled with power struggles over the ownership, control and interpretation of history and culture as it is used in rights-based claims, for profit or for recognition. Overwhelming time spent on discerning ethnic claims at times impeded the ability for unrecognized groups to develop overall empowerment strategies. Thus, I worked to map the dynamics of revitalization through tracing controversies and boundary-making mechanisms in politicized arenas as they shape, and are shaped by, external standards of determining indigenousness and rights-entitlement. Highlighting the discourses of indigenous people, academics, governments and the public that create competing and changing ideas for legitimate indigenous representation was a foremost concern. Doing so, showed that primary controversies stem from how inconsistent legal, social and anthropological standards of indigenous ethnicity (from documentation, genealogy to self-ascription) are invoked, judged and accepted externally to reinforce the legitimacy of claims.

Matters of indigenous authenticity and motives have also increasingly come under academic scrutiny and public skepticism with growing implications that ethnicity construction correlates with certain advantages. Anthropologists play a central role in these controversies, as they are endowed authoritative positioning as legal witnesses, historical analysts and ethnic authenticators in indigenous affairs. Such roles have obstructed or enhanced rights claims endeavors and, in turn, have shaped active revitalization and recognition processes. For groups working toward federal recognition,

some anthropologists more often collaborate with families with identifiable ancestry to adhere to government criteria which require documented proof of descent. Many anthropologists have also had an affect on what government agencies consider "appropriate" indigenous representation. Such influence has contributed to deepening divides between undocumented and documented Chumash claimants. Thus, I reflected on the dilemmas and difficult questions our involvement brings regarding the practical and political implications of our enquiry, our knowledge production and authoritative positioning in defining and legitimating indigenous histories and identities.

Within various platforms to define indigeneity, ongoing academic debates surround the validation of an essentialist or constructivist position. Amidst different economic, social and political contexts, constructivist and essentialist strategies can function to uphold or destabilize hegemonic understandings of indigenousness. More importantly, then, was to understand why and under what circumstances do people identify with particular categories of practice (Bourdieu 1990). By bridging the essentialist and constructivist divide into a more nuanced continuum of categorical practices and analyses- *identification*, *self-understanding*, *commonality*, and *groupness* as introduced by Cooper and Brubaker (2005) - this research was able to situate the various reasons for identity construction and reification. These reasons range from loosely asserted self-understandings, to complying with external systems of classification, to finding shared attributes from which to connect and solidify into bounded entities for rights claims endeavors.

Contributing to an understanding of how *groupness* is formed stemmed from utilizing Bruno Latour's ideas on actor-network-theory to reconsider collective identity in a situation where fluid identities and multiple-sided conflicts hinder the concept of a cohesive social movement. Chumash are neither a cultural unity nor are a discrete social entity from which to situate a homogenous and bounded field. Thus, rather than investigating a culture or society as a monolith, reconsidering collectivity as "an action that collects different types of forces woven together because they are different" (Latour 2005:17) allowed this research to trace the varying degrees of information and rules used for diverse reasons within a movement. Actor-network-theory was also central in reframing a social movement as an ongoing network: a system of alliances comprised of heterogeneous actants or elements which interconnect and assimilate interests into a context that shapes or shifts action. This was used to show how indigenous revitalization, as a socio-political movement, is a continuously expansive process involving a growing but integrated network of people, events, social groups, artifacts, and entities. The process of movement and connection also worked to situate local Chumash social and political movements within an ever-changing climate: tracing how allies and relational ties are strengthened with agencies, academics, activists and Chumash people throughout broader networks. The framework of connection helped to uncover the way knowledge and associations solidify to create a sense of stability from which to mobilize for social and political change. This brought a broader contextual understanding of the forces which frame behavior, relationships and choices made by actors to transform conditions through social action and political transition. It also contributed to theoretical literature concerned

with re-conceptualizing fieldwork sites as bounded to situating how diverse practices and discourses align and connect to create a sense of a durable community beyond territorial delineation.

This research also investigated efforts of unrecognized Chumash individuals to transcend their grassroots origins of historical recovery to a pro-active movement from which to attain more powerful roles as consultants and decision-makers in policy arenas. Two tools proved useful in understanding this evolution. One was a questionnaire asking consultants to rate the effectiveness of certain agencies and institutions instrumental in contributing to Native participation in policy and representation. The other was followup interviews that further illuminated reasons for effectiveness. From this process, findings showed that efforts to increase collaboration, communication and participation between indigenous groups and city, county, state and national agencies have increased over the past five years. In part, this is due to changing state and federal laws that require or encourage indigenous consultation in policies concerned with historic preservation and environmental conservancy (e.g. CEQA and its amendments, California SB 18, NAGPRA, and the NHPA Section 106 process). This change in course is also due to the increasing desire by certain institutions and agencies (most notably the California Native American Heritage Commission, the National Park Service and the National Marine Sanctuary) to create collaborative projects that serve to advance indigenous knowledge and opinion. Due to continued practice to engage policy and public arenas, I suggest that unrecognized Chumash groups can mitigate their disempowerment caused by exclusionary state and federal regulations through the persistent proactive effort to

establish relationships in intimate face-to-face levels of interaction and form consistent discursive mediations from which bureaucratic constraints and power structures can be altered or inverted.

As various legal meanings are negotiated and used interchangeably throughout politicized policy arenas, significant debates surround ambiguities in defining and giving thresholds for consultation. I show how this is due to inconsistent definitions of consultation and to the lack of formidable mandates for implementation. I argue this leads to a practice of selective exclusion in order to achieve pre-set agendas, hence hindering meaningful participation. Thus, I worked to demonstrate the elisions, conflicts and affordances of policies that emphasize the popular legal and political vernacular of "participation" and "consultation" by highlighting the local outcomes and discursive negotiations between policy actors and Chumash. This offered a clearer perspective on institutional relations of exclusion that exist when indigenous people must correlate their actions within legally defined boundaries and discourses, while trying to find more meaningful roles in policies that affect their economic, educational and cultural wellbeing. I pointed to how, in attempts to synchronize various laws into palpable participation practices, indigenous people are increasingly engaging policy makers to reshape categorical policy structure and have more ongoing and consistent mutual dialogues that can lead to shared decision-making. A deeper understanding of this environment was important because scientific, academic and government organizations are predominantly perceived as the primary agents in constructing and disseminating knowledge in indigenous policy. However, as Native people increasingly engage in

political, social, academic and legal arenas, they are contesting and changing ways that dominant legal discourses and practices are produced, accepted and implemented. Thus, tracking Chumash claims in policy arenas revealed how legal discourse, indigenous knowledge and cultural difference mutually constitute each other within bureaucratic and politicized contexts, while also explaining how agency and action create alliances and opportunities to dissovle structural policy constraints and pre-set agendas. Ultimately, by addressing attempts to create a platform for indigenous knowledge and practice in government policy arenas and to shift criteria structure for recognition, this project worked to advance ways by which institutions and agencies can reconsider alternative prospects for indigenous recognition, participation and consultation to the mutual benefit of all involved parties.

A Final Note

"Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." - Margaret Mead.

In September 2008, I attended a California American Indian Committee meeting at the Santa Barbara Museum of Natural History where the museum staff, in preparing for "National American Indian Heritage Month," asked CAIC members' for their advice in naming the upcoming museum festival. "Indian in a Cupboard" replied one. Everyone looked at her with puzzlement, "why is that?" "Because once a year, we are taken out of the cupboard, put on display and then put back in the cupboard." The response reflects why the desire for meaningful participation and consultation is so desired. Rather than a once-in-a-while bringing "out of the closet" to satisfy quota, American Indians want ongoing involvement with decisions pertaining to their culture and well-being.

I later travelled via catamaran to Santa Cruz Island on June 15, 2011 with the same members of the CAIC, anthropologists from the Museum of Natural History, and National Park Service representatives for an informal meeting to "welcome home" Chumash descendants. Also aboard were campers, whale-watchers, tourists and a non-Native docent announcing he would be giving a walking tour of the island's landscape, including a discussion on Chumash culture and history. He then pointed to Chumash descendants and added "if anyone wants to ask them anymore questions, they are still here." After the Chumash waved to the tourists, there was a respectful nod given to the docent for his acknowledgement of their continued presence. Arriving on the island, we walked through the recently dedicated Scorpion Ranch Visitor Center – a converted adobe home built in 1883 that now introduces the islands' diverse history, depicting displays from Chumash occupation to present. We then gathered in the grassy meadow behind the visitor center, where the meeting began with a Chumash blessing and the passing around of burning sage inside an abalone shell for smudging.

While not an official "consultation" meeting, it did signify changing relationships amongst a federal body, academics, archeologists and Chumash descendants as ideas were shared on how best to represent Chumash culture and preserve ancestral sites. As attendees sat in a circle for the meeting, facing each other as equals, I realized the shifting influence Chumash have had with academics and agency representatives by the simple fact that indigenous council protocol was being followed (see Figure 30). Afterwards, Chumash hiked alongside archeologists to the island's summit to visit and give respect to a site of ancestral occupation considered (see Figure 31). Considered a historically

relevant site, Chumash were asked their advice and permission for the site's archeological purview (see Figure 32). While returning to the boat, the docent walked with one descendant, asking for insights on Chumash history and culture so that he might better inform others. The descendant shared stories with him that he would later convey. In many layered ways, the day signified the affect which ongoing encounters between non-indigenous and indigenous people have in disintegrating us/them boundaries. The point of revitalization and recognition was being made - to extend knowledge, bring a more complete history, and truly share a home.

