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# U.S. Citizenship and Tribal Membership: A Contest for Political Identity and Rights of Tribal Self-Determination in Southern California<sup>1</sup>

ROBERTA HAINES

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Many theorists are pondering the relationship of distinctive groups of people within the United States, trying to understand what contributes to the overall stability of a nation-state composed of people from varied cultures.<sup>2</sup> While the difference between cultures is one way to think about the problems of citizenship, this article opens a new discussion about Native Americans, a discussion of the differences between political systems. Unlike the discussion from many disciplines that examines the merits of limited diversity and multiculturalism for stability, I argue that members of indigenous nations bring a diversity to the dominant society that is not only unique, but is also contingent upon the integrity of tribal political boundaries within the United States. Here, I explore some of the historical pressures forming the political identities of Native people, especially the pressure by the United States on Native people to abandon tribal political systems and boundaries. Some forms of that pressure are commonly known, such as removals from homelands, relocations, and the mandatory education of Indian

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children in federal boarding schools.<sup>3</sup> Others are more clouded, including the restrictions on political activities and the ban against criticism of the United States.<sup>4</sup> The more brutal forces—vigilante attacks, displacement, slavery, or murder—we have attempted to bury in our national past, yet they leave their impact on tribal societies and individuals today.<sup>5</sup> Still other pressures, while well known, are eclipsed by societal norms. For instance, the names of many tribes and individuals were changed arbitrarily by federal agents to accommodate Christian standards. Names, hairstyles, and dress were sometimes the critical factors determining eligibility for U.S. citizenship. The hammer of old assimilationist policies eroded the territorial and political boundaries of indigenous nations while they forged individual links to U.S. citizenship.

These historical pressures were met with resistance, and many tribal peoples maintained their fundamental societal distinctiveness, participating in polities that created a buffer between their cultures and the dominant U.S. society.<sup>6</sup> The assimilationist pressures to be U.S. citizens inevitably conflicted with internal tribal pressures to be members of indigenous sociopolitical systems, since indigenous nations had quite different foundations from the United States. Consider the Kumeyaay of Southern California whose leaders were chosen from an elite segment of the society and served for life. Such a practice conflicted with the belief in U.S. society that leaders should be representative, elected, and serve limited terms in office. Yet the Kumeyaay believed their society would be unstable and their lives made insecure without the special skills and insights of their leadership. This article is about the contest between the United States and traditional systems, and argues that despite the dramatic changes required to accommodate U.S. coercion indigenous nations maintain political distinctiveness which influences the political identity of tribal members and, thus, the identity of Native Americans.

As the Western frontier closed, U.S. citizenship seemed the inevitable and only solution to the “Indian problem.”<sup>7</sup> By the end of the nineteenth century, many educated Native American men and women, struck by the poverty on the reservations and cognizant of the corruption in the Bureau of Indian Affairs, bemoaned the end of their own cultures and societies and lobbied for an end to the powerful federal bureaucracy. They argued that citizenship in the United States would free them from government intervention and open the door to

opportunities equal to other citizens.<sup>8</sup> Many of them thought that traditional systems were doomed. They were in step with an emergent national consensus that the Native people and cultures were vanishing. Popular literature and art depicted the tragic end. Ethnographers and anthropologists rushed to record as many of the dying cultures as they could before it was too late.

It was true that hundreds of thousands of indigenous people in North America were dying as the United States expanded west: from the hardships of removal, from wars, from smallpox and influenza epidemics, from vigilante attacks. Yet the popular literature and art did not address the demographic changes and their true sources. Rather, the popular press depicted a *culture* vanishing in the face of inevitable progress, a way of life in transition, and a people dying for its inability to adapt.<sup>9</sup> Reformers and missionaries saw demoralization and decay in Native communities. They debated the most effective way to civilization for the "remnants" of these once "natural" peoples. Many urged immediate and permanent removal of Indian children to schools away from the influence of tribe and family, while others argued that local day schools would further the process more effectively as the children brought their new skills and training into the home. In both cases the goal was to educate indigenous people away from their traditional values and lifestyles, to train and prepare them to take their proper places as citizens in the United States.<sup>10</sup>

## HISTORICAL CONTEXT IN CALIFORNIA

While reformers in the East toiled to build adequate formulas for Americanizing Native peoples, the indigenous people in California languished under a state government that opposed their rights at every turn. With only a few recorded individual exceptions, the rights to the land and self-determination for Native people in California were never recognized. Several Spanish missions were built in Kumeyaay coastal territory, and indigenous peoples were immediately labeled "Indians" or "pagans."<sup>11</sup> They were pressed into service for the missions and the Spanish military. Native villages were raided to meet the growing demands of the outlying Spanish colonists.<sup>12</sup> The *encomienda* system was eventually modified to provide laborers on a rotating basis to Spanish landowners, giving way to the

hacienda and a debt peonage that continued through the nineteenth century. Vestiges of this feudal system were institutionalized in early California state law. Richard Carrico points out that colonial settlements away from centers of population had little access to law enforcement. Vigilante activity was the rule and Native people were commonly hanged or beaten to death for resisting.<sup>13</sup>

