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### Publication Date

2012

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UNIVERSITY OF CALIFORNIA  
RIVERSIDE

Unsettling Knowledge: Emerging Constructions of Tribal Sovereignty in Southern California

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

Doctor of Philosophy

in

Anthropology

by

Theodor Putnam Strollo Gordon  
March 2013

Dissertation Committee:

Dr. David Kronenfeld, Chairperson  
Dr. Yoland Moses  
Dr. Clifford Trafzer

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2013

The Dissertation of Theodor Putnam Strollo Gordon is approved:

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Committee Chairperson

University of California, Riverside

## Acknowledgements

I am grateful for many individuals and organizations, without which this dissertation would not have been possible. For their expertise, guidance and help, I would like to thank Kate Spilde, David Schwartz, Hannah Nyala West, Caitlyn Marrs, Martin Johnson, Michael Kearney, Anthony Madrigal, Juliet McMullin, Sally Ness, Nicoletta Maestri, John Alvarado, Tom Patterson, Wendy Ashmore, John Gust, Sarah Grant, Elizabeth Wessells, Max and Marvin Strollo Gordon, Majia Glasier-Lawson, Lisa Garibaldi, Gary Garrett, Melanie Spoo, Judy Kronenfeld, Gene Anderson, Justin Doran, Kelly Miester and Dan Leonard, as well as my parents, for their encouragement and love.

The following institutions provided invaluable support: The Malki Museum, The Agua Caliente Cultural Museum, The UNLV University Libraries' Special Collections, The Twenty-Nine Palms Historical Society, Joshua Tree National Park, The Joshua Tree National Park Association, The Center for Gaming Research at UNLV, The California Digital Newspaper Collection, The National Archives and Records Administration, The Sycuan Institute on Tribal Gaming, The Institute for Research on Labor and Employment, The Graduate Division at UCR.

Finally, I am indebted to my committee members, David Kronenfeld, Yolanda Moses, and Cliff Trafzer, for sharing their advice and knowledge.

To Chrissy, my wife, friend, and inspiration.

Your love keeps me strong.

## ABSTRACT OF THE DISSERTATION

Unsettling Knowledge: Emerging Constructions of Tribal Sovereignty in Southern California

by

Theodor Putnam Stollo Gordon

Doctor of Philosophy, Graduate Program in Anthropology  
University of California, Riverside, March 2013  
Dr. David Kronenfeld, Chairperson

As American Indian tribes across North America have continued to pursue the strengthening of tribal sovereignty, non-Indians increasingly engage in the activities and negotiations entailed in tribal revitalization. This dissertation examines the diachronic and synchronic aspects of the dynamic relations between revitalizing native nations and their neighboring non-Indian communities in Inland Southern California, home to the densest concentration of American Indian Reservations in the United States. First, this dissertation examines the historical relations between these native nations and settlers in order to demonstrate how tribal strategies for survival and self-determination underpinned both the economic development of Southern California as well as contemporary tribal revitalization across North America. I draw on ethnohistoric,

archaeological and linguistic evidence to illustrate how Serrano and Cahuilla nations provided labor, knowledge and other resources vital for the agricultural and mining industries that fueled the growth of Southern California. I find that the labor that the Serrano and Cahuilla supplied to settlers also provided these native nations with the economic resources necessary to launch successful campaigns to revitalize their sovereignty, including their foundational roles in the emergence of the Indian casino movement. Then I employ ethnographic, documentary and consensus analyses to examine the advent and impacts of Indian casinos, through which these tribes began to play increasing roles in their neighboring communities, leading to their increased political and economic prominence and visibility. With this increasing prominence and visibility, new interpretations of tribal communities emerged, including those disseminated by tribes, their supporters, and their political and economic challengers. Some of these, such as the framing of tribes as corporations, are novel interpretations of tribal identity; however, they increasingly inform political and legal decisions. By documenting the co-variation of tribal political and economic roles and with emerging cultural models of tribes, I demonstrate how tribal actions and revitalization have continuously changed the way settlers think about tribes, and transformed the disposition of tribes in local and national culture and politics.



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## **Introduction**

Southern California is home to the densest concentration of native nations in the United States. Each is its own sovereign polity and each intertwined with its non-native neighbors through the historic and ongoing contribution of labor, knowledge and other resources that continue to drive the development of Southern California. Yet, until the recent emergence of tribal casinos, most Californians, including many living on or near Indian lands, were unaware of their diverse, self-governing, indigenous neighbors. Even now, few, including scholars, are aware of the vital role indigenous labor and resources played in the agricultural and mining industries that spurred the growth of California. This dissertation addresses two questions. First, how can societies live in such close proximity to each other, with significant political and economic ties, while one remains largely ignorant of their shared history? This is not a new question, and has been asked about many societies, particularly in places, like California, with histories of slavery and genocide. But California presents a novel case. Tribal casinos in California now generate more revenue than their commercial competitors in Las Vegas (Schwartz 2011), and a few native nations have established extensive visibility through political and marketing campaigns. The second question address by this dissertation is, then, how does rapid economic revitalization on Indian lands influence the ways in which the public thinks about tribes? This dissertation answers these questions by applying frameworks from ethnohistory and cognitive anthropology in a diachronic and synchronic analysis of two populations indigenous to Southern California, the Serrano and the Cahuilla, and their relations with non-native neighboring communities. Located in inland Southern California, on lands presently part of San Bernardino and Riverside Counties, the Serrano and Cahuilla are, in

particular, the focus of this dissertation because of the recent and significant revitalization of their sovereignty, especially their roles in the development of tribal casinos that have resulted in radical and widespread changes on Indian land across the North America. Specifically, this dissertation asserts that the cultural knowledge of these native nations and their roles in the wider political economy of Southern California shape each other; in the past, as in the present, these cultural and political-economic systems are linked in ways that make processes in one highly dependent on concurrent processes in the other. In other words, by examining the political and economic implications of the divergent ways that various segments of the public understand, and have historically understood, the Serrano and Cahuilla populations, we can more fully understand the gap in public knowledge of the Serrano, the Cahuilla, and its implications for both native and settler communities.

### **A Brief History of Tribal Sovereignty and Federal Indian Policy**

Sovereignty underlies the actions taken by all polities; it is the capacity for a society to determine the course of its own future. In the same manner that the independence of nation-states depends in part on nation-states mutual recognition of each other, the capacity for native sovereign nations<sup>3</sup> (NSN) within the United States to realize their self-determination is in part contingent on recognition from other polities, including, federal, state and local governments. Often, government institutions do not reflect the

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<sup>3</sup> This dissertation uses the term native sovereign nation or NSN when describing individual federally-recognized American Indian tribes and their ancestors, as the term reflects the collective belief in independence held by these populations including actions taken by the federal government, including The General Services Administration's designation of nsn.gov as the official domain name. The terms tribe or tribal are also used because they are frequently used by both federal and native governments.

diversity of views held by the populations they purportedly represent, or sympathize with views held by foreign populations. Thus, it is helpful to distinguish between cultural and political sovereignty, and divide each further into internal and external dimensions. Cultural sovereignty lies in shared constructions of identity. Internal cultural sovereignty is a system of beliefs held by members of a community about their origin, underlying unity with a territory (often through ancestry or divine intervention), and right to determine the course of its people and land. For native nations, origin stories provide the basis for beliefs in their connection to land in their ancestral territories; likewise, for the United States, myths, such as manifest destiny, provide a divine motive for territorial expansion. External cultural sovereignty, then, is the degree to which a population that holds such beliefs is understood by its neighbors as having legitimate claims to sovereignty. Political sovereignty refers to structural workings of government institutions. Internal political sovereignty is the degree to which governmental institutions reflect the will of their constituent populations. Finally, external political sovereignty is the extent to which the institutions of one government recognize, or fail to recognize, the rights asserted by foreign polities. In the United States, the internal cultural sovereignty of many native nations remains resilient, yet their political sovereignty is subject to capricious and at times malicious federal and state authority.

Before European contact, sovereignty among American Indian communities in Southern California, was decentralized and dispersed among bands united through kinship (Bean 1974). The Spanish and subsequent American conquest of Southern California displaced native nations and fractured many aspects of their social

organization. Genocide, indentured servitude, and forced assimilation were a few tactics the federal and state governments applied in their attempts to fracture the sovereignty of the Cahuilla and Serrano, and the current federal acknowledgement of a number of (although not all) Serrano and Cahuilla nations is only the latest iteration of federal Indian policies that have, historically, swung back and forth from termination to bolstering indigenous sovereignty.

Thus, shifts in the political sovereignty of Serrano and Cahuilla nations are at times part of broader changes in federal policies that affect all tribes; additionally, vacillations in federal Indian policies may mirror changes in American cultural sovereignty, (the common beliefs among Americans about the origin and purpose of their society, including the myth of manifest destiny). As noted by Vine Deloria (1979: 23), “indigenous nations are constitutive of settler<sup>4</sup> state sovereignty.” The original thirteen colonies, United States government and other European colonies in North America and elsewhere negotiated treaties with indigenous nations in order to legitimize their colonizing efforts “in the eyes of other states and in the eyes of tribe nations (Deloria: 1967: 23). Moreover, as European regimes went to war over territories in North America, many, including the United States during its war for independence, signed treaties with tribes in order to secure allies and resources necessary for military victory (for example, see the *Treaty of Fort Pitt* 1778).

After the formation of the United States, Congress and the president acted to regulate trade with tribes, to establish boundaries between the tribes and states, and to

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<sup>4</sup> This dissertation uses “settler” to refer to the European populations that initially settled California, and contemporary non-Indians.

purchase tribal land. Under the constitution, the Federal government has discretion over Indian policies and individual states do not have authority in tribal relations (Rosen 2007; Wilkins 2007: 112). A Supreme Court decision in 1831 gave Congress exceptional powers over tribal societies and began a convoluted succession of federal Indian policies. The decision (*Cherokee Nation v. Georgia.*, 30 US. 5 Pet. 1) declared that Indian peoples are “domestic dependent nations” and “in a state of pupilage and subject to the guardianship protection of the federal government.” Under the pretext of this ruling, Congress required the removal of Indian peoples in the eastern United States to the west, leading to a forced march known as the Trail of Tears. Only within the lands reserved by Congress for tribes, could tribal societies practice a small degree of self-rule. In 1887, Congress passed the Dawes Allotment Act (P.L. 73-383), which divided tribal lands into individual parcels and assigned each to an American Indian, in an attempt to assimilate tribes into a more, so-called, “civilized” lifestyle. This policy failed by further marginalizing and impoverishing native nations (Wilkins 2007:116, 117). In 1934, Congress passed the Wheeler Howard Act, better known as the Indian Reorganization Act. This reversed the Dawes Allotment Act, and allowed tribes to practice limited self-governance on reservations under a bureaucratic structure prescribed by the Bureau of Indian Affairs. However, this policy reform was quickly reversed. In the 1950s and 60s Congress terminated tribal governments and relocated thousands of American Indians to cities (Fixico 1986). By forcing the assimilation of tribal members and appropriation of tribal resources, termination devastated tribes. It also spurred American Indian activism. In the early 1970s, President Nixon ended the termination era by restoring federal

recognition to terminated tribes. In 1975, Congress passed the Indian Self-Determination and Education Assistance Act (PL 93-638), creating a partial revitalization of tribal sovereignty. Tribal gaming is a consequence of this revitalization and the latest development in the erratic federal authority over tribes (Anders 1998).

When the federal government began to re-recognize tribal sovereignty in the 1970s, though still overwhelmingly impoverished, many tribes generally began to experience relative increases in economic development as they were increasingly able to independently control tribal resources (Wilkins 2007). To further economic development, several tribal governments began developing and operating gaming enterprises. In 1979, the Seminole tribe in Florida opened the first high-stakes bingo parlor on an Indian reservation and in 1983 the tribe won a federal court case (*Seminole Tribe of Florida v. Butterworth*) that found that the tribe could employ its sovereign powers to operate high-stakes bingo and that State of Florida did not have the right to prosecute the tribe for gambling. Shortly after this decision, the Cabazon band of Mission Indians opened a gaming enterprise on its reservation near Indio, California. When Riverside County, backed by the State of California, attempted to shut down gaming on the Cabazon reservation, the resulting United States Supreme Court case (*California v. Cabazon Band of Mission Indians*) found that the State of California did not have civil or regulatory jurisdiction on the reservation and, therefore, the state does not have the authority to prohibit the tribe from operating a casino (Spilde Contrares 2006: 322-323). The Cabazon Decision acknowledged that tribal governments, as sovereign polities, have the right to legalize and operate gaming on reservations, provided



that the enterprise is located in a state that regulates some form of gaming. However, in 1988 the United States Congress passed the Indian Gaming Regulation Act (IGRA), which mandates that tribes that pursue Class 3 gaming (slot machines, card games and other “Vegas style” games) negotiate a compact with surrounding state. Thus, while the federal government recognizes tribal governments, state governments have the capacity to constrain, or eliminate tribal gaming development. This is a new and unprecedented role for state governments, which have, since *Cherokee Nation v. Georgia*, not had any federally delegated powers to intervene on the actions of native nations.

### **Previous Research on the Serrano and Cahuilla**

Federal Indian policy, however, never exists in a vacuum. American Indian communities have repeatedly taken action to limit federal interference; since their first contact with European regimes, the Serrano and Cahuilla fought to maintain their self-determination, and at several times, their efforts resulted in radical changes in federal Indian policies. As noted above, the Serrano and Cahuilla were never organized as singular polities; Serrano and Cahuilla are linguistic and cultural groups that were, and continue to be, distributed among a variety of politically distinctive groups, each organized through kinship (Bean 1974). Before European colonization, the Serrano had a population estimated between 1,500 (Kroeber 1925) and 2,500 (Bean and Smith 1978), and their homeland included the diverse ecosystems ranging from the San Bernardino Mountains, the Mojave Desert, the San Gabriel Mountains and San Bernardino Mountains (Trafzer 2002: 15). While their population declined rapidly during the Spanish and American conquest of this territory, to an estimated 150 in 1910 (Kroeber 1925),

their numbers have modestly rebounded, with 622 respondents to the 2000 Census identifying as either Serrano alone or in combination (Census 2000). The San Manuel Band of Serrano Mission Indians, whose reservation is located in the foothills of the San Bernardino Mountains, remains the federally recognized tribes where individuals of Serrano ancestry are estimated to be the majority of the population. The Morongo Band of Mission Indians also has a large portion of members with Serrano ancestry, and their community, based in the San Geronimo Pass, also includes a large number, perhaps the majority, of individuals of Cahuilla descent. The Coachella Valley, San Geronimo Pass and San Jacinto Mountain were home to the Cahuilla prior to their colonization and subsequent displacement. Alfred Kroeber (1925) estimated the Cahuilla's aboriginal population to be 2,500, while a more recent estimate by Lowell Bean projects an aboriginal population between 5,000 and 6,000. The 2000 Census reports that 3,435 individuals identified as either Cahuilla alone or in combination. There are currently at least ten federally-recognized tribes in Southern California with members of Cahuilla descent, including the Agua Caliente Band of Cahuilla Indians, whose reservation comprises about fifty-percent of the City of Palm Springs.

In spite of their relatively small numbers, the Serrano and Cahuilla have made and continue to make significant contributions to the local and nation political-economies, yet, few anthropologists and historians have investigated their historic and contemporary roles. In 1897, David Prescott Barrows published *The Ethno-Botany of the Coahuilla Indians of Southern California*, the first extensive ethnographic study of the Cahuilla. Ethnographers from the early twentieth century, including Alfred Kroeber and John Harrington studied both the Serrano and Cahuilla; however, their research focused more broadly on California Indians and

they did not publish extensively on either group. Lowell Bean is the most prolific ethnographer of the Cahuilla, and his numerous books and articles are the result an unprecedented collaboration, and co-authorship, with Cahuilla elders. Throughout his numerous publications, Bean (1970; 1974; 1995; etc) has argued that, far from being irrational, the beliefs and practices of the aboriginal Cahuilla provided them with knowledge and skills adapted to the otherwise harsh environment of the inland California desert. Perhaps the most widely read work on the Cahuilla was Harry Lawton's semi-historical novel *Willie Boy: A Desert Manhunt* (1960), which was adapted into *Tell Them Willie Boy is Here* (1969) a feature-length film discussed further in chapter 3. While little has been published on the Cahuilla, even less attention has been focused on the Serrano. Clifford Trafzer's *The People of San Manuel* (2002) is the first book-length scholarly publication on the Serrano. Additionally, area tribes continue to produce their own cultural scholars, including Rupert Costo, Katherine Siva Saubel, and Anthony Madrigal.

### **The Emerging Field of Tribal Gaming Research**

As tribal casinos are a recent phenomenon, this industry, which is on pace to eclipse commercial gaming, has received little scholarly attention. Moreover, scholars have largely neglected commercial as well as tribal casino development, except for studies of the impacts of commercial casinos on local economies and the prevalence of gambling addiction. One exception is the work of Rachel Volberg (2007), who connects the recent development of gaming industries in California and elsewhere to the wider shift in the United States from an industrial economy to a post-industrial economy characterized by a highly developed service

sectors (e.g. casino development). For Volberg (2007) legalized gambling is a form a social domination because she assumes that gaming necessarily acts as a drain on local economies. While Volberg (who makes no distinction between tribal and commercial gaming) argues that casinos function to exploit and control the population, the few studies of tribal gaming present an alternative view that highlight the differences between the impacts of tribal and commercial casinos.

Contrary to Volberg's (2007) conclusion that gaming, has an overall draining effect on local economies, Marks and Spilde Contrares (2007) find that in the case of tribal gaming in California, the legal and geo-political constrictions on tribal gaming can contribute to its overall beneficial impact on local economies. Mindy Marks and Kate Spilde Contrares' (2007) statistical analysis of the socio-economic effects of tribal gaming in California finds that the development of tribal gaming is associated with an increase in per capita income on the reservation and in communities that neighbor the reservation. Spilde Contrares' (2006: 338) study of tribal gaming development on the Pechanga Reservation in Temecula, California reports that increased political and public recognition of their sovereignty, coupled with increased revenue and from tribal development and nation building, have enabled the Pechanga tribe to work with its neighboring local governments in order to more effectively pursue collective goals. Spilde Contrares (2006) finds that the development of tribal gaming at Pechanga has fostered increased knowledge of and support for tribal sovereignty and culture by tribe members and members of the local community.

Eve Darian-Smith provides a brief ethnographic account of the socio-political conflicts associated with Indian gaming development of Indian gaming at the Chumash reservation in

Santa Barbara, California. Darian-Smith's (2004: 81) interviews and observations of the residence neighboring the casino reveal that many are concerned about the casino attracting questionable clientele, traffic, and other social problems to their community. Darian-Smith concludes that the widely publicized success of several gaming tribes challenges Anglo-American preconceptions of American Indians while enabling tribes to pursue cultural revitalization (Darian-Smith 2004: 109-111).

Thus, the existing scholarly analysis of tribal gaming has focused on the impact of tribal sovereignty on economic development (Fenelon 2006; Spilde Contrares 2006; Harvard Project on American Indian Economic Development 2007; Cattelino 2008), the socio-economic impacts of tribal gaming on neighboring communities (Darian-Smith 2004; Marks and Spilde Contrares 2007), and popular knowledge and stereotypes of American Indians and tribal gaming (Steinman 2006; Bodinger de Uriate 2008). The extant literature addresses issues critical to understanding tribal sovereignty and development; however, there is currently no analysis of the relationship between the socio-economic impacts of tribal gaming, public perceptions and public policy. This dissertation provides such an analysis and expands the existing literature by analyzing the political, economic and cognitive processes entailed in the revitalization of Serrano and Cahuilla communities.

### **Previous Research on the Perceptions of American Indian Tribes**

While settler perceptions of indigenous identity has been the subject of much scholarly effort, this dissertation is the first systematic attempt to apply a framework from cognitive

anthropology in order to understand the cognitive basis for the distribution and divergence of cultural knowledge of American Indians. As stated above, Deloria (1979: 23) noted that “indigenous nations are constitutive of settler state sovereignty” because the original thirteen colonies, United States government and other European colonies in North America and elsewhere negotiated treaties with indigenous nations in order to legitimize their colonizing efforts “in the eyes of other states and in the eyes of tribe nations”. Another noted American Indian law and history scholar, David Wilkins, makes a similar suggestion about the relationship between public policy and public perceptions of tribes. Wilkins (2007: 257) writes, “the application of federal Indian policy and law oftentimes depends on the images and perceptions of Indians that the public, presidential administration, Congress, and Supreme Court maintain.” For Wilkins, the images and perceptions of American Indians held by Anglo-Americans at times have reflected different political and economic agendas. With the recent emergence of tribal gaming enterprises, researchers have analyzed how tribal gaming development transforms perceptions of American Indians.

Sociologist Erich Steinman’s (2006) analysis of media coverage of Indian gaming (2006) provides a typology of the different historical images of tribes, and a discussion of how these are employed in contemporary debates over Indian gaming initiatives. The images that Steinman (2006: 299-302) discusses include: 1) tribes as conquered peoples, 2) tribes as minorities, 3) tribes as rights holders, 4) tribes as public corporations or businesses, and 5) tribes as sovereign nations. Steinman (2006: 305) notes that tribes are capable of publicly emphasizing whichever image enables them to most effectively reach their goals. Steinman (2006: 307) writes that, “minority policies are commonly understood as responses to

disadvantage and impoverishment; distinct policies or opportunities may logically be withdrawn if need is diminished.” In other words, the images that Indian tribes are ethnic minorities (instead of political entities) leads people to think of Indian gaming as a temporary policies (like affirmative action or reparations) intended to address historical injustices and inequalities. From this perspective, Indian gaming cannot succeed; individual NSNs accrue the revenue generated through tribal gaming, thus the economic benefits are uneven and a minority of NSNs accrue the majority of wealth generated through tribal casinos. (National Indian Gaming Commission 2011). Steinman points out that because of the logical implications discussed above, groups that oppose Indian gaming often implement the image of Indian tribes as minorities. Political groups that propose state taxation, or profit-sharing, with gaming tribes may conceptualize Indian tribes as corporations. State governments may promote Indian gaming as a method to offset budget shortcomings, and the image of tribes as for-profit corporations (who ought to “pay their fair share”) is often evoked to support compact measures that require tribes to pay a substantial portion of their casino revenue to the state. However, according to legal precedent and many tribal members, tribes are not corporations or minority groups; instead, tribes are sovereign entities and their right to pursue gaming enterprises is derived from their historically recognized status as sovereigns.

Anthropologists John J. Bodinger de Uriate’s (2008: 209) ethnographic and visual analysis of representations of the Mashantucket Pequot tribe finds that the tribe chooses to produce an “against-the-grain reading of historical and contemporary Indianness”. Thus, for Bodinger de Uriate (2008), the Pequot tribe’s tribal gaming revenue has enabled the tribe to construct a counter-hegemonic discourse that challenges popular and long-held stereotypes of

American Indian identity. Steinman's (2006) and Bodinger's de Uriate's (2008) studies provide an interpretive analyses of texts and images depicting American Indians. This dissertation goes beyond the interpretive analysis by applying the methods of cognitive anthropology to systematically describe and analyze the structure and distribution the popular knowledge of Indian gaming and by examining the political and economic implications of this knowledge.

### **Cognitive Anthropology Literature**

Cognitive anthropology provides theoretical and methodological tools for describing the diversity of thought within a society, and explaining how different segments of society may develop divergent knowledge about any given matter. The framework with which Cognitive anthropologists, including Roy D'Andrade (1995) and David Kronenfeld (1996; 2008), understand culture as underpinned by schemata theory from development psychology; every individual's knowledge, or conceptualizations, of his or her world is unique, idiosyncratic and shaped by his or her experience. Each individual's conceptualizations, known as schemata, are as unique to that individual as his or her experiences; the knowledge held by members of any given population will share commonalities to the extent that the individuals in that population have had common experiences. Meaningful communication between individuals and cooperation among groups is only possible because of this shared common knowledge. Culture, from this perspective, is knowledge; specifically, it is the knowledge that individuals need in order to cooperate and communicate effectively in any given society. Following this



framework, this dissertation examines a particular kind of knowledge, cultural knowledge, which consists of the schemata that are widely (though not identically) shared across a population. At the same time that this dissertation advances scholarly knowledge of the historical interactions of populations in inland Southern California, it also examines the structure and distribution of the settler population's cultural knowledge of its NSN neighbors. Changes in the content of cultural knowledge and the popular acceptance of that knowledge, I argue, operate as a system that both reflect shifts in concurrent political and economic processes, and, at times, NSNs, politicians, corporations and other actors implements this cultural knowledge in the pursue of their respective political and economic agendas.

This dissertation employs multiple methods to assess the cultural knowledge of the Serrano, the Cahuilla and their roles in this history of California and the United States. Cognitive and linguistic anthropologist David Kronenfeld's theory of semantic extension provides one framework this is especially useful here. Kronenfeld (1996: 188) argues that the "functional relations among signs represent the knowledge structures involving entities and action in the world external to language". In other words, this approach assumes that worldview, and other forms of shared knowledge, are indexed by language; therefore, a semantic analysis of language provides an opportunity to understand, ethnic stereotypes, legal practices and other forms of cultural knowledge that pertain to this dissertation. Ethnic and other social identities exist nowhere except in the mind; however, humans generally believe that, or act as if, cultural knowledge categories, such as ethnic identity, exist naturally and independent of the individual. Therefore, in

practice, ethnic categories and stereotypes can be, and often are, reified in public policy and cultural products (i.e. media and other representations of ethnic identity). Kronenfeld applies this framework in his analysis (2008) of the dynamic between the Norwegian government's recognition of Sami cultural heritage (by allowing government recognized Sami to retain intellectual ownership of Sami cultural images) and Norwegian society's desire for Sami symbols. Kronenfeld explains,

The various communities each have their own special interests, but they need to (and have the urge to) speak to—and convince—a wider social universe, in which individuals measure how much each competing claim squares with their own intuitions based on their own experience and their own reasoning. This distributed 'reality' constrains the kinds of arguments that members of the different communities make...and structures the dynamic by which a coherent broad collective representation emerges from the give and take of contending communities (each of which is, itself, made up of contending individuals)" (Kronenfeld 2008: 155).

By analyzing perceptions of ethnic categories and markers, this dissertation traces the dynamic relationships that emerge as cultural identities are transformed by the political recognition of indigenous rights. As tribes play an increasing role in their neighboring communities, new interpretations of tribal communities emerge, including those disseminated by tribes, their supporters, and their political and economic challengers.

### **Organization of the Dissertation**

This dissertation is divided into two parts, diachronic and synchronic. Each part is further divided into chapters with the diachronic analysis focused on the historical relations

between the Serrano, the Cahuilla and their neighbors, as well as the feedback between cultural knowledge and political-economy that is entailed in these relations. The synchronic analysis focuses on the contemporary revitalization of the Serrano and Cahuilla, and the ongoing relations between the political-economy, sites of knowledge dissemination, and distribution of knowledge associated with this revitalization. Chapter 1 begins the diachronic analysis by discussing the socio-cultural organization and worldview of the Serrano and Cahuilla before European contact and the following shifts and fractures in the Serrano, Cahuilla and neighboring tribes during the Spanish colonization of Alta California and subsequent independence of Mexico. This historical background is essential for understanding the worldview and social organization of the Serrano and Cahuilla, and how Spanish and Mexican attempts to subdue and exploit California Indians disrupted native lifeways across the land now known as California, and how segments of the Serrano and Cahuilla were differently impacted by the imposition of Spanish and Mexican rule. This chapter builds on research from Lowell Bean, George Phillips, Clifford Trafzer, Florence Shipek and other scholars by integrating these analyses within the political-economic and cognitive framework advanced in this dissertation.

The Treaty of Guadalupe-Hildago, which ended the Mexican-American War and ceded the present-day southwestern United States from Mexico, and the concurrent discovery of gold at Sutter's Mill ushered in drastic changes for California Indians, including the Serrano and Cahuilla. Chapter 2 examines the political, economic and cultural changes taking place from this time till 1917, when the California Supreme Court ruled that California Indians were citizens. During this period California Indians, including the Serrano and Cahuilla, suffered

atrocities committed by settlers including those who migrated to this land in search of gold, and elites who influenced the state legislature to effectively legalize the enslavement of native Californians. Through disease, violence and displacement, the California Indian population was decimated by the end of the Nineteenth century, with the surviving population at this time estimated to be less than 30,000. Yet, during this time native Californians, and in particular the Serrano and Cahuilla, took actions to defend their communities and maintain their sovereignty. In the decades immediate preceding and following the turn of the century, the federal government established the currently federally recognized Serrano and Cahuilla nations, which afforded these communities a degree of protection, while the federal agents attempted to control and assimilate these populations. Also at this time, many non-Indian neighbors of the Serrano and Cahuilla grew increasingly sympathetic to their plight, even as these allies held falsely romantic notions about indigenous peoples. These partnerships ushered in a new era when the recent genocide and enslavement of California Indians were increasingly, and rightfully, recognized as grave injustices. This chapter expands previous research on this period through a semantic analysis of newspaper articles, letters, diaries and other primary documents from this era to demonstrate how Serrano and Cahuilla communities acted to preserve their sovereignty in the face of hostile policies and divergent cultural knowledge of California Indians, ranging from dehumanized stereotypes to noble savage imagery.

