



Navigating Indigenous Identity

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NAVIGATING INDIGENOUS IDENTITY

A Dissertation Presented

by

DWANNA LYNN ROBERTSON

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Sociology

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DEDICATION

For every little NDN girl who is told that she is too smart for her own good, every teen-aged mother told that she can no longer pursue her dreams, every middle-aged woman told that it is too late and she has made too many mistakes, and for every child or adult told that she is too talkative, too loud, too serious, too arrogant, too stubborn, too passionate, or too sensitive, I dedicate this work to you. You can never be too much when your purpose is to make the world a better place.

For Gracie, Buddy, Sissy, and Beauregard, who never criticized or complained, only patiently waited for walks, and provided me with companionship during thousands of quiet early mornings and lonely late nights.

Finally, I dedicate this to my precious boy, Samson Bean, who changed my life with his compassion, wisdom, and love. Sam, you taught me how to love fearlessly! You are the purest soul I ever knew. I miss you every moment of every day.

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ABSTRACT

NAVIGATING INDIGENOUS IDENTITY

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Using Indigenous epistemology blended with qualitative methodology, I spoke with forty-five Indigenous people about navigating the problematic processes for multiple American Indian identities within different contexts. I examined Indigenous identity as the product of out-group processes (being invisible in spite of the prevalence of overt racism), institutional constraints (being in the unique position where legal identification validates Indian race), and intra-ethnic othering (internalizing overt and institutionalized racism which results in authenticity policing). I find that overt racism becomes invisible when racist social discourse becomes legitimized. Discourse structures society within the interactions between institutions, individuals, and groups. Racist social discourse becomes legitimized through its normalization created within social institutions—like education, media, legislation, and family. Institutions shape social norms to make it seem right to enact racial violence against, and between, Indigenous Peoples, using stereotypes, racist labels, and laws that define “Indian” race by blood quanta. Ultimately, Indigenous Peoples can reproduce or contest the legitimized racism of Western social norms. Therefore, this work explores the dialectical and reciprocal relationship between notions of structure and agency as represented in negotiations of Indigenous identity.

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CHAPTER 1

INTRODUCTION

Are we talking about Indians, American Indians, Natives, Native Americans, Indigenous Peoples, or First Nations people? Are we talking about Sioux or Lakota? Navajo or Dine? Chippewa, Ojibway, or Anishnabe? Once we get that sorted out, are we talking about race, ethnicity, cultural identity, tribal identity, acculturation, enculturation, bicultural identity, multicultural identity, or some other form of identity?

– Hillary Weaver (Lakota) ¹

For Indigenous Peoples, the consequences and lived experiences associated with different forms of identity representation are at best, complex, and at worst, alienating and discriminatory. Indigeneity involves racial, cultural, and political identity criteria² that construct boundaries that confuse our ability to define and identify Indigeneity.³ Indeed, very little consensus exists about Indigenous identity among or between individuals, communities, or scholars within the United States (U.S.). We continue to struggle with questions like: What constitutes Indigeneity? How do we measure Indianness? How do we account for identity variations between reservation, non-reservation, urban, and rural living? Who truly possesses, performs, or holds American Indian identity? In other words, who is a “real Indian” today?

No one project can do justice in addressing the previous questions. Instead, this study centers on the inherent inequality and social injustice that resides in what I call the “matrix of Indigenous identity” in the U.S. through three separate essays. Focusing on the sociohistorical construction, reproduction, application, and complexity of American Indian identity, I build on previous literature to reveal current implications for the daily lives of Native individuals. I expose the problematic processes for identifying multiple American Indian identities (racial, ethnic, and legal) for Native communities within different contexts (personal, interpersonal, and institutional). To accomplish this, I first examine the role of institutional power in shaping public

perception of racialized groups; that is, the ability to make visible or invisible racial oppression faced by marginalized groups through the normalization of racist social discourse. Second, I analyze how the number of members of a group may be limited through federal legislation and its ability to define what constitutes a legitimate identity for racial and ethnic groups. Third, I demonstrate how the prevalence of legitimized and institutionalized racism leads to internalization of legitimized racism for marginalized groups, which results in authenticity policing.

It is also important to make clear what this work does not do. Without strong culturally driven explanations of Indigenous identity, this work does not address whether people who have been racialized as Indians actually see themselves as racialized objects or as sovereign beings. Rather, it assumes that racialized discourse of stereotypes and racialized appropriation of Indigenous cultures exist and deeply impact the lives of Indigenous Peoples. I look at the role of external forces on the social construction of the racialized “Indian” and the dynamic and ambiguous boundaries that define Indianness. I analyze the consequences for imposing this externally defined Indigenous identity in relationship to society-at-large and its devastating impact within Indigenous communities. Therefore, this work has less to do with how Native people see themselves through the multiplicity of cultural lenses and more about how they navigate and adapt to the racial lens by which the dominant society sees and positions them.

That being said, this research has clear implications for theoretical advancement within race and ethnicity and identity formation studies. Race is generally thought of in relationship to phenotype; ethnicity in relationship to culture. This study examines how social structure like federal policy and public discourse produces, impacts, shapes, and reproduces social identity formations like race, ethnicity, and tribal culture, and vice versa. The function of structure in shaping identity, legitimacy, and authenticity holds universal implications for any classification

of dominant and oppressed groups (e.g., race, ethnicity, nationality, religion, regional, etc.). The function of agency in resisting, complying with, or contesting social identity, legitimacy, and authenticity shaped by structural forces also holds universal implications.

Furthermore, this work resists the prevailing black-white binary of race scholarship that “marginalizes the experiences of Latinas/os, Native Americans, and Asian Americans and perpetuates the normalization of whiteness, as whites become the group with which all others tend to be compared.”⁴ Justin Beatty of Urban Thunder, an Indigenous drum group from the Northeast, articulates this need beautifully:

To be honest, my first experiences with racism were within my own communities. In my hometown, it was like “Oh, you think you're better than us because you're part Indian, light skinned, and got that 'good hair'." I was dissed a lot and treated pretty crappy because of it. The flip side is being at powwows and being told "You're not Indian enough, and we don't want you here." Even by other people who were obviously mixed. So, when I talk about racism, I'm not just talking about Black versus White and White versus Black, I'm talking about it in many and any forms. A lot of times we use the White-Black examples because they are the ones more people seem to know about (on both sides of the issue), they are more prevalent in mainstream discussion. Even so far as when people talk about "Civil Rights," they speak about it in terms of Black/White relations and NOT as a human issue affecting all races, creeds, colors, genders, and orientations.

As person who identifies as Indigenous and Black, Justin is racialized by each group as other. He testifies to the nuanced nature of racialization and its insidious nature within communities of color. Therefore, by focusing on other racialized populations, race theory can develop further beyond the black-white continuum and even the simplified idea of racial hierarchy to greater understanding about contextual dependency of cultural elements, class status, and/or political affiliation that contribute to contesting or embracing racialization.

The organization of the chapter is as follows: I provide an overview of terms used when speaking about Indigenous Peoples. Next, I provide an account of my personal lens and its impact on the shape of this research. I then provide a limited review of the literature about

social identity to provide background for the other essays. Finally, I discuss the organization of the dissertation and give short discussions about each essay.

Terms of Identification

Confusion about identifying Indians is deeply historical, from the time of first contact with Europeans until now. Europeans termed people “Indians” as early as the 1492. Yet, over 400 years later, the United States had little clarity about who was Indian and what constituted a tribe. In 1892, Commissioner of Indian Affairs, T.J. Morgan, presented a report before Congress that was titled “What is an Indian?” Morgan’s tone reads both sarcastic and critical: “One would have supposed that this question would have been considered a hundred years ago and been adjudicated long before this. Singularly enough, however, it has remained in abeyance, and the Government has gone on legislating and administering law without carefully discriminating as to those over whom it had a right to exercise such control.”⁵

If the dominant forces of the West that created the boundaries of Indianness cannot identify or define who belongs within them, then who can? Indeed, all the complexity wrapped around the unwieldy concept of Indian identity bears the handprints of the federal government. Through lengthy and contradictory legislation, they have aggressively shaped the understanding of Indigeneity for both Native individuals and Native Nations.⁶ Federal Indian policy also created and perpetuated racist ideology about the cultures of Indigenous Peoples.

The complexity and conflict of Indian identity has compounded for the last 500+ years. Therefore, reaching an understanding about terminology is necessary. People in power categorize and name (label) those not in power. These labels represent that power. Institutional identity compounds identity issues for Natives. There is still no universally accepted definition of American Indian identity because of tribal variations in membership criteria and inconsistency in

federal legislation. Federal agencies do not even agree to a single category for the American Indian. For example, the Census Bureau states that an Indian is anyone who declares himself or herself to be an Indian; in contrast, the BIA, which controls the resources given to Natives, use racial or legal classifications, characterizing an Indian as anyone with one-half of provable blood quantum or any documented member of a federally recognized Indian tribe. This typifies the growing complexity of American Indian identity and the processes by which individuals attain it.

Accordingly, passionate debate persists over which are acceptable. On one hand, some find the usage of “Indian” as an identifier reifies an inferior, racialized label.⁷ On the other hand, Deloria objects to the use of Indianness, altogether, arguing that it is a white term used to objectify Natives.⁸ Yet, it is the most commonly used term among Native People, in general.⁹ I make no claim about which terms are correct. I respect the opposing views, but having lived in Indian Country most of my life, I hear Elders and other Native folk use the term Indian on a daily basis. On a personal level, I identify as Mvskoke (Muscogee) or Creek in relation to my Peoples. I also signify the term Indian with the three letter substitute, NDN, as a way of decolonizing the word, though some Indigenous people may disagree with this practice. For the purpose of research, I use the term “American Indian” because of its usage at the U.S. Census Bureau, and the term “Indian” because it is the legal term used within Federal Indian Policy. I use the terms “Native” and “Indigenous” interchangeably, as my preferences, within academic work.

Understanding terms that indicate the embodiment of Indigenous on both personal and community levels is also useful. Indigeneity specifies descendency either from the first human inhabitants of a land or from those who inhabited the land at the time of European invasion and colonization. Academically, Indianness is characterized as the cultural competency of the person who identifies as an American Indian. Cultural competency includes knowledge of tribal language, traditions, shared histories, and deep experience with tribal customs and ceremonies.

In the context of Indian Identity, it is seen as a symbolic construction that “exists at the level of meaningful relations between parts of a living community.”¹⁰ Regardless of what we label it, Indianness or Indigeneity continuously morphs within the contexts of application, assignment, and assertion.¹¹ Below I discuss how my own indigeneity flows through this work from question development through analysis.

Personal Lens

My personal lens¹² shapes this body of work. Understanding the complexity of Indigenous identity appeals to me as both researcher and Indigenous person. Being Indigenous and being labeled an Indian certainly shapes who I am today. My life history attests to experiences of negotiating multiple worlds and boundaries. I enjoy legal standing as an Indian in the United States because I am a citizen of a federally recognized tribe, Muscogee (Creek) Nation (MCN). But I was also raised within the culture and traditions of my people. I grew up in Henryetta, Oklahoma, just 9 miles south of Okmulgee, which is the capital of MCN. I have spent most of my life in Oklahoma, which boasts the second largest Native population (9.2%) in the U.S.¹³ and is home to 38 federally recognized tribes.¹⁴

My expression of ethnic, cultural, and tribal pride stands in juxtaposition with experiencing the social shame of being racialized as Indian.¹⁵ When questioned about my racial heritage, I express openly and confidently my affiliation with the Muscogee (Creek) Nation and what being a Muscogee woman means to me. I speak of my tribe’s culture, ceremonies, and history with pride. I recall my childhood of attending stomp dances and Indian wakes when people died, singing in “Creek” with my great-aunts at family reunions, and being taught to always respect my elders. Both Native and non-Native people, who have internalized the idea of the stereotypical stoic, silent Indian, often challenge me about my loud, gregarious personality.

In these cases, I relate that my people have a strong belief in the equality and honor of females, joking about how this is clearly demonstrated by me and my extended family of strong and opinionated women.

But I also recount being called denigrating names for being dark-skinned and big-nosed, the shame I felt as my family stood in line for hours to receive our Indian commodities, and being scared of getting sick because the nearest Indian clinic was almost an hour from home. I have been racialized and stigmatized, experienced overt and covert racism, as well as felt invisible or insignificant within academic settings. As an adult, I still tolerate hurtful language and inequitable treatment because I am racialized as an Indian, whether working as a well-educated professional in a prestigious organization or as a scholar and graduate student in an esteemed university. And non-Natives, who have not had much contact with Indians, especially no contact with Muscogee Creek Indians, often ask me, “What are you?” The culmination of this knowledge and these experiences allow me to empathize and respect the lived experiences of the participants in this study.

In the following, I provide a background overview about the dynamics of social identity theory and its contextual subset identities: personal and group identities, racial and ethnic identities, symbolic, situational, and pan-ethnic identities, and institutional identities. More specific theoretical applications for Indigenous identity are provided within each of the three essays.

Dynamics of Identity

Studying any discourse of identity expands our understanding of how we see each other and how we are shaped by society to see ourselves in terms of both relationships and cultural expectations.¹⁶ We can develop descriptions of the social institutions, interactions, or

applications that authorized the concept of identity to be “delimited, designated, and named” as an object.¹⁷ Complex relationships that exist between the social processes of creating, assigning, maintaining, and shifting identities can be explored. Of note, individual agency does not determine identity. Rather, identities define us in social terms¹⁸ and discourses.¹⁹ Identity may be understood best through the exploration of how it is formed and objectified—how identity becomes named.

Foucault posits that the examination of discourse isolates how individual differences or similarities become objects.²⁰ Identities specify to ourselves and others our social locations. There is also historical and cultural specificity to social identities.²¹ Identity is not an objective truth, but rather a function of our need to categorize the world. We gather and store organized knowledge about social characteristics and patterns and expectations of behavior.²² When experiencing social interaction, we frame (create boundaries for a shared definition of the situation), name (schematize to reference potential expected responses), and interpret (subjectively define the process of interaction) social identities through the meanings we have assigned to specific social cues.²³

Thus, identity is constructed and deconstructed through social interactions. Roles come with attached meanings and expectations.²⁴ Social identity is “contingent, dependent on the actor’s interaction with others and place within an institutional context.”²⁵ That is, a larger socialized identity is often attributed by social structures and constraints, containing both personal and group identities. The following subsections clarify four subsets of social identity: personal and group identities, racial and ethnic identities, symbolic, situational, and panethnic identities, and institutional identities. This overview is meant to clarify these concepts, but I argue that all of these identities are interdependent and interrelated, and separated here only

to help us understand how social identities like race, ethnicity, and cultural affiliation become meaningful to us.