By the time the Treaty of Guadalupe Hidalgo was signed, ending Mexican control of California in 1846, the United States had established a policy of moving Native people west and separating them on reservations. The Cherokee in Georgia had recently been "removed" to "Indian country." Indigenous peoples on the east coast of North America had been relocated, removed inland, away and separate from U.S. citizens. California's U.S. leadership wanted this policy continued, and all attempts to establish reservations in California for indigenous peoples were met with strong, organized resistance from the non-Native population. Vocabulary referring to "extermination," "domestication," and "removal" were common in news accounts and historical writings relative to Native peoples in California during early statehood. There was little federal buffer for Native people, and in 1864 California Indian Affairs Superintendent Wiley recommended removing the Native populations of California to Santa Catalina Island.<sup>14</sup>

In 1849 California's Constitutional Convention denied Native people political and legal rights by denying them both the right to vote and the right to testify against Anglo-Americans. In 1850 the Act for the Government and Protection of Indians was passed, codifying an 1846 U.S. Proclamation that criminalized unemployed indigenous peoples and forced them into private labor contracts or public work. Native people in California, under the proclamation, could not leave their employer without written permission. In fact, anyone tempting a Native person to leave their employer committed a legal violation subject to fine. Native people visiting towns and settlements needed passports or were subject to arrest. According to John Rawls, Los Angeles County held weekly public auctions of Native people arrested for loitering.<sup>15</sup> Large corps of Native people were also pressed into public works service (public work gangs) in California. Under an "apprenticeship" clause the 1850 Act allowed non-Native people to obtain Native children. According to Rawls' research, these children were kept until they reached the age of twenty-five or thirty.<sup>16</sup> In 1860 the

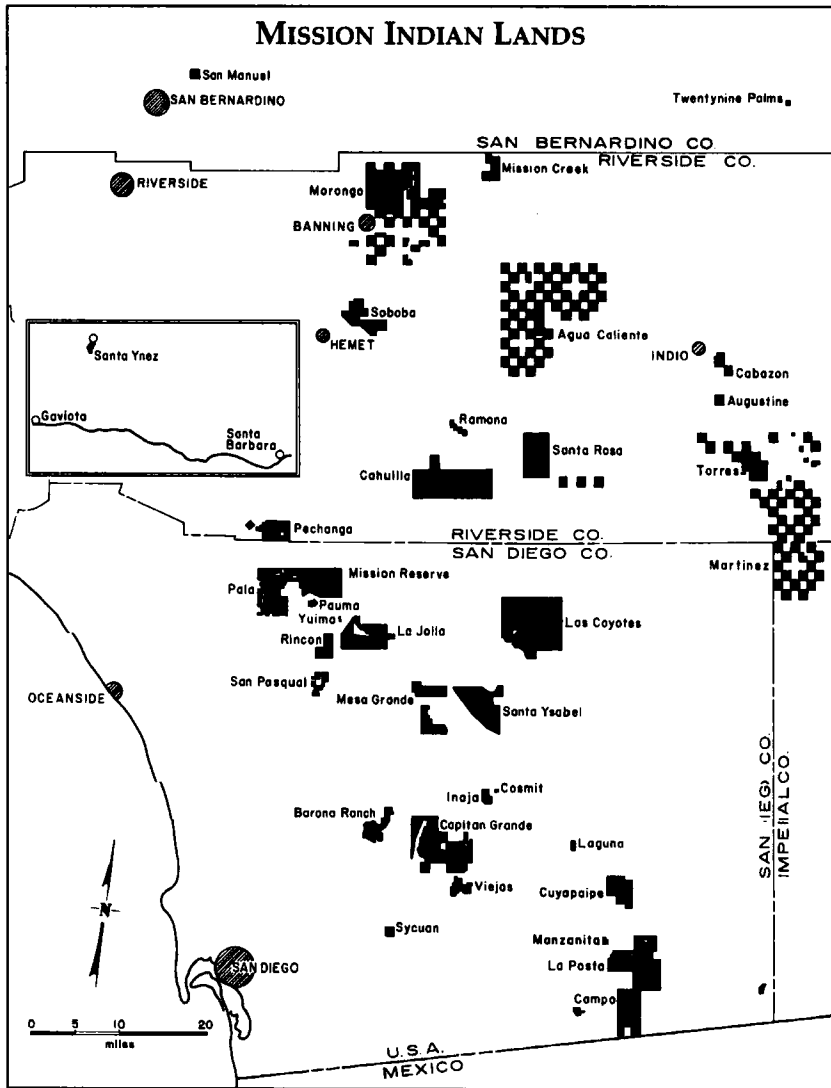
law was amended, subjecting indigenous adults to ten-year periods of apprenticeship. The Act was finally repealed in 1863; however, a special investigation by the Indian Affairs Commissioner revealed in 1866 that the practices under the system continued.