Chapter 3 concludes the diachronic analysis by demonstrating how through the early and middle 20<sup>th</sup> Century, Serrano and Cahuilla communities continued to practice self-governance and protest federal policies, while non-Indian Californians became decreasingly

aware that their indigenous neighbors continued to practice self-governance. Examples of indigenous activism from this time include the Mission Indian Federation (MIF), which, founded in 1919, allied Southern California tribes, especially Serrano and Cahuilla nations. This group succeeded in lobbying for California Land Claims, leading to the further acknowledgement of the illegal displacement of California Indians from their land. Likewise, Serrano and Cahuilla nations, wary of the federal government's incursion on their sovereignty, responded to federal reforms in Indian policy, such as the Indian Reorganization Act that aimed to reverse the devastating effects of the Dawes Act, by rejecting the federally prescribed tribal organization in order to preserve their sovereignty as they saw fit. By the middle of the Twentieth century, as the federal government, once again, alternated its policies to the termination of tribal sovereignty, the Serrano and Cahuilla continued to practice self-governance and activism. Yet, during this time, the non-Indian population of California continued to hold static and romantic notions of California Indians, even as California native nations pursued the expansion of their political sovereignty. The isolation of California NSNs from the wider political economy was accompanied by a shift in settler cultural knowledge toward representations of California Indians as extinct noble savages. This chapter analyzes primary records, including newspaper articles and oral histories, in order to demonstrate how the Serrano and Cahuilla worked to advance their sovereignty with the assistance of a few non-Indian allies, while the majority of California became complicit with public history projects that rendered native nations invisible.

Chapter 4 begins the synchronic analysis by first providing a history of the recent development of tribal gaming, with a particular focus on the events preceding and following

the United States Supreme Court ruling, *California vs The Cabazon Band of Mission Indians*. Then, this chapter demonstrates how actions by Serrano and Cahuilla nations shaped the spread of tribal gaming across California and the United States. Laws, court ruling, election results, and economic impact data are analyzed in this chapter to show how the economic revitalization on tribal lands impacts neighboring communities through increased employment opportunities, purchases of goods and services from local vendors, charity and other economic partnerships. Additionally, through an analysis of Serrano and Cahuilla involvement in ballot campaigns to expand tribal gaming and the impacts of these campaigns, this chapter argues that the political and economic revitalization of the Serrano and Cahuilla, like past actions to maintain their sovereignty, succeeded in part due to strategic alliances formed with neighboring and sympathetic communities.

Building on the political and economic analysis in Chapter 4, Chapter 5 examines sites where the Serrano, Cahuilla and other native nations represent themselves to the public and, likewise, how challengers to tribal sovereignty depict tribes to the public. Powwows, museums, television commercials, and informational displays in casinos, are among the avenues used by Serrano and Cahuilla tribes to educate the public about their history, and their narratives often run counter to the simplistic understandings of native nations held by many members of the public. Opposition to tribal gaming and other aspects of tribal sovereignty that appears in newspaper editorials, political commercials and internet communities provide an opportunity to explore the dissemination of cultural knowledge that is contradictory to Serrano and Cahuilla self-representations.

Chapter 6 concludes the synchronic analysis with interviews and survey data from segments of the inland California population who had various direct and indirect experiences of Serrano and Cahuilla revitalization, including tribal casino employees, neighbors and patrons, in order to demonstrate how the structure and distribution of cultural knowledge shapes, and is shaped by, the combined impacts of political-economy of tribal revitalization. While native nations and their challengers present divergent representations of tribes to the public, whether or not individuals accept or reject these representations, or augment their previously accepted knowledge on the basis of these representations, is influenced by a variety of factors, not the least of which are any potential political or economic implications of these representations. As this chapter demonstrates, the employees, neighbors and patrons of tribal casinos can hold vastly different cultural knowledge about the history of tribes and the significance of their sovereignty.

This dissertation concludes by arguing that the revitalization of the Serrano, Cahuilla and tribes across the United States challenges commonly-held assumptions about American Indians and forces non-Indians to develop new ways of thinking about their society in addition to their tribal neighbors. Cultural knowledge that was forgotten or intentionally suppressed is re-emerging in new form as the public and its institutions can no longer ignore the past and present role of tribes. However, disparities in tribal revitalization's impacts foster divergent cultural models of tribal sovereignty. As tribes play an increasing and renewed role in their neighboring communities, new interpretations of tribal communities emerge, including those disseminated by tribes, their supporters, and their political and economic challengers. Some of these, such as the framing of tribes as corporations, are novel interpretations of tribal identity;

however, they increasingly inform political and legal decisions. By documenting the co-variation of tribal casino impacts and emerging cultural models of tribes, this dissertation demonstrates how tribal revitalization is changing the way people think about tribes, and transforming the disposition of tribes in local and national culture and politics.



## **Chapter 1: Lifeways before and during the Spanish Incursion**

This chapter describes the ethnographic and historical context of the Cahuilla and Serrano prior to the United State's annexation of the southwest. The political and cultural institutions of the Serrano and Cahuilla that existed prior to European contact have shaped and continue to influence their interactions with settler populations; past and contemporary settler-tribal relations cannot be understood outside of this context. This chapter begins with a discussion of the indigenous lifeways of the Serrano and Cahuilla prior to Spanish colonization, with equal focus on the political and economic as well as the cultural organizations and relations between of their respective societies. Then, this chapter describes the Spanish conquest of present-day California, the response of the Serrano and Cahuilla to the conquests, and the resulting shifts in the structure of Serrano and Cahuilla societies. By examining scholarly literature that reconstructs the evolving organization in Serrano and Cahuilla societies prior to the American conquest, this chapter establishes the processes that facilitated the subjection of indigenous Californians during the Gold Rush era and continue to shape the relations between the Serrano, the Cahuilla and their neighbors. Contemporary Serrano and Cahuilla societies, while in many ways vastly different than their ancestors before contact, continue to reflect pre-contact attributes ranging from origin stories to federated, decentralized sovereignty.

## **Indigenous Lifeways, Reconstructed**

Before the first permanent European settlements in present-day California, an estimated 300,000 California Indians lived in Alta California, divided into at least 100 separate tribes (Rawls 1984: 6). It has been estimated that present-day California Indians are the descendents of ancestors who first settled the area as early as 11,200 B.C. (Fagan 2003: 22). Native California is unique for its cultural diversity, as noted by Rawls (1984: 6) who observed that no “area of comparable size in North America, or perhaps in the world, contained a greater variety of native languages and cultures than did aboriginal California.” Yet, little is known about the culture and society of precontact California Indians in part because of the radical restructuring and decimation of the native population that followed European contact. However, in the decades following the American conquest of California, ethnographers traveled across California, visiting many native nations, including the Serrano and Cahuilla, to record aspects of their lifeways. Additionally, documents from Spanish and Mexican government agencies provide scholars with a partial view of the cultural and demographic characteristics of California’s indigenous populations. These sources provide the basis for cotemporary reconstructions of pre-contact social organization, although ethnographers’ notes and Spanish mission documents, for example, are inherently limited, they are among the few resources available for advancing our knowledge for reconstructing aboriginal lifeways. Additionally, oral histories from tribal members, especially elders, recorded throughout

the twentieth century by later ethnographers, including Lowell Bean, provide another partial view of precontact society.

### *Subsistence*

As noted in the introduction, the environment of the Serrano and Cahuilla territories is exceptionally varied, and thus provided access to diverse ecological niches. Acorns provided the most significant source of nutrition in the diets of both the Serrano and Cahuilla. Each oak tree can provide abundant harvests yielding several hundred pounds of acorns every two or three years. Men, women and children participated in the acorn harvest. To make the acorns edible, they were crushed and then strained to leach out tannins. Once processed in this fashion, an acorn harvest could be preserved for years, which enabled communities to store food for times of scarcity. Mesquite and pinyon pines were also substantial food producing trees for the Serrano and Cahuilla. Cacti, agave, yucca, fan palms, succulents and berries, as well as other plant food, added to the diverse food base of the Serrano and Cahuilla, with many gathering activities led by women. At certain locations that suited the practice, the Serrano and Cahuilla supplemented their nutrition through agriculture, including the production of corn, beans, squash and melons; however, this agriculture was marginal, and was practiced in a few arable areas spread widely across their territories (Lawton and Bean 1968; Bean

1972:48). Serrano and Cahuilla men hunted large game, including deer and sheep, and elders specialized in hunting smaller game, such as rabbits, rats and squirrels (Bean 1972: 58).

### *Serrano and Cahuilla Cultural Organization*

Like many of the ethnonyms for California's native nations, Serrano and Cahuilla are labels the Spanish created and applied to describe populations with shared linguistic and cultural traits. These labels describe common languages and cultural knowledge and practices, including oral histories and rituals. There is no evidence to suggest that either the Serrano or Cahuilla acted as unified polities at any time prior to European contact; thus neither the Serrano nor Cahuilla can accurately be described as "tribes," according to the definition advanced by Service (1962). Sovereignty among these populations was distributed across territorially based kin groups known as sibs. Each sib divided the obligations of that sovereignty among three to ten lineages. The Serrano and Cahuilla participated in a moiety structure that was part of a broader system that stretched across the present-day southwest, dividing every sib into either the wildcat or coyote moiety. While endogamy within linguistic and cultural populations was valued, marriage outside one's moiety was culturally mandated and to meet this obligation, marriages between different linguistic and cultural populations was not uncommon. This moiety system provided an adaptive advantage in the diverse ecology of the deserts and mountains of inland Southern California by ensuring an extensive kinship network through which knowledge was exchanged and resources were distributed from population's with a

surplus in any particular resource to those in need of that resource. In this manner, when sibs and lineages that suffered periods of scarcity and environmental changes in their niches, they could rely on their neighbors, through kin relations and obligations, for support.

The *net* was the highest position in the sib social structure. Typically the first son of a *net*, became the next *net*; thus, this status was inherited through the patriline, although at times exceptions were made. The *net*'s obligations included maintaining ceremonial practices, the ceremonial house and the sacred bundle. Importantly, the *net* met with *nets* from different sibs to discuss issues and disputes regarding boundaries, marriage, war and the timing and location of hunting (Bean 1972: 105). The *net* presided over ritual gift exchanges, which operated through networks established through kin relations and typically occurred at ceremonies. The varied terrain of the Serrano and Cahuilla, in conjunction with the established boundaries of land rights, meant that each sib and, likewise, each lineage, had access to specific ecological niches. Thus, climatic cycles could provide any given lineage's territory with an abundance of resources, or a devastating drought. However, a complex network of affinal and trade alliances provided security by redistributing resources from lineages with ample foodstuff to those who were lacking.

### *Cahuilla Worldview*

As described by Bean (1972: 160) in the Cahuilla worldview the universe is divided into phenomena containing *?iva?a*, or the power or will to act, and those without it. The relations between phenomena also has the potential to be unstable or

unpredictable, and those phenomena with more *?iva?a* have a higher potential to influence the outcome of events. The Cahuilla's story of the origin of the universe illustrates the role *?iva?a* play. *Mukat* created the universe through exercising *?iva?a* as described by Bean (1972:163),

“There was conflict between *Mukat* and his creations...The Creator himself was unpredictable and unstable because he tricked people into performing acts which were harmful to them. He also violated basic moral principles by molesting *Menily*, “moon maiden” who was a mother symbol, and caused her to leave the people. The *nukatem*, also the first being created by *Mukat* and *Temayawet*, treat *Mukat* in devious ways—they spied on him, talked against him, and finally caused his death through witchcraft. This cosmological precedent justified replacing unstable or unpredictable political leaders when they behaved as *Mukat* did.

The powers the *nets* exercised developed through their control of *?iva?a*, yet the inherited powers of a *net* were not absolute and abuse of such power was often met by with the appointment of a new *net* or the fission of a sib or lineage. Sib and lineage fission was sanctioned by their worldview and served as a mechanism for mitigating conflict and restoring order when sociological or ecological factors created stressed the unity of a sib or lineage.

Thus, while the habitat of the Serrano and Cahuilla included extreme desert and alpine environments, and today many settlers might assume this area is devoid of sustenance, the lifeways of the Serrano and Cahuilla were well adapted to this environment. Sibs were sovereign, and that sovereignty was further partitioned among constituent lineages, thereby establishing both the independence and interdependence of

each group. A complex network of kin alliances ensured that lineages could rely on each other when resources were low. Their worldview obliged this reciprocity and justified the inevitable fissions among lineages experiencing social and environmental stressors. Thus, sovereignty among Serrano and Cahuilla societies, before contact, was distributed and federated, and individual sibs and lineages cooperated on political and ritual affairs, and kinship further linked disparate villages. As shown below, while European contact radically altered life for the Serrano and Cahuilla, the flexible structure of their political and cultural organization underpinned alliances that shaped, and continue to shape, society in Southern California.

## **The Spanish Conquest**

### *Spanish Missions and Military in California*

In 1769 the Spanish colony of New Spain established the first permanent European settlement in present-day California when an expedition from New Spain founded a mission and presidio near present-day San Diego (Phillips 1997: 20). Throughout the 1770s, the Spanish colony established several more missions along the coast of present-day California, which, at the time, the Spanish referred to as Alta California. The expressed goal of the missions was to convert Indians, known to the church as neophytes, to Catholicism and the Spanish language and customs, which the Spanish considered the hallmarks of European civilization. Missions also served a vital economic function for New Spain. While at the missions, the missionaries, with the aid of the Spanish military, forced Indians to farm and raise cattle, which provided the colony

resources essential for expansion. Florence Shipek's (1987) analysis of mission documents demonstrates how forced labor and food shortages at the missions resulted in a significant decline of all indigenous populations subjected to the mission experience. Frequently, Indians escaped from the missions and Spanish soldiers found and captured and, often, executed the escapees (Phillips 1997: 23). As a result of the first European settlements in Alta California, European diseases decimated the native Californian population, which had not previously been exposed to syphilis, tuberculosis, influenza and other European diseases. When native communities along the coast began to decline the missionaries looked toward inland California to find new recruits for the dwindling mission populations. The Spanish colonization of Alta California took an abrupt turn in the early nineteenth century when Mexico began its war for independence.

#### *The Mission System's Effects on the Serrano and Cahuilla*

The Serrano and Cahuilla likely knew of the incoming Spanish presence before their conquest reached their respective territories; through kin and trade networks, stories of these events would; additionally, Spanish goods began to enter indigenous trading networks (Trafzer 2002: 40). While many Serrano and Cahuilla villages, especially those established further from the missions, remained outside of Spanish control, others were raided by the Spanish military and the captured "neophytes" were forced to labor at the San Gabriel and San Fernando Missions (Trafzer 2002:43). At the missions, cattle herds often complicated Spanish agricultural pursuits, including gardens and vineyards. As a result, the Spanish established *asistencias* to raise cattle in the interior of California,



further into Serrano and Cahuilla territory (Trafzer, 2002: 45). The *asistencias* performed many of the economic functions of the missions; they did not include the missions' religious and cultural indoctrination

In 1772 Pedro Fages led the first European expedition to cross Serrano and Cahuilla territory. His journey led him through the San Jacinto Mountains, San Jacinto Valley, San Bernardino Valley and finally through the San Bernardino Mountains (Trafzer, 2002:47). Upon encountering the indigenous population in the San Bernardino Mountains, he named them Serrano, meaning highlander. Two years later Captain Juan Bautista de Anza led the first expedition to enter present-day California by crossing the Colorado River. The Serrano followed their traditional practice for welcoming visitors by giving the expedition valuable gifts including food and shells (Trafzer, 2002:48). While these first visits to Serrano and Cahuilla territories were peaceful, the military leaders claimed the land for Spain, foreshadowing the conflict to come.

As Trafzer (2002: 48) notes that "Although the Spaniards likely captured some Serranos and took them to Mission San Gabriel or Mission San Fernando, no known baptisms of Serranos took place in their homelands until 1806." However, the kidnapping of men, women and children did not take place without retaliation. In 1810, a coalition of an estimated 800 Indians, including Tongva-Gabrielenos, Serranos, and Mojaves, raided Mission San Gabriel. In 1819 Mission San Gabriel established an *asistencia*, known as Rancho San Bernardino, near present day Redlands. At the time, this Serrano village Guachama occupied this area with a population near 200 (Trafzer,

2002: 49-51). As this outpost increasingly held indigenous captives, native coalitions raided the asistencia in 1834 and 1835.

While those Serrano and Cahuilla communities that remained outside the missions retained their political and economic independence in addition to their cultural practices, the individuals that were incorporated into the Mission San Gabriel entered what Phillips (2010:140-141) calls a “foreign social environment” where they lived with others from a wide-range of linguistic and cultural groups, and between some of these groups, such as the Serrano and Tongva, longstanding disputes remained. Phillips (2010:141) finds that, “To maintain order among the disparate groups, Father Zalvidea (of Mission San Gabriel) and the other missionary divided the Indians into distinct categories based on age, gender and marital status, all of which ran counter to traditional culture, especially the practice of housing young unmarried men and women in different quarters...”. Thus, those indigenous individuals who found themselves within the mission system experienced a radical restructuring of their social organization in which the social institutions and boundaries that had maintained social stability were altered to fit the agenda’s of New Spain.

### *Conquest Interrupted: Mexico’s Independence*

Mexico’s war for independence began in 1810 and ended with the independence of Mexico from Spain in 1823; as Alta California remained on the periphery of New Spain, most of the conflict from the war took place further south (Goodrich 1926: 6). In August 1833, the government of Mexico passed the Secularization Act, which

secularized the missions including those in Alta California (Phillips 1997: 30). With the secularization of the missions, the Mexican government gave former “neophytes” the option of receiving a portion of the land that belonged the missions (Phillips 1997: 31). During this time, California Indians were citizens of Mexico, free to own property, and those who owned property could vote, although this would have been a small minority of the population (Goodrich 1926: 6). Some of the native population remained at the missions, which were converted to pueblos, while others left for the emerging population centers including Los Angeles or attempted returned to their native communities, or, at least, the remnants of those communities. Much of the land that belonged to the missions came under the ownership of a few wealthy Californios, who converted the land to private ranchos. Many “neophytes” found employment at the ranchos, where, like at the missions, they farmed and raised cattle, although, notably, rancho employment consisted of wage labor and, unlike the missions, those who worked for the ranchos were, if not bound by debt, free to leave and were not forced to adopt Spanish or Christian practices and beliefs.

At times the Californios and Indian tribes were in violent conflict with each other over claims to land. Rawls (1984: 21) explains, “as on the great haciendas of Mexico, the rancho Indians could not leave their employers if they were in debt to them, and it was commonplace for the rancheros to keep their laborers constantly in debt.” During the 1830s and 1840s an increasing number of Anglo immigrants (mostly Americans) settled in Alta California. Many of the Anglo immigrants adopted practices similar what Rawls refers to as the “Hispanic model of Indian labor exploitation,” (Rawls 1984: 69). As is

further discussed below, Anglo perceptions of, and policy toward, the California Indian population at times mirrored the perceptions of policies of Hispanic California and agents of the United States government later adopted the missions' strategies and rationalizations for exploiting indigenous labor.

### *The Serrano and Cahuilla under Mexican Rule*

The Mexican regime secularized Rancho San Bernardino in 1834 and like elsewhere many Cahuilla and Serrano "neophytes" found work for private rancheros, while others returned to live with their relatives (Trafzer, 2002: 53). Those employed by Californios practiced many of the trades learned in the missions, including ranching, agricultural and domestic activities. Especially for Serranos and Cahuillas integrated into the Mexican economy, intermarriage among indigenous cultural groups and between natives and non-natives became increasingly common as cultural prescriptions concerning marriage within language groups became increasingly difficult to maintain (Trafzer 2002: 54).

In 1842, Antonio Maria Lugo, a wealthy rancher, purchased Rancho San Bernardino from the Mexican government. His ranch, spanning 37,700 acres acquired through purchase and land grants by him and his sons, employed Serranos, Cahuillas and others from local indigenous populations. In addition to farm labor, the Lugos hired local Indians including the Cahuilla leader Juan Antonio to protect the ranch from outlaws and cattle rustlers. The employment of Serrano and Cahuilla, including tribal leaders, by the rancho aided in establishing cooperative relations between the Lugos family and

neighboring native nations. This relationship, as discussed below, served later to significantly influence the outcome of massacres that took place during the Mexican-American war.

One incident illustrates how the partnership between Serrano and Cahuilla Indians and the Lugos helped the settler's defend their land against other California natives that raided the ranch. In 1844 Juan Antonio led the defense of the rancho against a raid that, according to Mexican officials, was organized by Joaquin, a former neophyte at the Mission San Gabriel. In response to the raid, Don Benito Wilson from the neighboring Rancho Jurupa, led a posse into the San Bernardino Mountains to defeat Joaquin. The Serrano let Wilson and his men pass freely through their territory and kill Joaquin and three of his partners (Trafzer 2002: 56). Additionally, Juan Antonio frequently defended Rancho San Bernardino against raids led by other American Indians, including Utes and Paiutes who traveled to the area to rustle cattle.

### *The Mexican American War*

While present-day California did not experience battles as significant as other territories in the southwest and Mexico, it was host to a number of smaller battles from the Mexican-American war, including a few that were shaped by settler alliances with natives and that pitted California native nations against each other. For example, On December 6, 1846, a band of Californios, led by Andres Pico, attacked American troops in northern present-day San Diego County, in what is now known as the Battle of San Pasqual. After killing more than 20 American soldiers, Pico's forces stole houses from

Luiseno Indians, including the Pauma band. Now known as the Pauma Massacre, a band of Luiseno attacked Pico's troops and killed eleven of his soldiers. In response to the Pauma massacre, the Mexican army sent Jose del Carmen Lugo, from Rancho San Bernardino, to lead a force including Juan Antonio and Cahuilla under his leadership against the Luiseno. Lugo and Antonio traveled to the village of Temecula where they set up an ambush against Luiseno forces. During the confrontation, known as the Temecula Massacre, Cahuilla led forces killed between 30 and 40 Luiseno.

### **Conclusions on the transition before American rule**

As shown in the discussion above, prior to European contact, the Serrano and Cahuilla maintained self-reliant networks of sovereign polities. The initial contacts with Spanish expeditions were peaceful; violence began as Spanish Missions raided villages and kidnapped Indians. Coalitions of Indians raided the Spanish missions and *asistencias*, but this period ended abruptly when Mexico gained independence. The brief Mexican period was marked by a relative degree of integration, with many former "neophytes" finding work by employing skills they learned in the mission and the conditions of their work, even if for some they included indentured servitude, were relatively improved. With these economic relations came further social integration, as many Indians and Californios married each other. This integration, however, was markedly uneven; many Serrano and Cahuilla remained, or attempted to remain, isolated from the Spanish.

The practice of decentralized sovereignty continued, and played a significant role in shaping the Californio political-economy, especially during the onset of the war between the United States and Mexico. Political alliances often set Indians against Indians, as factions from each group became entangled in disputes between settlers and, even more so, during the war. As demonstrated in this chapter and is illustrated throughout this dissertation, European settlement in the land now known as California has always depended on indigenous resources, labor and knowledge and the structure of native nations before contact continues to underpin the dynamics of settler-native relations.

## **Chapter 2: Gold, Genocide, and Manifest Destiny**

When the United States took possession of California, the exploitation of California Indians not only continued, it intensified and diversified, leading to the near collapse of the Serrano and Cahuilla populations. The annexation of the Southwest led to novel federal approaches to the so-called “Indian problem,” including the creation of the reservation system, which was first attempted in California. These first reservations were never implemented. As described below, congressmen, backed by wealthy settlers, successfully derailed the creation of reservations in California. In the vacuum left by the absence of federal policy, competing factions of settlers swayed the California state government to support two divergent and exploitive practices: the virtual enslavement of California Indians on private ranches and the genocide of native populations residing in the state’s mountainous, gold-bearing regions. By the late 19<sup>th</sup> century, these practices gave way to policies of assimilation and an ideology of romanticism and fatalism. By describing and analyzing events, policies and cultural knowledge, through the lenses of primary and scholarly documents and literature, this chapter demonstrates how segments of the growing Anglo settler and California native populations engaged each other during the first five decades of California statehood. At this time, in the face of factions of settlers intent on exterminating and enslaving Serrano and Cahuilla nations, these nations, along with others across California, developed strategies, largely influenced by their precontact structure, to endure and maintain sovereignty. As demonstrated below, underpinning the language and discourse of Indian policies were divergent cultural



assumptions about the presumed innate moral and intellectual disparities between the native and settler populations.

First, it is necessary to understand how federal policies were evolving at the time California gained statehood, and the implications of the mostly failed attempts to implement these policies during the middle nineteenth century. Prior to annexing the Southwest, the United States federal government acknowledged native nations as sovereign polities and, as such, negotiated treaties with NSNs that mandated indigenous populations relocated to Indian Territory, a region that, while increasingly encroached upon by settler populations, existed at least nominally for NSNs to persist as sovereigns. The United States' annexation of the Southwest after the war with Mexico marked the end of the United States' conquest across North America, as the country occupied territories from coast to coast. Federal policy makers increasingly viewed Indian Territory as an unviable option for controlling the new indigenous populations under their domain, and sought to create a new framework for relating with NSNs. Unlike Indian Territory, to which native nations from diverse cultural and geographic areas were relocated and required to cooperate in shared limited governance, the newly drafted system granted and removed native nations to reservations where federal agents administered programs to protect and control native nations.

Following this new framework, in 1851 the federal government sent agents to California to negotiate treaties with California NSNs for the purpose of establishing reservations. In total, sixteen treaties were signed. If created, the total area the reservations described from these treaties would have included one seventh of California.

However, a few senators had these treaties privately sealed and reported them lost, forcing the United States Senate, in June 1852, to reject the treaties (Trafzer and Hyer 1999). Writing in 1926, Goodrich (1926: 14, 15) observed,

However, the rejection of the treaties did not restore in fact the *status quo*. Although the consideration for which the Indians bargained had failed, the land to which they had surrendered all claim was forthwith surveyed by the United States, and was gradually homesteaded and patented. The reservations provided by the rejected treaties were similarly treated as part of the public domain and opened to entry. As the land was gradually taken up by the settlers, the Indians were scattered and driven to the hills. Many years later, out of the remaining and less desirable public land, small executive-order reservations, in the main wholly inadequate as to acreage, soil and water, have been set aside for the use of approximately one-third of the remaining Indians. Unable in the main to make a living on this poor land the occupants usually hire out for wages.

Thus, the decades after the United States annexed Alta California saw a vast increase in the exploitation of California Indians their rights severely restricted. Although the treaty of Guadalupe-Hidalgo granted United States citizenship to all Mexican citizens in the territory ceded to the United States, the American Indians who lived in this territory, and were formerly Mexican citizens were denied United State citizenship (Goodrich 1926: 10). California Indians, thus, became civilians but not citizens of the United States and were denied the right to vote or the ability to testify as witnesses in court (Goodrich 1926: 11).

## **The New Order**

In 1846, Commodore John B. Montgomery, the commander of American forces in San Francisco, issued the first order governing California native nations. The *Proclamation to the Inhabitants* of California declared that “the Indian population must not be regarded in light of slaves,” but “all Indians must be required to obtain service [and] it is...necessary that the Indians within the settlement shall have employment” (Rawls 1984: 84). This proclamation, while claiming that Indians should not be enslaved, mandated that all unemployed Indians be arrested and sentenced to forced labor. This created a form of indentured servitude, which, while markedly different than the chattel slavery endured by African Americans in the American Southeast, nevertheless enforced a regime of forced labor akin to slavery by any definition. After California entered statehood, its legislature enacted laws that further entrenched forced labor policies upon the native population. As Rawls (1984: 86) explains, “they were to remain essentially what they had been under the previous regime: a subservient class of laborers. Although the delegates voted unanimously to prohibit slavery in California, their attention was on black slavery not on Indian slavery.” Thus, while there were significant differences between chattel slavery as practiced in the United States’ Southeast, the newly formed California government legalized indentured servitude for the indigenous population, and these policies quickly expanded to promote practices of forced child labor and sexual exploitation that can only be properly described as slavery.

The state's first definition of the legal status of California Indians came from Statute 133, the *Act for the Government and Protection of Indians*, passed in 1850 (Rawls 1984: 86). This act extended the policy first put forth under the *Proclamation to the Inhabitants of California*. Under the act, Anglos could not force Indians to work; however, unemployed or "vagrant" Indians were subject to arrest and all jailed Indians who could not afford to pay their own bail could have their bail paid for by a white man, provided that "the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him," (Rawls 1984: 87). A provision of this law created the system of Indian apprenticeship. Under Indian apprenticeship, white persons could acquire Indian children for labor provided that the child was an orphan, or was obtained from the child's "parents or friends" (Rawls 1984: 87). Rawls argues that the 1850 law was, in effect, a continuation of legal policies and labor practices that first began under the Spanish regime. Indeed, as noted by Helen Hunt Jackson (1883:5), whose work for California Indian rights is discussed below, the Spanish and Mexican regimes trained California Indians in skills that were indispensable to settlers, so that by the time California entered the Union, many California Indians "were so far civilized that they had become the chief dependence of the Mexican and white settlers for all service indoors and out."

Many settlers in leadership positions were aware they were the beneficiaries of the Spanish Mission's training of California Indians. For example, in 1853 The Los Angeles Judge B.D. Wilson wrote to the Interior Department describing the training California Indians received from the Spanish missions. Wilson wrote, "These same

Indians had built all the houses in the country, planted all the fields and vineyards. Under the missions there were masons, carpenters [...etc] in a word, they filled all the laborious occupations known to civilized society.” The *Sacramento Standard*, in 1860, argued for the expansion of the Indian apprenticeship system; they argued that in order to fix California’s “Indian problem,” “the most human disposition that could be made of them, is, probably, to reduce them to a mild system of servitude. Call them slaves, coolies or apprentices—it is all the same; supply them with Christian masters and make them Christian servants,” (cited from Rawls 1984: 90). In 1860 the California legislature amended Statute 133 in order to include Indian adults, as well as children, in the Indian apprenticeship system (Rawls 1984: 91). The Indian apprenticeship system was dismantled by the California legislature in 1863 (Rawls 100). Members of the California legislature frequently made distinctions between the “useful” and “wild” Indians of California. The “useful” class included those employed throughout the region, and often were the descendants of “neophytes”; the “wild” Indians were those living outside of Anglo society and, especially, were those tribes engaged in conflict with Anglo settlers (Rawls 1984: 144, 145). However, while many in the settler population sought to exploit the labor and skills of the native population, others, specifically, those who sought gold in California’s mountains, saw native nations as mere obstacles to be exterminated.