To be consulted, recognized and participate is like an honest transparent marriage built on long-term communication. It is an ongoing relationship leaving open the comfort to ask how another would feel about any perceived encroachment, any possibility of change, any possibility of development...any possibility of a future together. It is a mutual dialogue where opinions are asked and decisions are made together after all views have been made. Without such dialogue to share and extend knowledge, the potential bond between Western and indigenous societies cannot occur:

We have a hard time with people telling us about us. It's hard to talk with people who think they know everything about you. I don't know what it feels like to be you. All of a sudden experts come in and tell us how we feel, perceive when they know nothing at all. Not only do they not know, they don't care...I'm hoping there will be enough people that are interested in us historically and find out what has really happened to us because we still have a lot to give. I think what I love about my people the most is that despite everything that has happened to us, we are still waiting for the white man to be our friend. We are still waiting and giving the opportunity to them to be brothers and sisters to us. That's what I love about my people. (Lew Silva, Chumash descendant, 5/6/2006)



Figure 30: CAIC meeting with NPS, archeologists and museum staff. Photograph taken by Kohanya Ranch, June 15, 2011 Santa Cruz Island.



Figure 31: Island Summit. Photograph taken by Kohanya Ranch, June 15, 2011 Santa Cruz Island.



Figure 32: Archeologists and Chumash. Photograph taken by Kohanya Ranch, June 15, 2011 Santa Cruz Island.

References Cited

Acconci, Vito

1990 Public Space in a Private Time. *Critical Inquiry* 16 (4):900-918.

Adams, David Wallace

1995 Education for Extinction: American Indians and the boarding school experience, 1875 - 1928. Lawrence: University Press of Kansas.

Agrawal, Arun

5/1/2004 Indigenous and scientific knowledge: some critical comments. *IK Monitor* 3(3): retrieved on 11/10/2011 from www.nuffic.nl/ciran/ikdm/3-3/articles/agrawal.html.

Ahmed, Sara, Claudia Castaneda and Anne-Marie Fortier

2003 *Uprootings/Regroundings: Questions of Home and Migration.* Oxford: Berg Publishers.

Akrich, Madeleine and Bruno Latour

1992 A Convenient Vocabulary for the Semiotics of Human and Nonhuman Actors. In *Shaping Technology/Building Society Studies in Sociotechnological Change*. W. Bijker and J. Law, eds. Cambridge, MA: MIT Press.

Alfred, Gerald Taiaiake

1999 Peace, Power, Righteousness: An Indigenous Manifesto. Toronto: Oxford University Press.

Anderson, Benedict

1991 Imagined Communities: Reflections on the Origin and Spread of Nationalism. London: Verso.

Appadurai, Arjun

1981 The Past as a Scarce Resource. *Man* 16(2):201-219.

1986 *The Social Life of Things: Commodities in Cultural Perspective.* Cambridge: Cambridge University Press.

1991 Afterword. In *Gender, Genre, and Power in South Asian Expressive Traditions*. A. Appadurai, F.J. Korom, and M.A. Mills, eds. Pp. 467-476. Philadelphia: University of Pennsylvania Press.

2000 Grassroots Globalization and the Research Imagination. *Public Culture* 12(1):1-19.

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Appadurai, Arjun and Carol A. Breckenridge

1988 Why Public Culture? *Public Culture* 1:5-9.

Applegate, Richard

1974 Chumash Placenames. *The Journal of California Archaeology* 1:187–205.

Apthorpe, R. and Gasper D.

1996 Arguing Development Policy: Frames and Discourses. London: Frank Cass.

Asad, Talal

1986 *The Idea of an Anthropology of Islam. Occasional Papers Series.* Washington D.C.: Center for Contemporary Arab Studies, Georgetown.

Ashmore, Wendy and Knapp, A. Bernard (eds)

1999 Archaeologies of Landscape. Malden, MA: Blackwell Publishers.

Bailey, Frederick. G.

1977 *Morality and Expediency: the Folklore of Academic Politics.* Chicago: Aldine Publishing Company.

Barber, Bernard

1941 Acculturation and Messianic Movements. *American Sociological Review* 6(5).

Barkan, Elazar

2001 *The Guilt of Nations: Restitution and Negotiating Historical Injustices.* Baltimore, Maryland: The Johns Hopkins University Press.

Barnard, Alan J.

2006 Kalahari revisionism, Vienna and the 'indigenous peoples' debate. *Social Anthropology* 14(1):1-16.

Barth, Frederick

1969 Ethnic Groups and Boundaries: The Social Organization of Cultural Difference. Boston: Little, Brown and Company.

2000 Boundaries and Connections. In *Signifying identities: anthropological perspectives on boundaries and contested values* A. Cohen, ed. Pp. 17-36. New York: Routledge.

Basso, Keith H.

1979 Portraits of 'the Whiteman': Linguistic Play and Cultural Symbols among the Western Apache. Cambridge: Cambridge University Press.

1996 Wisdom Sits in Places: Landscape and Language Among the Western Apace. Albuquerque: University of New Mexico Press.

Battiste, Marie

2000 Reclaiming Indigenous Voice and Vision. Vancouver, B.C: UBC Press.

Baudrillard, Jean

1981 For a Critique of the Political Economy of the Sign. C. Lenin, transl. St. Louis: Telos.

Bennett, Tony

1995 The Exhibitionary Complex. In *The Birth of the Museum: History, Theory, Politics*. New York: Routledge.

Bhabha, Homi

1994 *The Location of Culture*. London and New York: Routledge.

Bijker, Wiebe and John Law

1992 Shaping Technology/Building Society Studies in Sociotechnological Change. Cambridge, MA: MIT Press.

Blackburn, Thomas C.

1975 December's Child: A Book of Chumash Oral Narratives. Berkeley: University of California Press.

Blevins, Winfred

2001 Dictionary of the West: over 5,000 terms and expressions from Aarigaa! to Zopilote. Seattle: Sasquatch Books.

Borgatti, S.P., M.G. Everett, and L.C. Freeman

2002 *Ucinet for Windows: Software for Social Network Analysis.* Harvard, MA: Analytic Technologies.

Bourdieu, Pierre

1977 Outline of a Theory of Practice. Cambridge: Cambridge University Press.

1990 [1980] *The Logic of Practice*. Palo Alto: Stanford University Press.

Boym, Svetlana

2001 The Future of Nostalgia. New York: Basic Books.

Bradley, Richard

1987 Time Regained: the Creation of Continuity. *Journal of the British archeological Association* 140:1-17.

Braun, Bruce

2002 The Intemperate Rainforest: nature, culture and power on Canada's west coast. Minneapolis: University of Minnesota Press.

Brenneis, Don

2006 Reforming Promise. In *Documents: Artifacts of Modern Knowledge*. A. Riles, ed. Pp. 41-70. Ann Arbor: University of Michigan Press.

Bridgman, P. and Davis, G

2003 What use is a policy cycle? Plenty, if the aim is clear. *Australian Journal of Public Administration* 62(3):98-102.

Briggs, Charles L.

1996 The Politics of Discursive Authority in Research on the "Invention of Tradition". *Cultural Anthropology* 11(4):435-469.

Britzman, Deborah

2000 "The Question of Belief": Writing Poststructural Ethnography. In *Working the Ruins: Feminist Poststructural Theory and Methods in Education*. E.S. Pierre and W.S. Pillow, eds. New York and London: Routledge.

Brown, Alan K.

1967 The Aboriginal Population of the Santa Barbara Channel. *Reports of the University of California Archeological Survey* No. 69.

Bruchac, Margaret

2010 Constructing Indigenous Associations. *Anthropology News* (March) 5-8.

Bruner, Edward

1986 Ethnography as Narrative. In *Anthropology of Experience*. V. Turner and E.M. Bruner, eds. Pp. 135-55. Urbana: University Illinois Press.

2005 Culture on Tour: Ethnographies of Travel. Chicago: University of Chicago Press.

United States Bureau of Indian Affairs.

1966 Indians of California. Washington D.C.: Department of the Interior

Burke, Peter

2002 Western Historical Thinking in Global Perspective – 10 Theses. In *Western Historical Thinking: An Intercultural Debate*. J. Rusen, ed. Pp. 15-32. Oxford: Berghahn.

Cajete, Gregory

2000 Native science: Natural laws of interdependence. Santa Fe, NM: Clear Light Publishers.

Callaghan, Catherine A.

1975 J.P. Harrington – California's Great Linguist. *The Journal of California Anthropology* 2(2): 183-187.

Callon, Michel

1986 Some Elements of a Sociology of Translation: Domestication of the Scallops and the Fishermen of St Brieuc Bay. In *Power, Action and Belief: A New Sociology of Knowledge*. J. Law, ed. London: Routledge & Kegan Paul.

1987 Society in the Making: the Study of Technology as a Tool for Sociological Analysis. In *The Social Construction of Technical Systems: New Directions in the Sociology and History of Technology*. W.E. Bijker, T.P. Hughes, and T.J. Pinch, eds. Pp. 83-103. Cambridge, Mass. and London: MIT Press.

1991 Techno-economic networks and irreversibility. In *A Sociology of Monsters: Essays on Power, Technology and Domination*. J.Law, ed. Pp. 132-161. London and New York: Routledge.