The various means by which Native people in California secured a meager portion of their traditional lands is documented in Florence Shippek's work *Pushed into the Rocks*. Her research shows that the Spanish and Mexican land grants to non-Native peoples had exclusions that protected indigenous land use.<sup>17</sup> When the United States confirmed the land grant of former Mexican citizens, the codicil guaranteeing the indigenous claims was eliminated. Treaties, including reserves of territory, negotiated with California tribes were not ratified by the U.S. Senate, but several territorial bases were secured by executive order. The pressure by U.S. settlers was so great in California and the traditional territorial boundaries were so fragmented by U.S. settlement that indigenous peoples were forced to act individually to protect any of the property. Many filed for homesteads under the Indian Homestead Act of 1883, a law that granted homesteads but required the Native person to renounce all tribal affiliation and cease participation in indigenous traditional life and practices. Nevertheless, the property and territorial foundation of the Native peoples in California was still so grossly inadequate that a specific act of Congress was passed in 1891, a response to the pressures of public concern and congressional inquiry. The Act for the Relief of Mission Indians resulted in several reservations in Southern California (see Map 1).

## THE RESERVATIONS

Modern tribal membership and participation are complicated by the geopolitical situation of the tribe. Some have territories that are easily and compactly defined, while others have a checkerboard of tribal land and land that is owned, occupied, and/or developed by U.S. citizens. In the 1850s, the United States negotiated treaties throughout the western territories and states. In 1851 the Indian Commissioners to California negotiated eighteen treaties affecting 25,000 Native people, reserving 7,488,000 acres for tribal utilization. In other parts of the United States, treaties were eventually ratified, although

the process often took several years. California, however, was quite different. Congress rejected the treaties in 1852, within a single year of their negotiation, as a result of the pressure from California legislators and lobbyists who claimed that the des-



**Map 1**

Reprinted with kind permission of the University of Oklahoma Press from *Historical Atlas of California* (1974) by Warren A. Beck and Ynez D. Haase.

ignated areas were the most valuable lands in the state. Carrico pointed out that neither California nor the United States recognized any indigenous right of exclusive occupancy to any specific lands through the 1850s.

In 1871 Congress ended treaty-making with tribes, leaving many indigenous peoples throughout the United States without settled land bases or political or legal identities. A change in federal policy occurred with the Ulysses S. Grant administration. He established reservations by executive order, confirming the rights to several small Southern California reservations.<sup>18</sup> This policy provided a brief respite from the forces of manifest destiny. By 1875, however, the United States Indian Agents in California decided to circumvent traditional order. Ignoring the generals of the Kumeyaay, the Kuuchult Kwataay, the agents chose to negotiate with lower levels of organization and insisted that these "captains" be elected annually, violating and attempting to subvert the Kumeyaay political organization. These policies were aimed at rupturing the cohesion of the Kumeyaay nations.

### KUMEYAAY PEOPLES, THE HISTORICAL RECONSTRUCTION

Several bands of Kumeyaay people now have reservations in San Diego County, including the Barona, Campo, Cuyapaibe, Inaja, Jamul, La Posta, Mesa Grande, San Pasqual, Santa Ysabel, Sycuan, and Viejas, though their original territory stretched between the Pacific Ocean and the Colorado River.<sup>19</sup> While many names have been used for the Kumeyaay peoples,<sup>20</sup> the terms *Mission Indians* and *Diegueno* are remnants of colonial classifications that designated Native people around the San Diego Mission, attaching to them the quality of belonging to the mission site more as property than citizens.<sup>21</sup> Many of the Native peoples of California along the coast south of San Francisco were labeled Mission Indians when the United States acquired California as a territory, a broad label that diminished individual distinctions.<sup>22</sup> Generic appellations excised tribal identities from the popular mind of the colonial governments. The most general misnomer of the Americas is, of course, *Indian*. It swept away all possible individual differences and cultural, sociopolitical, or economic distinctions.