### *Gold and Genocide*

The two settler agendas for indigenous exploitation, slavery and genocide, were rooted in divergent economic pursuits and, as such, these activities were geographically

divided between California's fertile valleys and gold rich mountains and cognitively between constructions of natives as childlike population in need of discipline from forced labor and as subhuman pests to be exterminated. As the government of California encoded and supported the enslavement of California Indians on the state's agricultural fields, the state also funded militias that sought to exterminate the indigenous populations residing in the mountains. One of the better-reported conflicts is known as a Mariposa war. This series of confrontations began when a mining camp and trading post founded by James Savage along the Merced River was attacked by a local tribe. In March 1851, with the approval of the governor of California, Savage led the 200-man Mariposa Battalion. The Yosemite and other Indian groups joined the battalion, as they fought to establish settlements in inland California (Phillips 1997). Although the battalion officially ended in July 1851, violence between encroaching Anglo settlers and California tribes continued.

To describe a population as animals is to deny their humanity and, subsequently, ignore their religion, music, art and other qualities that are uniquely human. "Buck," a common Anglo label for a male Indian in early Anglo California, is a metaphor that compares the male Indian to a male deer. Reflecting on his experiences of gold miners, Fitzgerald (1881: 25) provides the following description of his encounter with a settler who boasts of the "bucks" he has killed,

"In we galloped at full speed, and as the Injuns come out to see what was up, we let 'em have it. We shot forty bucks--about a dozen got away by swimmin' the river." "Were any of the women killed?" "A few were knocked over. You can't be particular when you are in a hurry; and a squaw, when her blood is up,

will fight equal to a buck." The fellow spoke with evident pride, feeling that he was detailing a heroic affair, having no idea that he had done any thing wrong in merely killing "bucks." I noticed that this sane man was very kind to an old lady who took the stage for Bloomfield--helping her into the vehicle, and looking after her baggage. When we parted, I did not care to take the hand that had held a pistol that morning when the Digger camp was "wiped out."

Fitzgerald's (1881) account of the settler illustrates capacity for those who commit genocide to describe the atrocities they commit in blasé terms as they verbally suppress their victims' humanity. From the myopic perspective of these settlers, hunting Indians is like hunting deer. In this perspective the label "buck" is semantically extended (Kronenfeld 1996) to male Indians via the connotation that male deer, like male Indians, are prized hunting game. The genocidal settler described by Fitzgerald was not acting in isolation. As discussed above, Gold Rush miners were often engaged in violent conflict with tribes. Many Anglo immigrants did not perceive the federal government's policy of removing native populations as a valid option. The *Yreka Herald* and others advocated the genocide of California Indians:

Now that the general hostilities against the Indians have commenced we hope that the Government will render such aid as will enable the citizens of the north to carry on a war of extermination until the last Redskin of these tribes has been killed (cited from Rawls 1984: 180)

Concurrent with such calls for a "war of extermination" were beliefs that California Indians were like bucks and other animals. Rawls notes that many Anglos during the Gold Rush accepted the erroneous notion that the California Indians hibernated underground, like animals. Samuel Upham, an Anglo who visited California tribes in

1849, wrote that the “Digger...burrows in the earth like a prairie dog, and emerges from his den in the spring as fat as a grizzly” (Rawls 1984: 188). In this passage, and others like it, the California, or “digger” Indian is dirtied and dehumanized, by comparison to deer, prairie dogs and other wild animals. These labels and metaphors that compare “Diggers” to animals cannot be understood outside of their historical context. Rawls (1984) argues that Anglo miners during the Gold Rush perceived that California Indians as “obstacles” impeding Anglo access to land and gold. I suggest that the perception that California Indians were “obstacles” operated in tandem with Anglo folk knowledge that characterizes and categorizes California Indians as animals; from this perspective, if the “obstacle” is an animal, its removal or extermination is justified. These dehumanizing labels functioned to diminish the cognitive dissonance of those who took part in the genocide by providing a language to rationalize murder as a sport that served the greater good.

*The “Digger” Indian and the Semantics of Settler Labels for Indians*

Anglo settlers applied a unique label, “Digger,” for the original peoples of California and the Great Basin. Oxford English Dictionary’s (OED) (1991: 561) includes the following definition for Digger:

c. One of a tribe or class of N. American Indians who subsist chiefly on roots dug from the ground.

[First recorded usage] 1837 W. Irving *Capt. Bonneville* II. 209 Sometimes the Diggers aspire to nobler game, and succeed in entrapping the antelope. 1848



Blackw Mag. LXIV. 132 They came upon a band of miserable Indians, who, from the fact of their subsisting chiefly on roots, are called the Diggers. 1883 B. Harte Carquinez Woods vii note, Diggers, a local name for a peaceful tribe of Indians inhabiting Northern California, who live primarily on roots and herbs.

This quote, the OED's first recorded usage of Digger to refer to American Indians, is from Washington Irving's 1837 book *The Adventures of Captain Bonneville*. Here, Irving explicitly constructs a hierarchy of subsistence; antelope are "nobler game" and contrast with gathering ("digging") roots. The label "Digger" extended this hierarchy of subsistence as it constructs a class of Indians. Thus, the unmarked (or default), "nobler" Indian is implicitly associated with hunting large game. Primary historical documents suggest that at the start of the Gold Rush the term "Digger" was broadly applied to seemingly all California Indians. Thus, Anglo settler knowledge set California Indians apart and below the "nobler" natives of the rest of North America, based on the perception that they primarily forged by digging.

A former superintendent of education of California and Regent of the University of California, O. P. Fitzgerald first published *California Sketches* in 1878, which devotes one chapter of this book to describing the "Digger Indians" of California. In these passages, Fitzgerald places Indians at the bottom of humanity, and digger Indians at the bottom of the Indian category. Fitzgerald lists several points of contrast that distinguish "diggers" from other Indians. Fitzgerald gives the same etymology for digger as the OED; he explains that the label digger refers the digging for roots, in implicit contrast with the "hunting" of unmarked Indians. Fitzgerald (1881: 15) wrote,

The Digger Indian holds a low place in the scale of humanity. He is not intelligent; he is not handsome; he is not very brave. He stands near the foot of his class... It is not because he is an agriculturist that he is called a Digger, but because he grabbles for wild roots, and has a general fondness for dirt.

Again, like Samuel Upham's characterization of California Indians hibernating in dirt, Fitzgerald notes that "a general fondness for dirt," sets the so-called digger below other native North Americans along with other perceived attributes, including less intelligence, attractiveness and bravery than the rest of the native population. Fitzgerald's assumptions about "digger" Indians and what they suggest about California settlers at the end of the nineteenth century are further discussed below. In 1848 Adam Johnston, a United States subagent for California Indians reported that the California Indians,

are in general stupid, indolent, and ignorant, and in intellect far inferior to any of the tribes east of the Rocky mountains. This does not perhaps apply to the pure Indians inhabiting the more mountainous part of the country, but to those residing at or near to either a mission or a rancho (cited from Phillips 1997: 8).

Johnston's description directly compares California Indians to eastern tribes, and posits a distinction between the "pure Indians" of the mountains and the (implicitly impure) Indians of the missions and ranchos. Johnston's account suggests that he thought that the difference between the intellect of mission Indians and "pure" Indians is the result of a historical processes (e.g. the Spanish and Mexican missions and ranchos), and not a reflection of inferior biology. Below is an illustration of the Anglo taxonomic structure of "Digger" Indians.

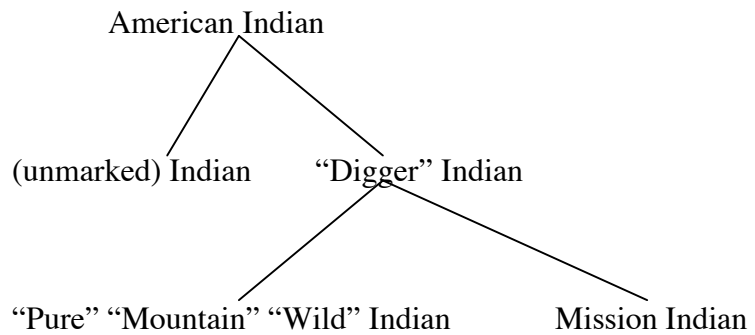


Image 2.1, Taxonomy of Settler Categories of California Indians

From a linguistic perspective, the label “Digger” is a marker of contrast between the so-called “Digger” Indians of California and unmarked, or default, Indians, those native to the rest of North America. In other words, we can understand descriptions of “Digger” Indians as implicit comparison between “Diggers” and the unmarked Indians. The further contrast between the “Pure,” “Mountain,” and “Wild” “diggers” and Mission Indians is, in effect, a binary between those exposed to and trained in European practices and beliefs by the Spanish Missions and those “pure” natives untouched by the Missions. According to Johnston, the Mission Indians were especially ignorant and lazy when compared to other “Diggers” Indians. His characterization is especially ironic given the settlers’ dependence on the labor of natives trained by the Missions; however, this perception may be understood in light of the ideologies underpinning the *Act for the Government and Protection of Indians* and Apprenticeship System, in which the purported laziness of California Indians justified forced labor in the name of advancing the population.

### **After the Gold Rush: “Sympathetic” Policies and Perspectives**

Both the apprenticeship system and state-sponsored militias ended abruptly in the 1860s, as the Thirteenth Amendment outlawed forced labor in addition to slavery, and miners excavated most of the states’ easily accessible gold. Through the spread of disease and acts of violence, the California’s native nations were decimated by the end of the Nineteenth century, with an estimated population of 30,000, which was at least one-tenth the size of their population before European contact (Cook 1976). At the time, when their population was at its nadir, California Indians formed political alliances with each other and sympathetic non-Indians lobby Congress to establish reservations across the state. The indigenous population no longer posed a threat to gold mining and no longer provided viable a labor resource, especially as immigrants from China and Mexico came to California seeking work. The changing political economy coincided with new images of California Indians in both public education and popular media that represented these populations as a vanished race. But far from extinct in the late 19<sup>th</sup> Century, California’s native nations were just beginning to regain their sovereignty. Thus, it is not without irony that at time when these tribes began successfully advancing their sovereignty, the public largely viewed them as extinct.

#### *The “Doomed” humans: Fatalism and Genocide*

While not delivered with the concrete violence of extermination or forced labor, fatalism can, in itself, serve to further cultural genocide. Whether explicitly stated or implied, Social Darwinism and related ideologies increasingly informed emerging settler

constructions of the indigenous population and often justified inaction in the face of the humanitarian crises endured by California Indians at this time. In 1881, O.P. Fitzgerald, who at the time was an architect of California's public school system and one of the first regents of the University of California, expressed his fatalism as follows:

There is one thing a Digger cannot bear, and that is the comforts and luxuries of civilized life. A number of my friends, who had taken Digger children to raise, found that as they approached maturity they fell into a decline and died, in most cases of some pulmonary affection. The only way to save them was to let them rough it, avoiding warm bed-rooms and too much clothing. A Digger girl belonged to my church at Santa Rosa, and was a gentle, kind-hearted, grateful creature. She was a domestic in the family of Colonel H--. In that pleasant Christian household she developed into a pretty fair specimen of brunette young womanhood, but to the last she had an aversion to wearing shoes. The Digger seems to be doomed. Civilization kills him; and if he sticks to his savagery, he will go down before the bullets, whisky, and vices of his white fellow-sinners (Fitzgerald 1881: 28, 29).

In this revealing passage Fitzgerald (1881) recognizes "Diggers" as humans and ascribes the savage category to them based on his purported knowledge of their physiology. It is now widely accepted that the decimation of the native population is due to both the genocide and epidemics that began with European contact; yet, Fitzgerald interprets the diseases natives succumbed to when in contact with Europeans as evidence that they are biologically inferior and civilization, in itself, caused the pulmonary affections; the purported biological inferiority of "Diggers" was matched by moral inferiority, which meant that like their bodies, their minds were becoming poisoned by vices of civilization. Thus Fitzgerald has made a categorical distinction between "Digger" Indians and other

racism because of his belief in their biological incapability with civilization. Fitzgerald does not discuss whether all American Indians, or just “Digger” Indians are poisoned by civilization; thus, Fitzgerald may have seen other Indians as civilizable, and therefore, savable. From Fitzgerald’s perspective, the biological differences between whites and natives prevent natives from becoming “civilized”; assimilation is futile and the “Digger seems to be doomed”. Thus, Fitzgerald conveys a fatalistic outlook, and even though he objects to the genocide of natives, he sees it as inevitable. Fitzgerald’s understanding of California Indian may seem paradoxical, but it is internally consistent because it posits a category of humans that are “Christianizable” but not “civilizable”. From this fatalistic perspective, God may be able to save the souls of “Diggers,” but Anglo Californians are incapable of saving them from (what Fitzgerald and others perceived as) certain destruction.

Other Anglo accounts of the Gold Rush, like Fitzgerald’s, condemn violent attempts to exterminate California Indians, even as they posit that the extinction of California Indians is inevitable. In 1855 one author wrote,

The fate of the Indian is fixed. He must be annihilated by the advance of the white man; by the disease, and, to them, the evils of civilization. But the work should not have been commenced so early a day by the deadly rifle (Sacramento Union 1855; cited from Trafzer and Hyer 1999: 48).

This author, like Fitzgerald, condemns the way that the California Indian population was decimated, but he sees their annihilation as “fixed”. The attitude expressed by this author and Fitzgerald do not call for an end to the decimation of California Indians; from their perspective, it is impossible for “Diggers” to coexist with civilization. According to

these folk beliefs about California Indians, no reservation system or government intervention could prevent their demise. While these beliefs about California Indians are fatalistic because, in according to this knowledge system, nothing can be done to stop their annihilation, they are “doomed,” present at the time of the Gold Rush, and increasing afterwards, is an Anglo understanding of California Indians that directly challenges the genocidal and fatalist perspectives.

*Sympathy and Discipline: Reservations and Education for California's "Children"*

In 1851, when federal agents sent to negotiate treaties with and establish reservations for the California Indians, two wrote that most Mission Indians had “some knowledge of letters, of stock-raising, and agriculture. We think they will therefore make rapid improvement when schools, &c., shall be established among them” (McKee, Barbour and Wozencraft 1851; cited from Phillips 1997: 95). They found that extermination was not inevitable for California Indians; rather, they argued that education would be critical for their survival and well-being. Those believing that education, not biology, was the barrier to “civilizing” Indians may have been in the minority in early Anglo California, but advocates of Indian education and assimilation grew more vocal through the turn-of-the-century. This Anglo construction of California Indian identity categorizes Indians as neither racially inferior, nor superior to Anglos. This knowledge is sometimes accompanied by metaphors and language that compares Indians to children, yet it differs from the childlike metaphors evoked by Indian Apprenticeships in that

education, along with (presumably unforced) labor, is seen as necessary for both saving the native population and integrating them into wider society.

Cornelia Taber's (1911) book *California and Her Indian Children*, which argues for both the reader and the government to have greater awareness of the California Indian population's history and present state, and of the government's responsibility to protect and educate the native population, is one example of the integration-by-education perspective that became increasingly popular around the turn-of-the-century. In a chapter titled "Present conditions, Our Responsibility and Our Opportunity," Taber (1911: 11) states that, "It is for no dying race that these efforts are put forth. With the help of even what has already been done, California Indians are now holding their own numerically". Taber (1911: 18) writes,

Every dweller in California lives where once an Indian lived; our hearth fires burn where their camp fires burned...The white race found the Indians numerous, free, self-supporting, well fed, in good health, with, in many bands, a moral code and religious belief...Neglected, despised, broken hearted, they fringe our civilization, at once a disgrace and a menace to us as a Christian people. Shall we, can we, sit down in our luxurious, happy homes, heedless of their claims? No specious reasoning claims the vesting of the rights of ownership in the man who can best develop the soil will cover the case. In that light, we Anglo-Saxons must give way before the children of the Dragon and the Sunrise, for they make a living where we but plant a flower garden.

Taber argues that the decimation of the California Indians is the fault of the Anglo population. In the passage above, Taber directly counters claims that Anglos can claim ownership of Indian land based on the premise that Europeans "can best develop the soil," because, as Taber points out, if that were the case, then Whites "must give way" to



immigrants from China (Dragon) and Japan (Sunrise) because of their superior agricultural abilities. Taber (1911: 18-20) argues that the following are moral obligations for Anglo California,

**What can we do to make the present better than the past?**

1. We can study the Indians, their story, their possibilities and their needs.
2. Among the latter we shall find **a better public sentiment**. Race prejudice is perhaps the worst disability against which our Indians have to contend...We can stretch out a friendly hand to these young travelers on the upward way; we can welcome them to church and fireside; we can help them find occupation; above all, we can believe in them and let them know that we do. The pitiful plea of an old Indian came to us, **I no animal, I a person. All I ask is a home and a chance to live.**
3. **Prayer.**
4. **Christian Teaching.** Fully 10,000 Indians in Northern California have never had a chance to hear the Gospel. They have been taught our vices, but not our virtues...
5. **Medical Aid.**
6. **Labor...**The California Indian has a very good reputation for honesty. He may be sent into the field to work alone, and will do his work without supervision, faithfully and carefully...There is no class of labor in California so reliable as Indian labor.
7. **Christmas Boxes.** One of the very best ways to help is by means of a good Christmas box...Clothing...books, pictures, Sunday School rolls, papers and cards, gay ribbons, neck-ties, handkerchiefs, toys for the children and candy for all, will bring smiles to sad faces and cheer to the hearts of the lonely workers.

It is noteworthy that Taber's call to assist California Indians is marked by two strategies employed first by the Spanish Missions: religious indoctrination and labor. While

nothing in her writing suggests anything other than the condemnation of forced labor, she notes as many others have, and as discussed above, that “There is no class of labor in California so reliable as Indian labor.” Thus, her plea to protect California Indians is framed toward political and economic leaders in terms of the economic benefit of protecting, educating and employing this population. Likewise, her Christianizing agenda, leaves no room for the maintenance, let alone respect, of California Indian worldviews. Again, here, as in previous regimes, the worldview of California Indians is seen as an obstacle that must be overcome in order for this population to survive. For Taber, knowledge about California Indian culture is not just an end in itself, but a means by which public opinion will improve. Prayer, Christian teaching, and the Christmas Boxes provide both moral and material support for California Indians as they seek to Christianize the population. The title of Taber’s (1911) book, *California and her Indian Children*, suggests both that California Indians are originally (and intimately) connected to the land, and that they are somehow like “children”. The label “children,” posits a paternalistic approach to Indians; from this perspective, education and Christianity can develop (or assimilate) Indian “children” into Anglo society.

### *Emerging Strands of Reflection in Settler Thought*

Critiques of the predominant views of California Indians began as early as settlers started arriving, and, while these critiques came from a relatively powerless minority of settlers, they provide evidence of divergences among settler thought and demonstrate, as argued in this chapter, how the predominant settler knowledge of California Indians

extended the child, animal and other metaphors to the point that the faults in these logics became apparent, even to a number of those working to advance the development of California. For example, in January 1851, the Governor of California, John McDougall, sent J. Neely Johnson to Mariposa County to organize the Mariposa Battalion and negotiate with the local tribes. After meeting with the tribes Johnson explained,

While I do not hesitate to denounce the Indians for the murders and robberies committed by them, we should not forget that there may perhaps be circumstances which, if taken into consideration, might to some extent excuse their hostility to the whites. They probably feel that they themselves are the aggrieved party, looking upon us as trespassers upon their territory, invaders of their country, and seeking to dispossess them of their homes. It may be, they class us with the Spanish invaders of Mexico and California, whose cruelties in civilizing and Christianizing them are still traditionally fresh in their memories” (cited from Phillips 1997: 62).

Johnson asks for others to imagine the perspective of California Indians. He suggests that in the minds of the Indians the Anglos are like the Spanish and Mexicans. Underpinning the request for Anglos to imagine the Indian’s perspective is the assumption that Indians can feel the same emotions as Anglos. In Johnson’s worldview, like Faber’s, Indians have the same cognitive capacity as Anglo Americans. This view contrasts sharply with Johnson’s contemporaries who saw California Indians as racially inferior.

Echoing Johnson’s perspective, the article “Indian Curiosity,” published in 1872, challenges the predominant racial hierarchy of the Gold Rush by describing a

commonality between Indians and Anglos. The author (*The Daily Alta California* 1872) explains,

It is the fashion to believe in the impertubality of the “noble red men,”—that he can look on unmoved at anything, suppressing all emotion, no matter how much he may be affected; but, as they say on the street, when this is investigated it “won’t wash;” they are just as susceptible as other races; and wish as ardently to have their curiosity gratified. When the Apache and other Indian chiefs were sitting for their photographs in Bradley & Rulofson’s gallery, Max Bachert had the greatest difficulty in keeping them quiet—they wanted to look in the instrument, and followed the artist whenever he turned his back on them for an instant. The usual grunt of satisfaction was given when the negative was shown to them, though even then they wanted to put their fingers on the glass. In this instance, at least, the noble scalper exhibited as much curiosity as his pale face brethren.

This article critiques the label and stereotype of “noble red men,” and offers examples of the Indian chiefs’ curiosity as a point of commonality between the “noble scalper” and “his pale face brethren.” The author of “Indian Curiosity” and Johnson challenge the predominant racial taxonomies of their time by critiquing the notion that Indians are innately inferior. Unlike Faber (1911) or the Spanish missions, their claims of racial equality are not accompanied by an assertion that Indians should be assimilated or exploited for labor.

Goodrich (1926) describes the historical *milieu* of early Anglo California. In his discussion he reviews possible influences on the Anglo immigrants’ attitudes toward California Indians. Goodrich (1926: 7) states,

The bulk of American immigration to California, following upon the Mexican War and the discovery of gold, was strongly race-conscious. It suffered from...

“a diseased local exaggeration of our common national feeling toward foreigners...a hearty American contempt for things and institutions and people that were stubbornly foreign”...They could not, in their nature, be overly sympathetic with the duskier-hued occupants of their promised land. And if Mexicans weren't “human beans”, what were Indians? Many of the early Americans, coming overland, had suffered at the hands of hostile tribes west of the Sierras...Only by having in mind this potent race complex of the average forty-niner is it possible to understand the sudden change that took place in the position of the California Indian.

Goodrich (1926: 7) reflects on the various elements that influenced the American immigrants' perception of California Indians; he lists: 1) “the immigration from Europe and the nativist parties,” 2) increasing discord in Federal government regarding slavery, 3) the Wilmot Proviso (a failed Federal law that would have outlawed slavery in newly acquired United States territory), 4) “the fact that California was part of a ‘conquest’”, and 5) “the fact that the Hispanic occupants of California were darker in skin, of a different religious communion, and of an easy-going temperament.” Particularly informative is Goodrich's suggestion that the concurrent debate about slavery in the United State influenced the Anglo immigrants perception of California Indians. The failed Wilmot Proviso would have outlawed slavery in California, and other political initiatives challenged the possibility that African-American slaves could be brought to the new territory. Many of the land-holding Anglo immigrants began to see the indigenous population as a potential source of cheap labor.

## **Serrano and Cahuilla Survival During and After the Gold Rush**

For the Serrano and Cahuilla, the events during and after the gold rush laid the foundation for their eventual reorganization and revitalization. Details about the activities of these groups during this time are sparse, however, those who lived near the growing Anglo settlements were subject to the forced labor and apprentice policies of the early California state, while those residing in the mountains fell victim to assaults by militias seeking to exterminate the area's native populations. The events following the United States' conquest of the southwest dramatically shaped the future of the Serrano and Cahuilla nations. While the histories of these communities during this time could be the subject of multiple dissertations, the remainder of this chapter focuses on the band of Serranos lead by Santos Manuel, one of the better documented accounts of native strategies for maintaining sovereignty in the face of intense pressure and violence by settlers. The next chapter will provide a more in depth discussion of Cahuilla nations during the turn-of-the-century.

### *Serranos under Santos Manuel*

After the secularization of the Spanish Missions, many Serrano returned to their ancestral homes. However, not long after their return, settler militias intent on exterminating all natives in the mountains embroiled them in a conflict between settlers and Chemehuevi's that culminated in a month-long sweep of the mountains. The conflict began in 1865 when the children of a two settler families went hunting with four Chemehuevi boys who were "adopted," by the settlers' families, which, as Trafzer (2002:

63) points out, was a euphemism for the enslavement of native children. A fight broke out between the boys and a Chemehuevi boy shot the settler child in self-defense. When relatives of the settler boy led an expedition to ostensibly return the Chemehuevi boys to their families, one escaped and the three other boys were murdered and their heads placed on stakes at the Las Flores Ranch in Summit Valley (Trafzer 2002:63). In retaliation, a band of Chemehuevis attacked settlers operating a toll road through Cajon Pass. Later, groups of Chemehuevis moved into the San Bernardino Mountains, where many Serrano resided peacefully apart from the settlers below. From the mountains, the Chemehuevis staged raids on settler ranches, raiding livestock, resulting in the deaths of four cowboys, and causing settlers to flee the area of Summit Valley (Trafzer 2003:64). The Chemehuevi then focused their attacks on settlers and sawmills in the San Bernardino Mountains. These raids fomented a hysteria that swept the San Bernardino Valley and settlers united to form a militia intent on ridding the San Bernardino Mountains of all Indians.

In 1866, in a thirty-two day sweep of the mountains, the settler militia indiscriminately targeted all Indians, regardless of age, gender or cultural affiliation. Thus, the Serrano, who had resided in the mountains to avoid contact with settlers and were not involved in the Chemehuevi raids on settlers, suffered immensely as the militia sought their extermination (Trafzer 2002:66). While the number of Serrano killed during the onslaught is unknown, their population is estimated to have dropped from 3,000 precontact to between 150-200 by the end of the nineteenth century, no doubt caused by a combination of the spread of new diseases and violent persecution. Seeking to escape the

settler militia, a band of Serrano led by Santos Manuel moved out of the mountains to the foothills to the north of San Bernardino. Santos Manuel led the move, ironically toward the settlers who they had sought to avoid in the mountains, in order to demonstrate that they were peaceful and would live near the settlers without instigating conflict. Living along on the outskirts of San Bernardino, many members of Santos Manuel's band found work in the homes, orchards and ranches own by local settlers and Serrano women earned additional cash by making and selling baskets. Eventually, their village became known as San Manuel, after their leader.

In 1877, the federal government established the Mission Indian Agency to govern and administer to the native peoples in Southern California and in 1879 the agency was tasked with locating land suitable for Indian reservations, however, the processes of creating reservations was slow and disjointed, resulting in some tribes receiving reservations years before others, most reservations restricted to the poorest lands, and many native communities receiving no recognition at all (Trafzer 2002: 73). At this time, Serrano alliances with sympathetic settlers proved vital to the federal government's creation of a reservation for the people of San Manuel. In 1890, under pressure from these settlers, including Helen Hunt Jackson's monograph *A Century of Dishonor*, President Benjamin Harrison signed "An Act for the Relief of Mission Indians in the State of California." The act established a board of commissioners to designate reservation lands for San Manuel and other "Mission Indians" (the governments term for the native peoples of Southern California, despite the fact that few lived through the mission experience). The commission became known as the Smiley Commission, after



its head, Albert K. Smiley, a Quaker and wealthy resort owner from New York, who had lived part-time in Redlands, California, near San Manuel and other Serrano and Cahuilla peoples. Without money to purchase land, or power to remove non-Indians from proposed lands, in 1891 the Smiley Commission began surveying lands for a potential reservation for the San Manuel band.

On its first visit to San Manuel, the Commission identified eight families and forty individuals total living in the band, on land which Smiley had described as “worthless dry hills” (Trafzer 2002: 77). While their land bordered a large fertile valley, settlers, leaving for the band the steep non-arable hills to the north of the San Bernardino Valley, claimed that land. A small spring enabled the band to develop a modest orchard, which, in addition to wage labor for nearby businesses, provided food and resources for the village. The Commission found an area of land, known as Section 20, that included most of the village, would be suitable for a reservation and submitted their recommendation to the Commissioner of Indian Affairs in December 1891, and in 1893 President Grover Cleveland signed into law the formal recognition of the San Manuel Reservation (Trafzer 2002, 80), although many settlers challenged the precise boundaries of the reservation for decades to come. In total, the reservation was 640 acres, although only five to twenty were suitable for farming and could be irrigated from a small spring that the band retained the rights to. The Mission Indian Agency encouraged San Manuel to pursue agriculture in order to become self-sufficient; however, the land the received was grossly insufficient for agriculture.

It is important to note the success of Santos Manuel's strategy of moving his band toward the settlers who persecuted them. Living in the mountains to avoid settlers kept them out of harms way until the settler militia sought the indiscriminate extermination of all Indians. By living close to the settlers and working for them, those who lived at San Manuel were able to make visible their peaceful intentions and build alliances with sympathetic settlers. As argued throughout this dissertation, visibility challenges simplistic folk knowledge. The stereotype of Indians being lazy and violent savages become increasingly untenable for those who live next to and hire Indians; those who are not exposed, never have their assumptions challenged.