1993 Variety and Irreversibility in Networks of Technique Conception and Adoption. In *Technology and the Wealth of Nations: The Dynamics of Constructed Advantage*. D. Foray and C. Freeman, eds. Pp. 232-268. London: Pinter Publishers.

Callon, Michel and Bruno Latour

1981 Unscrewing the Big Leviathan: How Actors Macro-Structure Reality and How Sociologists Help Them to Do So. In *Advances in Social Theory and Methodology, Toward an Integration of Micro- and amcro Sociologies*. K.K. Cetina and A.V. Cicourel, eds. Pp. 277-303. Boston: Routledge & Kegan Paul.

Callon, Michel and John Law

1982 On Interests and their Transformation: Enrolment and Counter Enrolment. *Social Studies of Science* 12:615-625.

Campisi, Jack

1991 *The Mashpee Indians: Tribe on Trial.* Syracuse: Syracuse University Press.

Carey, Lisa J.

2004 Always Already Colonizer/Colonized: White Australian Wanderings. In *Decolonizing Research in Cross-cultural Contexts: Critical Personal Narratives*. K.Mutua and B.B. Swadener, eds. Pp. 69-86. Albany: SUNY Press.

Carolyn Nordstrom and Antonius Robben

1995 Fieldwork under Fire. Berkeley: University of California Press.

Carr, Helen

1996 Inventing the American Primitive: Politics, Gender and the Representation of Native American Literary Traditions, 1789-1936. New York: New York University Press.

Castells, Manuel

2001 The Internet Galaxy. Oxford: Oxford University Press.

2004 *The Network Society: a cross-cultural perspective*. Cheltenham, UK: Edward Edgar.

Castillo, Edward

1978 The Impact of Euro-American Exploration and Settlement. In *Handbook of North Americans*, *vol.* 8. R. Heizer, ed. Pp. 99-127. Washington D.C.: Smithsonian Institution Press.

Cernea, Michael M.

1991 Knowledge from Social Science for Development Polices and Projects. In *Putting People First: Sociological Variables in Development Projects*. M. Cernea, ed. New York: Oxford University Press.

Cervone, Emma

2007 Building Engagement: Ethnography and Indigenous Communities Today. *Transforming Anthropology* 15(2):97-110.

Chakrabarty, Dipesh

2000 Provincializing Europe: Postcolonial Thought and Historical Difference. Princeton, NJ: Princeton University Press.

Chakrabarty, Dipesh

1992 Postcoloniality and the Artifice of History; Who Speaks for "Indian" Pasts. *Representations* 37:1-26.

Chaterjee, Partha.

1986 Nationalist Thought and the Colonial world: A Derivative Discourse. Minneapolis: University of Minnesota Press.

Chawkins, Steve

2008 Chumash recover their 'alishtaha'n. In *Los Angeles Times*. Pp. Home Edition Main News Part A, Page 2.

Cintron, Ralph

1993 Wearing a Pith Helmet at a Sly Angle: Or Can Writing Researchers Do Ethnography in a Postmodern Era. *Written Communication* 10: 371-412.

Clarkin, Thomas

2001 Federal Indian policy in the Kennedy and Johnson Administrations, 1961-1969: University of New Mexico Press.

Clay, Edward and Bernard Schaffer

1984 Room for Manoeuvre: The Premise of Public Policy. In *Room for Manoeuvre: an Exploration of Public Policy Planning in Agricultural and Rural Development*. E. Clay and B. Schaffer, eds. Pp. 1-12. London Heineman Educational Books.

Clemmer, Richard O.

1972 Truth, Duty, and the Revitalization of Anthropologists: A New Perspective on Cultural Change and Resistance. In *Reinventing Anthropology*. D. Hymes, ed. Pp. 213-47. New York: Vintage Books.

Clifford, James

1988 The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art. Cambridge: Harvard University Press.

1997a *Routes: Travel and Translation in the Late Twentieth Century.* Cambridge: Harvard University Press.

1997b Spatial Practices: Fieldwork, Travel, and the Disciplining of Anthropology. In *Anthropological Locations: Boundaries and Grounds of a Field Science* A. Gupta and J. Ferguson, eds. Pp. 66-85. Berkeley: University of California Press.

Clifford, James and George E. Marcus, eds.

1986 Writing Culture: The Poetics and Politics of Ethnography. Berkeley: University of California Press.

Clifton, James A.

1990 *The Invented Indian: Cultural Fictions and Government Policies.* Edison, NJ: Transaction Publishers.

Cohen, Anthony P.

1985 The Symbolic Construction of Community. New York: Tavistock.

Cohen, David William

1994 *The Combing of History*. Chicago: University of Chicago Press.

Cohen, Felix S.

1945 *Handbook of Federal Indian Law.* Washington, D.C.: United States Government Printing Office.

Chip Colwell-Chanthaphonh and T.J. Ferguson

2006 Memory Pieces and Footprints: Multivocality and the Meanings of Ancient Times and Ancestral Places among the Zuni and Hopi. *American Anthropologist* 108(1):148-162.

Comaroff, Jean and John Comaroff

1991 Of Revelation and Revolution. *Christianity, Colonialism, and Consciousness in South Africa* 1.

1992 Ethnography and the Historical Imagination. Boulder, Colorado: Westview Press.

2009 Ethnicity, Inc.: Chicago Studies in Practices of Meaning: University of Chicago Press.

Connerton, Paul

1989 How Societies Remember. Cambridge: Cambridge University Press.

Cook, Sherburne F., and Robert F. Heizer

1965 The Quantitative Approach to the Relation between Population and Settlement Size. *University of California Archeological Survey Reports* 64:1-97.

Cooke, Bill and Uma Kothari

2001 Participation: The New Tyranny?: Zed Books.

Coombe, Rosemary J.

1998 The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law. Durham, NC: Duke University Press.

Cooper, Frederick and Rogers Brubaker

2005 Identity. In *Colonialism in Question: Theory, Knowledge, History*. F. Cooper, ed. Pp. 59-90. Berkeley: University of California Press.

Corwin, Miles

May 26, 1987 Heritage of Indians Questioned: Genealogists Cast Doubt on Background of Chumash Group. *Los Angeles Times*. http://articles.latimes.com/1987-05-26/news/mn-2824_1_indian-affairs/2.

Craig, Steve

1983 Native American Concerns and the Hammond's Estate: Critique of the adequacy and accuracy of the Ocean Meadows EIR (83-EIR-16).

Culhane, Dara

1998 Pleasure of the Crown. Canada: Talon Books.

Daes, Erica-Irene A.

1994 Preliminary report of the Special Rapporteur on the protection of the heritage of indigenous people. Document No. E/CN.4/Sub.2/1994/31. Geneva: UN Sub Commission on Prevention of Discrimination and Protection of Minorities.

Darian-Smith

2004 New Capitalists: Law, Politics, and Identity Surrounding Casino Gaming on Native American Land Thomson Wadsworth.

Davies, Charlotte A.

1999 Reflexive ethnography: a guide to researching selves and others. New York: Routledge Press.

Davis, John

1992 Tense in Ethnography: Some Practical Considerations. In *Anthropology and Autobiography*. J. Okely and H. Callaway, eds. Pp. 205-220. New York: Routledge.

De Boeck, Philip

1998 Beyond the Grave, Memory and Death in Postcolonial Congo/Zaire. In *Memory and Postcolony: African anthropology and the critique of power*. R. Werbner, ed. London: Zed Books Ltd.

De Certeau, Michel

1988 *The Writing of History*. New York: Columbia University Press.

De Cessac, Léon

1951a L. de Cessac's report on his activities in California. *Papers on California Archaeological Survey* No. 12(Papers on California Archaeology: 13-16).

Dei, George Jerry Sefa, Budd L. Hall and Dorothy Goldin Rosenberg 2000 Indigenous Knowledges in Global Contexts: Multiple Readings of Our World. Toronto: University of Toronto Press.

Del Castillo, Richard Grisold

1992 *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict*: University of Oklahoma Press.

Deleuze, Gilles

1983 *Nietzche and Philosophy*. H. Tomlinson, transl. London: Athlone.

Deloria, Vine, Jr.

1992 American Indian Policy in the Twentieth Century: University of Oklahoma Press.

1994 Alcatraz, Activism, and Accommodation. *American Indian Culture and Research* 18:25-32.

1999 Ethnoscience and Indian Realities. In *Spirit and Reason, The Vine Deloria Jr. Reader*. B. Deloria, K. Foehner, and S. Scinta, eds. Pp. 63-71. Golden, CO: Fulcrum.

Deloria, Vine, Jr. and Richard Stoffle

1998 Native American Sacred Sites and the Department of Defense. Washington D.C.: United States Department of Defense.

Denzin, Norman, Yvonna S. Lincoln, and Linda Tuhiwai Smith

2008 Handbook of Critical and Indigenous Methodologies. United States: SAGE Publications, Inc.

Di Leonardo, Micaela

1998 Exotics at home: Anthropologies, Others, American modernity. Chicago: University of Chicago Press.

Dirks, Nicholas B.

1990 History as a Sign of the Modern. *Public Culture* 2(2):25-32.

Douglas, Mary

1966 [1996] Purity and Danger: An Analysis of the Concepts of Pollution and Taboo. New York: Routledge.