EARLY KUMEYAAY SOCIOPOLITICAL STRUCTURE<sup>23</sup>

While the modern reservations and governments of the Kumeyaay are more similar to U.S. systems than to traditional organization, they still serve the Kumeyaay people. Historically, the structure of Kumeyaay society was consistent with societies making use of agriculture and several environmental ecosystems.<sup>24</sup> Lowell John Bean found that the basic equilibrium between the resources and the population was maintained by the distribution of settlements.<sup>25</sup> He found that the Kumeyaay were organized into land-owning units of people from several unrelated lineages.<sup>26</sup> Overall organization helped population shifts in response to erratic climate conditions and integrated movement between ecological zones requiring a variety of techniques for food-resource acquisition. A central town served as the political, ritual, and economic center. Council meetings and legal or legislative disputes were held here. It was evident to Bean that "a rigid and authoritarian social structure prevailed, and that differences in rank were usually inherited."<sup>27</sup> Many California nations developed a "tripartite" class system of elites or nobility, commoners, and poor. There was sometimes a fourth class of slaves or vagabonds. The ranked positions were stabilized through families. For example, the "chiefly families" tended to inherit their rank and capital resources. Leadership was controlled by a single individual, the Kwaappaay, or Captain, who was chosen by the other regional leaders from their own ranks to serve for life.<sup>28</sup> These chiefly families controlled distribution systems by controlling the political and ritual privileges and the capital resources and surplus. They maintained special knowledge and often spoke a special refined language.

According to Florence Shipek, the Kwaappaay's primary duty was to mediate and judge disputes between band members. The Kumeyaay believed that it was necessary to have a leader from outside to achieve the requisite objectivity. The Kwaappaay's authority was not overtly coercive and was not executed by direct orders. The Kwaappaay were responsible for the organization and direction of ceremonies for individuals, weather, cycles of harvest, and interband relations. They coordinated information from shamans concerning the ecology, environment, and resources and decided when and where to harvest. With the advice of shamans, they organized defense, war, and peace alliances.

Bean defined another dimension of Kwaaypaay authority:

Since his primary function was to control the collection, distribution and exchange of food, stores, money and valuables for the benefit of the group, the chief needed ties with other corporate groups, since every group was in danger of occasional food stress in the absence of economic exchange arrangements with other corporate groups. Intermarriage, ritual alliances, and gift-giving between chiefs, and other reciprocal acts symbolized the sealed agreements which corporate administrators maintained with one another.<sup>29</sup>

A layer of administrative assistants included a second captain, the speaker for the Kwaaypaay. The managerial or administrative class assisted the leader, and members were usually associated with ritual or cult systems "since it was through ritual that many economic and political affairs were articulated in native California."<sup>30</sup> Subchiefs provided interface with the community, and trade or craft guilds regulated the membership of specialists and professionals.

A singular aspect of Kumeyaay organization, identified by Shipek, was a unifying system of runners and carriers. The Kwaaypaay from different bands organized this system of communication throughout the territory and stationed look-outs in strategic locales. This type of organization required a hierarchy beyond the band level and the Kuuchult Kwataay who could coordinate communication and defense.<sup>31</sup> This system indicates a method of border management and control of interactions with people outside or beyond the borders. Bean noted that "people of high rank were the specialists in cross-cultural interaction."<sup>32</sup> He stated that the commoners were generally reluctant to travel and that travelers were welcome and safe only to the extent of the prestige and status of their chief, villages, or formal trading partners. The special category of adoption for trading partners resolved some of the border conflict. These "fictive kin" relationships, as Bean identified them, extended the economic and political networks and influence, linking the Kumeyaay with a broader universe, and suggest that some of the boundaries were permeable.

## THE RESERVATION SYSTEM

Few histories of California cover the political organization of indigenous peoples, suggesting that these systems did not exist, were inconsequential, or that they were quickly destroyed. U.S. policy did officially try to suppress or bypass traditional order, and it was not until the New Deal era that the direct assault ended. Jack Forbes, in *Native Americans of California and Nevada*, suggested that the reforms called for by United States policy in the 1930s offered a small measure of self-government to tribal polities.<sup>33</sup> The Indian Reorganization Act (IRA) of 1934 asked tribes to organize as corporations and provide constitutions, elected representatives, or councils. Many western tribes took advantage, but unfortunately there were significant flaws in the Act. The Bureau of Indian Affairs (BIA) officials retained their power at the local level to control or manipulate council members. The power to make decisions or execute them was never authorized for the democratically chosen councils. BIA bureaucrats maintained authority to veto any tribal decisions. Much reform potential was thus effectively sabotaged with changes in the administration. Forbes describes three distinct power configurations that developed under the IRA. He says that some tribal organizations managed to acquire a degree of independence and authority. Others operated completely under BIA domination. Still others developed into "partnership oligarchies" in which the BIA and the council joined forces to control local affairs.<sup>34</sup>

Shipek suggests another configuration. Her research of the Kumeyaay sociopolitical structure led her to the conclusion that traditional leadership among the Kumeyaay quietly continued in opposition to the Bureau of Indian Affairs' controls until at least the late 1950s.<sup>35</sup> Shipek describes the strength of the organization of Kumeyaay territorial bands.<sup>36</sup> Each band had a central primary village and a number of outlier homesteads at small water sources. A kinship sib (*shiiimull*) system linked or crossed the territorial organization, and each band had lineage segments of from five to fifteen sibs. So even though the early Indian agents began immediately to undermine Kumeyaay political cohesiveness by forcing elections and refusing to acknowledge the significance and legitimacy of the Kuuchult Kwataay, the Kumeyaay system and leadership survived and functioned to meet tribal needs at least until the termination era. Through the Kumeyaay territorial communica-

tion system, Kuuchult Kwataay with the Kwaaypaay could execute defensive strategies quickly.