### **Putting it all together: Folk Knowledge, Assimilation, Extermination and Slavery**

As demonstrated throughout this chapter, primary texts reveal divergent Anglo constructions of California Indians and the distribution of knowledge structures correspond to the conflicting and evolving political agenda of those who mobilize them. Early Anglo settlers in California could not legally import African American slaves from the United States southeast. However, California had a legacy of forced labor before the Anglo immigration. By exploiting California Indians, as had the missions and ranchos before them, and by implementing the Indian "apprenticeship" system, the California Legislature created system of legal forced labor in a nominally "free" state (and in a nation-state veering toward a civil war over slavery). When California was ceded to the United States, both the systematic exploitation of Indian labor and the folk belief that forced labor somehow educates or uplifts "neophytes" or "apprentices" endured. But, as

the century progressed, the metaphor that Indians are children took on a new meaning and significance. Faber and others mobilize Anglo taxonomies that humanize California Indians when they condemn the genocide of California Indians. The metaphor that Indians are children was transformed from a justification of forced labor to a rationale for Christianizing, educating and otherwise assimilating Indians. Ultimately, perception was not determined by language; there were outspoken critics of the genocide of California Indians during the Gold Rush who pointed out obvious examples of the Indian's humanity. There is no reason to think that those who supported the extermination of California Indians were cognitively impaired and unable to distinguish between the native population and deer or "bucks". Rather, the authors of the primary texts discussed above express their agency in their construction and mobilization of folk knowledge of California Indians in order to advance their various political and economic agendas.

### **Chapter 3: Cultural Forgetting in the Midst of NSN Activism**

For the Serrano, Cahuilla and settlers of Southern California, the early twentieth century is marked by a severe irony: at precisely the same time that NSNs began to recover from the violence and disease of the previous century and to pursue the revitalization of their sovereignty, the settler population began a process of cultural forgetting wherein the fatalism of the previous century grew into the widespread myth of the Indians' extinction. This chapter investigates the processes that underpin both the earliest stages of NSN revitalization and the growth of settlers' ignorance of the surviving native peoples in the midst. It asks the question: how could settlers have become increasingly unaware of their native neighbors at precisely the same time those NSNs activism sparked national reforms in federal Indian policies?

To begin, it is helpful first to review the propositions from cognitive anthropology that could account for such a disparity between the actions of a group and the understanding (or misunderstandings) of that group held by their neighbors. From this perspective, cultural knowledge consists of assumptions distributed across a population. While cognitive anthropology has primarily been concerned with the spread of specific assumptions, the question here entails the dissipation of cultural knowledge, that is, the forgetting of knowledge that is not necessarily replaced with any new knowledge; rather, as I argue is the case of settler cultural knowledge of Southern California NSNs in the early twentieth century, previous assumptions (however inaccurate they were) evaporate and settlers, with a few notable exceptions, were not cognizant of the actions taking place in the native communities scattered across the region. Thus, in this chapter I propose that

cultural forgetting can be understood as part of the same processes entailed in the distribution of cultural knowledge; it is, simply, the reverse of knowledge distribution. I assert that the process of cultural forgetting is largely unconscious, and is always associated with shifts in social processes that diminish the perceived utility of not just previously held knowledge, but the entire domain of which that knowledge was a part. If cultural knowledge is to be thought of as a tool for individuals to process and use in articulating information toward a given purpose, cultural forgetting entails a shift from away from the social utility of that knowledge, at least within certain segments of society. For whatever cultural, political or economic reasons, specific bundles of cultural knowledge no longer serve the purpose that they once did; thus, that knowledge is employed with decreasing frequency to the point that it does not sufficiently maintain a level of shared awareness. As that cultural knowledge loses its functionality within a population's discourse, that knowledge may fade away, causing something akin to widespread amnesia. What was once known (as in, assumed to be true) among a given population is not only no longer known, members of that population may not recall that they ever held that knowledge. The forgotten cultural knowledge may be replaced with new knowledge, or the entire domain of knowledge may fade from discourse, as individuals turn their attention elsewhere.

This chapter advances the argument that the concept of cultural forgetting is necessary for understanding radical shifts in non-Indian knowledge of NSNs from the beginning of the 20<sup>th</sup> century through contemporary NSN revitalization. During this time, media, education and other information sources paid decreasing attention to

contemporaneous Serrano and Cahuilla sovereignty. Unlike before the turn-of-the-century, when the Serrano, Cahuilla and other California native nations regularly made headlines in local newspapers, the visibility of California NSNs to most settlers was significantly lower during the early through middle 20<sup>th</sup> century. Even though many members of these NSNs integrated into local economies through wage labor, this integration did not increase the visibility beyond those whom they worked with; and, as shown below, even for those settlers who employed Indians their knowledge of Indians was often simplistic. Additionally, unlike the first decades of California statehood when indigenous labor underpinned most agricultural pursuits, the influx of immigrants from Mexico and China decreased the proportion of Indians in the workforce, further decreasing their visibility. For the rest of the settler population, that is, those without regular contact with NSN members, the native peoples of Southern California became increasingly invisible, which may be understood partly as the result of the self-imposed isolation of many NSNs, who, for good reasons, became wary of the interactions with California's growing settler population. Here, cognitive dissonance may also play a significant role in cultural forgetting. California entered the union as a "free" state. Democracies cannot, by definition, wage genocide against their own people. Thus, the policies of slavery and genocide that California implemented only a few decades prior, contradicted the cultural values that justified the expansion of the United States. After these policies succeeded in removing California natives from the lands most suited for development and immigrant labor began replacing that of California Indians, any memories of these policies would lay in direct contradiction to the values of settler

society. Forgetting such injustices would mitigate the contradiction between those injustices and the settlers' cultural values. Thus, not only may the functionality of settler knowledge of Indians been in decline, but the surviving NSN populations, and the poverty they endured, may have evoked the contradictions between the practices that enabled Anglos to settle California and the ideologies that justified the settlement; with the NSN populations interacting, on the whole, less with settlers than previously, forgetting their neighboring NSNs exist would have reduced this cognitive dissonance within the settler population, enabling them to avoid reconciling the ongoing injustices faced by NSN with settler beliefs in democracy.

First, this chapter provides a case study from the land now known as Joshua Tree National Park in order to demonstrate the structure and implications of native labor for settlers during the early twentieth century. Then, this chapter discusses the organizations and activism, including the Mission Indian Federation, of NSNs in Southern California that laid the foundation for revitalization of NSN sovereignty. Finally, this chapter concludes with a section on the cultural forgetting of the growing settler society, the political, economic and cognitive processes at play in this forgetting, and its implications for the future of NSN and settler interaction.

### **Cooperation and Conflict in the Land Now Known as Joshua Tree National Park**

The land now known as Joshua Tree National Park (JTNP) was home to many native nations who provided resources and knowledge crucial to the success of early settlers. The following analyses relations between these settler and native communities.

Presently, Joshua Tree National Park is slightly larger than the state of Rhode Island, and includes almost 800,000 acres across both Riverside and San Bernardino Counties and includes two desert ecosystems, the Mojave and the Colorado (National Park Service 2012). The Serrano, Cahuilla, Chemehuevi and Mojave nations each have ancestral ties to this territory, including at least one permanent settlement at the Oasis of Mara, just south of the City of Twentynine Palms. I collected the data presented in this section during my time as Ethnography Intern for the Park's Cultural Resources Division and through support from the Joshua Tree National Park Association's Robert Lee Graduate Student Science Grant. The analysis below, derived from oral histories, archaeological records and historical documents, focuses on only a few sites in the Park where data was accessible; however, as indicated throughout this section, many sources, especially oral histories, remain unexplored; thus through future analysis could prove very fruitful for advancing our knowledge of settler and native relations. The data analyzed here illustrate how beginning in the late 1860s, when miners and ranchers began to settle in the land now known as Joshua Tree National Park, tribal communities were not only present, they contributed knowledge and resources necessary for settlers to survive and, for a handful, to prosper.

The first European Americans to make contact with the land now in JTNP was a survey team led by Colonel Henry Washington in 1855. When he encountered the Serrano village at the Oasis of Mara, he renamed the area Twentynine Palms. Growth in this area was slow over the next decade. Incoming settlers met tribal communities at time of rapid population decline caused by disease and displacement (Greene 1983: 6). The



Oasis was the only permanent source of water for miles and enabled the Serrano to pursue agriculture for generations. However, the Serrano fled the area during a smallpox epidemic from 1862-1863, after which a band of Chemehuevi moved to the Oasis of Mara, and shared it with the Serrano on their return. This tribal community, containing two cultural groups, lived with an increasing presence of Anglo migrants in adjacent Twentynine Palms (Bean and Vane 2002). Beginning in 1865, the prospect of gold mining and cattle ranching, along with Homestead Act brought a steady wave of settlers to the land of JTNP. Mining began in the park area, with the first mining claim filed in 1865. Cattle ranching began in the park in the 1870s, peaking in the 1920s. At the turn of the century, when California Indian populations were at their nadir, evidence suggests that tribal communities supplied the labor that fueled significant mining as well as ranching operations and continued to use resources on park land. In 1936, the shift to National Monument status shut down the mines in within the Moments borders and closed the land to homesteaders. Little has been written about the tribes living on this land during the postcontact, pre-Monument period. However, as demonstrated below, multiple lines of evidence reveal two strands of these relations: the diversity of settler attitudes about their indigenous neighbors and the ways in which the settlers' livelihood depended on their indigenous neighbors (Green 1983: 23-28).

### *Lost Horse Mine*

Lost Horse Mine employed as many as fifty Cahuilla from the Torres-Martinez Reservation, making the mine potentially the most intensive site of native labor in the present day park boundaries. Beginning operations in 1894, Lost Horse Mine produced and milled, at the site, over 10,500 ounces of gold (which, in the Fall of 2012 would be worth over \$17,000,000), making it by far the most prosperous mine in the area. The water pumps and boilers that initially powered the mill ran on locally harvested wood, but that was replaced by a gasoline engine (although sources disagree on the timing of the switch, with claims ranging from 1903 to 1920). The ten 850-pound stamps crushed ore all day and night, and an immense amount of firewood was necessary to keep the operation running (Greene 1983: 204). Below is a photograph I took of the mill in the Spring of 2011.



Image 3.1 Lost Horse Mine

The few oral and written accounts provide some descriptions of the role of Indian labor in fueling the operation. Maud Russell (ca 1920 : 7), a frequent visitor to the Twentynine Palms who later retired to the area, wrote in her *Yesterdays of Twentynine Palms*,

Chief Fig Tree John was the chief of the tribe that cut the wood for both the Desert Queen and Lost Horse Mines. For the two mines they employed about fifty men for that work, keeping the boilers running. The Indians did nothing but chop wood, for it took a lot, and it was from very large trees.

This passage, along with the additional sources quoted below, is striking both for the size and intensity of Indian labor described, and for the reference to “very large trees.” Today, visitors to the environs of Lost Horse Mine and Desert Queen may be surprised to learn that large trees used to grow in this area. However, a visitor to this area in the late nineteenth century would observe the stands of Juniper and Pinyon Pine Trees that populated the area. Those seeking to develop a gold mine and mill saw these trees as an ideal source of fuel. Additionally, Russell’s reference to Chief Fig Tree John’s tribe suggests that the workers came from the Torrez-Martinez nation, whose territory spans the portions of the Salton Sea and present-day Mecca.

Other sources further suggest that leaders of the Torrez-Martinez nations and the mines owners, Jim Fife, reached an agreement for the procurement Indian labor. The Historic American Engineering Record, or HAER (1992:7) reports that Fife had a relationship with Indians near Mecca before he became a partner at Lost Horse Mine. The report finds that,

In Mecca, on Tignman's recommendation and with his assistance, he [Fife] opened a trading post that served local agricultural and mining operations. Business was insufficient to support his family, so Fife supplemented his income by working at the salt mines at Salton and at other mines in the area. He also drove a 20 mule team monthly to Los Angeles for supplies, which he then traded for crafts, blankets, baskets and firewood stockpiled for him by local Indians

An article written by Fife's sons, Edward and Donald Fife (1982), and published by the South Coast Geological Society provides further details of his partnership with Fig Tree John to harvest firewood at Torres-Martines. The Fife's (1982: 458) explain,

A 20-mule team with the standard jerk line was driven monthly, or as often as necessary, into Los Angeles for supplies. Indian crafts, blankets, baskets and firewood (ironwood) were traded for goods in Los Angeles. Ironwood was picked up along the route to Banning Pass. Jim made an arrangement with Figtree John and his tribe to stockpile the ironwood between trips.

From these sources, we learn that through Fife, and potentially other settlers, Fig Tree John organized a network to trade Indian made goods with communities as far away as Los Angeles. Of particular relevance here is the inclusion of firewood in this trade and the involvement of Banning Pass tribal communities in addition to Torrez-Martinez. Thus, an arrangement to hire a crew of Indians to harvest firewood at Lost Horse Mine may have been an extension of previous trade agreements between Fife and Fig Tree John.

While the HAER (1992:47-48) report on Lost Horse Mine does not address the role of Indian labor, it does describe evidence of the extensive harvesting of wood from

the land around the mine. The HAER report describes the timber and fuel procurement for Lost Horse Mine as follows,

Archaeological reconnaissance of the mining site and surrounding four-square mine area located numerous cut timbers of pinyon pine and juniper, as well as the ax-cut stumps and trunks of very large trees. Presently, pinyon and juniper trees are extremely small and are more properly described as bushes, except in well-protected and isolated canyons. It appears that before the initiation of mining in the 1890s, a mature pinyon-juniper stand existed in the Lost Horse Mountains. Requiring mine timber and wood fuel, miners scoured the local mountains for suitable wood. In the more inaccessible canyons, remnants of very large, ax-cut trunks can be observed. Only relatively small pieces of timber could be removed from such localities. Large trees, trunks or stumps are absent from areas more accessible to horse, wagons and vehicles. Therefore, local vegetation probably has been substantially altered and regrowth has not yet occurred.

From the HAER report's description of the significant, and likely permanent changes to the landscape, one can infer the degree of intensity of labor involved in harvesting firewood for Lost Horse Mine. The affected area is estimated to be at least four-square miles, and likely involved whole trees being removed with the assistance of horses and vehicles, while trees in harder to access areas were harvested by hand and axe.

Linda Greene's report provides a further, although brief, description of the Indian's involvement. Greene (1983:257) cites Chester Pinkham as the source for her claim that "A crew of Mexicans and Indians was kept busy chopping juniper and pinon pine for fuel to run the mills, hoist ore, and pump water. Supplies came from Banning, Sixty-five miles away." In addition to noting how firewood powered key parts of the mining and milling processes, Greene's report further suggests that the Mexicans labored

alongside natives. Patricia Parker Hickman's (1980:49) history of the mine corroborates Greene's inclusion of Mexicans as workers harvesting wood for the mine. Hickman (1980:49) quotes Chester Pinkham ("History of Lost Horse Mine," unable to locate) as having written that "a crew of Mexicans and Indians cut juniper, cedar, and pinyon pine from the adjoining hills."

Additionally, Reino Clark's interview with Jim Hester, a cowboy who worked near Lost Horse Mine during its operation, further suggests the presence of Mexicans working alongside Indians harvesting wood; however, Hester expresses doubts in his own story, which appears grossly exaggerated. In the interview (1975:14), Hester said,

I couldn't get on the witness stand and say, yes, I know he killed so and so, but the gossip was that they had the killing up there and the gossip also was that Ryan would get these Indians and Mexicans up there and work the devil out of them and then when he got ready to pay them off, he'd kill them and bury them instead of paying them off. Now that was the gossip among the cowboys. But I couldn't testify to anything like that. It may be a lot of hooley.

Taken by itself, Hester's account could be seen as a complete fabrication. The only aspects that are corroborated by other sources is the employment of Indians and Mexicans; there are no mass burials in the vicinity of Ryan Ranch or Lost Horse Mine. Hester's accusation that Ryan exploited, then murdered, his employees may reflect a rivalry between Hester and Ryan (oral communication from Park Curator, Melanie Spoo). Yet, when taken with the evidence presented above, Hester's account does provide further corroboration that labor provided by Indians as well as, potentially, Mexicans, was intensive and crucial for the success of the mining operation.

Currently there is scant archaeological evidence of Indian labor at Lost Horse Mine or Ryan Ranch. However, at one site (Riv-350/H) near Ryan Ranch, not far from the Lost Horse Mine, a metal hatchet was found at a rock shelter fortified with masonry. The site record's interpretation suggests the area was a prehistoric short-term habitation site that was occupied during the historic period, potentially when Ryan Ranch was in operation. Thus, while limited, this provides evidence that Indians lived in close proximity to settlers and possessed tools that would have been used to process firewood or pursue other work for the settlers.

While the data presented above do not present a clear image of the labor conditions for those Indians who worked at Lost Horse Mine, multiple independent sources corroborate not only the presence of Indian labor at the mine, but also the intensity of that labor and its necessity for the success of the mine. The gold strike at Lost Horse Mine was powered, first and foremost, by Indian labor. The trees harvested are sacred in the religion of the Cahuilla. However, by the turn-of-the-century, the Cahuilla has lost access to their ancestral hunting and gathering grounds. With few avenues for procuring food, and an increasing need for cash as they became enveloped in the settler economy, destroying trees sacred to them would have been a last resort for survival. While the harvesting of these juniper and pinyon trees led to irreversible environmental damage, the cash Indian laborers earned from their work not only supported their survival, it, like wage labor performed by Serranos and Cahuilla across Southern California at this time, also provided resources necessary for activism, which, described elsewhere, laid the foundation for their future revitalization.

### *Relations at the Oasis*

The Oasis of Mara, being the only permanent native settlement and source of water for miles, was a center of native life before contact and a site of contention as settlers arrived. When settlers began herding cattle in the area, they began depleting the food source for the game that sustained the Indians, forcing them work for wage labor in order to provide for themselves. The plight of the Indians became even more severe in the 1870s when the Southern Pacific Railroad Company, which sought ownership of significant sections of land in the area, claimed ownership of the Oasis and denied the Indians access (Trafzer et al 1997: 44). Pressure mounted on the Indians as settlers began to squat around the oasis and draw on its limited water supply. Because of their remote location away from other tribes that had been recognized by the Smiley Commission, it was not until 1890 when the Commission focused its attention on the Indian community at the Oasis. In 1895 the Commission registered the patent establishing the reservation at Twentynine Palms; however, the reservation did not include the oasis itself but a barren area immediately to the south. Despite the fact that their reservation did not include the oasis, they continued to live in the area and rely on it as a much-needed source of water. The accounts presented below suggest that while settlers continued encroach on the land and draw on the limited water supply, many acknowledged its use by Indians. Mission Indian Records indicate that in 1899, the reservation had twenty-seven residents (Greene 1983: 44). Beginning in 1908, when the Office of Indian Affairs began forcibly enrolling many Indian children in schools, many of the children at the Twentynine Palms Reservation moved to the Morongo Reservation where they attended the St. Boniface



School. Elders, including Jim and Matilda Pine, stayed behind at the oasis (Trafzer et al. 1997: 85). In 1910, as part of an effort to bring the Twentynine Palm Band closer to other reservations, and thereby give the Mission Indian Agency greater access to the Band, the federal government added 640 acres to the Cabazon Reservation, in the Coachella Valley, near Indio, and encouraged the Twentynine Palms band to relocate there (Trafzer et al 1997:95). By 1912 the Twentynine Palms Band vacated the reservation near the oasis and settled on the Cabazon Reservation; however, evidence, some of which is present below, suggests they remained in close contact with the oasis and the land now part of JTNP.

Written and oral provide a glimpse into the sources of strife and how such conflicts played out as settlers began encroaching on the Oasis of Mara. For example, one article that appears in an edition of *Desert Trails* from 1972 tells the story of Phil Sullivan, who came to the area in 1898. The passage from this article, quoted below, illustrates some of the dynamics of Sullivan's relations with the tribal community at Twentynine Palms. While the article itself was written decades later and its veracity unclear, it can be viewed in itself as a primary source for how the history of these relations was represented to readers of *Desert Trails*, mostly area residents, in the early 1970s.

He was well acquainted with the Indians, he found that they knew a good deal about agriculture. They raised huge watermelons, beans, cabbage and fruit trees, with water from the several springs at the Oasis. Phil got along well with them for the most part, because he could speak Spanish, a language they used besides their Indian tongue. Captain Jim Boniface, the early Chief, was a close friend of Phil's, but his successor, Jim Pine, proved another matter. As Chief, Pine

declared, “todo tierra es Indio”—all the land belongs to the Indians, and kept sneaking down while Phil was away, and pouring dirt down his well. One day Phil hid out to watch him, after pretending to leave his place. He caught the Chief in the act, and promptly sent the hard toe of his boot into the Indian’s rear. There was no more trouble after that. Shortly afterwards, the Indians left the Oasis. Sullivan knew all about the waterholes and underground streams, from having lived among the Indians.

First, this passage is notable because it attributes Sullivan’s knowledge of area waterholes and underground streams, resources that he and other settlers would have depended upon for survival, to his acquaintance with the Indians at the Oasis. The purported conflict between Jim Pine is not corroborated with any other sources I am aware of, but it does indicate that the historical narrative, as retold in the *Desert Trails* issue, highlights the perceived variations between conflict and cooperation between settlers and the tribal community at the oasis. Sullivan’s acquaintance with the Indians is attributed to his knowledge of Spanish, and the passage implies that language was a barrier for communication between most settlers and the Indian community.

Maud Russell also wrote of the friendship that developed between one of the earliest settlers to arrive in the area, Bill McHaney, and Jim Waterman, a leader of the tribal community at the Oasis of Mara. She explained,

“One day when they were working at the Desert Queen Mine Bill McHaney showed Jim Waterman (Indian) some of the ore, and he, Jim, said ‘I show you ore like this, enough too, for many white men.’ Apparently he thought it took a lot of ore to satisfy a white man. The Indian, Jim Waterman, took Bill McHaney to the place where this gold was supposed to be, showed him a hill, and Bill dug

there for thirty-five years but never found it. The trenches he dug may still be seen.”

Accounts of this story are published elsewhere, and each notes the intensity of Bill McHaney’s trust of Jim Waterman in his pursuit of the gold. McHaney may have had good reason to have faith in Jim Waterman’s advice on locating gold, because sometime in late 1880s, Indians at the Oasis showed him the location of a nearby Spring at Pinyon Well (Greene 1983: 44).

### *Bill Keys*

Bill Keys was an assayer who, in 1910, moved to the Desert Queen Mine, inside the current Park boundaries, which he later came to own. His interviews, conducted by park rangers in the 1950s and 60s, are as colorful as perplexing. No doubt Keys came to know many Indians as the Oasis and the wider area very well; however, his accounts often reflect more of his imagination than reality. Yet, his interviews, especially when contrasted with other accounts, illustrate the diversity among settler perspectives of the surrounding native communities. One interview, excerpted below, shows some of his perspective and reported experiences. (*Bill Keys Interview 1960*)

SS: Were the Indians up around in here, when you first came? Up around this area or just the Oasis?

BK: Yup, they were the Paiute’s and the Shoshone’s came here and on rare occasions the Chemhuevi’s came from the Colorado River to trade with the Indians in the Coachella Valley here. This was only a hunting ground for meat, mountain sheep, pinon nuts and acorns. They gathered that, and when the cold

came, they went down into the Coachella Valley and they lived on the Mesquite beans then, grinding them and making flour, making bread. So as I claim, this was the Garden of Eden and the people here were Adam and Eve and they got along, as we may take it now. Who provided for them? We didn't, it must have been the God Almighty. What we believe in must have done that was Adam and Eve. Yeah, the Red Man, we have no history of, no, that's lost. Yeah, my geology is a hair-raising story which has never been written and I read fifty-two geological books by our people written years ago, and so on, but mine covers that and way over. Way over.

SS: Well, they didn't hang around here very long after you were here.

BK: No, they used to come up from Coachella Valley and come then when I was running the stamp mill here, where the mountain sheep would come on the rocks, a curious animal which they are, to see where that pounding and where that was. Well, the Indians would come here and shoot the sheep, you know, and load their ponies and go back to Coachella. Yeah, and those were the only Indians that came here when I first came in 1910 and the grass was good here. They'd stake their ponies here and shoot the mountain sheep and go back home.

BK: Just past Ship Rock back there, I dug up that Indian there that was wrapped in palm leaves. Right in that cave there.

SS: Where it's black now?

BK: Yeah, right in that cave back there. And that Indian was buried there, two feet deep and wrapped in palm leaves, and he was doubled up and tied, chucked into a little hole about 2 feet deep. But I saw the palm leaves sticking there and I dug in there and dug him out. And that Indian was tied down like this, tied and doubled up. So I put him back in and covered him up but somebody dug it up later.

SS: Somebody dug him up. That was right in the cave there?

BK: Yep, right in that cave. Right in that cave.

Keys' characterization of the Indians as "Adam and Eve" in the Garden of Eden is, perhaps, as good an illustration of the noble savage myth as any. He reports frequent contact with Indians who regularly travel around his homestead, well in the current park boundaries, to hunt and collect food. His account of finding an Indian burial, and digging it up only to rebury it could, perhaps, be seen as an extension of purported reverence of Indians, as reburying the body may have been a sign of respect. If someone had, as Keys reported, unearthed the body and took it, such an act of desecration would suggest a deep antipathy for natives. In a separate interview, Keys tells of finding spirit sticks, what he refers to as witch sticks, placed on mines to ward off settlers. (*Bill Keys Interview 1966*)

...BK: This is the trail that the Indians used. They had their witch sticks. Their three forked sticks, they'd put on the mine...

(Later in the interview)

BK: They had their witch sticks on the mine, and the gold was showing plainly there. Free gold. And it was almost turned red by the rays of the sun.

I: They had their spirit sticks on there before

BK: Before the white man, yea. And they knew what it was. And there was a rat's nest there, piled up with sticks and stones piled up in front. And the shine could shine right on that, shine right on the gold and turned it red. So the Indians

knew all about that. But they had no particular use for it. Except they put that there to keep the evil spirit away and that meant the White Man.

Here, Keys statements suggest not only the presence of natives in the vicinity of mines well into the early twentieth century, but also the actions they may have taken to employ spiritual powers to keep miners from operating as they continued to inhabit and mark the landscape. Perhaps, unable to repeal the settlers through physical might, they employed spirit sticks in a manner similar to accounts of spirit stick use described by Bean (1974: 54). While Keys' accounts portray himself as an admirer of Indians who was aware of their concerns of the growing settler population, other settler accounts indicate a more contemptuous view.

*Jim Hester*

One employee of the Swathout Cattle Company, Jim Hester, in his interview with Park Ranger Reino Clark, reveals stark indifference and animosity toward Indians, despite his acknowledgement that he depended on water acquired through an agreement with the Indians as the Oasis of Mara. Below are Hester's responses in his interview with Clark from an interview recorded on February 8, 1975.

JH: Of course, water was our main object. Our headquarters or stopping points, whatever you want to call them was only where there was water. Of course at Twenty-nine Palms now there was water. Now Black and Kimball had an agreement there with the Indians. Now I kind of forget this Indian's name that was there, but Raven something. I think if you go down to the old Inn he has some information on his name. I forget this name...

JH: That was the old Swarthout corral. Now there were a couple of squaws there, and I don't remember their name, but one of them was a Kitchen. Now this Kitchen girl—now this Kitchen family—let me tell you a little about this before you put it down there. You're going to write the story, you're going to have to have more information to build your perspective.

RC: Let me interrupt for just a second. Did you observe most of this when you were a young man?

JH: Oh yes. This was 1910 to 1914 we're talking about. And this was one of the Kitchens. Now the Kitchens was from the Morongo tribe. Her name was Maria and she had a bum leg. Somebody shot her in the leg. Now I think that you should get that information. Then the old Ryan ranch. You got the dope on that?

RC: We've got some of it. Go ahead and continue about the Indians:

JH: Well all of this blends in together. Now these Indians, now this Maria Kitchen, which was related to the Kitchens out of Morongo had a couple of brothers and there were the main stems at this point. Now this one fellow that I'm trying to think of his name since you called me, and I can't. I don't know whether there's any information on him. You have to realize that those things wasn't very much of importance at that time. You're about what, 22?

RC: 23.

JH: I knew you was very young but if you were 15, 16, 17 and you was out hundreds of miles from no place, these things like that, you know, don't make much of an impression. I mean they make an impression at the time, but they're not going to record for a hundred years. So you have to kind of get that information. Now these Kitchen boys and this, man that I can't think of his name, which was the main guy there, they had information on all the water in that Monument and through them, we—that is the cattle company, was able to

graze that country, and find out where the water holes were. Of course, at that time you really had quite a bit of wildlife in there...

RC: Was this other man that you were talking about a white man or an Indian?

JH: An Indian. Which one? Kitchen?

RC: Well Kitchen, but you said this other one....

JH: No, that other fellow's an Indian. I can't think of his name. An old Indian. It keeps coming to me all the time Raven something, and it wasn't Raven, I know. That's wrong. I can't think of his name.

RC: There's a Boniface there and a Pine.

JH: Pine, I remember that. Pine came in the '20s. Pine was in there after the war. Now I didn't know Pine before. There was another fellow there, Boniface. I think he had a mine back in there someplace.

RC: Yes, I've heard that he.....

KH: Well, I've seen him. I remember him. There was a woman there, a white woman. I can't think of her name right now. She was there. Then the Swatters. Swatters were cattle thieves. Cattle rustlers. And their headquarters were down at Morongo. Down at the Morongo Springs.

RC: Now were all these people, even the cattle rustlers more or less camped around the Oasis?

JH: This area that we're talking about, which is now Twentynine Palms, that particular area there plus back this way about six or eight miles and south of the 29 Palms Highway for two or three miles, in a canyon there, there used to be a



spring. It was hard to get to, but they used to water in there. Some people used to camp in there. You had to come in from the south side like this. I don't know whether you know where it is.