1970 Natural Symbols: Explorations in cosmology. New York: Routledge.

Drinnon, Richard

1990 Facing West: The Metaphysics of Indian Hating and Empire Building. New York: Schocken.

Duara, Prasenjit

2003 Decolonization: Perspectives from Now and Then. New York: Routledge.

Dyck, Noel and James Burgess Waldram

1993 Anthropology, Public Policy and Native Peoples in Canada: McGill-Queen's Press.

Enriquez, Sam

12/22/1986 "Chumash Are at Odds Over Burial Site: Coastal Band Sues 2 Other Indian Groups to Keep Ancestors' Bones From Being Moved." *Los Angeles Times*. Retrieved from http://articles.latimes.com/1986-12-22/local/me-4608 1 chumash-indian.

Erlandson, Jon

1994 Early Hunter-Gathers of the California Coast. Plenum: New York.

Esber, George S.

2004 Carving Turf in the Practice of Public Ethnography. *Practicing Anthropology* 26(1,Winter):12-17.

Fabian, Johannes

1983 Time and the Other: How Anthropology Makes its Object. New York: Columbia University Press.

Fardon, Richard

1990 Localizing Strategies: The Regionalization of Ethnographic Accounts - General Introduction. In *Localizing Strategies: Regional Traditions of Ethnographic Writing*. R. Fardon, ed. Edinburgh: Scottish Academic Press.

Field, Les, and Richard Fox

2007 Anthropology Put to Work. Oxford: Berg.

Field, Les W, Cheryl Seidner, Julian Lang, Rosemary Cambra, and Florence Silva 2008 Abalone Tales: Collaborative Explorations of Sovereignty and Identity in Native California. Durham: Duke University Press.

Field, Les W.

1999 Anthropologists and the "Unacknowledged Tribes" of California. *Current Anthropology* 40(2).

Fletcher, Matthew L.M.

2006-2007 Politics, History, and Semantics: The Federal Recognition of Indian Tribes. *North Dakota Law Review* 82.

Flynn, Johnny P. and Gary Laderman

1994 Purgatory and the Powerful Dead: A Case Study of Native American Repatriation. *Religion and American Culture: A Journal of Interpretation* Winter 4(1):51-75.

Foucault, Michel

1972 [2002] Archaeology of Knowledge. London: Routledge.

1977 *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.

1980 [2001] Truth and Power. In *Readings for a History of Anthropological Theory*. P.A. Erickson and L.D. Murphy, eds. Pp. 514-532. Peterborough: Broadview Press.

1991 Governmentality. In *The Foucault Effect: Studies in Governmentality*. G. Burchell, C. Gordon and P. Miller, eds. Pp. 87-104. Hemel Hempstead: Harvester Wheatsheaf.

2001 *The Order of Things: An Archaeology of the Human Sciences*. New York: Routledge.

Friedman, Jonathan

1999 Indigenous Struggles and the Discreet Charm of the Bourgeoisie. *Journal of World-Systems Research* 2:391-411.

2003 Globalizing languages: Ideologies and Realities of the Contemporary Global System. *American Anthropologist* 105(4):744-752.

Gamble, Lynn H.

2008 The Chumash world at European contact: power, trade, and feasting among complex hunter-gatherers: University of California Press.

Garcia-Canclini, Nestor

1995 *Hybrid Cultures: Strategies for Entering and Leaving modernity.* Minneapolis: University of Minnesota Press.

Gardner, Louise

"The Surviving Chumash," Archeological Survey Annual Report 7:277-302. Los Angeles: University of California.

Garroutte, Eva Marie

2003 Real Indians: Identity and the Survival of Native America: University of California Press.

Geertz, Armin

1994 *The Invention of Prophecy*. Berkeley and California: University of California Press.

Giddens, Anthony

1976 [1993] *New Rules of Sociological Method: a Positive Critique of Interpretative Sociologies.* Cambridge: Polity Press.

Goffman, Erving

1959 *The Presentation of Self in Everyday Life*. Garden City, New York: Doubleday.

1961 Encounters: Two Studies in the Sociology of Interaction. Indianapolis: Bobbs-Merrill.

1963 Behavior in Public Places New York: The Free Press.

1967 Interaction Ritual. New York: Pantheon.

Gonzales, Angela

2001 Urban (Trans) formations: Changes in the Meaning and Use of American Indian Identity. In *American Indians and the Urban Experience* S. Lobo and J. Peters, eds. Walnut Creek, CA: AltaMira Press.

Grant, Campbell

1971 Eastern Coastal Chumash. In *California Indians: A Source Book*. R. Heizer, ed. Pp. 517-18. Berkeley: University of California Press.

Green, Rayna

1988 The Tribe Called Wannabee: Playing Indian in American and Europe. *Folklore* 99(1):30-55.

Grillo, Ralph D.

1997 Discourses of Development: The View from Anthropology. In *Discourses of Development: Anthropological Perspectives*. R. Grillo and R.L. Stirrat, eds. Pp. 1-34. Oxford: Oxford International Publications.

Guha, Ranajit

1983 *The Elementary Aspects of Peasant Insurgency*. Delhi, India: Oxford University Press.

Gupta, Akhil and James Ferguson

1992 Beyond "Culture": Space, Identity, and the Politics of Difference. *Cultural Anthropology* 7(1):6-23.

1997a Anthropological Locations: Boundaries and Grounds of a Field Science Berkeley: University of California Press.

1997b *Culture, Power, and Place: Explorations in Critical Anthropology.* Durham, NC: Duke University Press.

Habermas, Jürgen

1989 The Structural Transformation of the Public Sphere: An Inquiry into a category of Bourgeois Society. Cambridge, MA: Polity.

Hagen, Robert

9/13/2007 Position of the United States on the Rights of Indigenous Peoples. To United Nations 140 East 45th Street. In *USUN Press Release* #204(07). New York, NY: Office of Press and Public Diplomacy.

Halbwachs, Maurice

1952 [1992] On Collective Memory. Chicago: University of Chicago Press.

Hale, Charles R.

2001 What is Activist Research? *Items and Issues* 2(1-2):13-15.

Haley, Brian D.

2002 Going deeper: Chumash identity, scholars, and spaceports in Radic' and elsewhere. *Acta Americana* 10:113-23.

2005 The Case of the Three Baltazars: Indigenization and the Vicissitudes of the Written Word. *Southern California Quarterly* 87:397-410.

Haley, Brian D. and Larry Wilcoxon

1997 Anthropology and the Making of Chumash Tradition. *Current Anthropology* 38(5).

2005 How Spaniards Became Chumash and other Tales of Ethnogenesis. *American Anthropologist* 107(3):432-445.

Hamley, Jeffrey L.

1994 Cultural Genocide in the Classroom: A History of the Federal Boarding School Movement in American Indian Education, 1875-1920, Harvard University.

Handler, Richard

1988 Nationalism and the Politics of Culture in Quebec. Madison: University of Wisconsin Press.

Handler, Richard and Jocelyn Linnekin

1984 Tradition, Genuine or Spurious. *Journal of American Folklore* 97(385):273-90.

Harkin, Michael E.

1997 *The Heiltsuks: Dialogues of Culture and History on the Northwest Coast.* Lincoln: University of Nebraska Press.

2004 Reassessing Revitalization Movements Lincoln: University of Nebraska Press.

Harrington, John Peabody

1986 The Papers of John Peabody Harrington in the Smithsonian Institution 1907-1957. New York: Kraus International Publications.

Hass, Lisbeth

1996 Conquests and Historical Identities in California, 1769-1936: University of California Press.

Healy, Donald T. and Peter J. Orenski

2003 Native American Flags. Norman: University of Oklahoma Press.

Heizer, Robert

1941 A Californian Messianic Movement of 1801 among the Chumash. *American Anthropologist* 43:128-129.

Heizer, Robert and William Sturtevant

1978 *Handbook of North American Indians: California, Volume 3.* Washington, D.C.: Government Printing Office.

Heizer, Robert Fleming and Mary Anne Whipple

1957 *The California Indians: A Source Book.* Berkeley: University of California Press.

Heller, Joseph

1961 *Catch-22: A Novel.* New York: Simon and Schuster.

Hickey, Samuel and Giles Mohan

2004 Participation: from Tyranny to Transformation? Exploring New Approaches to Participation in Development. London: Zed Books.

Hight, Kathyrn

1998 Doomed to Perish. In *Reading American Art*. M. Doezema and E. Milroy, eds. Pp. 150-162. New Haven: Yale University Press.

Hill, Barry T.

2002 Indian Issues: Basis for BIA's Tribal Recognition Decisions Is Not Always Clear. United States: General Accounting Office.

Hirsch, Eric

2008 Knowing, Not Knowing, Knowing Anew. In *Knowing How to Know: Fieldwork and the Ethnographic Present*. N. Halstead, E. Hirsch, and J. Okely, eds. Oxford: Berghahn Books.

Hobsbawm, Eric and Terence Ranger

1983 The Invention of Tradition. Cambridge: Cambridge University Press.

Hogwood, Brian and Lewis Gunn

1984 *Policy Analysis and the Real World*. Oxford, England: Oxford University Press.

Hollimon, Sandra E.

1977 The Third Gender in Native California: Two-Spirit Undertakers among the Chumash and their Neighbors. . In *Women in Prehistory: North American and Mesoamerica*. C. Claasen and R. Joyce, eds. Pp. 173-88. Philadelphia: University of Pennsylvania Press.