Most contemporary tribal governments are organized according to standards set by the United States, directed by the Secretary of the Interior and implemented by the Bureau of Indian Affairs.<sup>37</sup> In general, tribal governments have councils whose members are elected by the general membership over the age of eighteen.<sup>38</sup> There are thus few distinctions between the formal electorate and the formal membership of a modern indigenous nation, tribe, or band. For the most part, tribal political structures are designed to follow a formally democratic system. Members are expected to participate actively in the decision-making, at least at the level of choosing their leaders. Thus, one of the major distinctions between historical and modern decision-making patterns is at the basic level of the membership qualifications.

#### MEMBERS AND CITIZENS

In political-theory literature, *citizenship* has a specific meaning. The definition has changed over time and been interpreted differently under varying kinds of government, but generally it is now understood to confer rights to benefits and participation in one's government.<sup>39</sup> It is a discriminatory concept in that it establishes categories among members of a society, conferring the right to participate in the decision-making of the government on certain members while excluding or constraining others from participation. In the United States, the franchise, or right to vote, has gradually been expanded to meet more closely the U.S. ideal of equality. Though there are still restrictions in practice, in theory most adult members of the United States are included in the decision-making process through the right to vote. Social benefits have similarly been successfully claimed by a broader range of people.

Until the blanket American Indian Citizenship Act in 1924, Native peoples were admitted to citizenship in the United States by individual acts or treaty clauses outlining the requirements.<sup>40</sup> As the United States grew in strength, the admission to U.S. citizenship became more demanding and often required the individual to denounce tribal affiliation and traditions. In some cases, ritual exchanges of bow and arrow for symbolic agricultural implements were held publicly by U.S. officials for

each Native person who accepted the terms.<sup>41</sup> U.S. citizenship represented a transition to a new government, a new sociopolitical and economic system. Distinct from tribal membership, formal legal procedures were required to accomplish the transition.

Under the 1934 Indian Reorganization Act, the United States stopped its formal assault on tribal land and officially recognized the legitimacy of internal tribal governance. Yet it did so by instituting an artificial system divorced from the goals and life of the tribe. The boilerplate governance structures resembled modern U.S. business organizations more than political systems. They were not drawn from tribal leadership systems or understandings of indigenous political order and authority.

During the allotment periods, federal registers were created of tribal people eligible for allotments, and the membership clauses of tribal constitutions or articles of confederation often cited these registers or rolls as the baseline for tribal membership. This contemporary definition of tribal membership cut into many historical methods severing kinship ties and rearranging social and political relationships.

It is not enough to end here, however. Native people did not meekly give up in the face of other challenges, nor did they surrender to the dictates of the Collier administration. In an analysis of thirty-four tribal organizing documents, the range of tribal choices about membership criteria shows that tribal leaders were not mere pawns.<sup>42</sup> They resisted government interference and used every possible opportunity to their advantage. With constant pressure upon traditional systems and resources, tribal leaders were faced with an important challenge. They had to design membership criteria that would preserve their national interests, people, and property as well as promote and protect a national character. Highly restrictive criteria could also be a death knell by creating population declines, while the most relaxed standards would encourage immigration and dramatically change the tribal characteristics, increasing the population but perhaps overwhelming a unique national identity.

Where descent from specific ancestors was highly valued, membership was defined in a way that encouraged intermarriage with descendants of these families. For example, the Pala Band of Mission Indians required members to be at least one-sixteenth Pala Band.<sup>43</sup> Similarly, the Rincon San Luiseno Band of Mission Indians of California requires at least one-eighth degree of blood in the Rincon San Luiseno Band.<sup>44</sup> The follow-

ing graph illustrates how quickly contact with the original individuals can be lost for a series of individuals producing children with partners outside the band or designated community.

FULL	1/2	1/4	1/8	1/16
great-great grandparent	great grandparent	grandparent	parent	self
great grandparent	grandparent	parent	self	
grandparent	parent	self		
parent	self			
self				

A society that chooses this method is in danger of severe population decline unless the pool of possible marriage partners is very large or the nation is not concerned with the amount of distance between a contemporary member and the source families or ancestors. Such is the case in Germany. Individuals who can trace their lineage to original German families are considered German citizens when they apply. It does not matter how many generations intervene or whether the person has ever had contact with Germany.<sup>45</sup> Unfortunately for Native America, national characters are challenged by their very modern situation. As small semiautonomous polities, protected by the legacy of legal and politically negotiated status with the United States, tribal governments have experimented with an array of membership criteria reflecting their emphasis on a combination of factors designed to secure their national character and identities.