In the preceding excerpt, Hester identifies the Indians who taught his company the location of waterholes across the land now in the Park, as boys from the Kitchen family at Morongo and Pine, from the Oasis. Although I have not found other sources which corroborate the timing of Pine's assistance to the company, it is worth noting here that Hester describes Pine as coming to the Park area circa 1920, after the Twenty-Nine Palms Band reportedly vacated the Oasis and moved to the reservation in the Coachella Valley. This could be seen as an indication of the presence of members of the band significantly later than previously understood. Later in the interview, Hester describes his animosity towards Indians, despite his claims, above, that his company could only operate in the area because of the knowledge they received from natives. Given that Ranger Clark conducted the interview in the early 1970s, in the midst of the Civil Rights Movement, Hester's expresses his racist views held toward Indians as comparable to his hatred of Blacks, and expresses contempt for the changes in society that identifies with Ranger Clark.

RC: Okay, coming back to these Indians again. Did you know any of them personally?

JH: Oh hell, yes. I knew all of them. To say how. I never slept with them or eat with them, because you didn't do those things in those days. In those days—well, when I was a kid, even when I was your age, you didn't associate with

niggers, you see. A nigger to me is still a nigger, but today you got to school and your girl friend sucks the thumbs of the nigger who is sitting next to her. You didn't do that when I was a kid. We didn't have anything to do with Mexicans, nor we didn't have anything to do with Indians. If they wanted something, "What the hell you want, you son of a bitch? Beat it. Vamoose". That's about as close as you can come to them. But nowadays, they sleep with each other. We're living in different worlds. I guess you understand that. You're a college man, aren't you? You know the new, whatever they want to call it. I call it nuts.

RC: Did you know exactly what the Indians survived on there? Were they still living off the land?

JH: Oh sure. Heck, they grew a lot of things. Roots, and I don't know what they survived on, but they had game.

RC: What did they grow?

JH: They had corn out there, and beans, and pumpkins, and cucumbers and things like that.

RC: Do you know the name of the tribe? What they called themselves?

JH: I think they were part of the Morongos.

RC: They seem to have close contact, right?

JH: Well, it's what I tried to say a while ago. Maybe it didn't come to me. This Maria Kitchen was a Morongo. She belonged to the Morongo tribes. Course this was all the Shoshone nation, you know. All these tribes here are the Shoshone nation. You know that, don't you?

RC: Yes.

JH: Even the Missions and the Indians around Palm Springs, that's all the Shoshone nation. I'm sure they were all Morongos. I could be in error on that. Art Manning can tell you, if he will.

RC: Okay, I'll try him, too.

JHL And Bill Betterly, you should get in touch with him.

RC: Do you know if these Indians migrated back and forth any? Like up into the Monument to gather fruits?

JH: Oh yes. They'd gather nuts and hunted in there, and actually the Monument up there was the only real area between there and the San Bernardinios where they had sufficient roughage, where large animals could live. That's why our cattle was in there....

RC: Did they ever bother the cattle or anything like that? The Indians?

JH: Well, I don't remember any trouble with them. Now, Ryans, they were supposed to have had some trouble with the Indians, out there at the old iron mine. That's the Lost Horse Mine. Now I suppose you've got that story.

At this point in the interview, Hester continues on to tell his version, reported above, of the exploitation of Indian labor at Lost Horse Mine. His indifference and hatred of Indians, among other minorities, is as revealing as it is repugnant. He claims to have known all of the Indians who lived and traveled through the area and, as discussed above, to have depended on their knowledge for locating much needed water in the desert. Yet, he says he would not help them in any way. He compares them to Blacks, toward whom he also holds racial hatred. Also, it is noteworthy that Hester indicates that the Kitchen

Family from Morongo directed them to the water sources, suggesting that at the time Indian from Morongo visited the park area and maintained their knowledge of the location of its resources. Further in the interview, Clark again inquires about Hester's knowledge of the Indians.

RC: What about the Indians? What kind of structures did they live in?

JH: They had adobe shacks. They had adobes. Now the Indians way back---you guys have got this wrong. You say the Indians had their shacks up that way in the early days, up close to where the Monument is. That there, I didn't go with that. They did. They had them there in the '20s, but didn't have them there in 1910. They had them this way. Way down to the west end.

RC: Right down where the good water supply was.

JH: That's what it was. Good water. That stuff down there was what we called "the swamp" down there, where you are. That was just a sinkhole.

Here, Hester provides an account of the Indians' dwellings that counters the narrative as the Park had accepted it. Again, as noted above, he recalls the area occupied as late as the 1920s. While it is difficult to tell what area, exactly, Hester refers to as the location of their adobe dwellings, he is, to my understanding, suggesting that their location changed from 1910 to the 1920s. His recollection is that in the 1920s the dwellings were close to the monument, perhaps at the location of the current reservation. In 1910, when Hester arrived, they were located at a site of "good water," where "you are" (that is, the

Park Headquarters where Ranger Clark and the other employees work) and thus, most likely he is referring to the Oasis of Mara.

### *Archaeological Evidence from the Cottonwood Vicinity*

Toward the southern end of the park, archaeological evidence indicates the presence of tribal communities both contemporaneous and near to settler mining operations in the early twentieth century. Archaeologists conducted an especially detailed analysis at one site in particular (RIV-937), where there is clear evidence of tribal use into the twentieth century. The cite records is excerpted below:

A crevice cache from Joshua Tree National Monument (RIV-937), containing on the surface a basket, olla, iron pan and spirit sticks, was excavated and analyzed. The basket was found to belong to the net carried, burden basket class made by the Cahuilla Indians, probably dating to ca. 1900 AD. The red paste buffware olla with double handprint designs fits the type of pottery made by the Cahuilla at this time. The galvanized iron pan, patched with pitch, probably was obtained in trade or scavenged and is similar to hardware implements available after c. 1895. Seeds from within the basket, the olla bottom, the fill within the olla and from subsurface excavations suggests that seed gathering and storing were practiced by the aboriginal owners of the chase. No midden or subsurface cultural remains were found during the excavation of the upper levels of the crevice deposit. It is concluded that the cache was emplaced by a Cahuilla family group engaged in collecting and storing of nearby vegetal resources, probably during Spring and Summer.

Located near aboriginal trail systems connecting Colorado River area and the Coachella Valley. Could be Cahuilla, Serrano, Kamia, or Chemehuevi. Cottonwood Springs is nearest permanent water source.

Increasing dryness in area during late 1800s and early 1900s until 1915.

“strongly suggest that the cache was a food carrying utensil and a seed storage locale, probably kept secret from other tribal members.” Spirit sticks would have warned poachers.

This site is located less than one mile from mines that were in operation at the time. While little could be gleaned from this record of any possible interaction between the two groups, the archaeological evidence found here strongly suggests that despite the encroachment of settlers, the Cottonwood vicinity continued to serve the harvesting needs of local Indians. The design elements, as indicated in the file, suggest the site was used by Cahuilla, and corresponds to the southern area of the park, which is associated with Cahuilla territory. The site also further indicate that at a time when many tribal members work for as wage laborers in the settler economy, they subsidized that income by continuing to forage where they could access suitable resources.

At another site, approximately two miles from Cottonwood, petroglyphs of what appears to be anthropomorphs on quadrupeds could be a representation of humans riding horses, and, therefore, potentially, an indication that these petroglyphs were created on land now in the park sometime after the arrival of settlers. A picture of the site (Riv-950) is shown below.



Image 3.2 Site near Cottonwood Springs

The above image is one of two panels at the site, which contains over 81 petroglyphs including at least nine identified in the site record as equestrian, that is, anthropomorphs on quadrupeds that likely represent people riding horses. Because this type of pattern is exceedingly rare, horses are not indigenous to North America, and there are no animals native to the California desert that were ridden, this site may have been the work of native individuals after contact with settlers. Additionally, the site record classifies the anthropomorph in the lower right-hand corner as a likely representation of a “women in western dress”. Taken by itself, any suggestion that these petroglyphs are post-contact would be purely speculation and regardless of the additional evidence of settler and tribal

relations in the area, no inferences can be conclusively drawn from these images.

However, the images at this site are consistent with the evidence presented above. Tribal communities, specifically Cahuilla, were active in this area of the park at the same time that nearby settlers pursued mining. The intensity of the mining operations in the Cottonwood vicinity could not have gone unnoticed by Indians residing or traveling through the area; however, the extent and nature of their relations with settlers in this area remains, for now, unknown.

#### *Tentative Conclusions Regarding Relations at JTNP*

The evidence presented above draws on multiple sources, each corroborating some aspect of the presence of Indians in the park after the arrival of settlers. While much still remains unknown, and there are many avenues for continued research, the oral histories and site records presented above provide a glimpse into the dynamics of tribal-settler relations. Indians provided settlers with labor and knowledge of local gold and water sources. Without their labor or knowledge, it is hard to imagine how any of settlers could succeed in their ranching and mining pursuits, let alone survive in the desert without access to water. The dependency of settlers on tribal communities can be confidently drawn from this data.

More complicated is the nature of social interactions between Indians and settlers, that is, how they perceived and treated each other. What can be gleaned from this brief analysis is that settler views of Indians were not monolithic. Bill Keys' statement of the local native population as "Adam and Eve in the Garden of Eden" lies in stark contrast to Jim Hester's reported quip, "What the hell you want, you son of a bitch? Beat it" if asked



for anything by an Indian. What could account for such wide variations in settler views? While all of the cultural and psychological factors that could account for these variations can never be fully accounted for, a few can be ruled out. Hester and other cowboys depended on the Indians for survival, yet the resources and knowledge they received from the Indians was, in itself, not enough to sway their views. The *Desert Trails* story about Phil Sullivan becoming well acquainted with the Indians at the oasis, due in part to his ability to speak with them in Spanish, is useful in that it highlights the potential problems many settlers may have had in communicating with the natives, although, as the article tells the story, his relationship with Jim Pine involved much animosity over Sullivan's use of the well; in this narrative, limited water was the source of conflict. Bill McHaney's relationship with Jim Waterman illustrates the strong level of trust that was possible between settlers and Indians. The details of how that bond developed are unclear, but for thirty-five years McHaney reportedly dug where Waterman told him he would find gold. Like many of the stories found in these oral histories, without corroboration it is difficult to assess whether this narrative entails some exaggeration on Maud Russell's part, but it remains as story of trust possible between settler and native. Bill Key's noble savage perspective is notable because of its stark contrast with the views of others, such as Hester's, but such romanticism of American Indians was common during the turn-of-the-century and his perspective could, perhaps, be better understood if there was more information available on his life before he moved to the Desert Queen Ranch. Of all of the relationships discussed above, Jim Fife's working cooperation with Fig Tree John may have the most independent corroborations and entail the highest level of

trust. I have yet to find any accounts of their interpersonal relationship, but their trade and labor agreements persisted for at least a decade and required a high level of trust. Lost Horse Mine, after all, produced a significant amount of gold and the whole operation had to be kept secret, lest someone attempt to rob the mine shipments. The crew of Indians, and likely Mexicans as well, worked in close proximity to this wealth. Whoever Fife and his partners would have hired to work at the mine, they would have to be confident that their workers would not attempt to steal gold or let others know about the location of the mine and its success. Likewise, Lost Horse Mine is at least fifty miles from the Torres-Martinez Reservation, a significant distance to travel through the mountains and across the desert at the turn-of-the-century. In a time when there was so much animosity between settlers and Indians, how could Chief Fig Tree John know that the workers he provided to Fife would be properly treated and that Fife would not, as Hester claimed, “work the devil out of them and then when he got ready to pay them off...kill them and bury them instead of paying them off”? Fife’s ongoing trade with Fig Tree John could perhaps account for the level of trust both sides must have had with each other in order for such an agreement to be made. As stated above, the interactions between the native laborers and mine’s owners remain unknown, although Hester’s accusation of murder is most likely a fabrication. The incentive here, on both sides, is economic, but like many trade and labor agreements, it was built on mutual trust developed over time.

As with any attempt to reconstruct a history, especially where the data remains sparse, this analysis has led to many more questions than answers. What was life like at

Lost Horse Mine for the Indians? What were their conversations with their employers like and how did they feel about demolishing a landscape that had been held as sacred for generations? Future research could potentially address these questions and others. These events transpired a little more than one hundred years ago. Today, the grandchildren of the Indians who worked at Lost Horse Mine could very likely be alive, and be elders on the Torres-Martinez Reservation or elsewhere, and they may very well recall stories of life at the mine and Fig Tree John's relationship with Jim Fife. Other questions, as well, such as use of the Cottonwood area by Indians, their interactions with nearby miners, could be addressed through oral histories with tribal members at any of the number of native nations connected to the land now known as Joshua Tree National Park. A number of these nations, including Agua Caliente, have already conducted oral histories with tribal elders. Through building a close collaborative relationship with these native nations, future research could further advance our knowledge of what life was like for Indians who made this land their home at the time settlers arrived as well as demonstrate the continued significance this land holds for native nations across Southern California.

### **The Mission Indian Federation**

Frustrated with the Mission Indian Agency's increasing encroachment on their rights and traditions, Southern California NSN formed several alliances to challenge the Federal Government and restore their capacity for self-determination. One of many such groups, the Mission Indian Federation (MIF) gained measured successes from the federal government, and did so through a grassroots effort that included an extensive fund raising

campaign on reservations across Southern California and the formation of partnerships with a few influential and sympathetic settlers. Founded in 1918, with the support of a white realtor named Jonathan Tibbetts, MIF provided a structure through which each reservation had its own chief, responsible for the administrative duties the Mission Indian Agency was attempting to subsume, and for these captains to coordinate their resistance to the Agency at both the local and federal level (Costo and Costo 1995:317). Adam Castillo, from the Soboba Reservation, and other volunteers traveled to reservations across Southern California to gather support and collect donations for MIF. In her chapter in *Handbook of North American Indians* (1978: 613-614) Florence Shipek notes that the Federation had its internal divisions, particularly between those who considered the most effective strategy would be to cooperate with the policies of the BIA and those who refused to cooperate and demanded the BIA be shut down. Despite these internal differences, MIF strategies had a number of successes and laid the foundation continued maintenance of NSN self-determination and laid the foundation for their eventual revitalization.

At the local level, one of MIF's priorities was to secure the titles of Indian lands and remove white squatters who illegally leached off of NSN resources. As Trafzer explains, (2002:85),

Castillo and others within the Federation encouraged the Mission Indian Agency to clear up the title to the San Manuel Reservation, so that non-natives could never again claim lands belonging to Indians. To this end, a United States District Attorney began the process to make null and void any possible claims by Smithline, Wiese or their heirs....Still, the issue of boundaries surrounding the

San Manuel Reservation had not been cleared. As a result, the Indian Office worked for years to ensure the exact location of the boundaries of section twenty.

As is suggested by the name of the organization, MIF operated as a federation of nations, with no central authority. Each captain was independent, and MIF was the organization through which they coordinated their strategies. In this manner, San Manuel and other NSNs learned from each other's experiences lobbying the MIA to clear up their reservation boundaries. While the MIA did not recognize the authority of the NSN governments appointed by each nation, MIF provided an overarching structure that recognized and supported these tribally recognized authorities. For example, the MIA had appointed its own police officers to implement American laws and policies on NSN lands, each constituent nation of the MIF appointed one or more of its own tribal police officers to enforce tribal law; these MIF officers wore badges with the MIF seal, which, in effect, mirrored the MIA officials they opposed and sought to replace. In this manner, NSN continued to exercise political sovereignty, and, in a manner analogous to the interdependence of sibs prior to European contact, NSNs united to coordinate their use of resources and ceremonial recognition of the authorities from each NSN. MIF's work was both local and national, and the federation often directly challenged the United States federal government. As described by Heizer (1978:715):

...At [MIF] meetings expressions of ill will or hostility to the [United States] government were occasionally heard. Grievances were aired and complaints, both legitimate and trivial, were uttered. As a result and under orders of the Department of Justice, some 57 Indians were placed under arrest on the charge of

conspiracy against the government. Upon arraignment they were dismissed without bail.

MIF provided legal consul to those who were arrested, and the charges were dropped.

MIF's biggest success was won in collaboration with similar organizations across the state. In the 1920s MIF joined two other federations of California NSNs, the Indian Board of Cooperation and the Indian Brotherhood, as well as other non-NSN organizations including the Women's Christian Temperance Union, the Natives Sons of the Goldwen West, the Commonwealth Club of San Franscico and the Federated Women's Clubs. Working together these groups pushed for the United States federal government to recognize and compensate California Indians the theft of land that resulted from the disappearance of the 18 treaties originally signed in the 1860s. In 1927 this collaboration successfully lobbied the California legislature to agree to sue the federal government on the behalf of the descendants of those who signed the treaties, and the next year, in reaction to pressure from this coalition, the United States Congress voted into law the California Indians' Jurisdictional Act, which waived federal sovereign immunity for Indian land claims in California, thereby allowing the state of California to bring forward the lawsuit. California won the resulting lawsuit and, despite the case being caught up in the courts system for decades with the eventual payment of \$150 to 36,000 California Indians (grossly undervaluing the total land of the California at \$5,400,000), the win was a significant symbolic victory (Rawls 1984:210). For the first time, the United States government officially acknowledged the theft of land that resulted after the treaties were hidden; the payment did nothing to make up for the loss, but the

coalition of native nations and their settler supporters succeeded in ending the decades long cover up. It is important to note that the successes of MIF and other California Indian organizations resulted in large part from the efforts of a few white benefactors. While MIF was almost entirely organized and funded by Indians, challenging the United States federal government through its own court system, a system historically rigged against NSNs, required no small amount of political and legal knowledge and strategy, which sympathetic settlers provided to strengthen to work of native coalitions.

Thus, here lies another historical irony at the root of contemporary NSN revitalization: the wage labor of Indians employed by white settlers, including the work of those at Lost Horse Mine and elsewhere who destroyed the natural environment they held sacred while advancing the wealth of white settlers, provided the financial resources necessary for NSNs to ultimately strengthen their sovereignty. In other words, while Indian labor directly supported the development of the settler society and the survival of Indian peoples, it also supported their activist efforts. While the cost in some cases was painfully high, such as the intense labor destroying sacred trees in the Mojave Desert and elsewhere, this wage labor enabled these NSN communities to not only support themselves, but to represent themselves directly before congress.

### **Romanticism of California's Past**

As demonstrated above, in the first half of the twentieth century, white settlers regularly employed California Indians and NSNs pulled together to pursue activism effectively at both the local and federal levels. Given the active role California Indians

played in local economies and both local and national politics, how then could settlers have become decreasingly cognizant of their native neighbors? This is where I find cultural forgetting, as an inverse of cultural knowledge, is a useful concept for understanding the processes underpinning such an apparent paradox. This section examines the diminishing awareness of settlers of their native contemporaries.

### *Ramona's Indians*

One of the most notable and failed attempts to increase settler awareness of the plight of their native neighbors was a novel by Helen Hunt Jackson, the activist discussed in the previous chapter. Helen Hunt Jackson published *Ramona* in 1884 with the explicit goal of educating the public about the injustices suffered by California Indians beginning with the mission era. The novel is set in the period after the Mexican-American war and its plot centers on the relationship between Ramona, a half-Indian and half-Scottish young woman adopted by a wealthy Hispanic family, and Alessandro, a California Indian and son of a chief. Ramona's adopted family abuses her because of her Indian heritage, yet refuse to let her have a relationship with Alessandro, because he is Indian. Ramona and Alessandro elope, have a child, and attempt to establish a series of homesteads, only to be driven from each by white settlers. The novel provides fictionalized accounts of California Indians forced off of their land, and, like many at this time, the Ramona and Alessandro settle in the San Bernardino Mountains. After Alessandro is murdered by a white settler, Ramona marries one of her siblings from her adoptive family and novel concludes with the two leaving America to settle in relative peace in Mexico (Jackson



1884). As summarized here, the plot is one of California Indians suffering injustice after injustice at the hands of white settlers; however, Jackson's intentions were lost on the novel's readers as it grew in popularity. Jackson outlined the goal of her work, which she likens to *Uncle Tom's Cabin*, in a letter to a newspaper editor:

I am at work on a story—which I hope will do something for the Indian cause: it is laid in So. California—and there is so much Mexican life in it, that I hope to get people so interested in it, before they suspect anything Indian, that they will keep on.—If I can do one hundredth part for the Indians that Mrs. Stowe did for the Negro, I will be thankful.

However, Jackson died the year after her novel was published, but her novel took off and inspired tourists from across California and the country to visit sites from her novel.

One of the most important factors at play in the widespread popularity and misinterpretation of *Ramona* is that at the time of its publication, railroad companies had laid tracks providing much easier and affordable access to Southern California from the rest of the country. Tourists and migrants came in large numbers to Southern California at this time. Those seeking new homes in Southern California would have been largely unaware of the problems California Indians were continuing to endure. Dydia DeLiser's (2003) analysis of the tourist practice that sprung up in response to *Ramona* provides insight into the cultural knowledge and values of the audience that so clearly interpreted the book against Jackson's intentions. DeLyser (2003:886) argues that the images of Southern California presented in *Ramona* "creat[ed] not so much a false past for the region as a new social memory, one well suited to rapidly changing times and easily enfolded into tourists' itineraries..." DeLyser (2003: 891) points out that the new settlers

arriving in Southern California would have had little knowledge of California Indians, yet a substantial awareness of the 1876 defeat of General Custer at Little Big Horn, and an ongoing nationwide portrayals of American Indians as savages. While Jackson intended to lure readers with lengthy descriptions of the Hispanic heritage of Southern California, her portrait of this heritage became the source of the novel's popularity because, as DeLysser (2003:891) argues, "its widespread success lay in its presentation of places and people that had remained outside of—that had escaped—the urbanization and industrialization of the rest of the United States" Real-estate developers and tourist attractions latched onto the mythological Spanish heritage represented in the book, naming streets, creating tourist sites of the purported grave of (the fictional) Ramona, and citing passages from the novel in their pamphlets to advertise homes in the area (DeLysser 2003:901). In an effort to draw tourists to the then-remote towns of Hemet and San Jacinto, these towns partnered in 1923 to establish the Ramona Pageant, a play based on the novel, which continues to retain its popularity, as it has been held every Spring since first opening.

### **Conclusion: Labor, Activism and Ignorance**

This chapter began with the paradox of the increasing activism of native nations in California at the same time that settler awareness of their native neighbors began to diminish. Those who employed California Indians, or lived near them, such as the settlers in the lands now known as Joshua Tree National Park, were keenly aware of California Indians and importance of the labor and knowledge they provided. As

described above, the views of these settlers varied widely between the extremes of the noble and ignoble savage stereotypes. For settlers, locating water and gold required cooperation with Indian communities, either informally through friendship or through formal business arrangements. The success of mining and cattle operations depended on labor provided by Indians, which often required no small amount of trust between figures such as Fig Tree John and Jim Fife. Those settlers with direct experience of and dependence on tribes had a substantial awareness of not just the existence of their native contemporaries, but of the complexities of native life at the turn-of-the-century.

At the turn of the century, Indian labor supported both the development of settler enterprises in Southern California, particularly those in locations on the fringe of settler society such as Joshua Tree National Park, and, concurrently, that labor provided native nations with the financial resources necessary to launch and maintain successful campaigns to reclaim their sovereignty. As stated above, MIF operated on cash donations from tribal members across Southern California, and that cash was earned primarily through wage labor for the encroaching settler population. With these funds, MIF coordinated strategies for pursuing their rights locally and nationally. The successes of these collaborations had substantial impacts on local and national politics. Native nations strengthened the recognition of their borders and the federal government acknowledged its unjust treatment of these nations. Yet, beyond the settlers who had direct experience of the native nations, awareness of their activities and plight was dim.

I suggest two interrelated factors need to be taken into account in order to resolve the paradox of cultural forgetting amid political revitalization. First, at the turn-of-the-

century, settler wars with California Indians had concluded and their population was at its nadir. The population at this time was politically active, but numerically small, especially given the growing settler population. This meant that fewer settlers had direct experiences of native nations. Settler wars with these nations had already been fought, resulting in population loss and the loss of land as these nations were forced to relocate to the fringes of society. MIF and similar organizations pursued their goals through peaceful activism. While in many ways successful, the lobbying of these groups could not raise their visibility to settlers nearly as much as the violent conflict that preceded them. Not only were there fewer Indians for settlers to interact with, the interactions between Indians and settlers did not spur the headlines or hysteria of the conflicts of the 1860s.

Second, at this time the demographic makeup of Southern California was rapidly changing. The influx of immigrants from Asia and Mexico provided businesses with cheap labor and the growing population of these workers quickly swelled beyond the already diminished numbers of California Indians. Locations near reservations and on the outskirts of developed areas relied on Indian labor, but enterprises at the center of settler development relied less and less on Indians. At the same time, the introduction of competing railroads to Southern California provided unprecedented access for settlers looking to relocate from the East and Midwest. When these settlers came to Southern California without any knowledge or experience of California Indians, the absence of such knowledge in addition to marketing strategies that linked real estate to the romanticized Hispanic images of *Ramona*, would have made it easy for these new

arrivals to accept an almost mythic narrative of California's history. Receptive to the romantic images in *Ramona*, but not the injustice represented in the novel, this population of settlers brought with them simplistic knowledge of Indians based on what they would have read about the battles fought in the Great Plains.

It is not that the settlers, whether the recent arrivals or those who migrated during the gold rush, were completely unaware that California had native inhabitants. In fact, as the wide interest in *Ramona* and Spanish missions demonstrates, they were quite aware that an indigenous population occupied California prior to colonization. Rather, unlike the child and animal metaphors of the gold rush era, the settler knowledge of California Indians as this time was centered on the Spanish missions and their attempted assimilation of Indians. To romanticize the mission era is to both acknowledge the presence of California Indians prior to contact and to glorify the missions' project of "Christianizing" and "civilizing" Indians. The cultural knowledge structures that posited California Indians as animals for eradication or tools for exploitive employment began to lose their social utility. With the native population in numerical decline, the need to justify the virtual enslavement of this population declined, as did the need to rationalize their extermination. The cultural forgetting that happened during the first half of the twentieth century was part of a process in which settlers, except the few who worked closely with native communities, had a diminishing need to discuss their native contemporaries; only those who sympathized with Indians or employed them needed to develop and maintain working knowledge of this population. For the rest of the settler

population, California Indians were part of the history of the missions; Indians were a part of the past.

## **Chapter 4: Revitalization and the Origin of NSN Casinos**

The revitalization of NSN sovereignty in spite of, and in part because of, laws designed to marginalize native communities may be as stark an illustration as any of the potential for policies to produce unintended results. Throughout the second half of the twentieth century federal Indian policies are rife with such examples. An era that began with the termination of NSNs is now marked by their unprecedented revitalization, which, as demonstrated in this dissertation, was, and for many remains, unthinkable. This chapter marks the transition to and beginning of the synchronic analysis portion of this dissertation. It traces the political and economic processes entailed in NSN revitalization from mid-century to the present before providing an analysis of the present-day political-economy of NSN revitalization in Southern California with a focus on the dynamics of Indian owned and operated casinos. Where Chapters 5 and 6 focus on representations of NSN and the distribution of NSN constructs among the settler population, this chapter takes a specifically legal and economic focus for two reasons: 1) the political and economic revitalization of NSNs, including the myriad of court case and policy changes, are part of a complex dynamic in need of a separate treatment and, 2) in relation to the theoretical approach taken in this dissertation, political-economic systems shape, and are shaped by, the distribution of cognitive constructions, thus, the dynamic between these processes can best be understood by examining each separately before discussing how they operate in tandem. Starting from this perspective, this chapter focuses on national and local developments in order to demonstrate that 1) the revitalization of NSNs, including the origin of tribal casinos, resulted from NSN activism

and 2) through NSN revitalization and, in particular, casino development, NSNs and their non-native neighbors have grown increasingly economically and politically intertwined, a development of key significance to the discussion of cognitive constructs analyzed in the next two chapters.

### **The American Indian Civil Rights Movement**

Federal Indian policy may be thought of as a pendulum that, every few decades, swings from recognizing NSNs as polities to terminating their sovereignty, only to swing in the opposite direction a few decades later. This was particularly the case during the twentieth century, which began with laws, such as the Indian Reorganization Act, that provided NSNs with a framework for engaging in a government-to-government relationship with the federal government. This, however, was reversed in 1953 when Congress passed House Concurrent Resolution 108, which enacted the policy of termination by ordering an end to federal services for and recognition of tribal governments (Wilkinson 2005: 57). Although its creators had claimed that the termination policy would lead to prosperity for Indians that assimilated into the wider social and economic environment, the policy had the effect of reducing even relatively wealthy tribes to poverty (Peroff 1982). Throughout the 1950s and 1960s the federal government attempted to systematically deconstruct the foundations of American Indian sovereignty. American Indians responded by forming new political alliances and pressuring the United States public and government to recognize the sovereignty of tribal governments. The termination policies (not unlike the Dawes Act), deconstructed tribal governments and put reservation land into privately held trusts and, thereby, enabled



private developers and individuals to purchase tribal land. If the end of the nineteenth century was the demographic nadir of the California Indian population, the middle of the twentieth century served as a second bottom for American Indians and one that, while not associated with the population declines seen earlier, was marked by the attempted termination of NSN as sovereign communities. In the 1950s and 60s Congress terminated tribal governments and relocated thousands of American Indians to cities (Fixico 1986). By forcing the assimilation of tribal members and appropriation of tribal resources, termination devastated tribes. It also spurred American Indian activism.