2000 Archaeology of the 'aqi: Gender and Sexuality in Prehistoric Chumash Society. In *Archaeologies of Sexuality*. R. Schmidt and B. Voss, eds. Pp. 179-96. London: Routledge Press.

Hudson, Travis and Ernest Underhay

1978 Crystals in the Sky: An Intellectual Odyssey Involving Astronomy, Cosmology and Rock Art. New Mexico: Ballena Press.

Hurtado, Albert

2002 California Indians and the Gold Rush. In *Riches for All: The California Gold Rush and the World*. K.N. Owens, ed: University of Nebraska Press.

Huyssen, Andreas

1995 *Twilight Memories: Marking Time in a Culture of Amnesia.* New York: Routledge.

Johansen, Bruce E.

1998 *The Encyclopedia of Native American Legal Tradition*. Westport, CT: Greenwood Publishing Group.

Johnson, John R., Thomas Stafford, Henry Ajie and Don Morris

2002 Arlington Springs Revisited. In *Proceedings of the Fifth California Islands Symposium*. D. Browne, K. Mitchell, and H. Chaney, eds. Pp. 541-545. Santa Barbara, California: Santa Barbara Museum of Natural History.

Johnson, John R.

1988 Mission Registers as Anthropological Questionaires: Understanding Limitations of Data. *American Indian Culture and Research Journal* 12(2): 9-30.

1993 The Chumash Indians After Secularization. California Missions Studies Association. In *The Spanish Missionary Heritage of the United States*. H. Benoist, ed. San Antonio: National Park Service and Los Compadres de San Antonio Missions National Historical Park.

2003 Will the "Real" Chumash Please Stand Up? The Context for a Radic'al Perception of Chumash Identity. *Acta Americana* 11(1):70-72.

Johnson, John R. and Joseph Lorenz

2006 Genetics, Linguistics, and Prehistoric Migrations: An Analysis of California Mitochondrial DNA Lineages. *Journal of California and Great Basin Anthropology* 26(1):33-64.

Kahrs, Eivind

1998 *Indian Semantic Analysis: the "Nirvacana" tradition.* Cambridge, UK: Cambridge University Press.

Keefe, Susan Emley

1980 Personal Communities in the City: Support Networks among Mexican Americans and Anglo Americans. *Urban Anthropology* 9(1):51-74.

Keeley, James and Ian Scoones

2003 Understanding Environmental Policy Processes: Cases from Africa. London and Sterling, VA: Earthscan Publications Ltd.

Keesing, Roger

1989 Creating the Past: Custom and Identity in the Pacific. *The Contemporary Pacific* 1&2:19-42.

Kelsey, Harry

1973 The California Indian Treaty Myth. *Southern California Quarterly* 55:229-300.

King, C. Richard

1998 Colonial Discourse, Collective Memories, and the Exhibition of Native American Cultures and Histories in the Contemporary United States. New York & London: Garland Publishing, Inc.

King, Chester

1990 Evolution of Chumash Society: A Comparative Study of Artifacts Used for Social System Maintenance in the Santa Barbara Channel Region Before A.D. 1804. New York: Garland.

Koenig, Alexa and Jonathan Stein

2008 Federalism and the State Recognition of Native American Tribes: A Survey of State-Recognition Processes Across the United States. *Santa Clara Law Review*. Vol. 48.

Krech III, Shepard

1999 *The Ecological Indian: Myth and History*. New York: W.W. Norton.

Kroeber, Alfred Louis

1923 [1948] Anthropology: Culture Patterns and Processes. New York: Harcourt, Brace & World, Inc.

1925 [1976] *Handbook of the Indians of California*. New York: Dover Publications.

1948 [1923] Anthropology: Culture Patterns and Processes New York: Harcourt, Brace & World, Inc.

1976 [1925] Handbook of the Indians of California. New York: Dover Publications.

Kuper, Adam

2003 The Return of the Native. *Current Anthropology* 44(3):389-402.

Laird, Carobeth

1975 Encounter with an Angry God. Banning: California Malki Museum Press.

Landsberg, Alison

2004 Prosthetic Memory: The Transformation of American Remembrance in the Age of Mass Culture. New York: Columbia University Press.

Latour, Bruno

1987 Science In Action: How to Follow Scientists and Engineers Through Society. Cambridge, Mass.: Harvard University Press.

1988 *The Pasteurization of France*. Cambridge, Mass.: Harvard University Press.

1999 Pandora's Hope. Essays on the Reality of Science Studies. Cambridge, MA; London, UK: Harvard University Press.

2005 Reassembling the Social: An Introduction to Actor-Network-Theory. Oxford: Oxford University Press.

Latour, Bruno and Steve Woolgar

1986 [1979] *Laboratory Life: The Social Construction of Scientific Facts.* Princeton: Princeton University Press.

Law, John

1992 Notes on the Theory of the Actor Network: Ordering, Strategy and Heterogeneity. Centre for Science Studies: Lancaster University.

Lawlor, Mary

2006 Public Native America: Tribal Self-Representation in Museums, Powwows and Casinos. New Brunswick: Rutgers University Press.

Le Goff. Jacques

1992 *History and Memory*. New York: Columbia University Press.

Leeming, David Adams, and Jake Page

1998 *The Mythology of Native North America*. Norman: University of Oklahoma Press.

Levine, Stuart

1968 The Survival of Indian Identity. In *The American Indian Today*. S. Levine and N.O. Lurie, eds. Pp. 9-48. Baltimore: Penguin Book.

Li, Tania Murray

2000 Articulating Indigenous Identity in Indonesia: Resource Politics and the Tribal Slot. *Comparative Studies in Society and History* 42(1):149-179.

Librado, F. Harrington, J.P and Hudson T.

1977 *The Eye of the Flute: Chumash Traditional History and Ritual.* Santa Barbara: Santa Barbara Museum of Natural History.

1979 Breath of the Sun: Life in Early California, as Told by a Chumash Indian, Fernando Librado, to John P. Harrington. Banning, CA: Malki Museum Press.

Liebmann, Matthew

2008 Postcolonial Cultural Affiliation: Essentialism, Hybridity, and NAGPRA. In *Archaeology and the Postcolonial Critique*. M.L.Z. Rizvi, ed. Pp. 73-90. Plymouth, UK: AltaMira Press.

Lindstrom, Lamont and Geoffrey M. White

1995 Anthropology's New Cargo: Future Horizons. *Ethnology* 34(3):201-209.

Linnekin, Jocelyn

1983 Defining Tradition: Variation on the Hawaiian Identity. *American Ethnologist* 10(2):241-252.

1991 Cultural Invention and the Dilemma of Authenticity. *American Anthropologist* 93(1):446-9.

Linnekin, Jocelyn and Lin Poyer

1990 *Cultural Identity and Ethnicity in the Pacific*. Honolulu: University of Hawaii Press.

Linton, Ralph

1943 Nativistic Movements. *American Anthropologist* 45:230-239.

Lyons, Scott Richard

2010 *X-Marks: Native Signatures of Assent*. Minneapolis: University of Minnesota Press.

Mackey, Eva

2005 Universal Rights in Conflict: 'Backlash' and 'Benevolent Resistance' to Indigenous Land Rights. *Anthropology Today* 21(2).

Marcus, George

1995 Ethnography in/of the World System: the Emergence of Multi-sited Ethnography. *Annual Review of Anthropology* 24:95-117.

1998 Ethnography through Thick and Thin. Princeton: Princeton University Press.

Marcus, George E. and Michael Fischer

1986 Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences. Chicago: University of Chicago.

Martinez-Cobo, Jose (Special Rapporteur)

1986 "Study of the Problem of Discrimination against Indigenous Populations". Presented to the UN Sub-Commission on the Prevention of Discrimination of Minorities. In *UN Doc. E/CN.4/Sub.2/1986/7/Add.4*: United Nations Publication, Sales No.E.86.XiV.3. at par.379.

Massey, Doreen

1993 Power-geometry and a Progressive Sense of Place Mapping the Futures. In *Local Cultures, Global Change*. J. Bird, M. Curtis, T. Putnman, G. Robertson, and L. Tickner, eds. Pp. 59-69. London: Routledge.

Mathur, Saloni

2007 *India by Design: Colonial History and Cultural Display.* Berkeley: University of California Press.

Mauro, Francesco and Preston D. Hardison

2000 Traditional Knowledge of Indigenous and Local Communities: International Debate and Policy Initiatives. *Ecological Applications* 10(5):1263-1269.

McCulloch, Merline and David E. Wilkins

Summer 1995 "Constructing" Nations within States: The Quest for Federal Recognition by the Catawba and Lumbee Tribes. *American Indian Quarterly* 19(3):361-388.

McGoodwin, James

2001 Understanding the Cultures of Fishing Communities: A Key to Fisheries Management and Food Securities. FAO Fisheries Technical Paper 401. Rome: Food and Agriculture Organization of the United Nations.

McKay, Deirdre

2006 Rethinking Indigenous Place: Igorot Identity and Locality in the Philippines. *Australian Journal of Anthropology* 17(3):291-306.

McLendon, Sally and John R. Johnson

1999 Cultural Affiliation and Lineal Descent of Chumash Peoples in the Channel Islands and the Santa Monica Mountains. 2 volumes. Prepared for the Archeology and Ethnography Program, National Park Service by Hunter College, City University of New York and the Santa Barbara Museum of Natural History.