Although Rincon and Pala experimented with the most restrictive selection criteria, other tribes in California chose broader requirements. Seven required ancestors of California Indian heritage but they were not limited to a particular band or tribe. Six of these require one-quarter degree of blood, at least one grandparent who was a full-blood California Indian. Eleven other tribes were satisfied if their members were part Indian, not necessarily California Indian. Less than half of these required more than one-eighth Indian blood. In another twelve, blood quantum was not an issue, although these tribes generally required the member parent to be a resident in the

community. In fact, residency was the strongest criterion, arising in combination with other factors in thirteen cases. The Cachil Dehe canceled membership for people who left the community for long periods of time if they did not clear the absence with the tribal council. In all cases, tribes started with an official federal census or allotment roll.

Thirteen tribes had some provision for adoption. The most complex of these were developed by the Quechan and the Cachil Dehe. In keeping with the goals stated in the Quechan constitution—to secure justice, tranquility, and liberty and to gain a richer culture for themselves and assure economic independence—the Quechan membership criteria were relatively flexible and made provision for inclusions that other tribes did not try.<sup>46</sup> All children of resident members were given full membership and children of nonresident members who were at least one-half Indian were also eligible. Intermarried Indian people were potentials for full membership. Provisions were made for adopting non-Indians, though they were subject to a probationary residency requirement and were not eligible for political or property rights.

The Cachil Dehe had similar membership criteria. The children of resident members were eligible for membership. People of one-half Native heritage, related by marriage or descent, were eligible for adoption into the tribe after two years' residence and if they were willing to assist the community. However, Indian women married to non-Indian men were not eligible, and Cachil Dehe female members who married non-Indian men lost their tribal membership and were forced to leave the community. People who left the community for two years could also lose their membership.<sup>47</sup>

The rich variety of criteria indicates numerous tribal responses to the question of national identity and resources. The numerous residency requirements show the tribes' concern for the drain on their populations. Reservation environments were usually poor, and leaving was often easier than staying. Many reservations were in isolated rural areas, often with few resources and high unemployment. In California, the sites were often on small, family-based acreage. Few communities could expect social services or welfare assistance from the state. Until the 1970s and 1980s, most could not provide these services themselves. It was common for people to leave reservations under these conditions in order to survive. These were the very conditions created by U.S. policies to shatter tribal

communities, forcing people to accept the "benefits" of individual property ownership and U.S. citizenship.<sup>48</sup> In the case of a voluntary exit from the reservation for a period of years, how would tribal communities cope with people who return? Several California tribal constitutions made provisions for returning individuals to reapply for membership. Many made allowances for people leaving temporarily to the military or school.

On the other side of tribal benefits are tribal membership duties and responsibilities. When implementing the Indian Reorganization Act, template organizational structures were promoted by the Secretary of the Interior. The United States attempted to institute a liberal democratic ideal of individual citizenship by requiring tribal members to vote for tribal leaders and, in some cases, to vote on major decisions affecting the tribe. Where is the zone of best participation under these circumstances? Without exception all thirty-four of the tribal constitutions called for general elections of tribal governing bodies. All established universal suffrage for adult members. Yet full democratic rule is rule of the majority, and without safeguards it can lead to disaster or to endless stalemates because decision-making becomes too difficult. In democratic systems governed by majority rule, weak or undeveloped political institutions only contribute to the strife.

## CONCLUSION

If political systems are different, political identities are also different. They manifest in the way people relate to their systems of governance and the way in which they organize to influence not only their government, but also other groups, within and without their own political system. When the United States extended citizenship to indigenous people it offered them a new political identity. This new identity often conflicted with their cultural values, with their own personal and communal interests. It most directly conflicted with the preservation and development of unique sovereign tribal polities. The United States did not stop at the borders of indigenous nations. Rather, policies were implemented to recast tribal political order and systems to reflect modern U.S. values.

From the work of scholars like Lowell John Bean and Florence Shippek, a sophisticated sociopolitical system emerges



that had previously been overlooked by California's historians and political leaders. The Kumeyaay are but one example, one solution to the problem of how indigenous peoples organized and provided stable societies. It serves to illustrate that membership in modern Southern California indigenous nations did not begin with the records or the systems imposed by the United States. There were prior traditions of governance, of benefits and obligations, and of participation.

In the contest for political rights and self determination, the challenge for modern tribal people is twofold. One challenge is to reclaim and reassess traditional systems and find the qualities that can contribute to today's solutions. The second challenge is to claim the right and responsibility of defining membership and the political system, separate from U.S. interference. Native people are not merely another culture within the boundaries of the United States. They are members of semi-autonomous polities with rights and responsibilities to their own governments. Through their tribal commitments, Native people have a relationship with the United States that embraces a political dimension unlike other U.S. citizens. In this sense, they are dual citizens, not a hyphenated group requiring special rights. Many Native people accepted the new political identity offered to them by the United States even before it was mandatory. They accepted the duties and responsibilities of citizenship as well as the benefits. Many of them also maintained their allegiance as tribal members to an older order, and while these original systems have suffered constant assimilationist pressure, tribal members remain vigilant in the contest for their identity and rights.