Personal and Group Identities

Relational and contextual social processes create, assign, maintain, and shift identities. The way we understand the world is dynamic and dialectic because it is contingent upon social relations.²⁶ Conceptual distinctions do exist between personal, group, and social identity.²⁷ In a reciprocal relationship, social structure is the source and determinant of roles, and roles then constitute components of social structure.²⁸ Roles function to provide guidance about social expectations or normative behavior within specific situations, positions, or status levels.²⁹ According to Berger and Luckmann, the social arrangement of our births ensures our social standing because we inherit the social order of our families of origin.³⁰ Roles attach to social identities because roles define the expected pattern of behavior within a social context.

Personal identity consists of the one's self-image that an individual asserts in social interaction and the meanings attached to the enactments.³¹ Simply put, personal identity is "how a person is known or wishes to be known."³² Personal cognitive schemas broaden into group schemas, resulting in "organized information about social positions and stratification statuses" of people.³³ Group identities are profoundly historical and symbolic. In other words, group identity occurs as people become aware (through social comparison) of their similarities and differences, they self-categorize by claiming their group identity—they know to which group they belong and they also know who is considered outside of that group.³⁴ Identity schemas allow individuals to summarize categories of people and quickly assess others as friend, foe, or neutral party, which serves to explain, validate, or justify their social interactions and behaviors.³⁵ Assessment gains particular significance to categories like race, ethnicity, and

culture. Boundaries define shared cultural values within Indigenous groups and maintain distinctions between other Indigenous groups or non-Indigenous groups. Culture is the outcome of the social interaction within the boundaries. Altogether, identity is the consciousness of these constructed distinctions.

Racial and Ethnic Identities

Does this mean racial identities are externally defined and ethnic groups are internally defined? Of course, it is not this simple. Consensus, to some degree, does exist among scholars concerning racial and ethnic identities. Most agree that both concepts are social constructs—that is, social facts that are humanly produced, defined, and given meaning within social interaction, and they have no basis in biology.³⁶ Social constructs like race and ethnicity are not objective truths, but rather the product of the way people categorize the world within their cognitive schemas that store organized knowledge about social characteristics, predilections, and behavior patterns.³⁷ Further, it is accepted that the dimensions of race and ethnicity serve as social bases of identity.³⁸

Another commonality suggests that ethnic and racial identities similarly “involve a sense of belonging to a group and the process of learning about one’s group” and an association of collective behaviors, values and attitudes.³⁹ More specifically, Indigenous identity emerges from boundaries that people make to distinguish groups.⁴⁰ Movement across ethnic boundaries is easier than across racial boundaries. Ethnic groups may share interconnectedness, but are not bounded by static boundaries. Barth writes that “categorical ethnic distinctions do not depend on an absence of mobility, contact and information, but do entail social processes of exclusion and incorporation whereby discrete categories are maintained *despite* changing participation and membership in the course of individual life histories.”⁴¹ Hence, people may identify or be

identified as members of an ethnic group, but ethnic identity can change or vary. Finally, as groups modify their norms and values over time, especially under particular social pressures, racial designation can also change.⁴²

Omi and Winant explain that we face “a continuous temptation to think of race as an essence, as something fixed, concrete, and objective. And there is also an opposite temptation: to imagine race as a mere illusion, a purely ideological construct which some ideal nonracist social order would eliminate.”⁴³ Subsequently, as Thomas notes, if people “define situations as real, they are real in their consequences.”⁴⁴ Accordingly, race has been used to justify the relationships of superiority and exploitation within society.⁴⁵ Indeed, racial group designation is not about the communal nature of a category; in fact, racial groups may have few social experiences in common.⁴⁶ According to Pearson, race is “a simplistic way of distinguishing differences between the dominant group and everyone else.”⁴⁷

Conversely, scholars also differentiate race and ethnicity.⁴⁸ Barth’s foundational hypothesis is that ethnic identity is produced and preserved through relational processes of inclusion and exclusion at the personal level, not the structural level (like race).⁴⁹ Bonilla-Silva argues that ethnicity and race produce different social positions and serve separate societal functions.⁵⁰ Ethnicity provides for a cultural basis, while race is “imposed externally to justify the collective exploitation of a people and are maintained to preserve status differences.”⁵¹ According to Cornell and Hartmann, “Race assumes and is associated in most people’s minds with identifiable physical differences, while assertions of ethnic identity often highlight cultural differences—patterns of language or accent, modes of dress, behaviors—that make ethnic boundaries easy to establish and observe.”⁵² Cornell and Hartmann assert that race and ethnicity are not mutually exclusive, but when both are present, racial designation is privileged

over ethnicity.⁵³ That is, ethnicity or culture is typically minimized or ignored when ascribed race is present.⁵⁴

Power achieves racialization, just as racialization achieves racist discourse. Racial discourse legitimates the racial order, reinforcing the social structures in place (e.g., hegemonic racial ideologies). It organizes what is to be known and understood and what is to be ignored about the racial other. For example, Indians did not exist before the first contact with Europeans.⁵⁵ People were here, of course; however, the first inhabitants of North America were heterogeneous population groups, living in hundreds of bands, clans, and other alliances that were fluid and dynamic. Europeans named these people “Indians;” thus, the category of Indian became a concept of racial identity. Indians were not “Indians” until a colonial power racialized them. Institutional forces further distorted the autonomous Indigenous tribes through a racial discourse that defined them as a homogenized, uniform, oversimplified racial group.⁵⁶

Because of social interaction, people evaluate and attribute social behaviors, phenotypical characteristics, values, and beliefs to both in-group and out-group members, often producing racial and ethnic categories and cultural discourses. According to Grande, this is at best, essentialist, and at worst, racist.⁵⁷ Socially attributed identities not only affect our self-conceptions, but how others interpret our behaviors, assign meaning to our physical features, and act in relation to us.⁵⁸ Possessing a phenotypical American Indian appearance requires us to “inherit and incite all the prejudices, stereotypes, and racist assumptions that such a persona elicits.”⁵⁹ Thus, the concept of identifiability (looking Indian) involves being stereotyped, racialized as Indians, and experiencing racism or discrimination because of physical appearance. A common reductionist dichotomy between phenotype and blood quanta translates into the assumption that full blood Indians will look the most Indian. This essentialist argument equates phenotype directly to blood quantum.

On the other hand, Sturm asserts that it is common for Native people to respond positively to people who “look” like the tribe they espouse to be a part of—even to the extent of assigning “varying degrees of social importance,” and that social recognition is tied to phenotypical distinction.⁶⁰ That is, if individuals look like the tribal people they belong to they are considered more authentic. Looking Indian” is powerfully symbolic for claiming indigeneity. Through socialization, culture and identity converge within the concept of indigeneity—symbolized by dynamic relationships of descent, oppression, survival, blood, and beliefs. Winant notes “racialized identity-formation and cultural representation” exists as a dilemma and contradiction “for racial experiences” and social interaction.⁶¹

Symbolic, Situational, and Pan-Ethnic Identities

According to Liebler, different theoretical applications account for racial and ethnic claim variations for American Indians because of “the structural and cultural conditions individuals face.”⁶² Liebler uses three forms of identity—symbolic, situational, and pan-ethnic—to describe variations in Indianness. Symbolic ethnicity is defined as an identity that has little effect on the details of daily life, existing symbolically on a surface level.⁶³ Symbolic ethnic identity posits that people use “sociopsychological elements that accompany role behavior ... finding ways of feeling and expressing that identity in suitable ways.”⁶⁴ People may display their belonging by wearing turquoise jewelry or attending social events. Natives who are racialized as Indian are just as prone to participate in symbolic ethnicity.⁶⁵

Situational ethnic identity fluctuates to meet the needs of different social interactions.⁶⁶ That is, a person’s immediate social situation impacts the strength of ethnic identity. People with mixed ethnic backgrounds might exaggerate mannerisms or emphasize speech to indicate their Indianness when around other Natives.⁶⁷ Someone who identifies as American Indian or

Native without a specific cultural knowledge would possess a pan-ethnic identity—a general ethnicity without cultural specificity. These identities may be separate, but they are not mutually exclusive. For example, a woman might grow up hearing she has Indian ancestors (pan-ethnic), but never participates in Indigenous cultural events. After reaching college, she joins the Native American Student Association. To add credibility to her claim of pan-ethnic identity, she might wear a pair of moccasins (symbolic). When around other Indigenous people, she affects a quiet solemn persona, even though she is normally quite gregarious (situational).

When discussing Native folk, it is important to note that a pan-Indian identification is purely another social construct that refers to individuals from diverse cultural backgrounds.⁶⁸ The current population of Indigenous Peoples consists of hundreds of separate linguistic and cultural groups that are distinct based on clan lineage, tribe, reservation, language, and religion.⁶⁹ Some literature asserts that only through a pan-Indian or supratribal identity was an “Indian” consciousness able to survive at all.⁷⁰ Supratribal identity was forged as a means of coping with limited resources and economic stresses on individual tribes.⁷¹ Some scholars argue that pan-ethnic identity may account for the increasing number of people self-identifying as American Indian without authenticating a legal identity through membership in a federally recognized tribe on the decennial census.⁷²

To further understanding, we might imagine people who claim to be American Indian on the U.S. Census as positioned within a circle. Figure 1 shows my extremely simplified conceptual graduation of American Indian identity within four spheres.⁷³ The most inner circle represents the core group—individuals who relate their race as American Indian and their ethnicity as tribally affiliated. Their identity is both attributed by others and self-ascribed. This means society designates the core group’s race as Indian. Individuals in the core group also self-ascribe their race as Indigenous and their ethnic identity through membership in a single federally recognized

tribe. But they may hold multiple tribal affiliations. Whereas, society sees the core group as American Indian, the individuals see themselves as members of distinct Indigenous cultural communities. These individuals possess cultural materials, like language, customs, and knowledge.

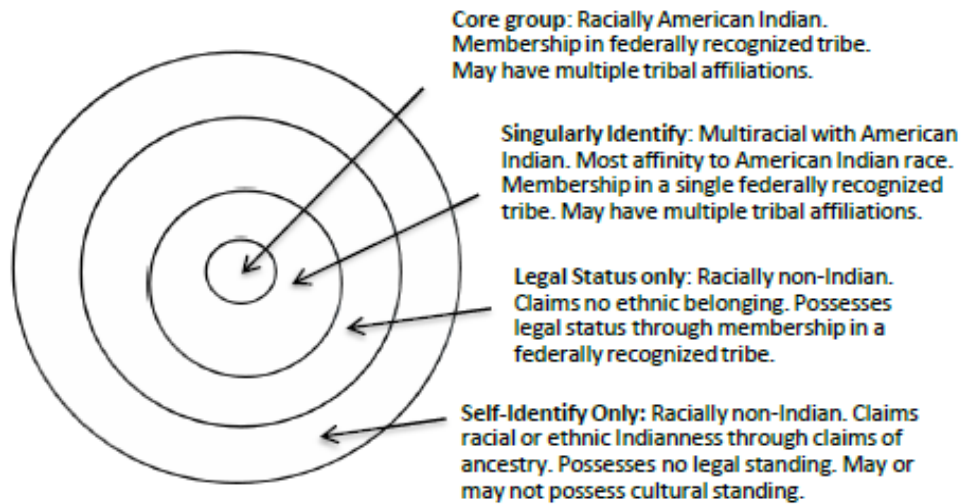


Figure 1. A Graduation of Indigenous Identity

The next circle out from the core group consists of individuals designated as multiracial with one race being American Indian. They share the most affinity to an Indigenous tribal affiliation. This means society may or may not racialize them as American Indian only, and may or may not recognize them as “part” Indian. The individuals, however, singularly identify as American Indian with membership within one federally recognized tribe,⁷⁴ even if they possess more than one tribal affiliation, and/or another ethnicity. These individuals usually possess cultural materials, like language, customs, and knowledge.

The next to the last circle to the outside are people racialized as Indian but do not possess an ethnic identity, per se. They may have a pan-Indian identity in that they hold

membership within a federally recognized tribe or have a federal card certifying their blood quantum. But they possess very little knowledge of tribal culture, and therefore, lack cultural standing. Finally, the outside periphery consists of persons who are not designated racially as Indian, yet they assert Indian ethnicity. Society designates their race to be non-Native, but they self-ascribe their ethnic identity as American Indian through singular or multiple tribal affiliations. That is, these individuals self-identify as American Indian without society's attribution of racial identity or federally acknowledged tribal recognition of their ethnic claim. However, Indigenous identity is exponentially more complicated than Figure 1's somewhat linear model of circles or the act of self-identifying on the census because of the institutionalized nature of claiming indigeneity.

Institutional Identities

Institutional identities evolve through the push and pull of social, political, and economic interests. As a result of conflicting interests, legislative and governmental structures created and enforced imposed racialized institutional identities upon Indigenous Peoples. Individuals must be legitimized by federal and tribal governments through blood ancestry. The idea that racial categories consist of biologically distinct groups of people has been discredited.⁷⁵ Race is a social construct. Yet, federal Indian policy has legislated race to be a concrete expression of Indianness through its language of blood quantum restrictions.

Blood quantum is the idea that an inherited measure of blood percentage quantifies Indigeneity and that quantity is gained through our ancestral lineage. Thus, claiming legitimacy—possessing a legal identity—in effect, requires a claim of racial identity through the “possession” of Indian blood and the ability to prove that same blood lineage through direct descendency from an ancestor listed on one of the Indian census rolls taken from 1885 to 1940.

Claiming legal status also requires membership within one of the current 566 federally recognized tribes. The evidence of a legal identity is authenticated and corroborated by the United States (U.S.) government and tribal governments in the form of identification cards.⁷⁶ This imposition of race and legal identity, combined with the alienation of cultural belonging, fuels an ongoing conflict within Indigenous communities. Below I discuss the three essays that address institutionalized definitions of Indian, creating, performing, and policing authentic Indianness, and social constructions and stereotypical reproductions of Indianness.

Negotiating Indigenous Identity

This dissertation is comprised of three essays, each of which provides empirical examinations of the complexity and dynamics of Indigenous identity. The first essay, “Invisibility in the Color-Blind Era: Legitimizing Racism against Indigenous Peoples,” focuses on the processes and consequences of racialized invisibility of Indigenous Peoples in the sociology of race and in society-at-large. Historians, philosophers, and Indigenous media document that Indigenous Americans daily negotiate overtly racist language, images, and behaviors without social recourse. Scholars contend that after the U.S. Civil Rights era, overtly racist acts generally gave way to color-blind (covert) racism in the maintenance of white privilege.⁷⁷ I argue that Natives still routinely experience *overt* racism in everyday discourse and throughout the media. While minstrel shows have long been castigated as racist, American children are socialized into *playing* Indian and because playing Indian is deemed socially acceptable (e.g., normal, legitimate), any other racial or ethnic group may now participate—*without recognizing the inherent racism in doing so*. Indeed, anti-Indian terminology, imagery, and behavior have become legitimated to such a degree that other marginalized people accept such as nonracist and readily maintain and participate in it.