McLoughlin, Moira

1999 Museums and the Representation of Native Canadians: negotiating the borders of culture. New York & London: Garland Publishing.

McMullen, Ann

1996 Culture By Design: Native Identity, Historiography, and the Reclamation of Tradition in Twentieth-Century Southeastern New England. Ph.D. Thesis, Providence: Brown University.

2004 Canny about Conflict. In *Reassessing Revitalization Movements*. M.E. Harkin, ed. Pp. 261 – 277. Lincoln and London: University of Nebraska Press.

Means, Russell

1996 I am an American Indian, Not a Native American!: Treaty Productions.

Merry, Sally Engle

2003 Kapi'olani at the Brink: Dilemmas of Historical Ethnography in 19th Century Hawai'i. *American Ethnologist* 30(1):44-60.

Mihesuah, Devon A.

1957 American Indians: Stereotypes and Realities. Atlanta: Clarity Press.

Miller, Bruce G.

2003 *Invisible Indigenes: the Politics of Nonrecognition*. Lincoln: University of Nebraska Press.

Miller, Bruce W.

1988 Chumash: A Picture of their World. California: Sand River Press.

Miller, Mark Edwin

2004 Forgotten Tribes: Unrecognized Indians and the Federal Acknowledgement Process. Lincoln: University of Nebraska Press.

Mills, Elaine and Ann Brickfield

1986 *The Papers of John Peabody Harrington in the Smithsonian Institution* 1907-195. Volume 4. New York: Kraus International Publications.

Minde, Henry

2008 The Destination and the Journey Indigenous Peoples and the United Nations from the 1960s through 1985. In *Indigenous Peoples: Self-determination, Knowledge and Indigeneity*. H. Minde, S. Jentoft, and H. Gaski, eds. Pp. 49-86. Delft, The Netherlands: Eburon Academic Publishers.

Mitchell, Clyde

1969 Social Networks in urban situations: Analyses of personal relationships in central African towns. Manchester: Manchester University Press.

Mitchell, Timothy

1989 The World as Exhibition. *Comparative Study of Society and History* 31(2):217-236.

Moeller, Susan D.

1999 Compassion Fatigue: How the Media Sell Disease, Famine, War and Death. New York: Routledge.

Moore, Sally Falk

1998 Systematic judicial and Extra-Judicial Injustice: Preparation for Future Accountability. In *Memory and the Postcolony. African Anthropology and the Critique of Power*. R. Werbner, ed. Pp. 126-154. London: Zed Books.

Musgrave, Thomas D.

1997 Self-determination and National Minorities. Oxford: Oxford University Press.

Mutua, Kagendo and Beth Blue Swadener, eds

2004 Decolonizing Research in Cross-cultural Contexts: Critical Personal Narratives. Albany: SUNY Press.

Nagel, Joane

1996 American Indian Ethnic Renewal: Red Power Resurgence of Identity and Culture. New York: Oxford University Press.

Narayan, Kirin

1993 How Native Is a "Native" Anthropologist? *American Anthropologist* 95:671-86.

Nazarro, Robin

2005 General Accounting Office Report, GAO-05-347: http://www.gao.gov/new.items/d05347t.pdf

Nelson, Diane M.

1999 A Finger in the Wound: Body Politics in Quincentennial Guatemala. Berkeley: University of California Press.

Niezen, Ronald

2003 *The Origins of Indigenism: Human Rights and the Politics of Identity*: University of California Press.

Nora, Pierre

1989 Between Memory and History: Les Lieux de Memoire. *Representations* 26:7-25.

Nutley, Sandra M., Isabel Walter and Huw T. O. Davies

2007 Using Evidence: How Research Can Inform Public Services: The Policy Press.

O'Connor, Mary I.

1989 Environmental Impact Review and the Construction of Contemporary Chumash Ethnicity. *Napa Bulletin* 8(1):9-17.

Orr, Phil C.

1962 The Arlington Spring Site, Santa Rosa Island, California. *American Antiquity* 27(3):417-419.

Ossman, Susan

1994 Picturing Casablanca: Portraits of Power in a Modern City. Berkeley: University of California Press.

Ostrom, Elinor

2007 Institutional Rational Choice: An Assessment of the Institutional Analysis and Development Framework. In *Theories of the Policy Process*. P.A. Sabatier, ed. Pp. 21-64. Boulder: Westview Press.

Pallares, Amalia

2002 From Peasant Struggles to Indian Resistance: the Ecuadorian Andes. Norman: University of Oklahoma Press.

Pearce, Susan M.

1994 Interpreting Objects and Collections. London: Routledge.

Pewewardy, Cornel

2004 So You Think You Hired an "Indian" Faculty Member?" The Ethnic Fraud Paradox in Higher Education. In *Indigenizing the Academy: Transforming Scholarship and Empowering Communities*. D.A. Mihesuah and A.C. Wilson, eds. Pp. 200-217. Lincoln and London: University of Nebraska Press.

Phillips, George Harwood

1981. The Enduring Struggle: Indians in California History. San Francisco: Boyd & Fraser Publishing Company.

1997. Indians and Indian Agents: The Origins of the Reservation System in California, 1849-1852. Norman: University of Oklahoma Press.

Pointer, Richard

2007 Encounters of the Spirit: Native Americans and European Colonial Religion. Bloomington: Indiana University Press.

Postero, Nancy

2006 Now We are Citizens: Indigenous Politics in Postmulticultural Bolivia. Palo Alto: Stanford University Press.

Postero, Nancy and Leon Zamosc (eds)

2004 The Struggle For Indigenous Rights In Latin America. Portland: Sussex Academic Press.

Powell, Malea

2002 Rhetorics of Survivance: How American Indians Use Writing. *College Composition and Communication* 53(3):396-433.

Pratt, Mary Louise

1992 Imperial Eyes: Travel Writing and Transculturation. London: Routledge.

2000 Arts of the Contact Zone. In *Academic Discourse: Readings for Argument and Analysis*. G. Stygall, ed. Pp. 573-587. Fort Worth: Harcourt College Publishers.

Rabinow, Paul

1977 Reflections on Fieldwork in Morocco. Berkeley: University of California Press.

Radic, Theo

2003 An Answer to Brain Haley's Commentary on the Chumash Western Gate. *Acta Americana* 11(1):53-67.

Rappaport, Joanne

1988 The Politics of Everyday Life in the Columbian Andes. *Man* 23:718-39.

Reichlan, Henry, and Robert F. Heizer

1964 The Scientific Expedition of Leon De Cessac to California, 1877-1879. *Reports of the University of California Archeological Survey* No. 61.

Riles, Annelise

2006 *Documents: Artifacts of Modern Knowledge*. Ann Arbor: University of Michigan Press.

Robert F. Heizer, ed.

1978 *Handbook of North American Indians*. Volume 8. Washington, D.C.: Smithsonian Institute.

Roe, Emery

1991 Development Narratives, or Making the Best of Blueprint Narratives. *World Development* 19(287-300).

Rosaldo, Renato

1989 *Culture and Truth: The Remaking of Social Analysis.* Boston: Beacon Press.

Roth, Randolph

1992 Is History a Process? Nonlinearity, Revitalization Theory, and the Central Metaphor of Social Science History. *Social Science History* 16:197-244.

Russell, Judith

2004 Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty. New York: Columbia University Press.

Sabatier, Paul A.

1998 An Advocacy Coalition Framework of Policy Change and the Role of Policy-Oriented Learning Therein. *Policy Sciences* 29:129-168.

Sadler, Martha

1/18/2007 Authentic Ethnicity in Question. In Santa Barbara Independent.

Said, Edward W.

1978 *Orientalism*. New York: Vintage.

1989 Representing the Colonized: Anthropology's Interlocutors. *Critical Inquiry* 15:205-225.

1993 Culture and Imperialism. New York: Knopf.

2001 *Power, Politics, and Culture: Interviews with Edward W. Said.* New York: Pantheon Books.

Sandos, James A.

1985 Levantamiento!: The 1824 Chumash Uprising Reconsidered. *Southern California Quarterly* 67:109-133.

2004 Converting California: Indians and Franciscans in the Missions. New Haven: Yale University Press.

Scalmer, Sean

2002 Dissent Events: Protest, the Media, and the Political Gimmick in Australia. Sydney: UNSW Press.

Scholtz, Christa Sieglinde

2006 Negotiating Claims: The Emergence of Indigenous Land Claim Negotiation Policies in Australia, Canada, New Zealand, and the United States. New York: CRC Press.

Schwartzman, Helen B.

1989 *The meeting: gatherings in organizations and communities.* New York: Plenum Press.

Semali, Ladislaus M. and Joe L. Kincheloe

1999 What Is Indigenous Knowledge?: Voices from the Academy. New York and London: Falmer Press.

Shils, Edward

1971 Tradition. Comparative Studies in Society and History, Volume 13, Issue 02, April 1971, pp 122-159 13(2):122-159.

Shore, Chris and Susan Wright

1997 *Anthropology of Policy, Critical Perspectives on Governance and Power.* London: Routledge.

Shryock, Andrew

1997 Nationalism and the Genealogical Imagination: Oral History and Textual Authority in Tribal Jordan. Berkeley and Los Angeles: University of California Press.