## NOTES

1. This research was assisted by a National Science Foundation Pre-Dissertation Fellowship and a research grant from the Institute of American Cultures at the University of California, Los Angeles.

2. See Will Kymlicka, *Liberalism Community and Culture* (Oxford: Clarendon Press, 1989) and *Multicultural Citizenship* (Oxford: Clarendon Press, 1995); Anne Phillips, *The Politics of Presence* (Oxford: Clarendon Press, 1995); Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990); Charles Taylor and Amy Gutmann, ed., *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1994); and James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995).

3. See Christine Bolt, *American Indian Policy and American Reform: Case Studies of the Campaign to Assimilate the American Indians* (London: Allen & Unwin, 1987); Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984); and Angie Debo, *A History of the Indians of the United States* (Norman: University of Oklahoma Press, 1970).

4. John Wunder, *Retained by the People: A History of American Indians and the Bill of Rights* (New York: Oxford University Press, 1994), 22.

5. See Robert F. Heizer, ed., *A Collection of Ethnographical Articles on the California Indians* (Ramona: Ballena Press, 1976); James J. Rawls, *Indians of California: The Changing Image* (Norman: University of Oklahoma Press, 1984); Florence Connolly Shipek, *Delfina Cuero: Her Autobiography, An Account of Her Last Years and her Ethnobotanic Contributions* (Menlo Park: Ballena Press, 1991); Stan Steiner, ed., *Spirit Woman: The Diaries and Paintings of Bonita Wa Wa Calachaw Nuñez, An American Indian* (San Francisco: Harper & Row Publishers, 1980).

6. For a contemporary social science analysis of changing tribal political structures, see Duane Champagne, *Social Order and Political Change: Constitutional Governments among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford: Stanford University Press, 1992).

7. See Frederick E. Hoxie, *A Final Promise*, and John Wunder, *Retained by the People*. For an early discussion of the status of Native people, see Fayette Avery McKenzie, *The Indian in Relation to the White Population of the United States* (Columbus: Fayette Avery McKenzie, 1908).

8. While many of the Native Americans who were educated by the end of the nineteenth century argued for the right of Native peoples to be citizens and to own their own property, many changed their minds when they saw the results of the Dawes Severalty Act of 1887. For example, see the biographies of Charles Eastman and Carlos Montezuma in: Peter Iverson, *Carlos Montezuma and the Changing World of American Indians* (Albuquerque: University of New Mexico Press, 1982); Raymond Wilson, *Ohiyesa: Charles Eastman, Santee Sioux* (Urbana: University of Illinois Press, 1983). See also Hazel W. Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movements* (Syracuse: Syracuse University Press, 1971).

9. See Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown: Wesleyan University Press, 1982).

10. See David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995).

11. From 1769 through the early 1830s the Spanish Catholic missionaries, the Franciscans, built twenty-one missions on the Pacific Coast from San Diego to San Francisco. Jesuits were the main missionary force in "New Spain" until 1767 and spread their influence north to Baja and Arizona before they were replaced.

12. James J. Rawls, *Indians of California*.

13. Richard L. Carrico, *Strangers in a Stolen Land: American Indians in San Diego, 1850-1880* (Sacramento: Sierra Oaks Publishing Co, 1987).

14. Rawls, 86.

15. Additional detail and analysis can be found in Rawls, Carrico, and in Jack D. Forbes, *Native Americans of California and Nevada* (Healdsburg, CA: Naturegraph Publishers, 1969).

16. Rawls, 86. Rawls estimates that 3,000 to 5,000 children were kidnapped under this law. Often one or both of the parents were murdered in the process. If the mother survived, she was usually raped.

17. Florence Connolly Shipek, *Pushed Into the Rocks: Southern California Land Tenure, 1769-1986* (Lincoln: University of Nebraska Press, 1988), 42.

18. See Carrico for a more detailed account of Grant's policies toward Native Californians during his administration.

19. See Florence C. Shipek, "Kumeyaay Socio-Political Structure," *Journal of California Anthropology*, 4:2(1982). Shipek estimates that north-south boundaries reached at least fifty miles on either side of the Mexican border, although the sites identified for the northern border (Mataguay and Santa Ysabel) and the southern boundary (Ha,aa and San Jose El Zorro) are well beyond that estimate. In the precontact era, the northern Kumeyaay territory bordered regions occupied by the Luiseno, Cupeño, and Cahuilla peoples. The eastern border met the Quechan tribes, and the southern border was the territory of the Cocopa and Paipai. Belonging to the Yuman language family, the Kumeyaay are significantly different from their immediate northern neighbors, Shoshonean language speakers: the Luiseño, Cahuilla, and Cupeño peoples.