What accounts for the acceptance of overt racism toward Native Peoples in the United States? In this essay, I examine the phenomena of what I call “legitimized racism” through racialized invisibility of persistent racist stereotypes and cultural appropriation. Using a qualitative approach and an Indigenous epistemology, I analyze the impact of legitimized racism through the voices of forty-five Indigenous people. The contemporary consequence for a historically established discourse that justifies the murder, rape, and enslavement of Indigenous Peoples as righteous is what I call the phenomenon of legitimized racism. Legitimized racism is evidenced within my conversations with participants in four thematic bundles: (1) dirty squaw or sexy maiden, (2) lazy, drunk, casino-rich Indians, and (3) playing Indian, and (4) celebrating genocide.

The second essay, “‘A Necessary Evil’: Framing an American Indian Legal Identity,” clarifies the legal constraints involved in claiming an Indigenous identity at the institutional level. This study examines the emergence and application of what I conceptualize as an American Indian Legal Identity (AILI). AILI is an individual identity created by structural forces. Most importantly, a person can have an AILI without having either racial identity or ethnic identity. It stands on its own as proof of Indianness even though it was created in the discourse of Federal Indian Policy. The tribal reification of this federally-defined authenticity birthed a racialized collective Indian identity. Furthermore, it has resulted in the internalized racialization of Native identity. AILI relies upon the verification of a degree of Indian blood as documented in the form of a Certificate of Degree of Indian Blood (CDIB) card issued by the U.S. government's Department of Interior, and through membership within a federally recognized tribe.

Legal standing creates clear political and social distinctions for Natives. Possessing or not possessing AILI results in clear gains and costs. On economic and political levels, “legally recognized” Natives receive rights, services, and protections Indians without legal statuses do

not enjoy. Native people must first legally prove their Indian ancestry in a very specific way to qualify. At the community level, research shows Native people commonly believe “real Indians” are enrolled in tribes and carry federal-issued cards as proof. Yet, many do not have the ability to confirm their heritage because of the sociohistorical complexity and exclusivity of the criteria to do so. Acquiring such evidence is considered one of the most complicated, inconsistent paradoxes of federal law.⁷⁸ In fact, there is no actual single method to satisfy the federal definition of the American Indian. At least thirty-three separate definitions have been used in federal legislation.⁷⁹

Rather than document the issue of political benefits for Natives,⁸⁰ the goal of this project focuses on the processes and consequences of legal identity for Natives. Scholarship documents proof of Indianness is a source of contention within American Indian communities, both individually and collectively.⁸¹ How do Natives make sense of having to prove their authenticity and what does this institutional measure of belonging mean to them? Using a qualitative approach, I analyze semi-structured, in-depth interviews of thirty Native American participants, who all ethnically identify as Indigenous but only half of whom possess a legal identity. I find participants frame and rationalize ALLI's existence by justifying its necessity for preserving tribal sovereignty.

The third essay, “Real Indians: Policing Authentic Indigenous Identity,” examine ways in which indigeneity claims encounter opposition at the interpersonal and in-group levels. As discussed in the first essay, the institutionalization of legitimate Indians, tribal nations, and tribal citizens created contested meanings of *being* Native, which reinforces an unrelenting debate about indicators of authentic indigeneity.⁸² While birthed in colonizing oppression, European acts of othering, and federal Indian policy, the “real Indian” trope is now a social fact for American Indians. Thus, indigeneity claims among Indigenous communities commonly

encounter resistance in the United States. Distressingly, Indigenous individuals often employ the “real Indian” trope among and against one another.⁸³

Authenticity markers like blood quanta, phenotype, cultural performance, and tribal citizenship remain particularly meaningful—symbolically and politically.⁸⁴ On the other hand, roots, traditions, and values get lost among institutional signifiers of Indian identity.⁸⁵ Because of the intense socialization of what constitutes legitimacy, Indigenous communities have internalized and continue to reify the collective belief that Indians must be distinguished, at the very least, on a tribal level, and at best, at both tribal and federal levels. Consequently, lived experiences of being Indigenous get displaced among enrollment numbers, federal and tribal recognition criteria, and fractional blood heritage. The very question of authentic Indianness “has deep roots within colonial racism.”⁸⁶ Therefore, it is important to note that the intent of this study is not to depict Indigenous Peoples’ prejudices and bigotry. Rather, my goal is to expose the impact of 500+ years of systemic oppression on our daily lives.

This paper argues the real Indian trope developed within the federal bureaucratic procedures that ultimately resulted in the institutionalization of a racialized legal identity. Thus, policing indigeneity claims manifest as an expression of internalized racial oppression for Natives and as an extension of legitimized racism against Indigenous Peoples.⁸⁷ In that spirit, I examine the “real Indian” trope by asking the following questions: What authenticity markers hold the most value for Native people? How do Indigenous Peoples justify authenticity policing? Using a qualitative approach and an Indigenous epistemology, I examine the phenomenon of authentic indigeneity and the impact of policing authentic Indigenous identity. Conversations with forty-five Indigenous people indicate that achieving Indigeneity is elusive because of its dynamic nature within the local specificity of social contexts. I present two memes mentioned most often by participants that symbolize Indigeneity: (1) card privilege and (2) blood privilege.

Results of the study are explained through my conceived framework of internalized legitimized racism.⁸⁸

Chapter 5 synthesizes my findings as a whole and situates the work within the literature. I discuss the contribution of the work as a whole within the areas of race, identity, and Indigenous Studies. I discuss questions raised when we look at the work as a whole and the implications for future research. I briefly discuss policy issues. I conclude with my final thoughts of how this work has changed me and the many people who took the journey with me.

Notes

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75 There remains an attempt by some scientists to maintain genetic indicators of racial categories (Cornell and Hartmann 1998).

76 Ultimately, Natives with an American Indian legal identity must have been granted a CDIB card, but they are not legally required to enroll in their tribe. However, because many tribes contract with the Department of the Interior to provide CDIB cards, individuals will often enroll with the tribe, as well.

77 For a comprehensive treatment, see Eduardo Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era* (Boulder, CO: L. Rienner, 2001); Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States* (Lanham, Md.: Rowman & Littlefield, 2003); Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, 2nd ed. (Lanham, MD: Rowman & Littlefield Publishers, 2006); Leslie G. Carr, *'Color-Blind' Racism* (Thousand Oaks: Sage Publications, 1997); Joe R. Feagin, *Systemic Racism: A Theory of Oppression* (New York: Routledge, 2006); Joe R. Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-Framing* (New York: Routledge, 2010).

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80. Even for Natives with legal identity, social services and economic resources are fairly limited due to the variability of annual federal budgeting. Indigenous people are one of the poorest racial ethnic groups, if not the poorest. The myth of copious "benefits" and large per capita payments from tribal gaming is disproved by socioeconomic statistics: 32% of working individuals live below poverty level; 32% have no health insurance; median household income is \$33,671; and 49% of the labor force experience unemployment. If available, health care, housing, and nutrition programs are often inaccessible due to the distance or remoteness of the distribution of such services. Only 246 of 566 tribes have gaming operations, and of those, only 73 offer per capita payments to tribal citizens. All tribal gaming allocations, including per capita payments, are overseen by the federal agency, the National Indian Gaming Commission (Author).

81. Cerulo, "Identity Construction; Cornell and Hartmann, *Ethnicity and Race*; Garroutte, *Real Indians*; Joane Nagel, *American Indian Ethnic Renewal*; Snipp, "Sociological Perspectives"; David E. Wilkins, *Documents of Native American Political Development: 1500s to 1933*, (Oxford; New York: Oxford University Press, 2009).

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84 Some argue that by discussing and analyzing concepts for categories of difference (e.g., race, blood quantum, etc.) we actually contribute to the perpetuation of essentialist thinking about socially constructed concepts, i.e. reify the notion that these categories are real and not the product of human creation. I argue that there is a social reality to these to social categories in that they produce real effects on racialized and othered actors. Therefore, it is important to highlight and contrast the social dynamics that produce the categories, as well as the social categories themselves. For a deeper explanation, see Chapter 1 of Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*, Second Edition (Lanham, MD: Rowman & Littlefield, 2006).

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87 I define internalized racial oppression and legitimized racism in another section.

88 Framing symbolic documentation, identifiability, and blood heritage as proxy for indigeneity was solely developed within this project and is not meant to indicate that all Indigenous people experience the same.

CHAPTER 2

INVISIBILITY IN THE COLOR-BLIND ERA: EXAMINING LEGITIMIZED RACISM AGAINST INDIGENOUS PEOPLES

A few of the whites that I'm around make Indian¹ jokes ... I've been called a basket weaver, blanket Indian, blanket ass, skin, breed, which I don't let bother me, you know. 'Cause I just look at the person that's doing the talking and the so-called name calling and a lot of that shows ignorance. The way I look at it. I laugh at it and go on and try not to let it deter me.

—Will (Chickasaw)

Beginning in the mid 1990s, scholarship on the ideology of color-blind racism gained acceptance within the mainstream of the sociology of race in the United States. Scholars contend that after the U.S. Civil Rights era, overtly racist acts generally gave way to color-blind (covert) racism in the maintenance of white privilege.² It became socially unacceptable to express blatant antagonism toward people of color.³ Bonilla-Silva explains that this shift allows whites to refute all culpability for the current racial oppression of minorities.⁴ Indeed, color-blind racism enables whites to justify the current gaps in educational attainment, wages, chronic health disorders, and wealth, between them and everyone else, through the ideologies of individualism and culture without thought to historical context. Thus, the political and economic inequality of people of color becomes their own fault. Marginalized groups still experience inequality, but Bonilla-Silva argues it is increasingly covert, institutionalized, and “void of direct racial terminology.”⁵

Yet, this does not hold true for Indigenous Peoples in the United States (U.S.). Like other marginalized groups, Natives certainly experience the same covert mechanisms of color-blind racism that limits life opportunities. However, Natives still routinely experience *overt* racism in the form of racial epithets like “redskin”, “injun”, or ‘squaw” and horribly distorted depictions of Natives as mascots, reminiscent of the propaganda used against Black, Irish, and Jewish people

in the 19th and 20th centuries. And this overt racism is *not* confined to hate groups, but is visible in everyday discourse and throughout the media. Historically, Native Peoples were portrayed as savages, Native women as sexually-permissive, and Native culture as engendering laziness.⁶ Contemporary American Indians still live under the prevalence of Native misrepresentations in the media, archaic notions of Indianness, and the federal government’s appropriation of “Indian” names and words as code for military purposes. Their oppression also becomes invisible in the very visible mechanism often used to reproduce racial inequality—through informal communication—with statements like being an “Indian-giver,” sitting “Indian-style,” learning to count through the “one little, two little, three little Indians” song, or getting together to “pow wow” over a business idea. This racialization goes beyond words and pictures.

While minstrel shows have long been castigated as racist, American children are socialized into *playing* Indian. Columbus Day celebrations, Halloween costumes, and Thanksgiving reenactments stereotype Indigenous Peoples as a much distorted, monolithic culture. That is, other groups assert racial power over Indigenous Peoples by relegating indigeneity (complex understandings and representations of Indigenous identity) to racist archetypes and cultural caricatures. Playing Indian is actually an American tradition with its roots in colonial times.⁷ During the Boston Tea Party, when colonists rebelled against British rule by boarding English ships and throwing the tea into the harbor, they were dressed up in blankets, feathers and black soot and grease on their faces, pretending to be Indians.⁸ Playing Indian is racist—in no way different from wearing blackface or participating in minstrel shows—because it collapses distinct cultures into one stereotypical racialized group. Even worse, because playing Indian is deemed socially acceptable (e.g., normal, legitimate), any other racial or ethnic group may now participate—*without recognizing the inherent racism in doing so*.

Historians, philosophers, and Indigenous media document that Indigenous Americans cope daily with overtly racist language, images, and behaviors without social recourse. I argue racism against American Indians has been institutionally legitimized, thereby rendering it invisible. To legitimize is to make legitimate; that is, to justify, reason, or rationalize as in accordance with established or accepted patterns and standards.⁹ In other words, the institutions that shape social norms—those seen as social authorities—reproduce symbolic racial violence against American Indians through legal structures, public education locations, consumer products, sports associations, etc. Over 235 years of federal Indian policy have systematically racialized Indians as inferior, incapable, and uncivilized. Indeed, anti-Indian terminology, imagery, and behavior have become legitimated to such a degree that other marginalized people accept such as nonracist and readily maintain and participate in it.

This work is guided by two questions: With such blatant racist acts, what accounts for the lack of attention by contemporary race theory to anti-Indian rhetoric and overt racism against Indigenous Peoples in the U.S.? How do Native people negotiate these persistent racist stereotypes and cultural appropriation in their daily lives? Using a qualitative approach and an Indigenous epistemology, I examine the phenomenon of “legitimized racism.” I analyze its impact and provide narratives of confrontations of legitimized racism through conversations with forty-five Indigenous people. The paper is organized as follows: first, an overview and critique contemporary race and racism theories; second, a description of the methods of the research; third, an explanation of the phenomenon of what I call legitimized racism and an overview of racist depictions of Native identity a linked by four persistent tropes; and finally, a conclusion and discussion about the results of the study.

Contemporary Theories of Race and Racism: A Critique

Numerous studies discuss the ill effects of color-blind racism on marginalized people's life opportunities.¹⁰ Bonilla-Silva argues that white people now avoid using outright racial epithets toward people of other races.¹¹ Publicly calling someone derogatory words like "nigger" or "spic" is considered morally reprehensible, and thereby, socially unacceptable.¹² Instead, people now speak in coded language, utilizing a colorblind racist frame to discriminate against people of color.

Yet, this is not the case for Indigenous Peoples in the United States. Natives hear racist terminology directed at them within their own habitats by simply watching sports channels on their televisions. The equivalent of the previous denigrating terms, "redskin", still enjoys social acceptance. Indeed, the football team associated with the nation's capital, the Washington Redskins, promotes the social suitability (legitimacy) of its use within America and the world by marketing it as their team name. For thirteen years, Native activists engaged in a legal battle in federal courts over the racist name, winning the first round in 1999, but losing the subsequent appeal in 2003.¹³ In 2009, the U.S. Supreme Court refused to even hear an appeal by the activists. Johnson argues that teams that utilize caricature mascots accomplish acceptance of such through the racist anti-Indigenous discourse of the news media.¹⁴

The very existence of the racist social representation of American Indians as Redskins and the profound resistance to its removal exposes the deeply embedded racial discourse of inequality (i.e. legitimized racism) within the legal, economic, and political institutions of the United States. Yet, Indigenous Peoples appear to be ignored in mainstream race theories?¹⁵ In the following, I critique three prominent race theories—racial formation, white racial frame, and colorblind racism—and their engagement with American Indians.