The work of the Red Power movement, the American Indian movement and activist/community organizers such as Ada Deer, (Wilkinson 2005) succeeded in 1973 when President Richard Nixon repudiated the termination policy and signed a bill restoring federal recognition of the Menominee tribe, which was the first tribe to be terminated (Wilkins 2007: 122; Kidwell 2001). When the federal government began to re-recognize tribal sovereignty in the 1970s, though still largely impoverished, tribes generally began to experience relative increases in economic development and prosperity as they were increasingly able to independently control tribal resources. In 1975, Congress passed the Indian Self-Determination and Education Assistance Act (PL 93-638), creating a partial revitalization of tribal sovereignty. Tribal gaming is a consequence of this revitalization and the latest development in the erratic federal authority over tribes (Anders 1998).

The recognition of tribal sovereignty increased through the 1980s when President Ronald Reagan cut the federal budget for tribal services and encouraged tribes to exercise

their sovereignty by investing in tribally operated economic development projects, including bingo and gaming (Wilkins 2007: 122). In the 1980s, after the Reagan administration slashed budgets for tribal governments and encouraged tribes to become self-reliant, gaming emerged as a viable avenue for economic development. With this encouragement, a number of tribes began offering gaming activities to non-Indians. When the Seminole Tribe in Florida opened a bingo hall and offered jackpots that exceeded the state level, they attracted big crowds and Florida tried to shut it down. Florida argued that its bingo laws applied on tribal lands. In 1981, a Federal Appeals court ruled in favor of the Seminoles, finding that Florida had criminal but not civil or regulatory jurisdiction on tribal lands (*Seminole Tribe of Florida v. Butterworth*. 658 F.2d 310). In other words, if an activity is totally prohibited by the state, it is illegal on tribal lands, but if the activity is regulated by the state, tribes are free to develop their own regulations. Because Florida regulated bingo, the Seminoles could too. The Seminoles directed bingo revenue to benefit the education and health of their members. A handful of other tribes operated gaming establishments at this time, each facing legal challenges, and while the Seminole Tribe of Florida is often credited as the first to market its gaming activities to non-natives, the Cabazon Band set the national precedent for tribal casinos.

The events leading up to and following Cabazon opening its modest gaming enterprise illustrate how sweeping policies reforms can lead to dramatic unintended consequences. In 1978, California voters passed Proposition 13, which made severe changes to California's tax and budget structure, not the least of which was by constraining local government's capacity to raise property tax rates. However, the

proposition provided local governments with an alternative path for raising revenue: it legalized gambling and allowed local governments to regulate poker clubs within their boundaries. Unbeknownst to its creators, when Proposition 13 legalized gambling it moved gambling from the domain of criminal law to civil or regulatory law, thereby giving California NSNs authority over civil and regulatory law on their lands. In 1979, the Cabazon Band of Mission Indians seized this opportunity and opened a small poker and bingo club on a doublewide trailer on their remote desert reservation outside of Indio. For many non-natives living near the Cabazon Band, the modest establishment was the confluence of two perceived lawless practices: casinos and NSN governance. Upon Cabazon's opening of their poker and bingo club, the City of Indio immediately raided it, claiming that the city had outlawed gambling. The case was dropped, however, because the Cabazon reservation lies outside Indio's boundaries. When Cabazon reopened its poker and bingo club, the Riverside County Sheriff's Department sent it SWAT team to raid the trailer and arrested its operators. The County, like the City of Indio before it, argued that the reservation resided within its boundaries and, therefore, was subject to county laws, which prohibited gambling. Cabazon fought the charges, claiming that their sovereign right to operate a gaming establishment, which, with the passage of Proposition 13, had become a civil or regulatory issue and thus it was well within their discretion to legalize and regulate. As the case moved upward through the federal courts, the California Attorney General took over the County's argument for the case. Additionally, the Morongo Band of Mission Indians, which had operated a bingo hall similar to Cabazon's and was similarly shut down by the county, was included in the Cabazon case.

In 1987, eight years after it began, the case reached the United States Supreme Court, where the California Attorney General argued that if gambling were allowed on the reservation, it would lead to organized crime. The Supreme Court rejected California's argument, citing lack of evidence, and ruled that Cabazon and Morongo were well within their right to regulate any activity that was legal and regulated by California.

*The Cabazon Decision* opened the door for NSNs across the country that are located in states with some form of legalized gambling to establish their own gambling enterprises. However, shortly after the Supreme Court's ruling, Congress acted to regulate tribal gaming. In 1988, Congress passed the Indian Gaming Regulatory Act (IGRA; P.L. 100-497, 102 Stat. 2475). IGRA created the National Indian Gaming Commission and defined three classes of gaming, with each requiring different levels of regulation. Class 1 consists of traditional tribal games of chance played among tribal members. Only tribes can regulate Class 1. Class 2 includes bingo and certain non-banked card games. Tribes can operate Class 2 gaming with oversight by the National Indian Gaming Commission. Class 3 is loosely worded and contains every other type of gaming, including slot machines and table games. In order to operate Class 3 gaming, a tribe must enter into an agreement with the surrounding state, known as a compact. Tribal/state compacts include provisions that allow the state to regulate tribal casinos and often require tribes to share Class 3 revenue with the state. Today, of the 564 federally recognized tribes, 233 are engaged in Class 2 or Class 3 gaming, located across 28 states (National Indian Gaming Association 2009).

## **The Battle of California**

As discussed above, several California tribes experimented with gaming during through the 1980s and the significant court case *California v. Cabazon Band of Mission Indians* originated in a conflict between the Cabazon Band and the Riverside County Sheriff. During the 1990s an increasing number of tribes began operating casinos but California did not have a set regulatory framework for tribal gaming; the state had not agreed to any tribal gaming compacts and slot machines remained illegal in the state, therefore the only unambiguous gaming option for tribes were Class 2 bingo and poker clubs (Marks and Spilde Contrares 2007). However, throughout the 1990s a number of tribes offered slot machines and other forms of Class 3 gaming as they attempted to negotiate compacts with the state. In early 1998, the governor at the time, Republican Pete Wilson, negotiated a compact with one tribe, Pala, in northern San Diego County. The Pala compact limited the tribe to 199 slot machines and granted the county the right to veto the development of any tribal casino in its boundaries. Then, Governor Wilson asserted that the Pala compact would serve as the model for all other tribal compacts, thereby limiting all tribes to 199 slot machines and the approval of their surrounding counties.

Wilson's Pala Compact had the unintended consequence of unifying NSNs across California. Rather than accept the terms of the compact that Wilson said were not negotiable, a coalition of tribes, led by the San Manuel Band of Mission Indians, launched a petition for a ballot initiative that would put the issue before voters. The initiative qualified for the November 1998 ballot, where it was listed as Proposition 5.

California voters passed Proposition 5, which amended state law to allow tribes with compacts to operate slot machines and card tables, specified the mandatory conditions for all compacts between the state and Indian governments, and created a fund for revenue-sharing in which wealthier tribes would contribute to a fund for tribes with modest casinos, or none at all. The campaign running up to the vote was, at the time, the most expensive in the history of the state, with the opposition spent \$29 million, while those in support of the position spent \$63.2 million (Darian-Smith 2004: 61). One month after voters approved Proposition 5, the proposition was successfully challenged by the opposition and declared unconstitutional by the state courts. Indian gaming proponents in the state legislature reacted by placing Proposition 1A, a constitutional amendment to implement and regulate tribal gaming, on the March 2000 ballot (Spilde Contreras 2006: 326). In March 2000, Proposition 1A received 65% of the vote (Spilde Contreras 2006: 326). Since then, over 50 California tribes began operating casinos. Most tribally owned and operated casinos are in geographically isolated and economically undeveloped regions because the federal bureaucrats who designed the reservations were reluctant to provide the tribes with any portion of land that could interfere with the Anglo-American economy (Phillips 1997; Marks and Spilde Contreras 2007).

Darian-Smith provides a brief ethnographic account of the socio-political conflicts associated with Indian gaming development at the Chumash reservation in Santa Barbara County, California. Darian-Smith's (2004: 81) interviews and observations of the residence neighboring the casino reveal that local residents are concerned about the casino attracting questionable clientele, traffic, and other social problems to their

community. The concerns expressed by residents focus on the social and economic impacts, like traffic and crime, that are expressed by residents near commercial casinos (as discussed above); however, some local residents and policy makers near the Chumash casino, and other tribal casinos, frame their concerns in terms that impose negative cultural stereotypes. In her interview with Gail Marshall, the 3<sup>rd</sup> District Santa Barbara County supervisor, Marshall claimed that the tribe is unresponsive to community concerns and she explained,

...these are not real sophisticated people, and I want to say that as nicely as I can...But they are not only uneducated to the actions and reactions to the actions, but they don't want to be educated. You know, they've all got brand new trucks and lots of money; they don't have to be. They're thumbing their nose at everybody (Darian-Smith 2004:91).

Darian-Smith concludes that the widely publicized success of several gaming tribes challenges Anglo-American preconceptions of American Indians while enabling tribes to pursue cultural revitalization (Darian-Smith 2004: 109-111). She writes that,

Intriguingly, some Native American casino operators are turning the capitalist model of individual profit on its head by using gaming profits to support collective tribal economies and to establish museums and community centers that in many ways are revitalizing unique traditions and cultural values. This attitude conflicts with today's dominant capitalist mentality that stresses money for money's sake (109-111).

Darian-Smith, predicts that the success of Indian casinos in California may, ultimately, undermine public-opinion of tribes and limit their sovereignty. Placing Darian-Smith's ethnography in the context of this paper's discussion of casino impacts highlights Darian-

Smith's (2004) observation many local residents are concerned about the increasing presence of working class casino employees and patrons in their community. Like the Atlantic City casinos, many of the Chumash casino employees commute to work from other localities; housing near the Santa Barbara casino is unaffordable for many employees. Unlike most Indian reservations, The Chumash reservation and casino are located in an affluent community and because of pre-existing social and economic characteristics this community may experience few of the positive economic impacts (especially employment) and many of the negative impacts (like traffic). Other studies of California tribal casino impacts find communities that benefit substantially from tribal gaming development.

A study by Mindy Marks and Kate Spilde Contrares' (2007) shows how the per capita income of households within ten miles of California gaming reservations grew 55% between 1990 and 2000, while households more than 10 miles away grew at only 33%, a significant difference that the authors attribute to the increased demand for local labor, goods and services as well as the fact that tribal casinos must be located on Indian lands, which are located in the poorest areas of the state. The larger tribal casinos and resorts employ thousands from neighboring communities, which are predominantly non-native. For example, the San Manuel Band of Mission Indians, whose reservation is outside the city of San Bernardino, has over 3,000 employees, very few of which, at any given time, are Indian themselves, given that the tribe's adult population hovers just under 100 individuals. This study (Marks and Spilde Contrares 2007) suggests that commercial casino development in California would have less positive impacts than



tribal gaming because 1) commercial casinos direct revenue toward shareholders and out of local economies and 2) commercial casinos, if legalized in California, would, if given a choice, locate themselves near population centers. As suggested by Thompson's (1997) bathtub analogy, local economies benefit from casinos when casino patrons travel from other localities, therefore, one possible explanation for California tribal casino's positive local impacts may be their ability to draw visitors (and their money) to underdeveloped regions where most tribal trust lands are located from more affluent population centers. Spilde Contrares' (2006: 338) study of tribal gaming development on the Pechanga Reservation in Temecula, California reports that increased political and public recognition of their sovereignty, coupled with increased revenue and from tribal development and nation building, have enabled the Pechanga tribe to work with its neighboring local governments in order to more effectively pursue collective goals (e.g. blocking the construction of unsightly local high-voltage power lines). Spilde Contrares (2006) finds that the development of tribal gaming at Pechanga has fostered increased knowledge of and support for tribal sovereignty and culture by tribe members and members of the local community.

### *Recent Political Battles*

Despite the significant economic impact that NSN casinos, especially the more prosperous ones, have on their neighboring communities, Indian gaming in California remains controversial and subject to ongoing legal and political struggles. In 2007 a number of tribes in Southern California sought to renegotiate their compacts to raise the

number of slot machines allowed. Five tribes, San Manuel, Agua Caliente, Pechanga, Sycuan and Morongo began negotiating with then-Governor Arnold Schwarzenegger to raise their limit of slot machines from 2,000 to 7,500 in exchange for sharing a higher amount of revenue with the state. As these tribes pursued these negotiations, a coalition opposing Indian gaming, known as Stand Up for California and backed a coalition between the horse racing industry and Las Vegas Sands, a commercial casino corporation, led an effort to petition the state to bring the compact negotiation process, which is normally held between the tribe and the state government, to a ballot innovative put before voters. While one tribe, San Manuel, negotiated and signed their compact before the coalition collected the required number of signatures, the other four tribes did not complete negotiations in time and, after the coalition collected enough signatures, the four compact negotiations were put before voters on the February 2008 ballot as propositions 94-97. Propositions 94-75 passed, with each receiving approximately 55% of the vote. But what is perhaps more telling is that the communities that showed the strongest support for these propositions were those closest to gaming reservation (Miller 2008). This pattern held true even for San Bernardino, a city that neighbors San Manuel, which already had the new compact in effect and therefore, unlike the four tribes directly impacted by propositions 94-97, could stand to lose revenue as the neighboring casinos at Pechanga, Agua Caliente, Sycuan and Morongo expanded. In Chapter 5 I provide further examination of propositions 94-97 and some possible explanations for the greater support by neighboring communities, even when it may have been against their own economic self-interest.

Overall, California tribes that operate casinos and tribes without the casinos have experienced sharp increasing living standards as wealth from gaming enterprises (in California, gaming compacts require tribes with prosperous casinos to share revenue with tribes that lack casinos or have small casinos) (Marks and Splide Contrares 2007). The few tribes with reservations and gaming operations near major population centers receive the majority of tribal gaming revenue, but because of revenue sharing agreements, all tribes have received some benefit from tribal gaming in California and over the last decade the per capita income on tribal reservations has out paced income growth for the rest of the California population (Marks and Spilde Contrares 2007). Some tribes, like the San Manuel Band of Mission Indians, had an unemployment rate of 75% before tribal gaming and, currently, revenue from the tribe's casino funds the per capita payments to individual tribe members, investment in reservation infrastructure (e.g., roads, water and health service) and tribal cultural projects (Trafzer 2002). Other tribes, such as the Pechanga Band of Luiseno Indian have experpeinced similar prosperity, but, additionally, tribal gaming development has led to increased conflict over politics of tribal membership; the *Press Enterprise* newspaper (DeArmond and Goad 2007) estimated that 230, or about quarter of the tribe's population, have been disenrolled from the tribe (and thereby lost per capita revenue payments, the right to live on the reservation, and other rights belonging to tribe members) since the tribe opened its casino.

As explained above, the history of California Indian tribes show us why currently some areas of California are home to many reservations, while other areas have few reservations. In California, some tribal leaders, local politicians, and casino developers

petitioned the Department of the Interior to have off-reservation land placed In Trust in order to let tribes develop casino in areas away from their reservation of ancestral homeland. This process, known sometimes as “reservation shopping,” is often successful when the land to be put In Trust is located within 25 miles of a tribe’s reservation, but recent attempts to create In Trust land farther away have not been successful. In 2006, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla worked with casino developers and Barstow city politicians to create In Trust land for the tribes near Barstow so that the city could benefit from tribal casino operations; the proposed site is 150 miles from the Los Coyotes reservation and over 750 miles from the Big Lagoon Rancheria (Marquez 2006). Thus far, Barstow and the tribe’s have been unsuccessful in bringing tribal gaming to Barstow, but their attempt concerned other tribes that trace ancestry to land near Barstow. While serving as tribal Chairman of the San Manuel Band of Mission Indians, Deron Marquez (2006) wrote that,

The ancestral lands of my people...cover an area that includes Barstow...San Manuel strongly supports the rights of tribes to develop their ancestral lands as a basic and fundamental principle. To that end, we have made clear that we would not oppose a land acquisition by the Chemehuevi Tribe—even for gaming purposes—because the Chemehuevi also have ancestral ties to the Barstow area. However, we also very much support the basic and fundamental principle that an outside casino developer should not exploit a tribe’s status and attempt to move that tribe hundreds of miles away to develop a casino on the ancestral land of another tribe.

For Marquez “reservation shopping” is an exploitation of a tribe’s status if the tribe has no ancestral connection to the affected location. A static or essentialist definition of

tribal “ancestral homelands” becomes contested when tribes, like the Big Lagoon Rancheria, claim that Barstow is part of their ancestral land based on their spiritual connection to the land and not archaeological or ethnohistorical evidence.

### *The San Manuel Decision*

Most federal laws do not specifically mention whether or not they apply to tribes. In a Supreme Court decision from 1960, the court ruled that if a federal law that does not specifically stipulate whether it applies to tribes, the law will apply in cases where the court interprets the law as intended to be applied to all Americans, and the law will not apply in cases where the law is viewed as interfering with tribal self-governance (*Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99, 1960). Thus, when tribal governments participate in unprecedented activities, like gaming, those activities become the subject of court battles over which federal laws apply. The recent interpretation of one law, the National Labor Relations Act, is seen as especially troubling for tribes engaged in gaming.

Congress passed the National Labor Relations Act in 1935 (PL 49 Stat. 449). The Act, known as the NLRA, limits the actions an employer can make in response to labor organizations and establishes regulations for how employees can collectively bargain with employers. The act only applies to private sector employees, and does not apply to government workers. The NLRA created the National Labor Relations Board (hereon referred to as the NLRB, or the Board). Under the NLRA, if employees are to form a labor union, they must file a petition with the Board that shows support from at

least 30% of employees. The Board, upon receiving the petition, holds a secret ballot election in which employees vote for whether or not the union will represent them. If the union receives the majority of votes, the employer must recognize that union. The NLRA does not specify whether it applies to tribal lands, only that it applies to the private sector, and not governmental employers. Until recently, the NLRB asserted its jurisdiction on tribal lands only in cases where a private corporation leases tribal land. This precedent began in 1976, when the NLRB examined whether it had jurisdiction over the Fort Apache Timber Company (226 NLRB. 503 1976). The White Mountain Apache Tribe, based in Arizona, owned the company and determined all employment policies. The Board ruled that it did not have jurisdiction because the Fort Apache Timber Company was a tribal government entity operating on tribal land. The Board held this precedent until the development of tribal gaming.

This reversal originated from a labor union campaign to organize tribal casino workers. One state, California, included in its tribal gaming compacts that tribes must enact labor laws that permit labor relations similar to those in the NLRA. Following this model, in 1998 the Viejas Band of Kumeyaay Indians, located outside of San Diego, and the Communications Workers of America (known as the CWA) signed a labor agreement. In its coverage, *Indian Casino Magazine* highlighted how both Viejas and CWA celebrated the agreement (*Indian Casino Magazine* 1998: 12). Viejas Chairman Anthony Pico explained, “The union supported our concerns about fundamental rights of free speech and the right of our service employees to vote on whether or not to be represented by a labor union.” Tony Bixler, vice president of CWA, District 9 said, “this

is a proud day for labor unions...Viejas showed tremendous good faith when the tribe voluntarily agreed to hold a union election. We understand, respect, and embrace tribal sovereignty.” In this case, the union and tribe are described as valuing each other, with the tribe supporting its workers right to collectively bargain, and the union supporting the tribe’s sovereignty. However, other articles present unionization as a looming threat for tribal sovereignty.

In 1999, an article published in *Indian Casino Magazine*, titled “Fighting Off the Union: Manifest Destiny All Over Again,” (Koeppen 1999: 6-7) warned that union organization on tribal lands could undercut tribal sovereignty. The article asserted that the agreement between Viejas and CWA and other campaigns to organize tribal casino workers signal a new type of Manifest Destiny. The author explained, “...the discovery of ‘gold in them-thar hills’ will once again bring an onslaught of opportunistic settlers.” In this view, the new Manifest Destiny could involve the court’s reinterpreting the applicability of federal labor laws on tribal lands, allowing unions to “settle” on tribal lands. The article predicted that the NLRB would not assert jurisdiction over tribal governments because of the precedent set in the *Fort Apache Timber Decision*. However, this prediction was wrong.

The case that reversed the Board’s precedent stems from a labor relations dispute at the San Manuel Indian Bingo and Casino, owned by The San Manuel Band of Mission Indians, and located on the tribe’s reservation near San Bernardino. It began in 1999 when the Hotel Employees and Restaurant Employees Union (known as HERE, and currently known as UNITE HERE) filed grievances with the NLRB, charging that San

Manuel gave preferential treatment to the Communication Workers of America (the CWA). HERE asserted that San Manuel let the CWA place a trailer in the employee parking lot to solicit employees, while denying access to HERE organizers. This would be a violation of the NLRA because the Act forbids an employer from favoring one labor organization over another. At the center of this case was a casino owned by a tribal government and located on tribal lands is government or private enterprise. In 2004, the Board ruled that it has jurisdiction over the casino, and ordered the tribe to give HERE access to employees at the casino (341 NLRB No. 138). The tribe petitioned a Federal Court of Appeals, arguing that under the *Fort Apache Timber Decision*, the NLRA did not apply to the casino. In 2007, the Federal Court of Appeals sided with the National Labor Relations Board (*San Manuel Band of Mission Indians v. NLRB* D.C. Cir. No. 05-1392).

The court's decision reversed a 30-year precedent. The Federal Appeals Court found that the NLRA applies to tribal lands because the majority of casino employees and patrons are non-Indians. Moreover, the Court found that the casino could not be a governmental enterprise because, in the court's view, tribes do not traditionally operate casinos and the NLRA would not interfere with tribal sovereignty. The Court ruled that tribal sovereignty exists along a continuum. A tribe's sovereignty is strongest when governing matters that effect only tribal members, and weakest when a tribe engages in economic activity that reaches beyond the reservation. In other words, the more a tribe engages in business with those outside the reservation, the more its sovereignty is an unfair competitive edge.



## **Conclusion: The Return of Serrano and Cahuilla as Political Players**

In retrospect, the activism of organizations, such as MIF, during the first half of the twentieth century was a harbinger of a coming NSN political resurgence. In the middle of the twentieth century, termination threatened tribal sovereignty across the United States, but this threat only served to strengthen the resolve of American Indian activists and encourage them to unite in strategies to both lobby congress and the public to support policies that recognize and strengthen NSN sovereignty. Tribal gaming emerged as part of a nation-wide movement to revitalize sovereignty, and the Cahuilla and Serrano bands at Cabazon and Morongo, were joined by others, which in the late 1970s and early 1980s were pushing the envelope of federal policy. As illustrated in this and the previous chapters, pushing that envelope through tribal gaming was part of a long history of Cahuilla and Serrano nations working to strengthen their sovereignty. When the circumstance presented itself in 1978 with the legalization of gaming in California, the Cabazon band, followed by the Morongo band seized this opportunity. While other NSNs were pursuing that strategy, the repercussions of Cabazon's act of civil disobedience turned federal policy on its head. The policies intended to limit the influence of tribal sovereignty by relegating it to lands on isolated reservations, were now the source of those NSNs legal right to operate gaming enterprises that attract non-Indians, and their expendable income, to reservations.

The present landscape of NSN political sovereignty is uneven and in constant flux. The success of any particular NSN's gaming operations depend on a variety of unpredictable factors, not the least of which are the wider economy and the constantly

evolving laws and court rulings. NSNs across the United States now have wider range to exercise their sovereignty, yet only a few, including a number of Serrano and Cahuilla nations, have attained significant wealth and political influence, and even among those few, as the *San Manuel Decision* demonstrates, the legal frameworks that underpin their revitalization are under constant challenge. As in the past, NSNs take the lead in their revitalization, but it is hard to imagine their efforts being successful without alliances with sympathetic members of the settler population. For example, when the governor of California refused to negotiate compacts directly with NSNs, the NSNs, lead in large part by the San Manuel Band, organized a coalition to provide voters with the opportunity to override the governor. As tribal gaming has grown, so has the economic and political influence of NSNs across the United States, and, in particular, in California. This growth, while propelled by political and economic processes, has significant implications for the distribution and structure of cultural knowledge, which, in turn, impact the political and economic processes that underpin the success of tribal gaming. The next chapter provides an analysis of the various representations of American Indians that NSNs, politicians and others mobilize as they attempt to influence the public.

## **Chapter 5: Sites of Self-Representation and Knowledge Dissemination**

If culture is distributed knowledge, then what accounts for spread of specific forms of knowledge across society? Of course, individuals' direct experience of the world constitutes a major source of cultural knowledge, as is indirect experience of the world that accrues when people learn from others about different aspects of the world. In postindustrial societies, such as Southern California, the media, in all its forms, provide a key avenue for individuals to acquire cultural knowledge about the world. In the case of the settler population's knowledge of American Indians, the media may be the primary source of such knowledge, which may, but often does not, accurately reflect the historical and present structure of American Indian communities. However, there is also a new medium for representations of American Indians, and one that often runs counter to the images and stereotypes commonly found in the media. With the advent of NSN revitalization, and in particular the new wealth and visibility attained by a handful of NSNs, particularly through casino development, those NSNs now can represent themselves to the public through cultural displays in their casinos, powwows that often attract thousands of their non-Indian neighbors, and television ads. In this chapter, I analyze the form and content of the various representations of native nations prevalent across Southern California in order to identify the consistencies and discrepancies among such information that residents of this area are commonly exposed to. Again, to reiterate the structure of this dissertation, the political and economic processes discussed in the previous chapter provide the means for certain segments of society to acquire direct experience of native nations and the motivation for some individuals to mobilize or

manipulate cultural knowledge to suit their goals. Whereas the following chapter examines the variations this cultural knowledge across society, this chapter examines the primary means by which most non-Indians in Southern California, that is, those with no or little knowledge of American Indians through direct or second-hand experience, learn about native nations: the media in all its forms, including television, social media and print media.

### **In the Casino**

With a few NSNs now operating casinos that attract a large portion of the public to reservations, those NSNs have a unique opportunity to capitalize on their increased visibility by presenting their history and culture to the public as they see fit. However, NSN casinos in Southern California vary widely in their incorporation of native design and cultural elements. From my visits to these casinos from 2008 till 2011, I found a few that fully embrace the possibility of informing the public about their cultural history, and others that are, except for their location on a reservation, indistinguishable from commercial casinos. Because decisions on whether to incorporate native themes into the casino décor are made by casino management with, presumably, significant input from the NSN itself, the variation between casinos demonstrates, to a certain extent, the potential combinations of marketing and NSN self-representation strategies. The marketing and self-representational motives are not mutually exclusive, yet may pose certain challenges for representing the NSN identity as authentic, while marketing the casino as a site of entertainment. Below, I describe in detail the format of three NSN casinos, Sycuan, Rincon and Pechanga, which take significantly different approaches to

self-representation. I suggest that these casinos be seen along a continuum with counter narrative at one extreme, self-effacing at the other, and native aesthetic in the middle.

*Sycuan: A Counter Narrative*

Perhaps the Sycuan Casino in San Diego County is the strongest example of an NSN casino's potential to challenge patrons' understanding of tribal culture and local history. In the bridge between the parking garage and the casino is a prominent display of the Treaty of Santa Ysabel.

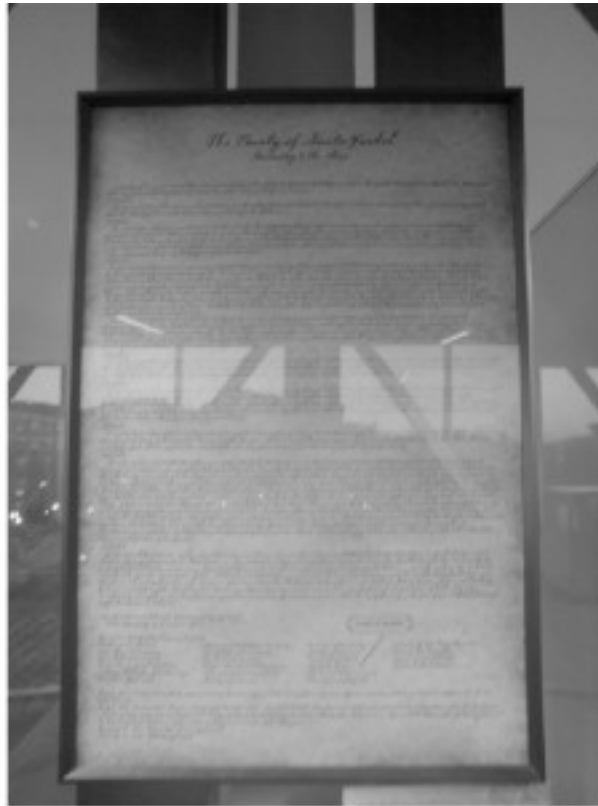


Image 5.1 Copy of Treaty of Santa Ysabel at Sycuan Casino

When I observed the framed replica of this treaty in Winter 2010, it was posted with an interpretive sign that read as follows:

In 1851 through 1852 United States treaty commissioners negotiated a treaty with the various bands of the Kumeyaay nations. The treaty would have set aside a very large reservation for the Kumeyaay people.

But under pressure from the state of California, the United States Senate did not ratify the treaty. It was hidden under an ‘**injunction of secrecy**’ [Bold in the original] until 1905.

By treating with the Kumeyaay for land, the United States thereby acknowledged that the land rightfully belonged to the Kumeyaay. Because no Kumeyaay lands were ceded to the United States by an unratified treaty, all Kumeyaay lands presumably continued to be the rightful possession of the Kumeyaay nations.

“...[C]ritical to the status and rights of American Indians are treaties that were negotiated in good faith but were not ratified by the Senate. If Indian treaties have the same dignity—that is, legal standing—as the treaties of foreign nations, then the United States should not claim lands cited in treaties it formally rejected.” – Vine Deloria, Jr.