20. Ken Hedges, "Notes on the Kumeyaay: A Problem of Identification," *Journal of California Anthropology*, 2:1(1975). Hedges notes several of the names used to identify the Kumeyaay: Southern Diegueno; Eastern Diegueno; Desert Diegueno; Mountain Diegueno; Ipai or Ipaay; Tipay, Tipaay or Tiipay; Matipaay; and various spellings of the word *Kumeyaay*, including *Kameya*. The Ipai people are located in the northern Kumeyaay territory, while the Tipai are usually identified in a southern location. An early Kumeyaay settlement established itself along the Colorado River, separated by a portion of the territory occupied by the Quechan people (Yumans). The people in this settlement along the Colorado River are known as the Kamia.

21. Similar nomenclature was developed for the indigenous peoples associated with the other mission sites, hence *Gabrielino* referred to Native people at the San Gabriel mission site, *Luiseno*, the San Luis Rey mission, and so forth.

22. Helen Hunt Jackson provides an etymology of *Mission Indian* in her report as special agent to the commissioner of Indian Affairs, 1883, which is included in the appendix of her book, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (New York: Harper & Bros., 1881).

23. See Florence C. Shipek, "Kumeyaay Socio-Political Structure"; Lowell John Bean and Thomas F. King, *ANTAP: California Indian Political and Economic Organization* (Ramona: Ballena Press, 1974).

24. For a comprehensive and informative discussion of tribal organization, see Max Gluckman, *Politics, Law and Ritual in Tribal Society* (Chicago: Aldine Publishing Co., 1965).
25. Bean and King, *ANTAP*.
26. Bean uses "tribelet."
27. *Ibid.*, 24
28. The designator *captain* seems to be a derivative of the Spanish military designator for the person in charge. Many sources in early California history refer to tribal leaders as *captains*. To see it as the choice for the indigenous population makes the same sense as the designation *chief* used elsewhere.
29. Bean, 24.
30. *Ibid.*, 25
31. Shipek recorded that this officer was referred to as "General" or "El Capitan Grande" by the Spanish.
32. Bean, 25.
33. Jack D. Forbes, *Native Americans of California and Nevada*, 99.
34. *Ibid.*
35. Florence C. Shipek, "Kumayaay Socio-Political Structure."
36. A consistent designation for the sociopolitical organization of the indigenous peoples in California is not found in the literature. Kroeber coined the term *tribelet* suggesting that the peoples in California did not have a consciousness of themselves as acting in any larger political unit. Shipek uses *band*. Others use *tribe* and *nation*. This difficulty is common throughout discussions of indigenous peoples in North America. It is made slightly more complex in California because the first documentations, by Kroeber, denied the political consciousness and reality of the people he was studying. Many people rely on Kroeber's initial work, and some adopt the misrepresentative labeling he used. For consistency in this paper, I accept Shipek's term *band*. It is a term that I understand from work in Washington state with similar indigenous organizations.
37. Many North American indigenous governments were organized under the Wheeler Howard Act of 1934, commonly known as the Indian Reorganization Act, but others refused the weak template constitution. For an interesting case study of the BIA, see Duane Champagne, "Organizational Change and Conflict: A Case Study of the Bureau of Indian Affairs," in *Native Americans and Public Policy*, ed. Fremont J. Lyden and Lyman H. Legters (Pittsburgh: University of Pittsburgh Press, 1992).
38. In some cases, nonresident members are barred from voting with the exception of students who may maintain their permanent residence on the reservation while studying elsewhere.
39. See generally Adrian Oldfield, *Citizenship and Community: Civic Republicanism & the Modern World* (London: Routledge, 1990) and Peter Riesenbergh, *Citizenship in the Western Tradition* (Chapel Hill: University of North Carolina Press, 1992).
40. Some indigenous peoples on the eastern coast of the continent had rela-

tionships established with individual colonial governments prior to the creation of the Union. Their status as state citizens or U.S. citizens is not addressed in this paper.

41. Janet A. McDonnell, *The Dispossession of the American Indian, 1887-1934* (Bloomington: Indiana University Press, 1991), 95.

42. Most of these documents are compiled by George E. Fay, *Charters, Constitutions and By-Laws of the Indian Tribes of North America, Part VII and VIII: The Indian Tribes of California* (Greeley: Museum of Anthropology University of Northern Colorado, 1970).

43. *Ibid.*, 8:22.

44. *Ibid.*, 31.

45. See Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992).

46. Fay, *Charters, Constitutions and By-Laws*, 7:73.

47. Fay, 8:128.

48. See McDonnell, *The Dispossession of the American Indian*.