Legitimizing Invisibility: Prominent Race Theories

Contemporary literature commonly acknowledges that race is socially constructed and altered by social institutions and historical influence.¹⁶ Racialization occurs when racial meanings are assigned. Accordingly, the racial classification of American Indians emerged out of the collective phenomena of sociohistorical forces and sociopolitical acts (e.g., the European discovery of America, the U.S. Constitution, and Federal Indian Policy).¹⁷ Omi and Winant's foundational racial formation theory posits that race is a dynamic process that is "constantly being transformed by political struggle."¹⁸ Therefore, race acts as an indicator for unequal access to resources. Importantly, Omi and Winant recognize the role of government in creating racial groups through ideological and political processes, discussing issues of immigration and the racial politics of Chicanos, Asian Americans, African Americans, Mexican Americans, and even the Vietnamese, at length.

Yet, Omi and Winant's 1994 study about race in the U.S. from 1960 to 1990 only mentions Indigenous Peoples very briefly on two pages in the main text and in three endnotes that cite other readings to reference.^{19,20} Yet this was an era of dynamic racial contestation between Indians and the federal government (e.g., the formation of the American Indian Movement (AIM) in 1968, the Indian Civil Rights Act of 1968, the 19-month occupation of Alcatraz from 1969 to 1971, the 73-day siege of Wounded Knee in 1973, and the Pine Ridge Shootout between AIM members and FBI agents in 1975, etc.). Furthermore, American Indian/Alaska Native population growth experienced sharp increases in U.S. censuses—from approximately 551,700 in 1960 to 1.96 million in 1990. The sociopolitical results of the racialization of American Indians speak to Omi and Winant's racial formation theory, though these theorists did not engage with an analysis of Indigenous Peoples.

Other scholars have critiqued racial formation theory as too limited. For example, Feagin finds that Omi and Winant's racial formation theory misses "the big picture" of the persistence of systemic racism.²¹ Feagin posits that racial oppression is being vigorously reinforced rather than disappearing. Indeed, Feagin argues systemic racism exponentially reproduces itself in society's networks, social groups, and institutions in order to protect white privilege and power. Therefore, society operates through "a commonplace white racial frame—that is, an organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate."²²

Feagin is more attentive to the racialization of Indigenous Peoples. He reveals the historical racist framing by Europeans and Americans of Native Peoples as inferior. Natives were seen as "wild beasts" and "agents of the devil" that needed to be hunted down and killed or driven away.²³ Nevertheless, Feagin judges white racism against African Americans as more harsh than against Native Americans, arguing that "whites have historically put more effort" into oppressing Black people.²⁴ He states: "While they have been the recurring targets of extreme white brutality and recurring genocide, Native Americans have not played as a central role in the *internal* socio-racial reality of the colonies or the United States as have African Americans."²⁵ Feagin seemingly ranks slavery as the most egregious consequence of racialization because of its lasting legacy of systemic racism.

Yet this claim relies on ranking the horrific consequences of racialization for specific cultural and religious groups against one another. The assumption that outcomes of racism can be weighed and measured (i.e. enslavement, rape, beating, starvation, murder, and genocide) is problematic. Furthermore, the colonies and the U.S. only became realities because Europeans first collapsed distinct regions, cultures, and languages into one racial classification, Indians. Americans then institutionalized this same racial distinction.²⁶ Classifying Natives as less than

human and evil acted to justify the brutality levied against them in order to steal their land and resources in settlement of the Americas. Thus, Indigenous Peoples play both central and *foundational* roles in the “internal socio-racial reality” of the United States.

Indeed, Feagin argues that today’s negative connotation of foreignness has its roots in the early views of whites toward “enslaved African Americans and decimated Native Americans as uncivilized, strange, and foreign.”²⁷ Unfortunately, Feagin’s use of phrases like “anti-Indian” genocide²⁸ and “decimated Native Americans”²⁹ invokes the “vanishing Indian” trope.³⁰ American Indians did suffer both genocide and decimation, but 800+ tribal groups survived. Many tribal nations are experiencing rapid population growth and cultural revitalization. Without a balance of past and present, stereotypes about Indigenous Peoples are reified. Their experiences fade into monolithic, distorted historical accounts of racism, failing to be viewed as contemporary acts.

Like Feagin, Bonilla-Silva also critiques racial formation theory. Bonilla-Silva argues that Omi and Winant focus too closely on how racial meanings are formed and reorganized, rather than addressing how the U.S racial structure continues to function within a white supremacy ideology.³¹ To address this, Bonilla-Silva promotes a theory of racialized social systems. Societies use racialized social systems to reward socially constructed race differentials—economic, political, social, and psychological—at all societal levels.³² That is, racialized social systems interact within social institutions like education, policy, and the media, resulting in a hierarchical (power) system. Racial contestation (racism) then ensues at both the individual and collective level. Therefore, social interactions between individuals occurring within racist systems operate within racist institutions to reproduce racist societies.

American Indians could easily be used as an example for racialized social systems, given their systemic oppression for the last 500+ years. Legal systems continue to base rulings on the

idea that it is right and necessary to subjugate and assimilate non-Europeans to European customs, norms, and social mores.³³ Bonilla-Silva does briefly mention in *White Supremacy & Racism in the Post-Civil Rights Era*, showing the racial construction of “Indians” and “Negroes” as the establishment of white supremacy by European colonialists.³⁴ Bonilla-Silva’s *Racism without Racists* also briefly mentions the racially based policies against Native Americans in the development of the U.S., but does not analyze them in either work through his contemporary racial ideology, colorblind racism.

According to Bonilla-Silva, systemic racism birthed colorblind racism in the 1960s. Colorblind racism justifies “racial inequality as the outcome of nonracial dynamics.”³⁵ The argument for the biological and moral inferiority of people of color has given way to colorblind racism, which promotes that racial classification is not relative to unequal social standing. Instead, this ideology argues cultural pathology (e.g., group’s weak work ethic), individual traits (e.g., lack of drive and dedication), and market related factors (e.g., jobs that require specialized or advanced education) drive inequality. Thus, the maintenance and reproduction of white privilege has become covert and institutionalized in the public forum. Society commonly rationalizes racial inequality as nonracial. Colorblind racism certainly applies to Natives. Their socioeconomic inequality is often blamed on a culture of alcoholism, individual laziness, and rural living, rather than racial oppression. In other words, colorblind racism would suggest that Indians need to sober up, work harder, and move off the reservation.³⁶

Still, Indigenous Peoples’ daily experiences do problematize the theoretical applicability of colorblind racism. One of its central tenants is that white people no longer rely upon name calling to maintain white privilege.³⁷ According to Bonilla-Silva, only “white supremacist organizations” express overtly racist comments and literature about the supposed inferiority of people of color in open forums.³⁸ The idea that publicly racist terminology is no longer used for

the maintenance of white privilege proves a difficult fit for Native Americans. Natives do currently face overtly racist name calling and stereotyping. Recognizing the depth and complexity of systemic racism makes Bonilla-Silva's theory of colorblind racism less effective. Without this acknowledgement, not only do American Indians become invisible within another race theory, the overt racism they experience becomes invisible to everyone but them because it is not seen as racism.

My aim is to bring greater awareness and dialogue about the complexity of racism in contemporary society, especially as it applies to Indigenous Peoples. Scholars may not deal with acts of contemporary racism against American Indians for varying reasons. For example, because the entire population of American Indians constitutes less than two percent of the U.S., some scholars may feel that such a small population does not warrant study. Moreover, Mills points out that with the debates and controversies surrounding the Columbian quincentenary in 1992 confronted scholars "with the uncomfortable fact, hardly discussed in mainstream moral and political theory, that we live in a world which has been *foundationally shaped for the past five hundred years by the realities of European domination and the gradual consolidation of global white supremacy.*"³⁹ In other words, non-Native race scholars, influenced by a historical racial discourse based on white supremacy and philosophy, may fail to check their assumptions. In the next section, I discuss how racial discourses originate and become legitimized, with a focus on Indigenous Peoples.

Legitimizing Anti-Indian Racist Discourses

Racial discourse is much more than communication. Racial discourse is a social phenomena that include a wide range of forms that assign meanings, representations, images, and languages to people, events, or social issues; i.e., media (print or electronic), customs,

myths, stereotypes, and naming. Racial discourse occupies social space contextualized by relations of power. Foucault argues that a given discourse not only sets limits and restricts what can be said about a phenomenon but also, in the positivity of power, empowers certain agents to speak and make representations, while also disempowering others from doing so.⁴⁰ Indeed, power ultimately grounds the social processes of creating, assigning, maintaining, and shifting racial identity; moreover, power accomplishes the reproduction of racial identities through racial discourse. People rarely question the origin of such beliefs, but instead work to accept, maintain, or reorder their views about race.

Understanding the contemporary impact of racism on individual Natives necessarily requires contextualizing historical racial discourses about Indians. Mills uses the views of enlightenment-era scholars (i.e. Hobbes, Locke, and Kant) to establish the origins of racist discourse against Indigenous Peoples.⁴¹ Hobbes, notorious for his philosophy about bestial state of nature, applied it to the ‘savage’ people of America, not Europeans. Locke contributed greatly to the idea of Manifest Destiny by arguing that God gave the world to the industrious English, not the idle Indians.⁴² Therefore, the Indians had no claim to the land because they did not work to cultivate it. Kant ascribed to a moral racial order of skin color with whites positioned above all others, followed by yellow people, then black people, and lastly, red people—Indians, being so wretched and hopeless, were incapable of being educated or civilized.⁴³ It is striking that philosophers from the enlightenment era still inform the current U.S. political, legal, and economic systems, keeping alive their racial (racist) discourses about American Indians.

The original frame used for the subjugation of non-Europeans began under the principle that the pope was the supreme (divine) legal authority. In 1452, under the theology of conquest (what the Supreme Court later defined as the Doctrine of Discovery), Pope Nicholas V issued the bull *Romanus Pontifex*, mandating Christians “to invade, search out, capture, vanquish, and

subdue all Saracens and pagans whatsoever, and other enemies of Christ wheresoever placed, and ... to reduce their persons to perpetual slavery.” This directive specifically sanctioned and promoted the conquest, colonization, and exploitation of non-white nations and their territories, and to enslave or destroy those who would not convert.

From 1492 to 1774, European countries explored, colonized, and settled what is now known as “the Americas.” Because Indigenous Peoples were not Christians, they were, *by default*, heathens. The racialized “Indian” discourse was birthed with the publication of Columbus’ first letter shortly after his return from his first voyage to the “New World.”⁴⁴ Columbus originated the dichotomized image that Natives contend with to this day, i.e. the noble savage or the wild beast.⁴⁵ Columbus first inferred Native Peoples to be uncivilized because of their display of nakedness and easy-going natures. Of his first encounter, Columbus wrote of friendly Indians who were gentle and naïve that could be easily be enslaved:

They all go around as naked as their mothers bore them ... they could easily be commanded and made to work, to sow and to do whatever might be needed, to build towns and be taught to wear clothes and adopt our ways ... they are the best people in the world and above all the gentlest and I believe that they would become Christians very easily, for it seemed to me that they had no religion.⁴⁶

When Indigenous Peoples challenged the Europeans or expressed hostility, Columbus labeled them cannibals (eaters of human flesh) that must be eradicated or enslaved.⁴⁷ Michele de Cuneo, Columbus’ aristocratic shipmate details the annihilation and enslavement in a letter from The Second Voyage, October 28, 1495:

We captured this canoe with all the men. One cannibal was wounded by a lance blow and thinking him dead we left him in the sea. Suddenly we saw him begin to swim away; therefore we caught him and with a long hook pulled him aboard where we cut off his head with an axe. We sent the other Cannibals together with the two slaves to Spain.⁴⁸

Indigenous women do not escape from the innocent or wild discourse created during the four voyages. Michele de Cuneo systematically describes the kidnapping, subsequent rape, sexual slavery of one of the Carib Indian women:

When I was in the boat, I took a beautiful Cannibal girl and the admiral gave her to me. Having her in my room and she being naked as is their custom, I began to want to amuse myself with her. Since I wanted to have my way with her and she was not willing, she worked me over so badly with her nails that I wished I had never begun. To get to the end of the story, seeing how things were going, I got a rope and tied her up so tightly that she made unheard of cries which you wouldn't have believed. At the end, we got along so well that, let me tell you, it seemed she had studied at a school for whores.

The gentile, naïve, friendly, hardworking Indians are now transformed into cannibals and whores within the context of control, conquest, possession, and exploitation.⁴⁹ Fredrickson argues that racism becomes morally justified when the racial other is placed outside of the moral community.⁵⁰ In order to morally justify the historical damage inflicted against them, original knowledge of the Native Peoples must be banished from the collective memory.⁵¹ Oppressors must transform into victims whose actions are portrayed as brave and necessary.⁵² Racial discourse accomplishes both of these goals. Indigenous Peoples become othered as heathens, savages, or beastlike beings that are incapable and inferior, therefore, easily forgotten. Colonizers become seekers of justice and benevolent providers.

Through a dialectical process, the stereotyped Indian's behavior develops as the antithesis of Euro-American culture. It matters not that neither Columbus nor his shipmates ever set foot within the geographic boundaries of today's United States. American Indians still contend with the racialized discourses birthed from the documented correspondence of Columbus and his shipmates. From 1774 to present day, Americans continue to justify the forced removal and relocation, boarding school era, and genocide of Indigenous Peoples as necessary because of the Indian's immorality as wild, dirty, drunk, lazy savages.⁵³ In other words, the actions of the colonialists were/are legitimate.

These first interactions between Europeans and Indigenous groups set precedent for today's distorted cultural representations, stereotypes, and cultural appropriation. Indeed, Cook-Lynn posits that North America suffers from anti-Indianism, a systemic racialized hatred for Indigenous people. Anti-Indianism manifests in the sentiment that Indians no longer exist, using words and actions that stigmatize the experience of being Indigenous in the U.S., blaming Indians for their own demise, and exploiting and distorting Indigenous beliefs and cultures.⁵⁴ Cook-Lynn states, "All of these traits have conspired to isolate, to expunge or expel, to menace, to defame."⁵⁵ I argue Anti-Indianism is legitimized racism that is directly tied to the first European correspondence about American Indians. Below I discuss the methodology that I used to understand what I call legitimized racism built on a foundation of historical racist discourse.