Simeone, Tonina

2004 *Indigenous Tradition, Knowledge and Intellectual Property Rights*: Library of Parliament.

Simon, Herbert

1957 *Models of man.* New York: John Wiley.

Smith, Linda Tahiwai

1999 Decolonizing Methodologies: Research and Indigenous Peoples. New York: Zed Books.

Smith, Paul Chaat and Robert Allen Warrior

1996 *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee.* New York: The New Press.

Snipp, Matthew C.

1989 American Indians: The First of This Land. (National Committee for Research on the 1980 Census). New York: Russell Sage Foundation.

Sontag, Susan

1997 [2001] On Photography. New York: Picador.

Spinuzzi, Clay

2008 Network: Theorizing Knowledge Work in Telecommunications. New York: Cambridge University Press.

Stalder, Felix

2006 *Manuel Castells: The Theory of the Network Society.* Cambridge, UK: Polity Press.

Stewart, Omer

1978 Litigation and its Effects. In *Handbook of North American Indians: California, Volume 3.* R. Heizer and W. Sturtevant, eds. Pp. 705-712. Washington, D.C.: Government Printing Office.

Stidsen, Sille

2006 *The Indigenous World*. Copenhagen, Denmark: The International Work Group for Indigenous Affairs.

Stoler, Ann Laura

2002 Colonial Archives and the Arts of Governance. Archival Science 2:87-109.

Stoller, Paul

1995 Embodying Colonial Memories: Spirit Possession, Power, and the Hauka in West Africa. New York: Routledge.

Strathern, Marilyn

1991 [2004] Partial Connections. Walnut Creek: Altimira Press.

Sutherland, Anne

2006 The Robertsons, the Sutherlands, and the Making of Texas. Texas: A&M University Press.

Svensson, Frances

1973 *The Ethnics in American Politics: American Indians*. Minneapolis: Burgess Publishing Company.

Sylvain, Renee

2002 "Land, Water, and Truth": San Identity and Global Indigenism. *American Anthropologist* 104(4):1074-1085.

Tacón, Paul S.C.

1999 Identifying Ancient Sacred Landscapes in Australia: From Physical to Social. In *Archaeologies of Landscape*. W. Ashmore and A.B. Knapp, eds. Pp. 33-57. Malden, MA: Blackwell Publishers.

Taussig, Michael

1993 *Mimesis and Alterity: An Alternate History of the Senses*. New York: Routledge, Chapman and Hall.

Taylor, Diana

2003 The Archive and the Repertoire: Performing Cultural Memory in the Americas. Durham, NC: Duke University Press.

Teaiwa, Teresia Kieuea

1995 Mixed Blood. In Searching for Nei Nim'anoa. Pp. 6-7. Suva: Mana.

Tilly, Charles

1978 From Mobilization to Revolution. Reading, MA: Addison-Wesley.

2005 Identities, Boundaries, and Social Ties. Boulder, CO: Paradigm press.

Timbrook, Jan

2007 Chumash Ethnobotany: Plant Knowledge Among the Chumash People of Southern California: Santa Barbara Museum of Natural History.

Trafzer, Clifford, Jean Keller, and Lorene Sisquoc

2006 Origin and Development of the American Indian Boarding School System. In *Boarding School Blues: Revisiting American Indian Educational Experiences*. C. Trafzer, J. Keller, and L. Sisquoc, eds. Pp. 1-34: University of Nebraska Press

Trask, Haunani-Kay

1991 Natives and Anthropologists: The Colonial Struggle. *The Contemporary Pacific* 3(1):159-67.

1993 From a Native Daughter: Colonialism and Sovereignty in Hawai'i. Monroe, Maine: Common Courage Press.

Trouillot, Michel-Rolph

1995 Silencing the Past: Power and the Production of History. Boston: Beacon Press.

Turk, Herman

1970 Interorganization network in urban society: Initial perpectives and comparative research. *American Sociological Review* 35:1-20.

Tuulentie, Seija

2003 Indigenous Peoples: Resource Management and Global Rights. In *Indigenous Peoples: Resource Management and Global Rights*. S. Jentoft, H. Minde, and R. Nilsen, eds. Pp. 275-296. Delft: Eburon Academic Publishers.

Urry, John

1990 [2002] The Tourist Gaze. London: Sage Publications Inc.

Vane, Sylvia Brakke, and Lowell John Bean

1990 *California Indians: Primary Resources*. United States: Ballena Press Publication.

Vizenor, Gerald

1994 *Manifest Manners: Narratives on Postindian Survivance*. Lincoln: University of Nebraska Press.

1998 Fugitive poses: Native American Indian scenes of absence and presence. Lincoln: University of Nebraska Press.

2008 Survivance: Narratives of Native Presence. Lincoln: University of Nebraska Press.

Walker, Philip and John Johnson

1994 The Decline of the Chumash Indian Population. In *In the Wake of Contact: Biological Responses to Conquest*. C.S. Larsen and G.R. Milner, eds. Pp. 109-20. New York: Wiley-Liss.

Walker, Philip L. and Hudson, Travis

1993 Chumash Healing: Changing Health and Medical Practices in an American Indian Society. Banning: Malki Museum Press.

Wallace, Anthony F.C.

1956 Revitalization Movements: Recurrent Patterns in Social Movements. *American Anthropologist* 58:264-81.

2004 Foreword. In *Reassessing Revitalization Movements* M.E. Harkin, ed. Pp. vii-xi. Lincoln: University of Nebraska Press.

Wallerstein, Immanuel

1987 World System Analysis. In *Social Theory Today*. A. Giddens and J. Turner, eds. Pp. 309-324. Stanford: Stanford University Press.

Walsh, Jane MacLaren

1976 *John Peabody Harrington: The Man and his California Indian Fieldnotes.* California: Ballena Press.

Warren, Kay B. and Jean Elizabeth Jackson

2002 *Indigenous movements, self-representation, and the state in Latin America*. Austin: University of Texas Press.

Wasserman, Stanley and Katherine Faust

1994 *Social Network Analysis: Methods and Applications*. Cambridge, MA: University of Cambridge Press.

Watts, Michael J.

2000 Contested Communities, Malignant Markets, and Gilded Governance: Justice, Resource Extraction, and Conservation in the Tropics. In *People, Plants, and Justice: The Politics of Nature Conservation*. C. Zerner, ed. Pp. 21-51. New York: Columbia University Press.

Weaver, Jace, Craig S. Womack, and Robert Allen Warrior

2006 American Indian Literary Nationalism. United States: University of New Mexico Press.

Weber, Max

1946 Bureaucracy. In *From Max Weber: Essays in Sociology*. H. Gerth and C.W. Mills, eds. Pp. 135-4, 19-58, 163-4, 173-8. New York: Oxford University Press.

1961 The Three Types of Legitimate Rule. In *Complex Organization: A Soliological Reader*. A. Etzioni, ed. New York: Holt, Rinehart and Winstron.

Weibel-Orlando, Joan

1999 *Indian country, L.A.: maintaining ethnic community in complex society.* Urbana and Chicago: University of Illinois Press.

2001 And the Drumbeat Still Goes On . . . Urban Indian Institutional Survival into the New Millennium. In *American Indians and the Urban Experience*. S. Lobo and K. Peters, eds. Lanham, MD: AltaMira Press. A Division of Rowman and Littlefield Publishers.

Wellman, Barry

1979 The community question: The intimate networks of East Yorkers. *American Journal of Sociology* 84:1201-31.

Werbner, Richard

1998 Smoke from the Barrel of a Gun: Postwars of the Dead, Memory and Reinscription in Zimbabwe. In *Memory and the Postcolony. African Anthropology and the Critique of Power*. R. Werbner, ed. Pp. 71-102. London: Zed Books.

Whittaker, Elvi

1994 Public Discourse on Sacredness: The Transfer of Ayers Rock to Aboriginal Ownership. *American Ethnologist* 2(2):310-34.

Wilkins, David Eugene

2007 American Indian Politics and the American Political System. United States: Rowman & Littlefield.

Williams, Raymond. 1976.

1976 Keywords. London: Fontana Press.

Wolf, Eric

1982 Europe and the People without History. Berkeley: University of California Press.

Woodward, Kathyrn

1997 *Identity of Difference: Culture, Media and Identities.* London: Sage Publications.

Yoneyama, Lisa

1999 *Hiroshima Traces: Time, Space, and the Dialectics of Memory.* Berkeley and Los Angeles: University of California Press.

Zahariadis, Nikolaos

2003 Ambiguity and Choice in Public Policy: Political Decision Making in Modern Democracies. Washington: Georgetown University Press.

APPENDICES

Appendix A

UNIVERSITY OF CALIFORNIA, RIVERSIDE CONSENT TO ACT AS A HUMAN RESEARCH SUBJECT

Changing Perceptions: Redefining Indigenous Identity and Policy through Chumash Revitalization

INVESTIGATOR AND SPONSOR

Kohanya Ranch - Department of Anthropology at University of California, Riverside

You are invited to take part in a research project conducted by the lead researcher, Kohanya Ranch, a graduate student at University of California, riverside. In this study, I hope to learn more about how contemporary Chumash tribal members are reclaiming and continuing ancestral knowledge, language, traditions and practices in what is being popularly termed a "revitalization." You are being asked to participate in this study because you are a public persona in Chumash matters. Participation in this research study is completely voluntary. Please read this information below and ask questions about anything that you do not understand before deciding if you want to participate.