Across the hall from the treaty and interpretive sign hung a map of pre-contact Kumeyaay territory overlaid with the present-day cities of San Diego County and Kumeyaay reservations. Taken together, these displays directly confront casino patrons with the Kumeyaay perspective of history, backed by the historical facts of the treaty, the injunction of secrecy, the disparity between the United States’ recognition of treaties with foreign and native nations, and the extent of Kumeyaay territory illegally encroached upon by settlers. Through this display, Sycuan Casino is informing its patrons, the majority of whom, presumably, live in the greater San Diego area, that they are not just regarded as guests on an Indian reservation. Rather, as they go about their lives, the place they have come to know as San Diego is not what they think it is; the entirety of

this area belongs to the Kumeyaay, who have a right to exercise self-determination over this territory, but have been denied the “dignity” to exercise that right. And this is the display in plain view patrons as they cross the bridge to the casino.

Inside the Sycuan Casino itself, there are multiple displays, both aesthetic and informational, of their culture. One room in the casino that holds various slot machines is decorated with a large mural covering the walls of three sides of the room. The mural illustrates the geographic variability of Kumeyaay territory; the mural reads “from the deserts, to the mountains, to the ocean,” with each wall depicting the environment of those areas. As patrons are entertained by slot machines, the mural surrounds them. Taken with the treaty and interpretive sign displayed at patrons as they enter the casino, this mural is not just a statement about the vastness and diversity of Kuymeyaay territory, it is a reminder that totality of the San Diego area and its environs belong, from the Kuymeyaay perspective, to their original inhabitants.

Other displays in the Sycuan Casino include an exhibit on *peon*, a traditional hand game in which players bet significant amounts of wealth, and is continues to be played by native communities across California. This display is both informs patrons about a traditional Kuymeyaay game, and provides cultural context for the casino, it illustrates that while the games of the casino may be new, the Kuymeyaay have a long history of gambling and the casino is merely the latest iteration of a tradition of playing games of wager as a means of connecting and exchanging goods with neighbors. The casino’s sit-down restaurant, Wachena, incorporates native aesthetics by displaying photographs of Kuymeyaay pictographs walls. These photos are a subtle, yet distinctive reminder to

patrons that the restaurant and casino are part of a much larger and complex history, and that the Kuymeyaay pictographs, with their bright colors and abstract motifs, are aesthetically pleasing and worthy of display. For those patrons who want to learn more about the Kuymeyaay, the casino's gift shop sells *Sycuan: Our People, Our Culture, Our History* by Michael Miskwish (2007), a book explaining in detail the history of Sycuan from their perspective, complete with historic and current photographs.

I refer to this strategy of in-casino self-representation as counter narrative, because it, as directly as possible, confronts patrons with claims that challenge commonly held cultural knowledge of Southern California. While I cannot speak to the behind-the-scenes discussion that must have taken place between the tribe and its casino management, the approach taken at the Sycuan Casino is, needless to say, also counter to more traditional marketing strategies. The patron is informed upfront, before entering the casino, that all land in Kumeyaay territory, which very likely includes the home of the patron, belongs to the Kumeyaay; the patron's home does not really belong to him or her, he or she is, in fact, a squatter on Indian land. This direct challenge to the worldview of most patrons is then further supported by the additional displays throughout the casino and the patron is provided with an avenue, through a book on the tribe's history, to further reorient and deepen his or her knowledge of the Kuymeyaay perspective. This is not to say that all, or even most, patrons stop to read or observe any of these counter narrative or informational displays. While these displays are ubiquitous, the patron intent of heading directly to his or her game of choice will not be stopped and confronted with the counter narrative. The next chapter, however, includes observations and interviews



with casino patrons and concludes that many not only take note of these displays, the knowledge they gain influences how they think about NSNs.

*Pechanga: Native Aesthetic without Context*

If the Sycuan Casino incorporates elements to directly challenge the commonly received perspective of Southern California, the Pechanga Casino, near Temecula in southwest Riverside County, subtly incorporates a native aesthetic that, in most cases, only an observer with knowledge of Luiseno culture and iconography, would recognize. Thus, to most patrons, the Pechanga Casino may have pleasing abstract aesthetic décor, but no reason to identify patterns in that motif with any particular cultural tradition, let alone with any cultural displays that would inform or challenge the patrons' received knowledge. Katherine Spilde Contreras article "Cultivating New Opportunities," provides insight into the decision-making processes behind this strategy:

The new casino employs touches of Luiseno visual culture that blend into the overall decorating scheme and are likely to be noticed by only those with knowledge of the Luiseno iconography. The tiles in the bathroom, for example, or the wall hangings in the entrance to the conference center, were inspired by petroglyph designs found in Temecula's surrounding mountains...The mural above the hotel front desk was painted to portray the eagle's nest located on the Pechanga Reservation, and the baskets in the Cabaret Bar display the renowned basket weaving skills of the Luiseno women. The decision to incorporate but not emphasize tribal cultural elements derives from the tribe's philosophy that the Pechanga Hotel and Casino is a tribal business and not a political statement. 'We don't need to prove we're Indian,' said [tribal official Anthony] Miranda. 'We know who we are. If you know our culture, you know that the snake design [on the floor of the hotel lobby] was part of our traditional puberty ceremony. You

will recognize that pattern and it will be meaningful. If you don't know that, it's just a cool-looking design,' said Miranda.

These “cool-looking” designs thus hold significance for what must only be a small fraction of casino patrons. For tribal members, these designs do hold significance, and may function to assert, for tribal visitors, the Luiseno heritage of the casino. However, perhaps only a handful of non-Indian patrons, presumably local or native history buffs and the occasional anthropologist, would take notice. This is not to say that the casino is devoid of any widely recognizable marking of tribal ownership. Framed historic photographs of tribal ancestors decorate the walls in certain parts. A mural above the entrance to the conference center includes sketches of, presumably, tribal ancestors against the night sky, as if they are looking down from heaven. A central bar is located in a circle around a multistory, lighted representation of an oak tree, a tree held sacred to the Luiseno, and that, even to the uneducated patron connotes a certain natural, if not tribal, motif. Yet, none of these representations are accompanied by any interpretive displays to provide the patron with context. Yes, they appear “tribal,” but only someone with intimate knowledge of Pechanga's history would recognize these individuals. As Miranda related to Spilde, this strategy was chosen, in part, because they saw no “need to prove we're Indian.” From this perspective, the absence of cultural context is as much as a statement as its would-be presence; at play here is the belief that they ought not have to assert their authenticity, and to try to do so would, in effect, acknowledge that such challenges to their identity are worth consideration. This is what I refer to as the native aesthetic strategy because the incorporations of designs significant to tribe separate the

casino from commercial casinos, without incorporating any educational or counter narrative elements. For tribal members, the Pechanga Casino is not just any casino, it is uniquely Pechanga, with cultural significance on the wall, carpets, and the center piece to the central bar. But for the vast majority of patrons, its motifs make it look different from a typical casino, the pictures of ancestors mark it as connected to a certain historical context, but that context is never provided; it is just a “cool-looking” and different style.

### *Rincon: Native-Effacing*

If any resident of Southern California were to be picked up and dropped inside the Harrah’s Rincon Casino, she or her would have no reason to suspect they were in native owned and operated casino located on an Indian reservation. There are no cultural or historical displays and there is no native aesthetic recognizable to the layperson or anthropologist. The gift shop does not sell Indian related wares. This casino, managed by Harrah’s, which lends its name to the establishment, has the lights, chandeliers, high ceilings and décor common to casinos, without any hint of the native context in which it operates. It is, to the common observer, indistinguishable from a commercial casino. Of course, this is not to say that its patrons are unaware that they have traveled to an Indian reservation. The Rincon reservation is located in a relatively remote section of the mountains of Northern San Diego County. The winding road to the casino takes visitors past a sign welcoming them to the Rincon Reservation, and the tribally operated Rincon Tribal Fire Department sits across the street from the casino. This casino stands apart from the other tribal casinos of Southern California in its absence of any reference, direct

or subtle, to its Indian ownership. Its design lies on the opposite extreme from Sycuan's counter narrative; I refer to the Rincon Casino as a native-effacing style because, set among neighboring casinos that highlight, or at least hint, their tribal affiliation, Harrah's Rincon takes on the appearance of a generic commercial casino. My understanding of why Rincon took this particular approach is speculative; however, Harrah's Rincon Casino is the only casino in Southern California that is managed by Harrah's, and the only casino to include in its name the name of its management corporation. Harrahs Entertainment, a casino corporation that was bought by Caesars Entertainment Corporation in 2010 although it continues to lend its name to the casinos it owned or managed before 2010, has its own brand image. Perhaps, the native-effacing style of Harrah's Rincon reflects a concern to maintain a pure Harrahs brand image, thus providing customers with the perception of a coherent Harrahs image and experience found in its casinos across the country. Whether this strategy is the result of Harrah's policy, Rincon sharing Pechanga's sentiment that there is no need to prove their authenticity, or some combination of both or other factors, the result is the same; Harrahs Rincon Casino is a rare case in which the image of the managing corporation is prominent while tribal affiliation is effaced.

The three strategies, counter narrative, native-aesthetic and native-effacing, are intended to provide a framework for understanding the range of strategies NSN casinos have taken in their degree of representation of native identity. I chose Sycuan, Pechanga and Rincon because they stand as extremes, and a middle ground, in the variety of self-representational approaches taken by NSN casinos. The remaining NSN casinos in

Southern California can be seen as falling somewhere along this continuum. From the perspective of casino managers and tribal officials, there are potential strengths and weaknesses associated with each approach. A counter narrative may educate patrons, and perhaps, as discussed in the next chapter, sway patrons to support specifically NSN casinos and NSN rights, at the risk of alienating patrons by challenging their worldview or, as is suggested by Anthony Miranda, imply to patrons that tribe's identity is in question and needs to be proved. On the other end, a self-effacing casino does not communicate any message, either directly or through subtle native-aesthetics and portraits, that the casino is, in fact, a tribally owned and operated entity; this strategy could lend itself to the common misperception, further elaborated below and in the next chapter, that NSNs, especially those that operate casinos, are facades for corporate interests.

### **The Powwow**

Historically, powwows developed as performances for white audiences, but they now serve multiple functions for native communities, of which tribal self-representation for the public is just one part. Today's powwows in Southern California originated in the the various pre-contact gatherings which native nations gathered for rituals and trade. From the time of contact till the middle of the twentieth century, these gatherings continued and were known as fiestas. The first powwows in Southern California began in the 1970s as part of a wider North American tribal revitalization and the growth of the powwow circuit. However, this section will not address the significance of powwows to

the natives who perform in them or their historical development; the focus here is on the ways in which these powwows serve as a platform for NSNs to represent themselves to their neighbors. Native California culture is not a prominent aspect of the powwows in this region; rather, they feature the drums and dances indigenous to the nations of the Great Plains and Dakotas. Given that the powwow format, dances and drums are largely not native to California, there are, in my observation, two parts of the powwow in which California NSNs have the opportunity to represent their sovereignty: the Grand Entry and Bird Song performances.

Grand Entries are held at the beginning of each session of the powwow, typically one each morning and each afternoon of powwow. During the Grand Entry the Color Guard enter followed by the every performer in the powwow dressed full regalia, as all participants dance in a circle rotating around the arena. Color guards vary, but in my observation, always contain at least the flag of the United States as well as the flag of the native nations hosting the powwow. Other flags observed include the flag of the state of California and the flag for Prisoners of War/Missing in Actions. The POW/MIA flag functions as both a tribute to the sacrifice of those military servicemen and women held captive or missing, and as a means to inform the public that American Indians serve the military at a higher rate than other Americans; in other words, the hosting native nation not only supports the armed forces of the United States, many members of that native have served and continue to serve their country. A powwow hosted in late Summer 2009 by the San Manuel of Mission Indians on the campus of California State University, San Bernardino feature one of the most prominent displays of sovereignty. Joining the color

guard were members the San Manuel Fire Department, in full uniform and on horseback. The message conveyed here is clear: San Manuel is a sovereign polity, and, as such, it has the hallmarks associated with other sovereigns including a fire department, which like other fire departments, has its own uniforms, rides on horseback (at least during ceremonies such as this) and deserves the same respect and deference as all fire departments. The Grand Entry, thus, can function as a means to represent the hosting NSN to attendees as a government, with institutions and symbols that are both unique to that NSN and, on a more general level, shared by all governments. After the grand entry, a representative of the hosting NSN addresses all participants and attendees. These addresses, one of which is described further in the next chapter, always consist of a welcome and a prayer, and, at times, explicitly political statements.

At powwows, Bird Song performances, where they are included at all, are the sole representation of native Californian music and dance. These may take either the form of stand alone performances in which groups from different reservations or communities come forward to sing, or as competitions between groups, as I observed at the Morongo powwow in the Fall of 2011 and 2010. As they were traditionally practiced, men sing the Bird Songs as women and girls dance on the stage. The powwow's MC explains to the audience that the Bird Songs recount aspects of the origin stories, and, at times, content of the songs, such as the weather experienced by the birds, is provided... The Grand Entry and Bird Songs, taken together, represent both the political and cultural dimensions of tribal sovereignty. They expose non-native attendees to both the structural and

ceremonial aspects of the NSN as a government and spiritual and performance aspects of the NSN as a cultural entity that predates European colonialism.

### **The Media**

Media representations of American Indians has and remains the subject of much scholarly analysis, but media representations of California Indians, especially in the context of tribal casinos, remain mostly unexamined despite the unique intensity of and discrepancies in advertisements both for and against California's various tribal casino related ballot initiatives. The bulk of media representations of California Indians are found in political advertisements for and against the numerous tribal gaming ballot initiatives that have come before voters starting with Proposition 5. These representations are explicitly political and therefore highlight only those images that their creators foresee as having the potential to change public opinions.

When Arnold Schwarzenegger ran for governor in 2004, a central component of his campaign was his promise to require gaming tribes to share a high rate of their revenue with the state government. In a slogan prominently featured in his advertisements and stump speech, Schwarzenegger repeatedly claimed, "it is time for the Indians to pay their fair share." While Schwarzenegger was referring specifically to NSNs that operate casinos, his use of the generic label "the Indians," without any further clarification, denotes all American Indians. This, coupled with his phrasing of "pay their fair share" has the potential to suggest to the unformed that all American Indians unfairly manipulate the tax code in their favor; the implications of this unfortunate phrasings for



cultural knowledge is examined in the next chapter. Here, however, it is important to note that this slogan frames American Indians as two contrasting types of organizations. The generic “Indians” label denotes an ethnic or pan-ethnic group, not the NSN polities that his proposed policies would impact. Second, “pay their fair share,” in the context of Indian casinos is an analogy between those enterprises and private businesses that pay, or should pay, taxes to the state. Thus, then-candidate Schwarzenegger characterized NSNs that operate casinos as both an ethnic group and a class of private businesses, when, legally, they are neither.

Advertisements and politicians characterize California NSNs in a variety of ways, and Schwarzenegger’s dual ethnic group and private business analogies are two common types of representations among number, each of which functions to highlight the features, or purported features, of NSNs that the authors perceive will make the most effective argument. There are at least three such characterizations that are commonly evoked; in addition to the ethnic group and business analogies, NSNs are often characterized as the sovereign polities they, in fact, are. Often, the same type of characterization, such as those that highlight the individual tribe over the collective ethnic group, may be employed by ads by groups that oppose each other, resulting in ads, that when taken together, have to potential to be very confusing for the uniformed viewer. For example, below is the text from two television ads that ran before the 2008 Prop 94-97 ballot measure. The first was sponsored by the Yes For California (2008) organization:

Who’s really behind the ads opposing Indian Gaming agreements? They’re paid for by a Vegas casino owner and two racetracks. In fact, only two tribes oppose the agreements, while tribes statewide support an agreement, because the

agreements share revenues with all tribes that don't have casinos to fund health care, schools and housing on reservations throughout California, benefiting over 70 tribes. Vote yes for California and California Indian tribes.

During the ad, a list of all of the California NSNs that support the campaigns is shown, followed by the slogan "Support Indian Self-Reliance." In another ad, sponsored by an organization known as No Unfair Deals, features John Gomez, Sr., the director of the American Indian Rights and Resources Organization. In the ad, Gomez explains:

As a leader of an Indian rights group, I am outraged at the deceptive ads for the gambling deals. The truth: props 94-97 are for the benefit of just four of the state's 108 tribes. The rich tribes get richer, the poor tribes don't get a penny

more. In the name of fairness, California Indian tribes urge you to send these deals back.

Both of these ads distinguish between the individual NSNs in California; neither makes blanket statements about "the Indians" as Schwarzenegger's slogan does. However, when viewed back to back, as they were often aired in the run up to the Props 94-97 measures, these ads directly contradict each other over the facts regarding how many tribes benefit will from these measures and how many support them. Are four tribes greedily keeping expanding and hoarding casino revenue for themselves, or do all but two tribes support these measures which will benefit all tribes? Of course, the situation is much more complicated. The measures, which passed, allowed four tribes to expand their number of slot machines in exchange for paying a higher share of revenue to the state, but also a smaller amount of revenue into a fund for tribes with no or only small-

scale casino development. Both ads misconstrue the facts, and have the potential to leave viewers confused.

Some tribally sponsored advertisements send a clear political message without appearing as advertisements at all, but as educational public service announcements. The San Manuel Band of Mission Indians regularly runs such advertisements, which can be found on their website, [sanmanuel-nsn.gov](http://sanmanuel-nsn.gov). In a May 2011 interview with the blog *Newspaper Rock*, San Manuel's director of public relations explained:

We do two to three of them a year, and we show them to focus groups, and what we've found is that people are really interested in the history. And I think it's important for me to point out that these are made by the tribal government side, not the gaming side. We know that the public would rather learn about history than see a casino ad, and we're proud of our history and the positive contributions we've made to the communities here in the San Bernardino Valley (Newspaper Rock 2001).

As stated by Coin, these ads are created by consulting focus groups to establish what messages will be the most effective. Additionally, the tribal government and not the tribal government's casino operation produce these educational commercials, and, notably, they make no direct references to the casino. Some of these ads link the contributions of San Manuel and other tribes to early California settlers to a tradition that continues today. For example, in one ad, named roads informs views:

If you look in any direction you'll see an Indian trade route that once existed. California's first roads were started by its first inhabitants, including ancestors of the San Manuel Band of Mission Indians. These Indian trails established commercial routes, becoming the roads of today's economy, including the route for Interstate 10. San Manuel continues to contribute to the economy through job

creation, buying from local businesses, and partnerships with local cities. Indian tribes and California: together, one community (San Manuel 2010).

As the narrator recites the above, the commercial shows reenactments of settlers crossing trails through the desert, followed by an image of Interstate 10 and the commercial concludes by showing trucks from local businesses unloaded goods on the reservation. As the ad correctly explains, the origin of Interstate 10, a route very familiar to the residents of Southern California, lies in a pre-contact Indian trade route, and early settlers, much like Californians today, depend on that route. As the advertisement asserts, the present day partnerships between San Manuel and their neighboring communities are not new, they are part of a long tradition.

In 1866, during a 32-day battle to rid the San Bernardino Mountains of all Indian people, a heroic Indian leader named Santos Manuel led his people on a perilous journey to freedom. As Santos Manuel saved his tribe, his story inspires a culture of bravery, leadership, and overcoming great odds in the tribe now named after him. The story of Santos Manuel benefits all Americans. Tribal self-reliance makes Californians self-reliant (San Manuel 2009).

During the ad, actors reenact a peaceful Serrano village interrupted by settlers who fire at the Indians and set their dwelling on fire. This history, one that most Californians, including San Manuel's neighbors, are likely unaware of, is however, not employed in a manner that suggests the people of San Manuel hold California society in ill-regard. Rather, the story of Santos Manuel is connected to a self-representation of the tribe today as a "culture of bravery, leadership and overcoming odds". The statement "tribal self-reliance makes Californians self-reliant" has appeared in several of San Manuel's educational ads. Self-reliance, when it applies to a community, denotes many of the

same features of sovereignty; it entails both self-determination and the political and economic factors that underpin a polity's capacity to maintain its independence. In this manner, this statement links tribal sovereignty to the sovereignty of California, which highlights, as explained in the previous chapter, the interdependency of California's political economy with that of the NSNs that it surrounds. These ads, however, are a drop in the bucket, so to speak, when compared to the overwhelming influence of California's public education system and its simplistic representations of California Indians.

## **Education**

The California Department of Education establishes the curriculum content for public schools across the state, and its representation of California Indians is modern-day iteration of the mission nostalgia described in Chapter 3. California's history curriculum is described in full in a document, *History-Social Science Content Standards for California Public Schools: Kindergarten Through Grade Twelve* (Department of Education 2012) which explains in detail what content students are to learn at each grade level. The Department of Education does require students to learn about California Indians; however, that content is introduced primarily in elementary school is shallow and partial. The most extensive section of California Indians occurs in fourth grade, where student learn about tribes prior to and immediately after contact. This section centers on a project in which students construct dioramas of California Missions, complete with representations of the missionaries and Indians working together. This project, and all content from this section, sweeps aside the violence of the Mission era.

As described earlier in this dissertation, the Spanish Missions were sites of forced labor and religious conversion; having students learn about these Missions by constructing dioramas is equivalent to requiring students to learn about slavery by making replicas of plantations, complete with slaves and masters. The history of California Missions has been and continues to be a whitewash in K-12 education; rather than educating students that these were sites of violence, they are presented as romantic images of an idyllic past. The rest of the K-12 curriculum does not touch on the contemporary structure and culture of native communities in California or anywhere. The story of California Indian history, as it is presented to K-12 students, is a fictional one of assimilation, in which the Spanish peacefully converted the natives to Christianity, taught them European skills. The frequent television, radio and outdoor ads promoting tribal casinos ensure that the students and graduates of this system are quite aware of presence of tribes in present-day California, but current K-12 curriculum provides no link between the past and present lives of California Indians.

### **Conclusion: Contesting Knowledge**

As demonstrated above, Californians are exposed to a wide range of divergent representations of California Indians. Prior to the NSN economic revitalization brought about largely by casino development, there were very few channels through which NSNs could represent themselves directly to the public. California's public education provided no link between the mission period and the present, and thus continues the false and romantic image of the missions first constructed during the turn-of-the-century, and its corresponding myth that California Indians were well-served by a mission system that

rendered them “civilized”. The growth of tribal gaming has provided NSNs, particularly those with the casino revenue to do so, to challenge false notions about their history; however, tribal gaming has presented some of its own problems. Tribal casinos vary widely in their utilization of casino spaces to educate their visitors, with some wary that overt attempts to represent their identity may call into question their authenticity, or muddy the image of the corporation that manages and lends its name to their casino. Powwows, while performances that focus on a pan-American Indian identity and culture, do provide a new and unique opportunity for California NSNs to represent themselves to their neighbors. Because the public, through electing politicians and voting on ballot initiatives, plays such a significant role in determining the course of tribal gaming, ad campaigns for and against those politicians and initiatives become a sources often very contradictory claims in addition to negative images of tribes as greedy organizations or private organizations. A handful of tribes, like San Manuel now wage their own educational campaigns to inform the public, without any explicit connection to economic or political motives. The next chapter addresses how sites of divergent information and the increasing social and economic impacts of NSNs impact the structure and distribution of cultural knowledge.

## **Chapter 6: Cultural Knowledge of NSN Sovereignty in the Era of Gaming**

As explained in the preceding chapters, Southern California is home to the densest concentration of NSNs in the United States, and acts of NSN sovereignty in Southern California, especially those preceding the landmark Supreme Court case *California V Cabazon Band of Mission Indians*, have advanced tribal revitalization across North America. Yet, the public remains largely unaware of the sovereign status of their NSN neighbors, even as NSN revitalization increasingly impacts predominantly non-Indian communities through increased economic development, as well as increased cultural programs. Now that NSNs are undertaking projects that significantly revitalize their sovereignty and effect neighboring predominantly non-native communities, how do members of the public react to and make sense of revitalization efforts? This chapter addresses presents and analyses data collected through stratified interviews and surveys in order to advance our knowledge of emerging constructions of tribal sovereignty in the era of gaming. This chapter finds that while neighbors of gaming NSNs are often their strongest supporters, confusion about NSN's persists and plays a significant role in shaping perceptions of the revitalization of NSNs; As non-Indians are increasingly aware of neighboring NSNs, divergent experiences of NSNs and partial knowledge shape new perspectives of NSNs.

### **Methodology**

This chapter draws on multiple lines of evidence in order to provide a robust analysis in which strengths of each method to mitigate weaknesses of others. Both



qualitative and quantitative methods were implemented to collect and analyze data pertaining to the relationship between perceptions and economic as well as cultural impacts. In-depth interviews were conducted with tribal casino employees, patrons and neighbors. Two surveys were conducted among university students in the region. Interviews allow participants to provide in-depth descriptions of their perspectives and knowledge of tribal sovereignty, but time and other constraints limit the number of participants. Conversely, surveys capture a wider sample, and allow more precise measurements of the congruence of perceptions between participants, but limit the depth to which each participant can expand on their perceptions. When combined, the design of these instruments captures aspects of both the depth and breadth of structures of divergent perceptions and establishes whether specific cultural knowledge structures are shared. Because participants were not recruited through random sampling, these methods are not intended to measure the proportion of any population that may hold such views; instead, they are designed to provide evidence that certain perspectives, knowledge and social constructions, converge across participants and methods. To the extent that significant commonalities exist among individuals' perceptions and knowledge, those commonalities are not idiosyncratic; the methods and analysis applied in this study are designed to describe those commonalities, where they exist, and propose processes that could lead to such convergence.

In total, twenty-one interviews were included in this study, six with tribal casino employees, eight with tribal casino patrons and seven with neighbors of gaming reservations (which, for this study, are defined as individuals living within three miles of

a gaming NSN in Riverside or San Bernardino Counties). To protect the identities of interview participants, all received pseudonyms. Additionally, the employer and position of employee participants were redacted to further protect their identities. This project utilized chain referral, or “snow ball” sampling to locate and recruit interview participants. Each interview, lasted between sixty and ninety minutes and included questions about the participant’s experiences with NSNs as well as questions to elicit the participant’s knowledge of the historical and cultural processes that underpin NSN gaming, that is, NSN sovereignty. Afterwards, each interview was coded for key terms and concepts applied by the participant. Below is a sample of the questions included in the interviews:

Key interview questions (respondents for each question is in parenthesis):

1. To the best of your knowledge, explain what rights or laws enable some American Indian tribes to operate casinos (Everyone)
2. What are common statements you have heard about American Indian tribes (Everyone)
3. Have you noticed any significant differences between tribal casinos and commercial casinos, such as those operating in Las Vegas? Please elaborate. (Patrons)
4. How long have you lived at your current residence? Do you attribute any changes in your community to the growth of [the neighboring NSN casino]? Please elaborate. (Neighbors)
5. When and how did you learn that your residence is near an Indian reservation? (Neighbors)
6. Where were you employed before starting at [NSN employer]? Do you find any significances between your current and former employer? Please elaborate. (Employees)

7. How often and in what contexts do you interact with tribal members?

(Employees)

The survey component included two surveys. In addition to asking demographic questions, including the participant's residential proximity to NSNs and frequency of visits to NSNs, each survey asked about the participants' perceptions of NSNs. The first included both included fifty-eight participants at the University of California, Riverside. The second survey entailed a triads test, designed to measure the consensus among participants about the similarity between NSNs and other social groups, includes ethnicities, nation-states, non-governmental organizations and corporations. The triad test included sixty-six participants and was based on methods outlined by Weller and Romney (1988). Below is a brief description of each survey.

Key Questions from Survey 1:

1). Tribal reservations in California were created by treaties the tribes signed with the United States

- (a) true
- (b) false
- (c) I don't know

2). Make your best guess at the location of the first Indian reservation to offer high-stakes gambling to the public \_\_\_\_\_

3) In the United States, are American Indians required to pay federal income tax?

- (a) yes
- (b) no
- (c) don't know

4) Are tribally owned casinos regulated by state law?

- (a) yes
- (b) no
- (c) don't know

5) Are tribally owned casinos regulated by federal law?

- (a) yes
- (b) no
- (c) don't know

6) What provides the legal basis for American Indian tribes to operate casinos? (If you are unsure, guess)\_\_\_\_\_

7). Do you agree with the legal basis provided in answer to question 6?

- a). Yes
- b). Maybe so
- c). Probably not
- d). No
- e). I am not sure

8). Do you think that most people agree with the basis you provided in answer to question 6?

- a). Strongly Agree
- b). Somewhat agree
- c). Disagree
- d). Strongly disagree
- e). Not sure

9). Do you agree or disagree with the following statement: "Prosperous American Indian tribes are generous with sharing their wealth with their neighbors,"

- (a) Strongly agree
- (b) somewhat agree
- (c) no opinion
- (d) somewhat disagree
- (e) strongly disagree

10). Do you feel that the growth of tribal casinos has impacted your quality of life?

- (a) yes
- (b) no

11). (if answered yes to #9) How would you characterize how tribal casinos have impacted your quality of life?

- (a) Very positive
- (b) somewhat positive
- (c) Neither positive or negative
- (d) somewhat negative
- (e) very negative

12). (if answered yes to #9) Indicate whether or not the following aspects of your community have been positively or negatively impacted by the growth of tribal casino?

a) employment

1) positive, 2) negative, 3) neither/ don't know

b) infrastructure (improved roads, street lights, etc)

1) positive, 2) negative, 3) neither/ don't know

c) gambling addiction

1) positive, 2) negative, 3) neither/ don't know

d) entertainment available

1) positive, 2) negative, 3) neither/ don't know

e) traffic

1) positive, 2) negative, 3) neither/ don't know

f) crime

1) positive, 2) negative, 3) neither/ don't know

#### Triad Test Format (Survey 2):

Terms/Concepts tested:

American Indian Tribe

Ethnic Group

Racial Group

Nation-State (The United States, Mexico, France)

State Government (California, Rhode Island)

Local Government (The City of Riverside, Orange County)

For-Profit Corporation (General Motors Corporation, Walmart)

Non-Profit Organization (Red Cross, United Way, Planned Parenthood)

Triad test question and examples:

Mark the term that is most different:

1. A. Racial Group, 2. Ethnic Group, 3. For-Profit Corporation

2. A. Nation-State, B. Local Government, C. American Indian Tribe

3. A. American Indian Tribe, B. For-Profit Corporation, C. Ethnic Group

(This pattern is repeated until of the 56 possible triads are listed)

## Results

### *Survey 1 Results:*

1). Tribal reservations in California were created by treaties the tribes signed with the United States.