Methodology

"Shape-shifting in the academy means opening new windows for fresh air."
– Margaret Kovach⁵⁶

Writing the methodology section of any project always feels like shape-shifting for me. I must write in a way that non-Native scholars find acceptable, valid, and legitimate, but still maintain a holistic approach that serves to honor the process and the generosity of the people who spoke with me. For this essay, I utilize a blended critical and Indigenous interpretive lens—a standpoint that emphasizes participative, emancipatory research and requires holistic, relational, decolonizing ethics as well as empathy, respect, and reciprocity.⁵⁷ Indigenous epistemology acts to decolonize⁵⁸ the academy's scientific practices, "disrupt traditional ways of knowing,"⁵⁹ and develop "methodologies and approaches that privileged indigenous knowledges, voices, and experiences."⁶⁰ A critical qualitative approach "consists of a set of interpretive, material practices that make the world visible."⁶¹ This research is done for explicit political purposes.

I also chose a qualitative methodology because it is particularly appropriate for working with marginalized groups, giving value and voice to their lived experiences in a historically contextualized way.⁶² Therefore, I used multiple methods to develop a multilayered, holistic understanding of confronting legitimized racism in our daily experiences. These methods included conversations (interviews), participant observations, and analysis of images, film media, celebrity blogs, etc. to gain insight into the commonality of anti-Indian rhetoric.⁶³ I also analyzed historical racist discourses in media and eras of federal Indian policy.

My Indigenous research framework (epistemology) privileges tribal knowledge, specifically Muscogee Nation cultural traditions of reciprocity and empathy.⁶⁴ Kovach states that we can know Indigenous research through four decolonizing ethics: (1) lines up with Indigenous values, (2) presence of community accountability, (3) research benefits community, and (4) researcher does no harm.⁶⁵ I created Figure 2 to show the balance (harmony) of this epistemology as represented in the four metaphoric sides that uphold *Mvskoke* knowledge. This diagram is meant to represent a “mound builder” approach, which is central to the *Mvskoke Etvlvv* (Muscogee People).

Figure 2 is also my pictorial representation of the importance of the number *osten* (four) for the *Mvskoke Etvlvv*. We believe that the four directions, four seasons, four elements, and four groups of people maintain balance and harmony within the world.⁶⁶ Therefore, I utilize the thick straight paths as my guide for compromise between qualitative paradigms and Indigenous methods. I purposely never indicate which way to travel first. The paths originate from *Mvskoke* knowledge and I must revisit that knowledge for each and every path traveled or before traveling a new path.

The four concepts represented at the end of each path shadow an emancipatory qualitative approach and include: (a) knowledge seeking, (b) knowledge gathering, (c) meaning-

making, and (d) giving back. The diagram may seem counterintuitive because I have placed these concepts counterclockwise unlike the usual clockwise academic placement. The counterclockwise position (even though the process is not linear or even directional except to go out and come back in) signifies the direction the *Mvskoke Etlwv* dance around our sacred fires.

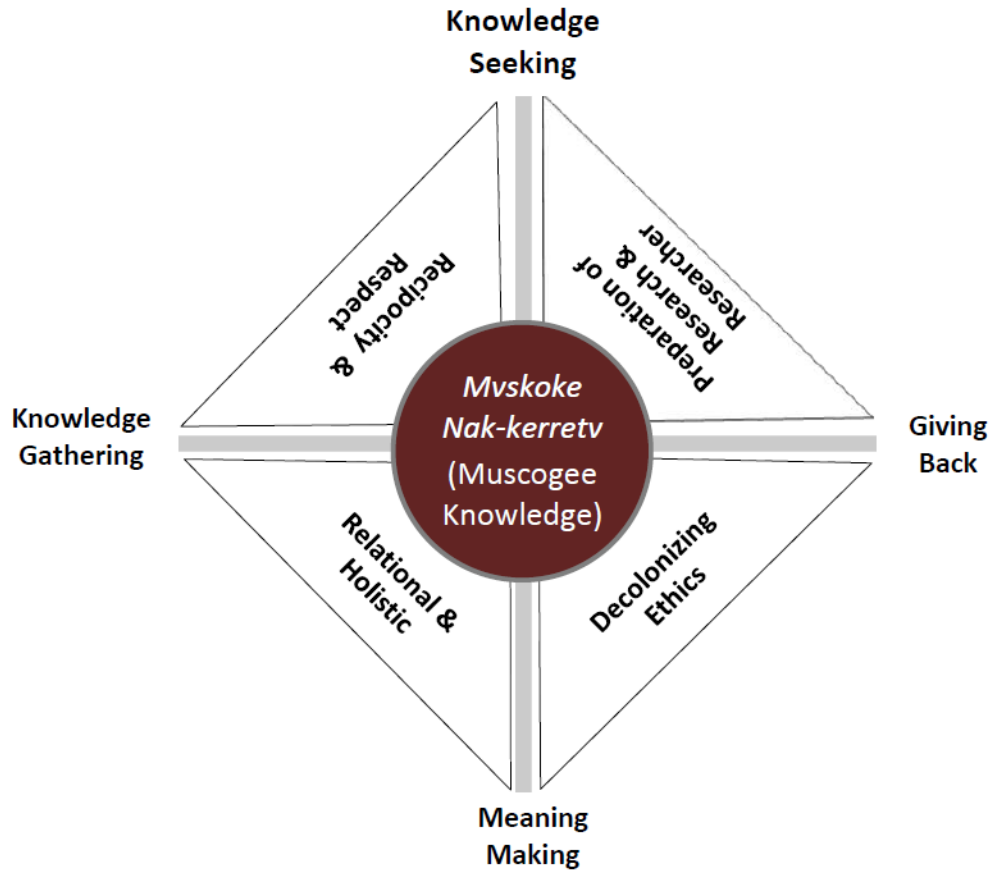


Figure 2. Indigenous Research Framework that Represents Mvskoke epistemology

My ethical aim is to share appropriate knowledge in a way that is decolonizing to Native Peoples.⁶⁷ I enlisted a panel of eight Elders, all respected Indigenous scholars and leaders, to read my findings and conclusions to keep me accountable to my ethical aims and to lend dependability to my research.⁶⁸ My research framework includes my active participation in the research. I prepared myself through self-reflection to understand my position in and motivation

for the research by situating myself, my cultural lens, and my purpose (a call for positive social action) in the research. I am a citizen of the Muscogee (Creek) Nation, a federally recognized tribe, but I am also recognized as an active community member who was raised within the culture and traditions of my people. I identify singularly as Mvskoke.

Hall contends, “We all write and speak from a particular place and time, from a history and a culture which is specific. What we say is always ‘in context,’ *positioned*.”⁶⁹ My personal lens shapes this research. Being Indian and being labeled an Indian certainly shapes who I am today. My life history attests to the experiences of being racialized, stigmatized, dealing with both overt and covert racism, and racial microaggressions, as well as feeling invisible or insignificant within academic settings. My demonstration of ethnic, cultural, and tribal pride stands in juxtaposition with experiencing the social shame of being racialized as an Indian in Oklahoma where I have spent the majority of my life. Oklahoma boasts the second largest Native population (9.2%) in the U.S.⁷⁰ and is home to 38 federally recognized tribes.⁷¹ Oklahoma does not recognize tribal groups on a state basis, but due to its designation as “Indian Country” does have hundreds of additional tribes represented within its boundaries. Therefore, my life history attests to the phenomenon of racialization.

My research sample consisted of 45 Native people from 29 distinct tribes, over the age of 18. I recruited participants between June 2009 and May 2013, initially through flyers at historically Indian churches, Indian Health Clinics, advertisements in Native newspapers, email listservs for Native American Studies Association groups, Indigenous groups on Facebook, and then by word of mouth. Purposive sampling was necessary because the participants needed to identify *ethnically* as Indigenous. Snowballing helped maintain a relational quality. It is protocol to be introduced by established community members into a new community. I recruited Natives who wanted the opportunity to speak directly to contemporary issues of racism.

Conversations that included reflection, sharing stories, and dialogue that lasted between one and two hours was the primary method of the research. Thirty-three conversations happened face-to-face at the participants' homes, places of business, restaurants, and ceremonial events. I telephoned seven participants and utilized software like Facetime or Skype to talk to ten others out of respect for the participant's preference. I asked participants about their general demographic and tribal information, and then we discussed American Indian identity issues concerning stereotyping and cultural appropriation. I used open-ended questions and occasional prompts to keep the conversations flowing, once established. Conversations included relating experiences of racism and reactions to visual media and images. I also followed up with additional questions and clarifications with each individual.

Because only Native people participated in the conversations the issue of terminology became important. Ethnicity is defined as an identity one gives oneself,⁷² but race is still widely used among Natives, and sensitivity to this distinction was necessary. I used the label(s) of each participant's preference (e.g., by clan, pueblo, tribe, or pan-ethnic labels—such as American Indian, Native American, First American, Native, etc.). Pseudonyms were used for each respondent to provide anonymity. All conversations were audio-taped and additional written notes taken after the conversations. I transcribed the conversations as precisely as possible, including any gestures, pauses, or other information that might influence the interpretation.⁷³ Twenty-four women and twenty-one men participated, ranging from age twenty-one to eighty-five; the average age was forty-two. The average annual income was between \$30,567. I did not ask for proof of Native identity through any identification or community reference.

Decolonization is a process that requires strategic concessions in the Western world of academia. Meaning making within an Indigenous epistemology for me is to utilize *Mvskoke* "core values of what is responsible, respectful, and kind, to that which is ours, not someone

else's".⁷⁴ Because "interpreting meaning from stories that do not fragment or decontextualize the knowledge they hold" brings great challenge, Indigenous researchers often utilize mixed-methods for interpretive and thematic analysis.⁷⁵ Madison argues that "the researcher's analysis is an intrusion where the subject's narrative is often *silenced*. The authoritative voice and heavy hand of the researcher overshadow the voice and presence of the narrator."⁷⁶

The aim of the analysis should serve as a magnifying lens that clarifies and honors the narrative.⁷⁷ Therefore, I chose to present my findings through thematic grouping. This is not an Indigenous method of analysis. And I often felt uneasy about the coding because it felt as if I were extracting pieces of stories and pieces of people's lives. I paid close attention, working respectfully within the data to present it as wholly as possible. Thus, I first integrated theme coding in a modified grounded theory method where data collection, analysis, and theory participate in a reciprocal relationship.⁷⁸ I periodically reviewed all the collected data, including transcribed conversations, analytic memos, and self-reflexive journals to identify emerging bundles of themes that developed from my research question. I read each transcript several times to get an overall feeling of recognition in order to identify themes.

I used critical discourse analysis to supplement the grounded theory findings. I examined contextual assumptions and discourses of the politics of identity and contemporary racism. I looked for particular discourses linked to cultural appropriation, and political and social institutions that reproduce racial discourses through dominance and power, and the subsequent legitimized anti-Indian rhetoric. I used pattern-organizing frames to examine any rhetorical themes and symbolic images that rationalize and institutionalize racism or the lack of attention paid to anti-Indian language and images. I present my research in thematic version. Narrative quotes are used to illustrate the essence of the themes identified.

My Indigenous status and familiarity with various Native communities and cultures allowed me to connect with participants culturally so that they felt comfortable to freely disclose. Whereas I am an insider as an Indigenous person, I could also be considered an outsider when working with someone who has the experience of being racialized as white or as black but identifies as Indigenous. Additionally, the participants represented various and distinct tribes, and although I relate through my ethnic identity of being Indigenous, my own unique tribal perspective often differed (e.g., region, language, and/or living on a reservation). Occasionally, these cultural and tribal differences acted as deterrents. When faced with these hesitations, I exercised assurance, empathy, and reciprocity in our conversations and activities.

I kept a self-reflective journal to keep self-locating through a record of my struggles, experiences, concerns, and reflections. The journal was a mix of research observations, reading analysis, teaching reflections, rants, and so forth. Accuracy of the research was ensured through the participants' checking of the conversations.⁷⁹ No conversation or dialogue was used unless the participant approved. Overall, this mixed-method enabled me to present the experiences of negotiating the phenomenon of my concept of legitimized racism. I present my findings in the following section.

The Phenomenon of Legitimized Racism

Historical racist discourses directly link to the contemporary racism experienced by Natives in the U.S. and the current invisibility of Indigenous Peoples in academic literature. Overt racism against Indians has become legitimized through centuries of racist discourse created and perpetuated by hegemonic power structures. Indeed, American institutions—the government, economy, education, media, and family—legitimize a stereotypical and racialized understanding of Indigenous Peoples. But legitimized racism is not just about the production of

racial images, attitudes, or identities. It is not between individuals. Indeed, it is the foundation of power that cradles the dialectical interaction of human agency and social structure. Below I describe my theoretical framework of legitimized racism, which builds on color-blind racism, systemic racism, and internalized oppression theories.⁸⁰

I conceptualize legitimized racism with particular assumptions and definitions. I provide common racial frames or racial stories to illustrate each point. First, racism is present, of course. Racism rationalizes that all the members of a racialized group have the same inherent abilities characteristics, morals, and qualities. For example, a common myth is that Indians cannot metabolize liquor like other races. Therefore, if they drink, they will become alcoholics. This assumes inherent biological difference between racialized groups, rather than critically assessing how historical trauma and socioeconomic deprivation might affect rates of alcoholism for Indigenous Peoples.

Systemic racism is also present. Systemic racism is an ideology that attaches common meanings, representations, and racial stories to groups that become embedded within social institutions that serve to justify the superordination of white people and the subordination of non-white people.⁸¹ Phrases like “to the victor goes the spoils” seem nonracial. But put in context of the Western invasion of North America, it positions Europeans and white Americans as strategic or lucky. It avoids the acknowledgement of the othering of Indigenous Peoples and their subsequent murder, rape, and abuse at the hands of white people. Systemic racism explains the common discourses by non-Natives that all Indians get entitlements from the federal government (free money, houses, and college educations, etc.), and that Indians are lazy drunks, and have never had to work for anything.

Then the multilayered, intersectional, and dynamic racism is legitimized. To legitimize is to make something seem right or reasonable. Accordingly, the racist actions, discourses, or

institutions seem ordinary, and without malice. Dressing up to play Indian with “war paint” for Halloween is harmless. Sports teams with racist names and mascots are honoring Indians. Culturally appropriating sacred objects like tipis and headdresses is all in good fun. Legitimized racism is so common that it is accepted as the norm, as just part of the American landscape. Any attempt to change it meets excessive resistance. Empathy is not easily forthcoming, even from other marginalized groups because they also participate in it. Individuals who protest are accused of being too sensitive or simply silly. Groups who protest are charged with being subversive and acting in their own interests and not for the good of society.