Study Locations:

Southern central California regions that include: Ojai, Santa Barbara, Ventura County, Thousand Oaks, San Luis Obispo and Malibu.

PROCEDURES

- Interviews will consist of semi-structured and open-ended conversations regarding efforts to revive language, ancestral traditions, gain land rights and protect Chumash archeological and religious sites. These interviews will be recorded by audio-taping and/or hand-written note-taking, provided permission.
- In order to analyze existing data, documents and records, I will also locate and research archives and record oral histories of the Chumash. This will include researching ethnohistorical and present-day information concerning the roles and stories of the Chumash people.
- I also plan to observe the following public events in which Chumash are involved: powwows, public lectures, festivals, museum events. I will also attend tribal meetings, which although are not open to the public, will be arranged provided Chumash permission.

BENEFITS

To the Participant

A potential benefit of this research will be the collection and transcription of current Chumash stories and oral traditions which I will make available to you directly after the interview. This may be used by you as a record of your history. You will also have the option to change or offer other information based on this recording.

To Others or Society

The Chumash community will benefit from this research because information gathered from this study will provide original insight into how Chumash descendents are continuing ancestral tradition, culture, and language despite political, social and economic obstacles. It will also evidence how your community has the power to demonstrate your own stories, histories and representations to the public regarding what it means to be American Indian. Because your insights will also lead to a greater understanding of Chumash histories, stories and political struggles, your contribution may also be useful to other Native groups who are also working to ensure cultural survival. This research may also be useful for the Chumash community as they work to gain political, economic and social goals.

WITHDRAWAL OR TERMINATION FROM STUDY

Participation in this study is voluntary. You may refuse to answer any question or discontinue your involvement at any time without penalty or loss of benefits to which you might otherwise be entitled. Your decision will not affect your future relationship with this research or with UC Riverside.

CONFIDENTIALITY

Data Storage

If you wish to remain anonymous orally or in the signed consent form, I will protect your confidentiality by providing a pseudonym by which you will be identified in all parts of the project. I will ensure that all anonymous audio-recordings are in my possession during the duration of the project and stored in a locked location of which only I have the key. Any identifiable consent-forms, numbered cross-references and data will be numbered and kept in separate locked locations from other data. All information will be devoid of any identifiable information. Electronic data will be held on an external hard drive that will likewise be stored in a locked cabinet when not in use. The exception will be a document or documents that will hold contact info for participants whose participation is ongoing. Furthermore, you will have the opportunity to destroy the recordings if you withdraw from the study. Once you have completed your time in the project, contact info will be destroyed if you so desire.

If you wish recognition in this study, please be aware that your identity will be disclosed in the presentation and/or publication of the study results. If your wish your name to be used in this study, please check the box below where your signature would indicate that your name to be used in this research. If your name is used in this research, I will ensure to provide to you transcriptions.

IF YOU HAVE QUESTIONS

If you have any comments or questions regarding the conduct of this research or your

rights as a research subject, please contact the Office of Research Administration by phone, (951)827-4810 or 4811, or at University Office Bldg #200, Riverside, CA 92521. The purpose of these requirements is to ensure that the design, conduct and reporting of the research will not be affected by any conflicting interests.

VOLUNTARY PARTICIPATION STATEMENT

I understand that participation in this study is voluntary. I may refuse to answer any question or discontinue my involvement at any time without penalty or loss of benefits to which I might otherwise be entitled. My decision will not affect my future relationship with the National Parks Service. My signature below indicates that I have read the information in this consent form and have had a chance to ask any questions I have about the study.

ü I give permission to be audio-recorded	
ü I wish to remain anonymous	
ü I wish my name to be used in this research	
	-
Signature of Participant	
Date	
Name of Participant	-
	-
Signature of Dassarchan	
Signature of Researcher Date	

Appendix B

UNIVERSITY OF CALIFORNIA, RIVERSIDE VERBAL CONSENT TO ACT AS A HUMAN RESEARCH SUBJECT

<u>Changing Perceptions: Redefining Indigenous Identity and Policy through</u> Chumash Revitalization

INVESTIGATOR AND SPONSOR

Kohanya Ranch - Department of Anthropology at University of California, Riverside

The purpose of this study is to learn more about how contemporary Chumash tribal members are reclaiming and continuing ancestral knowledge, language, traditions and practices in what is being popularly termed American Indian Revitalization. My goal in this interview is to learn more about current issues regarding American Indian identity. Your participation in this research study is completely voluntary. You may refuse to answer any question or discontinue your involvement at any time. I will protect your anonymity, if you so desire.

If you have any comments or questions regarding the conduct of this research or your rights as a research subject, please contact the Office of Research Administration by phone, (951)827-4810 or 4811, or at University Office Bldg #200, Riverside, CA 92521.

Appendix C

Social Network Analysis Questionnaire

Rate level of	Rate level of	Rate level of effective or
interaction	feeling/experien	ineffective relationship or
(how often	ce with	experience
meet with,	following	
engage with		5 - very beneficial/ effective
following)	5 - strongly like	4 - somewhat
	4 – like	beneficial/effective
5 – all the time	3 - neutral	3 - average
4 – frequently	2 – dislike	2 - not very beneficial/effective
3 – sometimes	1 - strongly	1 - ineffective/ never beneficial
2 – rarely	dislike	
1 – not at all		

Write N/A for not applicable

National Government Agencies

Bureau of Indian Affairs
Bureau of Land Management
National Marine Sanctuary
Department of Defense
Environmental Protection Agency
Environmental Protection Agency
Los Padres National Forest Agency
National Park Service (Channel Islands,
Santa Monica Mountains)
National Indian Education Association
National Wildlife Federation
US Fish and Wildlife
Vandenburg Air force Base
Other

State agencies

8	
California Civil Rights Bureau	
CA Coastal Commission	
California Historical Resource	ces
Information System (CHRIS)	
CA State Parks	
California Resources Agency	

Department of Conservation Department of Community Services and Development Department of Fish and Game Division of Land Resource Protection Division of Tourism Environment and Natural Resources Agency Governor's Office of Planning and Research/ Governor's Office Native American Heritage Commission Office of Historic Preservation Resources Agency State Historic Resource Commission State Historic Resource Commission State Historic Preservation Office (SHPO) State Lands Commission Other County agencies Architect (Design Review) Coastal Historic Preservation County Environmental Coalitions Historic Land Preservation (transportation, engineering, grading) Parks Department Planning Department Redevelopment Agency Other: City Councils City Planning Commission Other: Corporate agencies Oil (e.g. Chevron, Venaco, Unocal) Tourist agencies Hotel agencies Other Environmental, activist, non-profit foundations/alliances Advocates for Indigenous California Language Survival American Indian Heritage Foundation		Coastal Conservancy
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Environmental, activist, non-profit foundations/alliances Advocates for Indigenous California Language Survival		
Advocates for Indigenous California Language Survival		
Language Survival	Environmental	
American Indian Heritage Foundation		
		American Indian Heritage Foundation

	American Indian Movement (AIM)
	Broken Rope
	California Cultural Resources
	Preservation Alliance
	California Indian Basketweaver
	Association
	California Native Plant Society
	Candelaria American Indian Council
	CAUSE – Central Coast Alliance for
	Sustainable Economy
	ChannelKeeper
	Coastal Historic Preservation
	Environmental Defense Center
	Honor the Earth
	Indian Health Service
	Indian Defense League of America
	Indigenous Youth Foundation
	Nature Conservancy
	Ojai Foundation
	Pukuu Cultural Community Services
	Sacred Earth Foundation
	Satwiwa Culture Center
	Trust for Historic Preservation
	Other
	National Tribal Organizations
	American Indian Heritage Foundation
	American Indian Ritual Object
	Repatriation Foundation
	National Congress of American Indians
	Native Dispute Resolution Network
	National Coalition on Racism in Sports
	and the Media
	National Museum of the American
	Indian
· · ·	Native events/gatherings/meetings
	Ceremonies
	Cultural Festivals
	Cultural Projects
	Lectures/Conferences regarding
	Chumash and/or Native issues
	Fundraising events for Native causes
	Museum Advisory
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	meetings/participation
	Protests – (ex. Ormond Beach,
	Winchester Gun Club, Diablo Canyon,
	Fiesta Days)
	Powwows
	Tribal meetings
	Other
Museums (work with docents, staff, as	board member, or on advisory committees)
	Guadalupe Cultural Arts and Education
	Center
	Lompoc Museum
	Maritime Museum
	Mission Museums
	Ventura Museum
	Ojai museum
	Oakbrook Interpretive Center
	Santa Barbara Museum of Natural
	History
	Santa Barbara Presidio Museum
	Other
	Educational spaces (re Chumash
	Kindergarten/Preschool, Elementary
	School, High School
	College/Graduate School
	Anthropologists/ Historians
	Teachers / professors
	Political/Legal Spaces
	Public Policy Meetings re: Native Issues
	(Land Claims, Sacred Sites, Environment)
	Public hearings re: Native issues
	Government officials/policy makers
	Write letters or comment on public policy
	Other
Use Informational and media sit	tes for Native awareness and networking
	Radio
	Blog
	Profile pages (Facebook, MySpace)
	Create Website
	American Indian Websites (ex.
	Indianz.com, Native Web, Native
	Culture.com)
	Public Media