Yes: 34 (58.6%)

No: 8 (13.7%)

Don't Know: 16 (27.5%)

2). Make your best guess at the location of the first Indian reservation to offer high-stakes gambling to the public \_\_\_\_\_

No Answer: 22 (37.9%)

California: 17 (29.3%)

Nevada: 16 (27.5%)

Other: 3 (5.1%)

3). In the United States, are American Indians required to pay federal income tax?

Yes: 4 (6.8%)

No: 38 (65.5%)

Don't know: 16 (27.5%)

4). Are tribally owned casinos regulated by state law?

Yes: 8 (13.7%)

No: 22 (37.9%)

Don't know: 28 (48.2%)

5). Are tribally owned casinos regulated by federal law?

Yes: 11 (18.9%)

No: 20 (34.4%)

Don't know: 27 (46.5%)

6). What provides the legal basis for American Indian tribes to operate casinos? (If you are unsure, guess) \_\_\_\_\_

Reparations ("make it even," "they were nearly extinct," "to bring them out of poverty"): 31 (53.4%)

Sovereignty ("are a government," "can make own laws," "free do to whatever on their land): 12 (20.6%)

No response, or don't know: 15 (25.8%)

7). Do you agree with the legal basis provided in answer to question 6?

a). Strongly Agree: 18 (31.0%)

b). Agree: 19 (32.7%)

c). Don't Know/No opinion: 15 (25.8%)

d). Disagree: 6 (10.3%)

e). Strongly Disagree: 0 (0%)

8). Do you think that most people agree with the basis you provided in answer to question 6?

- a). Strongly Agree: 5 (8.6%)
- b). Somewhat agree: 27 (46.5%)
- c). Disagree: 12 (20.6%)
- d). Strongly disagree: 2 (3.4%)
- e). Not sure: 12 (20.6%)

9). Do you agree or disagree with the following statement: "Prosperous American Indian tribes are generous with sharing their wealth with their neighbors,"

- a) Strongly agree: 3 (5.1%)
- b) Somewhat agree 16 (27.6%)
- c) No opinion: 24 (41.3%)
- d) Somewhat disagree: 5 (8.6%)
- e) Strongly disagree: 10 (17.2%)

10). Do you feel that the growth of tribal casinos has impacted your quality of life?

- a) Yes: 31 (53.4%)
- b) No: 27 (46.5%)

11). (If answered yes to #10) How would you characterize how tribal casinos have impacted your quality of life?

- a) Very positive: 1 (3.2%)
- b) Somewhat positive: 11 (35.4%)
- c) Neither positive or negative: 14 (45.1%)
- d) Somewhat negative: 3 (9.7%)
- e) Very negative: 2 (6.4%)

12). (If answered yes to #10) Indicate whether or not the following aspects of your community have been positively or negatively impacted by the growth of tribal casino?

- a) Employment
  - 1) Positive: 13 (41.9%)
  - 2) Negative: 0 (0%)
  - 3) Neither/ don't know: 18 (58%)
- b) Infrastructure (improved roads, streetlights, etc)
  - 1) Positive: 10 (32.2%)
  - 2) Negative: 8 (25.8%)
  - 3) Neither/don't know: 13 (41.9%)
- c) Gambling addiction
  - 1) Positive: 0 (0%)
  - 2) Negative: 20 (64.5%)
  - 3) Neither/don't know: 11 (35.4%)
- d) Entertainment available
  - 1) Positive: 20 (64.5%)
  - 2) Negative: 5 (16.1%)
  - 3) Neither/don't know: 6 (19.3%)

e) Traffic

- 1) Positive: 0
- 2) Negative: 15 (48.3%)
- 3) Neither/don't know: 16 (51.6%)

f) Crime

- 1) Positive: 0
- 2) Negative: 16 (51.6%)
- 3) neither/don't know: 15 (48.3%)

*Survey 2 (Triads Test) Results*

	Tribe	Ethnic	Race	Nation	State	Local	ForPro	NonPro
Tribe	0	286	242	79	77	100	41	59
Ethnic	286	0	302	60	55	53	35	63
Race	242	302	0	65	40	52	23	65
Nation	79	60	65	0	292	225	131	96
State	77	55	40	292	0	283	151	109
Local	100	53	52	225	283	0	153	101
ForProf	41	35	23	131	151	153	0	225
NonProf	59	63	65	96	109	101	225	0

Image 6.1 Triads Test Results

When respondents select which term in each triad is the most different, they are implicitly indicating that the two remaining terms are more similar, relative to the term selected as most different. The table above represents the number of times each time a pair of terms was judged similar by each participant. It can be read like a mileage chart on an atlas that represents the distance between destinations; however, instead of



indicating the degree of distance between places, the results of a triad test represent the degree of similarity between concepts. Below, a multidimensional scaling analysis

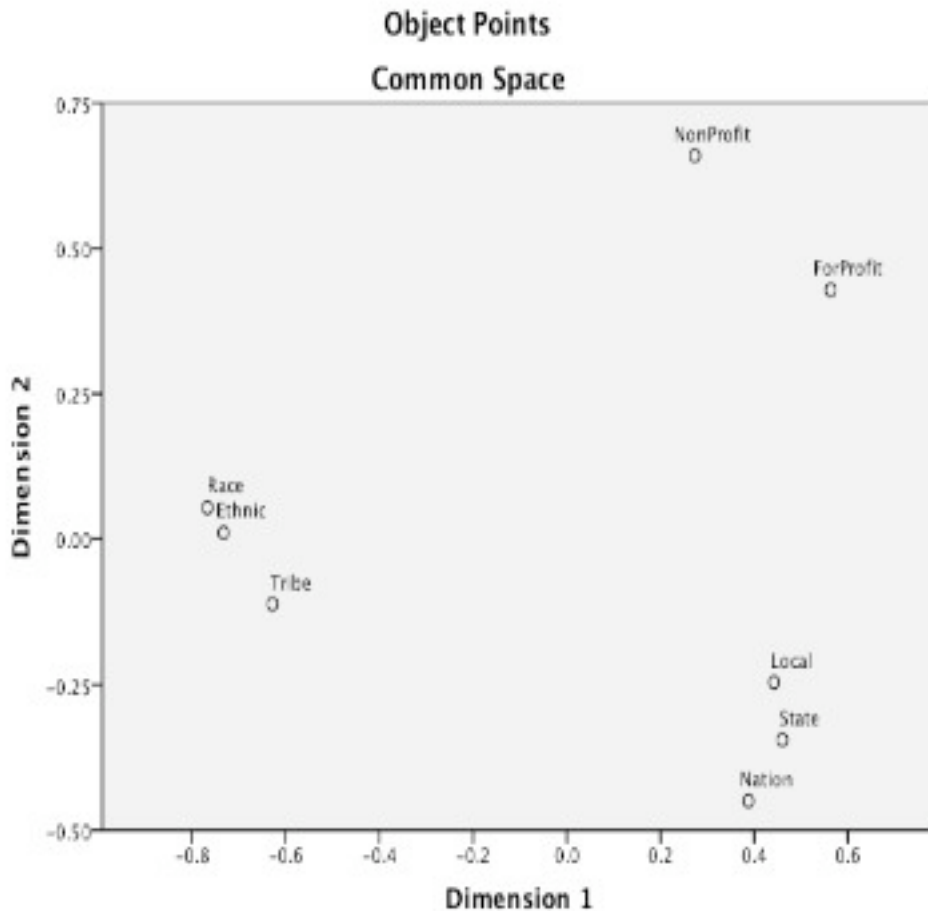


Image 6.2 Multidimensional Scaling Analysis of Triads Test Results

(MSA), performed with AnthroPac, illustrates, in two dimensions, the proportions of similarity between terms as found in the triad test. The resulting similarity scores yields three distinct bundles (racial/ethnic groups, polities and for/non profits) with “tribe” positioned relatively closest to race/ethnic, second closest to the polities and furthest from for/non profits. The stress score of the MSA, an indicator of the degree of fit between the

resulted and MSA, was less than 0.1, which indicates that the spatial arrangement of points on the MSA accurately reflect the ratios between similarity scores for pairs; in other words, the MSA is an accurate spatial representation of the survey results.

### *Interview Results*

#### 1). Polity

Associated Labels: Nation, Sovereignty, Self-Determination, Government, Treaties

Interview Context: Discussions of the independence and sovereignty of each NSN

Examples: “They are like their own government, they can come up with their own rules.”

“We signed treaties with them, that makes them independent”

“That’s what left of their land, they can do what they want with it”

#### 2). Ethnic Group

Associated Labels: Race, Affirmative Action, Ancestry, Heritage

Interview Context: Discussion of shared qualities among NSNs, and American Indians outside of federally-recognized NSNs

Examples: “Why don’t they share with each other?”

“They [American Indians] have all gotten rich now”

“Does it benefit all Indians?”

#### 3). Corporation

Associated Labels: Corporation, business, company

Interview Context: Taxes, Profit, organizational structure, comparisons to Las Vegas

Examples: “They’re just like any business”

“Pay their fair share”

“After working at a non-profit, I think it [the NSN employer] is very corporate”

### **Discussion**

In the first survey, the results indicate a high level of confusion about public policies that affect American Indians and NSNs. Significantly, a substantial majority (65.5%) responded that American Indians are not required to pay federal income tax,

which is false. Note that while this was not a randomized sample, the results largely correspond to the findings of Eve Darrian-Smith's (2004:5) scientific phone survey in Santa Barbara County. The overwhelming number of "no," answers, especially when "don't know" is an available response, suggests not an absence of knowledge (otherwise "don't know" would be more common), but the presence of inaccurate knowledge, that is, a prevalent assumption, or stereotype that is popularly held despite its inaccuracy. Implicit in this popular assumption is that American Indians, as individuals (as opposed to NSNs as polities that are recognized by the federal government) are exempt from specific federal laws because of their ethnic identity. Revenue from NSN enterprises, such as casino, are exempt from federal taxes (in the same manner that revenue collected by state and local governments are not taxed); thus the popular assumption that American Indians are exempt from federal income tax may result from a conflation of NSN sovereignty and individual American Indian identification; in other words, an erroneous extension of the rights of NSNs as polities to the responsibilities (or, in this case, exemption from responsibilities) of those who identify as members of the broader American Indian ethnicity.

The results indicate an absence of knowledge about the regulation of NSN casinos. A small minority of participants responded "yes" to the question about state (13.7%) and federal (18.9%) regulation, which indicates that most are unfamiliar with the state and federal regulations of NSN casinos currently in place. Questions 1 and 2, which were also designed to measure knowledge of California NSNs, find high level of inaccurate knowledge. Likewise, the coded results for Question 6, which asked students

to fill in the blank, found a majority (53.4%) of responses refer to reparations, or concepts closely associated with concept of repayment for past injustices. A minority (20.6%) of responses refers NSNs' capacity to govern their land, an aspect of NSN sovereignty (sovereignty itself was not specifically provided in any of the responses). Questions 7 and 8 indicate that the majority of respondents either agree or strongly agree with the legal basis for NSN casinos (66.3%) and think most other people also agree (55.1%). Thus, while support for the right to operate NSN casinos may be high, as well as the perception of support among others, knowledge about the basis of that right is largely absent. The prevalence of the perception that reparations for the basis of NSN gaming is noteworthy because this explanation denies agency to NSNs and positions gaming as a mechanism for redistributing wealth to the American Indians as the intended purpose of gaming. This corresponds with Steinman's (2006: 307) suggestion that the view of American Indians as an ethnic group, instead of NSNs as polities, as the basis for NSN gaming may be widespread.

A majority of respondents (53.4%) responded that the growth of tribal casinos as impacted their quality of life. Of those respondents, a plurality (45.1%) answered that the impacts were neither positive nor negative, while 38.6% indicated that the impacts were very or somewhat positive and 16.1% reported either somewhat or very negative.

Perceived positive impacts include increased employment and entertainment opportunities and perceived negative impacts include increased traffic and crime. Being a survey of students at universities within an hour's drive of at least five NSN reservations and casinos, it is noteworthy that most reported that their lives were

impacted by NSN casinos and that the reported impacts include a variety of benefits and drawbacks.

The triads test results indicate a strong consensus among participants regarding the relative similarities between the tested concepts. Not surprisingly, the participants ranked race and ethnicity as the most similar and the three (non-NSN) polities formed another bundle of high similarity terms. For-profit corporation and non-profit organization formed another bundle, although they were not ranked as similar as the other two groups of terms and for-profit corporation was ranked as relatively similar to the polities. In this test, the concept of tribe was ranked most similar to the race/ethnicity bundle, which corresponds to survey 1's results and Steinman's (2006) analysis that American Indian tribes, as polities, are often equated with American Indians, and their constituent cultural groups, as ethnicities. Significantly, the results indicate that "tribe" is most different from for-profit corporation. As discussed below, tribal employees frequently compared their employer to a corporation. The results of this test suggest that the view that NSNs are like corporations may be limited to employees of tribes, while among public a strong consensus regarding the dissimilarity between NSNs and for-profit corporations may persist. This suggests that some aspect of the experience of NSN employees may influence how they conceptualize NSNs relative to for-profit enterprises.

Interview results indicate that at least three constructions of NSN identity are commonly evoked in discussions of NSN revitalization and impacts. Each construction conveys different aspects of NSNs and implies a different set of relations between NSNs

and the public. Thus, variations in the experiences of participants correspond to the divergent constructions each referenced when discussing such experiences.

Six of the seven NSN neighbors interviewed expressed strong support for NSN revitalization. This corroborates with Miller's (2008) analysis of election results that illustrates how the communities in San Bernardino and Riverside counties that are nearest to NSNs showed the greatest support for NSN gaming expansion in the 2008 Proposition 94-97 referendum. Interviews with NSN neighbors found a variety of factors influence their perceptions of NSNs, including economic, social and political impacts of NSN revitalization. Increased employment, economic development, entertainment, and charitable donations from the neighboring NSN were commonly cited as benefits to the local community. Local negative impacts cited included the increased traffic and crime associated with their neighborhood becoming an entertainment destination. It is noteworthy that positive and negative impacts described by NSN neighbor interviewees correspond to those indicated by survey participants, with the exception of gambling addiction, which no interview participant mentioned. Significantly, three NSN neighbor interviewees explained that powwows and other cultural events hosted by NSNs influenced their view of NSNs. They find educational value in an environment that draws families from across neighboring communities. A free event open to the public, these powwows enable families to experience NSNs enacting their sovereignty in an atmosphere that is educational, entertaining and explicitly alcohol and drug-free. Thus, these events establish a community presence in addition to the casino, and present a marked contrast to the NSNs adult-oriented gaming enterprise.

A recurring theme among interviewed employees, however, was that these experiences were often out of reach. Rebecca Marshall, tribal casino employee, noted that she and others were “expected to work overtime,” during the powwow, a busy time for the NSN’s hotel, restaurants and other services. While all interviewed employees expressed interest in attending their employer’s powwow, five of six cited work or lack of available time as a reason not attending. Each explained that during orientation as a new employee, they were provided with information on the history and sovereignty of their NSN employer. When asked to compare their experiences as an NSN employee to previous their previous employers, and to describe whether they perceive their experiences as an NSN employee to be comparable to (non-NSN) government employment, each interviewee expressed that their work-environment is significantly different from what they have experienced, or would expect to experience, as an employee of a non-NSN government. In other words, they reported that working for an NSN casino is not like working for a federal, state or local government agency. As Joshua Hernandez, who has worked at one tribal casino for over ten years, explained, working at an NSN casino is “like any other business.”

There are a variety of factors that may influence the interviewed employees perception of their employer as a private enterprise. First, all employees interviewed worked the floor of the casino in service or lower-level supervisor positions; thus, their daily work responsibilities were not too different from those of employees at commercial casinos, and certainly different than what one would experience working for most non-NSN government entities. Moreover, given their employment positions, each

interviewed employee reported that interactions with NSN members were uncommon, except for two who were supervised by an NSN member employee. Three employees explained that they had provided services to NSN members who at times visit the casino, and that these interactions were, in the words of one interviewee, “brief” and “occasional”. Thus, while educated about the community and sovereignty of their NSN employer during orientation, the interviewed employees did not experience the NSN as a community in a manner similar to how a government employee experiences the community of their employer: by either being a member of that community, or developing relations (outside of work) with community members. Both the polity and corporation constructions were commonly referenced in employee interviews, yet the corporation construction was especially prominent employee descriptions of the environment of their workplace.

The views of casino patron interviewees were more varied. For five, proximity was a determining factor in their choice between NSN and commercial casinos. Martha Chang, a Temecula resident and self-described “frequent visitor” explained, “Why would we drive four hours to get to a casino [in Nevada]? There’s slots right here.” Three interviewees explained that they prefer tribal casinos because of their perceived impact on a tribal community. Mary Wilson, a San Bernardino resident and frequent NSN casino patron reported, “its good knowing that this [money spent at the casino] benefits a community.” After describing the photographs, artifacts and other displays she has seen at NSN casinos, she remarked, “I know most [people] don’t, but I stop and look. I like learning about them.” Hiro Sato, a Palm Desert resident and frequent NSN casino patron,



who reported visiting ten NSN casinos, explained that NSN reservation locations caused him to reflect on the historical challenges faced by NSNs, “for almost all of them [NSN casinos], you have to drive out of the way and into the foothills [of local mountain ranges]. You can tell they were put there, where the land isn’t worth much.” For Mike Gardner, a resident of Highland who visits local casinos “once or twice a month”, the visibility of prosperity on the reservation influenced his perception that all American Indians are now wealthy as a result of NSN gaming: “I could see their [the NSN members’] houses from the parking garage. The Indians are rich now...” His generalization from observing a particular reservation to a broader category, “the Indians,” mobilized the ethnicity construction by (quite erroneously) linking the attributes of one NSN to all American Indians. For this individual, not unlike the two who claimed have learned more about NSNs from their visits to NSN casinos, the NSN casino visit provided them with new, albeit partial and limited, knowledge of NSNs. Thus, in the interview sample there were differences in how the partial knowledge gained from their NSN visits changed how each casino patron perceived NSNs, and whether those changes lead to uninformed generalizations about American Indians as a whole, or to a more nuanced understanding of a the history of a specific NSN, may reflect broader differences in the worldview of these participants.

## **Conclusions**

The data analyzed here suggests that NSN gaming is changing how people think about NSNs. While the greater support and knowledge of NSNs among NSN neighbors

may be attributed to their proximity to and experiences of nearby NSNs, NSN employees, who have, by virtue of their employment, even greater experience of NSNs, hold perspectives of NSNs that are significantly different than those of neighbors who are not employees. However, it is worth noting that following from this analysis, NSNs could improve their employee relations by sponsoring events that encourage NSN members and employees to get to know each other outside of the context of their employment. Additionally, NSN casino patrons have a variety of reasons for visiting NSN casinos, ranging from the relative convenience of NSN casino locations (when compared to Las Vegas) to the perception that patronage at an NSN casino benefits a local community. Some visitors may leave with a better understanding of a particular NSNs culture and history, as others may leave with generalizations about American Indians as a whole. Thus, NSN self-representations that highlight their sovereignty may succeed up to the point that these images are congruent with individuals' experiences and prior understanding of NSNs.

The NSN neighbors interviewees and survey participants noted experiences and perspectives of NSN gaming that are significantly different from the "domination" that Volberg (2007) because, similar to the findings of Marks and Spilde Contreras (2007), respondents noted that NSN casinos contribute to the local economy in addition to adding local entertainment and cultural venues. As Darian-Smith's (2004) research suggests, NSN gaming challenges non-Indians preconceptions of American Indians. John Bodinger's de Uriate's (2008) finding that NSN casinos and museums present "against-the-grain" representations of NSNs is true of some NSN casinos in Southern California,

and, while further research is necessary, this data suggests that certain individuals are more open to viewing representations of NSNs in the casino environment and, therefore, may be more likely to have such representations alter their understanding of NSNs.

Unlike Darian-Smith's (2004) research in Santa Barbara, NSN neighbors interviewed for this project did not list the attraction of working class employees and patrons among the drawbacks of NSN casino development. The perceptions of employees and patrons reported by Santa Barbara area residents and those interviewed for this project may result from the relatively higher socio-economic status of Santa Barbara area residents, relative to San Bernardino, which has a much poorer population. Further research into this question is necessary to provide a more complete understanding of the relationship between the social and economic status of area residents and perceptions of NSN casino impacts. The constructions that recurred among survey and interview participants (that is, polity, ethnicity and corporation) are among those listed by Steinman (2006)'s as popular representations of American Indian tribes that are often evoked by NSNs themselves. This research suggests that these are representations that, in addition to being popular in the media, are constructions that individuals apply when communicating about NSNs and that the popularity of specific constructions among certain segments of the population (particularly NSN employees) may be related to the experiences of NSNs that are more common among members of those segments in addition to their prior knowledge.

## **Chapter 7: Conclusion**

This dissertation began by asking two questions. First how can societies live in close proximity to each other, with significant political and economic ties, while one remains largely ignorant of their shared history, and how can we understand how such a process is possible through an analysis of settler and native societies in Southern California? Second, how does rapid economic revitalization on Indian lands influence the ways in which the public thinks about tribes? Through an application of cognitive anthropology and ethnohistory, this dissertation finds that in Southern California settler knowledge of the native population has been and remains significantly reflects ongoing political and economic processes that shape both the visibility and perceived utility or threat of the native population. Now, as in the past, those settlers with the most direct experience of Serrano and Cahuilla nations have the most complex understandings of those populations. Today, however, novel constructions of NSN are emerging with significant implications for their future. Never before have NSNs been widely characterized as private businesses, as they are now by certain politicians and NSN employees, and in recent court rulings. The rapid economic revitalization of these NSNs has triggered the formation of this new construction, which has the potential undercut the advances achieved by these nations. New constructions may emerge in response to rapid political and economic changes, but those constructions may also shape the outcome of political and economic processes, such as the emergence of the NSN-as-private business

construction. Today, NSNs take an active role in shaping how their neighbors perceive them, but the most striking difference may be in the degree and reach of these efforts.

In 1866, when Santos Manuel led his band down from the mountains and into the foothills north of San Bernardino, this calculated risk brought his band into closer contact with the society that was persecuting them. Settler militias were attacking the band of Serranos under Santos Manuel's leadership and they did not distinguish between the Serranos and the Chemehuevis, whom they fought in a series of tit-for-tat raids. However, by relocating from the mountains to the edge of settler society, the band under Santos Manuel increased their visibility to the settlers and distinguished them from the Chemehuevi. This strategy succeeded in stopping the attacks because the neighboring settlers gained first hand experience of the Serranos as a peaceful band. Santos Manuel's band made themselves visible to the settlers and their peaceful intentions clear; while this strategy did not stop further attempts to encroach on their land, it prevented further violence against a band that was on the brink of annihilation. Perhaps, then, it should be no surprise that when given the opportunity, the San Manuel Band of Mission Indians is conducting a campaign to increase their visibility as a NSN (as opposed to just a casino) and educating their neighbors through powwows and educational commercials. As in the past, the predominant images that the settler society receives regarding NSNs are simplistic. With revenue earned through their economic revitalization, NSNs such as San Manuel can directly challenge these images with some success.

What does the rapid revitalization of the Serrano and Cahuilla nations mean for the future of wider settler-Indian relations in the United States? NSNs are experiencing an unprecedented resurgence of political and cultural sovereignty, but, as in the past, that progress remains on unsteady ground. The *San Manuel Decision* may be a signal that the pendulum is beginning to swing in the other direction. If future court cases follow this precedent by interpreting NSN enterprises as private businesses and not sovereign activities, then NSN sovereignty will be severely limited to only those activities that have no impact on non-Indian communities. However, as the history of the Serrano and Cahuilla nations demonstrate, their cultural sovereignty is resilient, has survived past government attempts to terminate their existence, and has provided the motivation and organization for activism that can strengthen their cultural sovereignty. For example, during the early twentieth century, when the MIA sought to restrict their cultural rights and practices, MIF formed a coalition that reflected their federated sovereignty prior to colonization. The financial and organization resources needed to pursue this agenda required collaboration with sympathetic settlers, but also the wage labor earned through services that advanced settler society. If there is aspect of their future that one can be certain of, it is that the future will continue to unfold with unexpected ironies. In the first half of the twentieth century Serrano and Cahuilla nations took wage labor that brought riches to a handful of settlers at the expense of an environment, like that of Joshua Tree National Park, that they hold sacred, and turn it into a successful campaign to force the federal government to acknowledge the theft of California. In the second half of the twentieth century, these nations turned federal Indian policy on its head by seizing the

opportunity to operate gaming facilities, and successfully taking that fight to the Supreme Court of the United States. Whatever the future holds, the history of the Serrano and Cahuilla nations gives every reason to indicate that future attempts to limit their sovereignty may very well only result in strengthening it.

### **Directions for Future Research**

This dissertation uncovers as many new questions as it addresses, not the least of which is what factors shape NSN strategies for self-representation. An ethnographic analysis of the internal deliberations within an NSN and its casino management would be an especially valuable source of information on the processes at play as NSNs develop their strategies for representing themselves to the public. However, the rapport needed to establish the trust and access necessary for this would take no insignificant amount of time and effort in an environment where turnover of NSN officials can often be quite high. However, the results of this research could be of significant benefit to those NSNs involved and, more generally, to NSNs across North America, because the information provided by this research, in conjunction with data on the results of these efforts, could be employed to create more effective informational campaigns. The potential for the benefits could lay the foundation for collaborations with NSNs on this and related projects.

Future research could also use the results of this dissertation to create a phone survey that to collect a wider set of data on the distribution of cultural knowledge. A stratified phone survey employing consensus analysis methodology could reach and

identify members of different segments of the population and ascertain their knowledge and biases of native nations. For example, phone listing records could yield information on the proximity of a respondent to a reservation, and questions asked during the phone interview could determine the age, ethnicity, gender, and socio-economic status of the respondent, as well as whether the respondent or a member of his or her household, is an employee or member of an NSN. From this research, one could analyses quantitative measurements of the relative impacts of employment, proximity and other variables on the distribution of cultural knowledge.

This dissertation's findings from the oral history records at Joshua Tree National Park provided much insight on the previously poorly understood intensity of Indian labor at the ranches and mines now in the park. Through a variety of sources, this dissertation identified the Torrez-Martinez band as the source of the laborers at Lost Horse Mine. Because these events were approximately one hundred years ago, and Cahuilla nations maintain a vibrant tradition of oral histories, oral history interviews with tribal elders at Torrez-Martinez could provide new and useful information on the Cahuilla relations with Jim Fife and labor at the mine. This could provide tribal perspectives from which information from settler accounts could be corroborated and contrasted, as well as further our understanding of how tribal wage labor funded tribal activism, such as MIF. These are just a few of the possible future projects that could build off of this dissertation and advance our knowledge of origin of NSN revitalization and its impact on settler society, in addition to further addressing fundamental anthropological questions regarding the factor that shape how populations understand each other.



### **What shapes how populations understand each other?**

To the larger anthropological questions regarding the processes that influence how members of different populations understand each other, this research suggests that the structure and distribution of those understandings are in constant flux. In cases when members of one population have regular and direct contact with those of another population, attempts to use language to characterize one population in a certain way, such as the derogatory slurs for California Indians utilized during the gold rush or NSN orientations for casino employees that highlight NSNs as nations, may only rarely have their intended impact. In other words, this research suggests that linguistic labels tend not to have the impact that direct experience can. Yet, increased visibility and direct experience does not necessarily translate into settlers accepting the claims disseminated by NSNs if that knowledge does not match the experiences of settlers. NSN casino employees may perceive NSNs are more akin to private businesses, despite their knowledge of the sovereign status of their employer, because their experience of their employer may be limited to experiences similar to those working for a private employer, and interaction with the NSN community may be out of reach. Attempts to stretch language beyond the experiences of its intended audience run up against cognitive dissonance, resulting in the affected individuals siding with their direct experience and potentially growing wary of those who attempt to stretch language in such a way.

For analyses of how populations understand each other, the processes entailed in cultural forgetting may be just as important as those that underpin the distribution of cultural knowledge. A rapid change in one population--such a significant influx of

outsiders who quickly assimilate to that population, as was the case when migrants from the Midwest and East settled in California during the turn-of-the-century--may hasten the disappearance of that population's cultural knowledge of its neighbors. Likewise, the sudden loss of the perceived political and economic impact of a population may result in a sudden drop in the cultural knowledge of that population, even in cases where the forgotten population continues to play a significant, but less visible role. In cases where a population, such as California Indians, are perceived by another population, such as settlers, as having no economic or political role, the influx of outsiders who quickly assimilate to that settler population may function as catalyst, and hasten the forgetting processes. When approached through the lenses of cognitive anthropology and ethnohistory, the development of Indian gaming can be understood as part of a tradition of native nation adaptation and self-determination, but a society that lacks knowledge of its history also lacks a framework for understanding its present. To the settler population, events like NSN revitalization can become unthinkable and result in ad hoc explanations of such events that reflect only the motives and assumptions of that population.

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