The contemporary consequences of legitimized racism stem from the historically established racist discourse about the righteousness of the murder, rape, and enslavement of Indigenous Peoples. My conversations with participants reveal persistent legitimized racism in *osten* (four) thematic bundles: (1) lazy, drunk, casino-rich Indians, (2) dirty squaw or sexy maiden, (3) playing Indian, and (4) celebrating genocide. I include narratives from conversations with participants, and to balance respect and reciprocity, I add my own perspective and share my reflections. It is within these four themes, we can recognize the pervasiveness of legitimized racism.

Lazy, Drunk, Casino-rich Indians

Natives constantly battle negative conceptions of their culture in entertainment, the media, and sports teams’ mascots that are often combined with words that serve to create inferiority (e.g., redskins, savages, squaw, etc.). Misconceptions about Indigenous Peoples are created, produced, and reproduced in stereotypes and racial bias.⁸² During every conversation, participants and I discussed typical stereotypes about Natives. Participants described three specific tropes they experience constantly: the lazy Indian, drunk Indian, and casino-rich Indian.

Through public discourse, these distorted images of Natives have become engrained, accepted, and legitimized to such a degree that society maintains and reproduces it without question.

Tom, a 40-year-old Penobscot man, discusses how people openly disparage Indians, even at his job with the state of Maine.

I hear things like: “Show me an Indian. I’ll show you a drunk Indian.” “Indians are lazy.” We won’t get jobs because we get everything for free. They think we all get casino money and government entitlements. The few benefits I get, I’m proud of. I feel like it’s restitution getting paid for all the years of stealing land and getting Native people drunk. But I still have to work and I can’t even drink a beer without people throwing stereotypes around. I don’t feel bad at all getting in someone’s face when they wanna make fun of my heritage and stuff. Even today, some people I work with at the State will say stuff. For some reason, they think it’s acceptable to run down Native people. But they wouldn’t dare say anything about African American people. That’s something I wish would change. [They should realize] that hey, Natives are just like everybody else, so we should be respected just like everybody else. I remember a colleague talking about how his neighbors are trashy people because they ain’t nothing but no good Indians. And that upset me. I told that person, “Look, there’s a lot of no good white people too.” I’ve always stood up for what I felt was right. I don’t ever let anybody run down my race, whether it be white, black, or Indian people.

For more than five years, Tom worked at a prison before taking his current position as a parole officer. He shared with me that prisoners commonly called him “chief” and “Geronimo” because “those guys tried to get to everybody.” Whereas he had no expectations for social politeness from the inmates, Tom was very disappointed by his colleagues. Even after transferring to a different job, Tom emphasizes how easily non-Native people repeat derogatory statements about Indigenous people in his presence, but feels he must speak up. Tom disrupts the cycle of stereotype reproduction by confronting the assumptions.

Tom, like most of the participants, talks about non-Native people’s belief that Indians get copious amounts of casino money—what I like to call “the myth of Indian casino riches.”⁸³ Joy, a young Cherokee woman, exclaims, “They think we’re all getting money from the casinos or handouts from the government!” Gary, a Muscogee middle-aged man who works for his tribal nation, also talks about the lazy, drunk, casino paradigm that Indians are seen to embody:

[We all own] casinos, obviously. We're gamblers, drinkers, slackers. You know I see that, but I see that in white, black [people]. You know it's not prevalent just to us. I'm sure we have our share, but we have our share of people that are educated and are productive and community-driven and [care about] politics and the whole bit. But we'll still get that. We'll still get that cigar stand Indian on cement, you know. That's just what it is, but it's something you've gotta work through.

Both Tom and Gary assert that Natives are just like any other group of people, and this sentiment echoed throughout the conversations. For example, Will, a tall, expressive Chickasaw Elder with black hair, brown eyes, and dark skin, says that society, in general, does not hold an accurate or positive view of Natives:

We are considered drunks. Lazy, dirty drunks. They look at the reservations and they see all the old cars just broke down and the shanty shacks and a lot of people feel that the Indians get money all the time and that's why they live in poverty because they take their money and drink all the time. There's truth to it. There are a lot of people that will spend their last dime on booze. But then there are also a lot of people that have family and kids that don't. And they are trying to make it the best they can.

Will willingly admits that alcoholism and poverty plague Native people, but expresses exasperation that other people think that the circumstances of poverty on reservations speaks for all Indians. Indeed, Will and others exercise their agency by presenting a counterdiscourse that Indians are "just ordinary people" to the racist stereotype of drunk, dirty, and casino rich Indians.

Dirty Squaw or Sexy Maiden

In addition to the lazy, drunk, casino-rich Indian tropes, Indigenous women also contend with the binary construct of sexy Indian maiden or dirty Indian squaw. Birthed through the correspondence of Columbus and his shipmates, the racial stereotype of Indigenous women as naïve or childlike but also savage and sexually deviant is alive and well today.⁸⁴ Sixteen women participants discussed their experiences of being sexualized and exoticized by non-Native boys

and men. Almost all of them experienced it as early as the first stages of puberty. Maggie, a middle-age Maliseet woman, discusses the trauma of puberty as a Native girl:

As I got into puberty, white boys seemed to have some kind of idea that I was “wild” and would be more willing to have sex with them. I even got trapped once in a house by a neighbor boy who said they were going to watch movies, and then he lured me into the den and just grabbed me and started kissing me, saying “turn on, what’s wrong with you?” Boys would grab me and say stuff and call me “Pocahontas.” They didn’t treat other [white] girls on their street that way.

Maggie understood early that she was considered different than the other girls by the boys in her neighborhood. She bore the stigma of the sexualized Indian maiden in the personification of Matoaka (i.e. Pocahontas), the daughter of Algonquin Chief Powhatan.⁸⁵ Much is made of her relationship with Captain John Smith. However, at the time of Smith’s capture by Powhatan’s men, Matoaka would have been eleven years old. The treatment of young Native girls bears great resemblance to the sexualized historical myth of Pocahontas—the idea that Indigenous women are highly sexualized, act wild, like to be held captive, and become sexually active at earlier ages than other racial groups of women. Conversely, Native women who do not fit the ideal of the sexualized “Pocahontas” then fall into the category of the dirty squaw.

The squaw trope is an example what Johnson describes as “savagism discourses” that perpetuate an anti-Indian rhetoric and an anti-Indian sentiment in contemporary society.⁸⁶ From its origins as an Iroquois word *otsiskwa*, squaw means vagina or female sexual parts.⁸⁷ For some Native women, squaw might imply dirty woman; for others, whore; and for even others, squaw might imply both. Merskin argues that only non-Indians find neutrality in the word squaw, providing a list of the different meanings for numerous tribes, none good.⁸⁸ For some tribes, it means prostitute, whore, or dirty woman. As a child and teenager, Eva remembers experiencing extreme prejudice numerous times:

My dad grew up on a reservation in [the Northwest]. And we would visit every summer. When I was little I remember that there was a lot of racism around there. So there would be a lot of, you know, white kids who I think would just model the behavior that their parents taught them. I remember being pushed in the pool before, called squaw or dirty squaw. But I also remember [hanging out] with a close friend of mine and her friend, once, and because I was darker skinned I was accused of being dirty. Because when you're darker, obviously on your elbows and your knees you have darker skin and she's like, "Why are you so dirty? Why don't you clean yourself?" Or whatever, and I was like, "Whoa, this is the way I was made and this is me or whatever."

Pewewardy argues that children "develop racial awareness at an early age, perhaps as early as three or four years old" and non-Indian children perpetuate negative stereotypes and derogatory images toward Indian children.⁸⁹ These children have been prevented from developing authentic, healthy attitudes about Indians. In this case, Eva experienced being stereotyped as a "dirty" squaw by way of being female. Pewewardy warns that Native children exposed to constant stereotyping and belittling of their cultures "grow into adults who feel and act inferior to other people."⁹⁰

Even the knowledge about the meaning of squaw can become a weapon by which to inflict emotional and mental violence against Indigenous women. Indeed, the common use of the word "squaw" results in low self-esteem and vulnerability to symbolic and physical violence for Native women.⁹¹ I recount here one of my experiences to illustrate my point: I was a graduate assistant in a class about Contemporary Issues for Native Americans. The class learned about the word, squaw, in reading materials. Tom Porter, an Akwaksasne Mohawk Elder, also discussed the origins of the word in detail during his speaking engagement with the class. Everyone was informed of the depth of offense the word represented.

During the next class period, after reviewing the readings and Elder Porter's talk, we broke into small groups. Graduate assistants were responsible for leading the discussions about the previous class's content. As I sat listening to my group, I overheard a young man in the group closest to mine ask loudly, "What does squaw mean, again?" I was startled, so I listened more

closely. A young and very shy Native woman, Alexis, was the graduate assistant leading that group. Alexis stated, "It means dirty woman." She started to move on when he asked, "Dirty woman? That's all squaw means? Really?! Squaw means dirty?" Alexis started to reply, but he interrupted, "Why is that offensive? If squaw only means dirty woman, I should be able to say squaw as much as I want." Alexis's face darkened considerably, but she asked "Would anyone else like to answer that question?"

The young man leaned forward in his seat, interrupted another student who started to reply, and said, "I mean, there's Squaw Mountain and Squaw Valley, and any number of things named squaw this or squaw that. I hear the word, squaw, in movies, and in music lyrics. Squaw wouldn't be that popular if it was really wrong. In this day of uber sensitivity, I mean, come on. Squaw is mainstream." I approached the group quickly, and interrupted him, saying very directly but evenly, "Please stop it. Please stop it now. If we say the term is hateful and hurtful, please do not continue to use it as many times as possible as loudly as possible. In doing so, you disrespect Alexis, and every other Native woman in the class. It might not be your intention, but it is the consequence of your behavior." The young man leaned back in his seat, rolled his eyes, smirked, and looked away. I nodded at Alexis. Then I returned to my group and resumed our discussion. After class, Alexis approached me with tears in her eyes and quietly said, "Thank you." We hugged. As we discussed the incident, I recognized my uneasiness about the situation went beyond the squaw trope. In that moment, I realized that the squaw trope originates as the sexualized Indian maiden.⁹²

Merskin contends that "discourses of domination" construct difference and then puts "language to the social use of defining and oppressing those constructed as other."⁹³ According to Bakhtin, particular words and phrases spoken are a "two-sided" act that lacks neutrality; but rather work to "articulate an individual's beliefs operating as a form of disclosure."⁹⁴ Both the

motivation and message is constructed between the sender and receiver. The young man's use of squaw was oppressive, and thereby, both the motivation and message conveyed an assumption of being in a position powerful enough to say the word repeatedly with no indication of concern about punishment.

However, because of Elder Porter's message of an awakened consciousness, this incident of ugly, oppressive words became emancipatory. It revealed that the stereotyped Native woman as dirty squaw or sexy maiden is birthed out of the same colonized racist discourse. Once the source of power is identified in any social interaction, we can work to disrupt it. Alexis and I worked to disrupt the stereotype of dirty squaw and sexy maiden, not only for ourselves and the young man, but for the other students in the classroom. Rather than remain voiceless, we spoke out against the oppressiveness of the language.

Playing Indian

In addition to denigrating stereotypes, legitimized racism masks the demeaning and harmful savage discourses and acts of playing Indian. Curt, a Seminole man who works in Washington, D.C., takes issue with savage discourse, stating, "Too many use written words attributed to Natives, like scalp, massacre, tomahawk, etc. This contributes to the developing knowledge of children and adult readers, which continues the acceptance of the repression of Native cultures and values. And it denigrates all Natives." Curt's solution to the perpetuation of racist stereotypes and the subsequent racism is simple—we must stop writing these words out of context. I argue that we must also stop playing Indian.

Every participant indicated that they recognize the prevalent savage discourse in today's society. A middle-aged Pawnee city worker, Kent, confided to me almost in a whisper that "our cultures" have been distorted through the media:

Lot of people don't see us as we are. Hollywood has damned us all. Speaking a certain kind of language, walking a certain way, dressing a certain way. You know, we got to have long black hair, and big bridged noses, and carry a tomahawk and a knife. *Wantin' to scalp every white man and rape every white woman*. You know, that's what they got to portray. And there's no truth in none of that. I don't wanna watch that mess, but I'd have to stop watchin' TV or movies to stay away from it. It's everywhere.

Kent ignores distorted media representations of indigeneity in order to watch the same entertainment as the rest of society. Kent's admission about Hollywood stereotypes seemed obvious to me. But I recognized that he may be just coming into this realization. Not all Native (or non-Native) people are consciously aware of the prevalence of bias against Indigenous Peoples.⁹⁵ Changes in consciousness do not occur in a linear fashion, but rather through dialogic interactions and understanding the struggle to take back our humanity.⁹⁶ For example, several participants mentioned that they dislike mascots but admit buying products that appropriate culture, often unknowingly. Natalie confessed that she has bought products that stereotype Natives and had to rethink that "\$100 Coach purse with the chevron pattern" because she's learning what it means to live fully by indigenous principles. I think back to the early 1990s and the first car I bought, a used, red Jeep Cherokee. I confess to Natalie. We commiserate, but finish with the affirmation that decolonization is a process.

All the participants express the understanding that we are all interconnected; therefore, the oppression of any group creates an imbalance in the social world. Sadly, playing Indian is still as popular as ever in marketing imagery and popular culture.⁹⁷ We see this in the surge of "Cowboy and Indian" parties on college campuses, Columbus Day celebrations, Halloween costume parties, and Thanksgiving Day plays and parades. Playing Indian is also fashionable, with actors, models, musicians, and other entertainers donning headdresses or other costumes without consequence to their careers.⁹⁸ After all, if Indians no longer exist, then no harm comes

from created exaggerated imitations of clothing and ceremonial regalia. Natalie, a 30-year-old Ojibwe woman, finds the pervasiveness of cultural appropriation despicable, telling me:

I see this all the time on campus. Groups of girls with hipster fashion, you know, with fringe on skirts and boots and braids in their hair. It sexualizes Native women so much, like we just dress provocatively on purpose. We have to sit back and watch them make fun of us. It's shameful. It's hurtful. I'm disgusted. I almost want this craze to be over, this trend of Indian designs. It sounds mean, but I wish they'd go pick on another culture.

As the passage indicates, Natalie believes that society is inherently racist. If not her culture, another culture will be the target. She describes the immense pain she feels just by walking onto the college campus. Natalie recognizes that these items do not replicate her culture, but that seems to make it worse for her. But Natalie expresses real hope, saying, "Social media is helping out. It's getting the word out that it's not right. It's also helped me understand what it means to be Indian and the responsibility that goes with it."

I agree with Natalie about social media. In the last few years, Indigenous forums like *Beyond Buckskin*⁹⁹ or *Native Appropriations*¹⁰⁰ are responsible for shining light on blatantly overt acts of racism. They certainly brought Paul Frank Industries's (a children's clothing line sold by multiple retailers; e.g. Target and Macy's) recent "Dream Catchin' pow wow" party to national attention. On September 5, 2012, Disney and Nickelodeon stars and hundreds of young guests, many of color, were encouraged to don glow-in-the-dark war paint and feather headbands, hold plastic bows and arrows and tomahawks, and let out "war whoops" to play Indian. Julius the Monkey, Paul Frank's popular character, is pictured wearing a headdress. Even more egregious, considering the history of alcoholism in Native communities, the Paul Frank party had an open bar for adults with a sign that read: "Pow wow and have a drink now!"¹⁰¹ As social, spiritual, and traditional events, powwows prohibit the consumption of alcohol; yet, alcoholic drinks named

Rain Dance Refresher, Dream Catcher, and the Neon Teepee were served.¹⁰² Paul Frank Industries ultimately issued an apology.¹⁰³

Because of the prevalence of legitimized racism, participants express anger toward other Natives who claim to find no harm in stereotypes and playing Indian. But by recognizing that Indigenous Americans have been subjected to the same cultural ignorance of mainstream media, we can understand our internalization and resist participating in our own oppression.¹⁰⁴ That is the very nature of legitimized racism—it uses its power to convince Indigenous people to believe what is said about them. It underlies the ease by which other people portray Indians as stuck in the historical past, which makes us invisible today. Awareness of legitimized racism compels Native and non-Native people to break the silence that it depends upon to continue.

Celebrating Genocide

Finally, all the participants complained that Americans would rather believe that Columbus discovered America and proved that the world was not flat, even though these historical myths have been debunked.¹⁰⁵ Columbus' and his shipmates' atrocious record of enslavement, murder, and rape is relatively unknown to the public and scholars, alike. The United States still celebrates Columbus as a hero every October, amid the protests of Indigenous activists.¹⁰⁶ The nation's capital, Washington, the District of Columbia, was named after George Washington and Columbus. The American Indian Movement released a press statement October 6, 2000 that compared Columbus Day to a holiday celebrating Adolf Hitler with parades in Jewish communities:

Columbus was the beginning of the American holocaust, ethnic cleansing characterized by murder, torture, raping, pillaging, robbery, slavery, kidnapping, and forced removals of Indian people from their homelands ... We say that to celebrate the legacy of this murderer is an affront to all Indian peoples, and others who truly understand this history.

It was striking that participants complained repeatedly that Americans did not want to know the truth about Columbus. I usually prompted them to share more about why that bothered them. We also discussed how living in a country that celebrates such a person affects us. Doris, an Abinake woman with a college degree, reflects on her frustration with America's obsession with Columbus:

DLR: What bothers you the most about Columbus Day?

DORIS: What doesn't? It's just another opportunity to remind Natives that their homelands have been basically, um, destroyed, really. I understand that people were taught lies in school, but now we know better, so why can't we teach better? Why are the grade school kids still learning lies? I mean, I was taught the same lies. The difference is that my family always told me that I can't trust white people's history books. [Laughs hard]. I don't mean any offense by that, really. It's just that what I read and what my grandmother said didn't line up. I asked questions.

DLR: I think about that, too. Once we know the truth about something, when are we responsible for sharing it? When all the books need to be replaced? How long do you think it took to replace books once they decided Pluto wasn't a planet? [We laugh together.]

DORIS: I know, right?! Columbus Day is especially hard for me because it's kind of the point of origin for genocide, you know? Columbus stands for all the colonizers that followed. All the brutality that followed. [A long pause happens. Doris seems lost in her thoughts for a moment. She looks at her fingers and then looks back at me.] I think about my family and how we've maintained our culture, but barely. Honestly, though, that day is just one in a long list of reminders about what happened to us. That's why you can't ever concentrate on the bad. You always have to go to the good. We're survivors, you know? I'm here because of my ancestors. We're survivors. Our language is still here, even though it's not strong, it can still survive. We still have a chance for that to survive. And our culture still exists. I'm very proud that there are many accomplishments that a lot of our tribal members have had, and so I am really proud to be a part of that because it makes me who I am. Columbus Day can't ever take that away from me, my kids, my family. Celebrate all you want, America. We're still here. We survived.

Doris, like most of the other participants, recognized that holidays like Columbus Day are emotional triggers for Natives. Brave Heart and DuBruyn argue that American Indians suffer from historical trauma and disenfranchised grief because of the massive, recurring trauma of

Western colonialism, especially since “For American Indians, the United States is the perpetrator of our holocaust.”¹⁰⁷ Indeed, no other country offered sanctuary for American Indians. However, many participants resist through decolonizing tactics like speaking out and participating in anti-Columbus Day events.

Consequently, celebrating Columbus, a person who represents genocide for Natives, does not register within American consciousness as wrong or harmful. Black argues that America transformed “conquest into a language of care and concern, which helped form a benevolent identity concerning Native relations.”¹⁰⁸ Because of the historical racist discourse of the myth of Columbus, the U.S. public celebrates the myth of the discovery and development of an uninhabited place. An unwillingness to critically assess the legitimized racism of Columbus Day reproduces the trauma generation after generation. Yet, the survival of many diverse Native cultures speaks to the power of counternarratives that Indigenous Peoples deploy against legitimized racism.

Conclusion

Within this essay, I ask what accounts for the lack of attention by contemporary race theory to anti-Indian rhetoric and overt racism against Indigenous Peoples in the U.S. I found that contemporary racist views of American Indians link directly to the colonial legacy of racist discourses that stereotyped Indians as uncivilized.¹⁰⁹ Historical myths of savagery commonly legitimized the conquest, enslavement, and mass murder of Indigenous Peoples by colonial powers in their greed for more land and all the resources therein. Indeed, Williams argues “Indian savagery is deeply embedded in the American racial imagination.”¹¹⁰ For example, Chaney, Burke, and Burkley found empirical evidence that shows that non-Native people find no distinction between mascots and actual Native Peoples.¹¹¹ Consequently, legitimized racism is so

embedded within American society that it becomes invisible. I evidence this by showing that even though many may argue that the Washington Redskins is the most egregious symbol of legitimized racism, it goes much deeper. Public education continues to teach mythical narratives of naïve or savage Indians with pilgrims, settlers, cowboys, and soldiers.¹¹² Children play Indian and participate in school activities with Indian mascots.¹¹³

National holidays like Columbus Day, July 4th, and Thanksgiving symbolize genocide, suffering, and a loss of culture and homelands for Indigenous Peoples. All major sports channels endorse racist team names and imagery because these teams are part of the national leagues—Major League Baseball, National Football League. Teams like the Atlanta Braves, Kansas City Chiefs, and Cleveland Indians enjoy the same national stage for merchandizing as teams without racist names. Adults drive cars named for different Indigenous Peoples without their approval, i.e. Cherokee, Dakota, and Winnebago. Products utilize stereotyped logos and names, like the Land O’Lakes Indian maiden, Indian Head Cornmeal, and Eskimo Pie.

Legitimized racism also explains the minimal attention by non-Native race scholars has been paid to the racialized discourses utilized over the last 500+ years against Indigenous Peoples in the United States. Racist practices toward Indigenous Peoples are hardly recognized publicly and even less often by non-Native academics.¹¹⁴ Fenelon explains the lack of critical research by plainly stating any “significant work on Native Americans, however, is bound to appear as a ‘challenge’”¹¹⁵ to the system—that is, exposing America’s racist history will be perceived as confrontational. Meanwhile, institutional racist portrayals of Indians remain unquestioned as the public discourse reifies Indian stereotypes.

I argue that a system of legitimized racism is at play here—one that uses its power to create and reproduce racial discourses: Indians are savages. Native women are whores. Indigenous cultures produce lazy Indians. We should all care deeply about the effects of

dehumanizing Indigenous Peoples because of the impact of legitimized racism on our lives, as evidenced by our disproportionately high rates of substance abuse, violence, and incarceration. Indeed, stereotypes, racist terminology, and denigrating imagery are associated with the suicide prevalence among Native youth.¹¹⁶ Native youth experience racism simply turning on television to watch a sports channel, shopping for groceries, or attending school.¹¹⁷ The impact of covert and overt racism becomes even more apparent in the disproportionately high rates of poverty, chronic illness, and victimization among Indigenous communities.

Consequently, I also asked how we as Native people negotiate such persistent racist stereotypes and cultural appropriation in our daily lives. Within this study, I found that we navigate such prevalent racist regimes by deploying the counterdiscourse that positions Indigenous people as ordinary humans in opposition to racist taken-for-granted stereotypes. We realize that decolonization is an emancipatory process—something that comes with an awakened consciousness. Recognizing the role of power within social interaction, we disrupt oppressive language by speaking out. We work to debunk historical myths with critical counternarratives that expose the brutality of colonialism while simultaneously celebrating our cultural pride in the survival, strength, and honor of Native Peoples.

After surviving imposed racialization, determined extermination, forced acculturation, and coerced impoverishment, Native Peoples should not be invisible within the sociology of critical race theory, nor any theory, for that matter. Clearly, Omi and Winant, Bonilla-Silva, and Feagin and other race scholars have dedicated great time and effort to expose the processes of racialization and the evils of systemic racism. Foundational race theories like racial formation, colorblind racism, and the white racial frame bring great gain to our understanding of racism and bigotry. Yet, this gain cannot be at the expense of Indigenous Peoples in North America.

Indeed, Indigenous Peoples should be front and center in our pursuit of social justice with the exposure of racism. Inclusion of Indigenous Peoples in studies about race brings greater understanding to the complexity of race. Inclusion strengthens race theory by lending credence to racial formation theory, revealing the inflexibility of the white-black frame, and disrupting the assumption by colorblind race theory that society no longer accepts overt racism. Inclusion exposes the historical racist discourses that continue to reproduce a contemporary social reality of the legitimate subordination of Native Americans and the superordination of the dominant, white culture. By including Indigenous Peoples, we see that racism still operates as a legitimate force within American society, not only for them, but for other groups.

Notes

1 Passionate debate persists in academia over the most useful term(s) to describe indigenous peoples of the United States. On one hand, some find the usage of “Indian” as an identifier reifies an inferior, racialized label; see Yellow Bird, *Cowboys and Indians: Toys of Genocide, Icons of Colonialism*, 33-48. On the other hand, it is the most commonly used term among Native People, in general. See the survey by Tucker and others, *A Statistical Analysis of the CPS Supplement on Race and Ethnic Origin* I respect the opposing views, but having lived in Indian Country most of my life, I hear Elders and other Native folk use the term Indian on a daily basis. For the purpose of this research, I use the term “American Indian” because of its usage at the U.S. Census Bureau. I use the term “Indian” because it is the legal term used within Federal Indian Policy. I use the terms “Native” and “Indigenous” interchangeably, as my preferences.

2 For a comprehensive treatment, see Eduardo Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era* (Boulder, CO: L Rienner, 2001).; Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States* (Lanham, Md: Rowman & Littlefield, 2003).; Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, 2nd ed. (Lanham, MD: Rowman & Littlefield Publishers, 2006).; Leslie G. Carr, *'Color-Blind' Racism* (Thousand Oaks: Sage Publications, 1997).; Joe R. Feagin, *Systemic Racism: A Theory of Oppression* (New York: Routledge, 2006).; Joe R. Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-Framing* (New York: Routledge, 2010).

3 Racist expressions by hate groups are the exception to the rule.

4 Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era*.

5 Ibid, 48.

6 For example, see Martha Elizabeth Hodes, *Sex, Love, Race: Crossing Boundaries in North American History* (New York: New York University Press, 1999).; Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, Nebraska: University of Nebraska Press, 1984).; Francis Paul Prucha, *Handbook for Research in American History: A Guide to Bibliographies and Other Reference Works*, 2nd ed. (Lincoln: University of Nebraska Press, 1994).; Francis Paul Prucha, *Indian Policy in the United States: Historical Essays* (Lincoln: University of Nebraska Press, 1981).

7 Philip Joseph Deloria, *Playing Indian* (New Haven: Yale University Press, 1998).

8 Ibid.

9 Merriam-Webster, Inc., *Merriam-Webster's Collegiate Dictionary*, (Springfield, MA: Merriam-Webster, Inc., 2003).

10 See Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-Framing*; Feagin, *Systemic Racism: A Theory of Oppression*; Neil Gotanda, "A Critique of 'our Constitution is Color-Blind'," *Stanford Law Review* 44, no. 1 (1991): 1-68.; Eduardo Bonilla-Silva, Amanda Lewis and David Embrick, "'I did Not Get that Job because of a Black Man': The Story Lines and Testimonies of Color-Blind Racism," *Sociological Forum* 19, no. 4 (2004): 555-581.; Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*; Eduardo Bonilla-Silva, "Rethinking Racism: Toward a Structural Interpretation," *American Sociological Review* 62, no. 3 (1997): 465-480..

11 Eduardo Bonilla-Silva, Carla Goar and David Embrick, "When Whites Flock Together: The Social Psychology of White Habitus," *Critical Sociology* 32, no. 2/3 (2006): 229-253.

12 Ibid.

13 The original case is *Harjo et al. vs. Pro-Football, Inc.*, 30 U.S.P.Q.2d.

14 Daniel Morley Johnson, "From the Tomahawk Chop to the Road Block: Discourses of Savagism in Whitestream Media," *AIQ American Indian Quarterly* 35, no. 1 (2011): 104-134 (accessed 10/6/2012).

15 This is not to say that American Indians have not been studied by sociologists. The American Sociological Society Council released a statement in 2007 standing against the use of Native stereotypes in sports. Extensive demographic information about Natives in the U.S has been provided by C. Matthew Snipp (Cherokee): *On the Costs of being American Indian: Ethnic Identity and Economic Opportunity* (Los Angeles, CA: UCLA Institute for Social Science Research, 1988); *American Indians: The First of this Land* (New York: Russell Sage Foundation, 1989); "Sociological Perspectives on American Indians," *Annual Review of Sociology* 18 (1992): 351-371. Political resurgence of American Indians as a panethnic group has been studied indepth by Stephen E. Cornell, *The Return of the Native: American Indian Political Resurgence* (New York: Oxford University Press, 1988); Joane Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York: Oxford University Press, 1997).

The Indigenous struggle with identity politics has also been researched by Eva Marie Garroutte, *Real Indians: Identity and the Survival of Native America* (Berkeley: University of California Press, 2003); Carolyn A. Liebler, "Homelands and Indigenous Identities in a Multiracial Era," *Social Science Research* 39, no. 4 (2010): 596-609; "American Indian Ethnic Identity: Tribal Nonresponse in the 1990 Census," *Social Science Quarterly* 85, no. 2 (2004): 310-323.; Dwanna L. Robertson, "'Card-Carrying Indian': The Social Construction of an American Indian Legal Identity" (Master of Science of Sociology, Oklahoma State University, 2010); Dwanna L. Robertson, "A Necessary Evil: Framing an American Indian Legal Identity," *American Indian Culture and Research Journal* 37, no. 4 (2013): forthcoming.

16 Race, though socially constructed, has a social reality. That is, there are real effects for those who are racialized and for those who do the racializing. Race is socially dynamic in that it changes; however, racial inequality has stability. Race plays a central role in shaping everyday dynamics.

17 Indigenous Peoples are not a race, of course. They belong to distinct, sovereign Native Nations. I often explain that lumping Indigenous Peoples together is like lumping people from Russia in with people from Greece or people from China with people from Italy. Geographic location, culture, and language matter. However, this study is not about how Indigenous Peoples identify culturally or ethnically. It is about the racialization of Indigenous Peoples as Indians, the consequences of this phenomenon of legitimized racism. In other words, it is about how non-Natives see Natives. I utilize pan-Indian descriptors in that spirit.

18 Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

19 Omi and Winant, *Racial Formation*.

20 It is notable that these race scholars (i.e., Omi and Winant, Feagin, and Bonilla-Silva) refer readers to materials written by historians and anthropologists, not sociologists or other race scholars. I have listed the following as a sample of especially well-known scholars: Robert Berkhofer, Vine Deloria, David Stannard, and Russell Thornton.

21 Feagin, *Systemic Racism: A Theory of Oppression*, 7.

22 Ibid., 25.

23 Ibid., 11.

24 Ibid., 227; Feagin argues that the free labor of African Americans makes them more central.

25 Ibid., 225.

26 The racialization of Indians began with the first correspondence of European explorers in 1492, almost a decade before enslaved Africans were brought to Santo Domingo (now the capital of the Dominican Republic) in 1501. Enslaved Africans reached North America via Spanish Florida in 1581. However, it was 1619 before Britain's colonies brought African slaves to Jamestown, Virginia. Furthermore, Indians were racialized institutionally in the U.S. Constitution, Article II, 1789. I do not say this to rank one evil before the other, but to inform the historical narrative. Racialization always functions as a tool of social inequality and injustice.

27 Ibid., 288.

28 In this case, it seems unnecessary to use the prefix, anti. A “pro-Indian” genocide does not occur. Genocide means violence with the intent to destroy. Decimated indicates that, in the past, a person, place, or thing was destroyed, killed, or reduced drastically.

29 Ibid., 26.

30 The “vanishing Indian” trope has its origins in the “vanishing frontier” trope. It provokes nostalgia for a people who are now considered to be extinct due to the settlement of the frontier. For a comprehensive overview of this trope found throughout literature, see Kathryn Winona Shanley, “The Paradox of Native American Indian Intellectualism and Literature,” *The Society for the Study of the Multi-Ethnic Literature of the United States* 29, no. 3 (2013): 273–292.

31 Bonilla-Silva, *Rethinking Racism: Toward a Structural Interpretation*; Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era*, 31.

32 Bonilla-Silva, *Rethinking Racism: Toward a Structural Interpretation*; Bonilla-Silva, *White Supremacy and Racism in the Post-Civil Rights Era*; Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*.

33 Sarah Deer, "Relocation Revisited: Sex Trafficking of Native Women in the United States," *William Mitchell Law Review* 36, no. 2 (2010): 621-683; Robert A. Williams, Jr., "'The Savage as the Wolf': The Idea of the Indian on the Frontier Borders of the American Racial Imagination," *Western Humanities Review* 60, no. 2 (2006).

34 Bonilla-Silva, *Rethinking Racism*."

35 Bonilla-Silva, *Racism without Racists*, 2.

36 According to Census Bureau data released in 2013, seven out of ten American Indians or Alaska Natives live in metropolitan settings.

37 Bonilla-Silva, *Racism without Racists*, 41-44.

38 Ibid., 29.

39 Charles W. Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997), 20 (emphasis in original).

40 Michel Foucault, *The Archaeology of Knowledge* (New York: Pantheon Books, 1972).

41 Mills, *The Racial Contract*.

42 In the early 1800s, the U.S. government used the doctrine of Manifest Destiny to justify its transition from the idea that tribal lands were the birthright of the Natives to the view that it was simply another part of the public domain to be administered by Congress (Hoxie 1984). The U.S. government had a *divine* duty to fully develop the land, while simultaneously civilizing the racially inferior Indians by assimilating them into the general society.

43 Ibid., 70.

44 Columbus had four voyages to the New World from 1492 to 1502. A Spanish version of Columbus' first letter appeared in early April of 1493; a Latin version in May 1493; Italian, June 1493, and German, 1497.

45 George M. Fredrickson, *Racism: A Short History* (Princeton, NJ: Princeton University Press, 2002).

46 John Noble Wilford, *The Mysterious History of Columbus: An Exploration of the Man, the Myth, the Legacy*, 1st ed. (New York: Random House, 1991), 159.

47 Ibid.

48 Samuel Eliot Morison, *Journals and Other Documents on the Life and Voyages of Christopher Columbus*, ed. Samuel Eliot Morison (New York: The Heritage Press, 1963), 52.

49 Kim Anderson, "The Construction of a Negative Identity," in *Gender and Women's Studies in Canada: Critical Terrain*, ed. Margaret Hobbs and Carla Rice (Toronto: Women's Press, 2013), 269–278.

50 Fredrickson, *Racism*.

51 David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York: Oxford University Press, 1992).

52 Fredrickson, *Racism*.

53 Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf: Distributed by Random House, 1978); Mills, *The Racial Contract*; Stannard, *American Holocaust: Columbus and the Conquest of the New World*; Stephen Steinberg, *Race Relations: A Critique* (Stanford, Calif: Stanford Social Sciences, 2007).

54 Elizabeth Cook-Lynn, *Anti-Indianism in North America: A Voice from Tatekeya's Earth* (Urbana: University of Illinois Press, 2001).

55 Ibid., xx.

56 Margaret Kovach, *Indigenous Methodologies: Characteristics, Conversations and Contexts* (Toronto: University of Toronto Press, 2009), 163.

57 Keyan G. Tomaselli, Lauren Dyll, and Michael Francis, "'Self' and 'Other': Auto-Reflexive and Indigenous Ethnography," in *Handbook of Critical and Indigenous Methodologies*, ed. Norman K Denzin, Yvonna S Lincoln, and Linda Tuhiwai Smith (Thousand Oaks, CA: Sage Publications Inc, 2008), 347–372.

58 Marie Ann Battiste, *Reclaiming Indigenous Voice and Vision* (Vancouver: UBC Press, 2009); Grande, *Red Pedagogy: Native American Social and Political Thought*; Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: St Martin's Press, 1999).

59 Norman K Denzin, Yvonna S Lincoln, and Linda Tuhiwai Smith, *Handbook of Critical and Indigenous Methodologies*, ed. Norman K Denzin, Yvonna S Lincoln, and Linda Tuhiwai Smith (Thousand Oaks, CA: Sage Publications, Inc., 2008), 3.

60 Linda Tuhiwai Smith, "On Tricky Ground: Researching the Native in the Age of Uncertainty," in *The SAGE Handbook of Qualitative Research*, ed. Norman K Denzin and Yvonna S Lincoln, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2005), 87.

61 Denzin, Lincoln, and Smith, *Handbook of Critical and Indigenous Methodologies*, 5.

62 Catherine Marshall and Gretchen B. Rossman, *Designing Qualitative Research* (Thousand Oaks, CA: Sage Publications, 2006).

63 Norman K Denzin and Yvonna S Lincoln, *The Landscape of Qualitative Research: Theories and Issues*, vol. 2 (Thousand Oaks, CA: Sage, 2003); Denzin, Lincoln, and Smith, *Handbook of Critical and Indigenous Methodologies*; Alex Jacobs, "The Indian List," in *Sovereign Bones* (New York, NY: Nation Books, 2007), 25–31.

64 The Muscogee (Creek) Nation is a political entity with citizens-at-large and culturally committed community members.

65 Kovach, *Indigenous Methodologies*, 48.

66 Marcus Briggs-Cloud, "The United States as Imperial Peace: Decolonization and Indigenous Peoples," *Journal of Race, Ethnicity, and Religion* 1, no. 13 (2010): 1-28.

67 Decolonization holds different meaning by group, region, and language. In academic research, decolonizing means to utilize Indigenous ways of knowing and being that serve to bring social justice. For a more comprehensive treatment, see Kovach, *Indigenous Methodologies*.

68 Michael Yellow Bird, "What Is the Highest Form of Patriotism? I Say Acknowledging Our Addiction to Patriotism," *Canadian Review of American Studies* 39, no. 3 (2009): 343–360.

69 Stuart Hall, "Cultural Identity and Diaspora," in *Identity, Community, Culture, Difference*, ed. Jonathan Rutherford (London: Lawrence and Wishart, 1996), 446; italics in original.

70 U.S. Census Bureau, <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>, (last accessed 06/09/2013).

71 National Conference of State Legislatures, <http://www.ncsl.org/issues-research/tribal/list-of-federal-and-state-recognized-tribes.aspx#ok>, (last accessed 06/09/2013).

72 Mary C. Waters, *Ethnic Options: Choosing Identities in America* (Berkeley: University of California Press, 1990).

73 Herbert J. Rubin and Irene Rubin, *Qualitative Interviewing: The Art of Hearing Data* (Thousand Oaks, CA: Sage Publications, 2005).

74 Kovach, *Indigenous Methodologies*, 129.

75 Ibid., 131.

76 D. Soyini Madison, "Narrative Poetics and Performative Interventions," in *Handbook of Critical and Indigenous Methodologies*, ed. Norman K Denzin, Yvonna S Lincoln, and Linda Tuhiwai Smith (Thousand Oaks, CA: Sage Publications Inc, 2008), 393.

77 Ibid., 395.

78 John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Los Angeles: Sage, 2009).

79 Joseph A. Maxwell, *Qualitative Research Design: An Interactive Approach*. (London: Sage Publications Inc, 2005).

80 Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*, Second Edi (Lanham, MD: Rowman & Littlefield Publishers, 2006); Joe R Feagin, *Systemic Racism: a Theory of Oppression* (New York: Routledge, 2006); Paulo Freire, *Pedagogy of the Oppressed*, 30th Anniv (New York: Continuum International Publishing Group, Inc, 2000).

81 Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*, 2006; Feagin, *Systemic Racism: a Theory of Oppression*.

82 Michael K. Green, "Images of Native Americans in Advertising: Some Moral Issues," *Journal of Business Ethics* 12, no. 4 (1993): 323-330; Laurence M. Hauptman, *Tribes & Tribulations: Misconceptions about American Indians and their Histories* (Albuquerque: University of New Mexico Press, 1995); Yellow Bird, *Cowboys and Indians*.

83 Dwanna L. Robertson, "The Myth of Indian Casino Riches," *Indian Country Today Media Network*, June 23, 2012, <http://indiancountrytodaymedianetwork.com/opinion/the-myth-of-indian-casino-riches-119957>.

84 The previous de Cuneo passage is even more disturbing when we consider the current propensity for physical violence and sexual assault against Native women. The U.S. Justice Department reports that more than eighty percent of rapes on Indian Homelands are committed by non-Native men. Indigenous women are victims of violent crime at three and one-half times the national average and one in three Native women will be raped in her lifetime. The Justice Department also believes these numbers are severely underreported, estimating that seventy percent of sexual assaults are never reported due to a distrust of police.

85 Alden T. Vaughn, "Pocahontas," in *The Reader's Companion to American History*, eds. Eric Foner and John A. Garraty (Boston: Houghton-Mifflin, 1991).

86 Johnson, "From the Tomahawk Chop to the Road Block."

87 Tom Porter, *And Grandma Said: Iroquois Teachings as Passed Down through the Oral Tradition*, ed. Lesley Forrester (Philadelphia, PA: Xlibris Corp., 2008), 137-139.

88 Debra Merskin, "The S-Word: Discourse, Stereotypes, and the American Indian Woman," *Howard Journal of Communications* 21, no. 4 (2010): 345-366.

89 Cornel D. Pewewardy, "Playing Indian at Halftime: The Controversy over American Indian Mascots, Logos, and Nicknames in School-Related Events," *Clearing House* 77, no. 5 (2004): 182.

90 Ibid.

91 Merskin, "The S-Word."

92 The sexualized Indian maiden was popularized in literature as far back as 1893 with Karl May's novel, *Winnetou*, and institutionalized with the Land O'Lakes advertising mascot in 1928.

93 Debra Merskin, "The S-Word: Discourse, Stereotypes, and the American Indian Woman," *Howard Journal of Communications* *Howard Journal of Communications* 21, no. 4 (2010): 349.

94 As quoted in *Ibid.*, 349–350.

95 Lisa M. Poupart, "Silenced Voices: Patriarchy, Cultural Imperialism, and Marginalized Others" (Arizona State University, 1996); Lisa M. Poupart, "The Familiar Face of Genocide: Internalized Oppression Among American Indians," *Hypatia* 18, no. 2 (2003): 86–100.

96 Freire, *Pedagogy of the Oppressed*.

97 Deloria, *Playing Indian*; Victoria E. Sanchez, *Buying into Racism: American Indian Product Icons in the American Marketplace* (Norman: University of Oklahoma Press, 2012), 153–168.

98 Actor Drew Barrymore, Andre Benjamin of Outkast (music group), Actor/musician Jared Leto, Actor Mary Kate Olsen, Gwen Stefani of No Doubt (music group), Fashion designer Tom Ford, Victoria Secret Model Karlie Kloss, pop singer Ke\$ha, comedian/actor Amy Poehler, and many, many others have all been photographed wearing stereotypical headdresses. Drew Barrymore was also wearing a Budweiser apron and flashing a peace sign in the photograph. Type the words "celebrity in Native headdress" or "cowboy and Indian party" into any search engine for thousands of images.

99 Beyond Buckskin is an online boutique for Native designers to sell their fashion and a source of public education about Native designers. Dr. Jessica Metcalfe also blogs about cultural appropriation by the fashion industry, <http://beyondbuckskin.blogspot.com/>; (last accessed 06/19/2013).

100 Adrienne Keene, a doctoral candidate at the Harvard Graduate School of Education, uses her blog to expose cultural appropriation, <http://nativeappropriations.com/>; (last accessed 06/19/2013).

101 For greater understanding of the depth of the cultural insensitivity, visit these blogs: "Paul Frank Offends Every Native Person on the Planet with Fashion Night Out 'Dream Catchin' Pow Wow'," <http://nativeappropriations.com/2012/09/paul-frank-offends-every-native-person-on-the-planet-with-fashion-night-out-dream-catchin-pow-wow.html>; "Paul Frank's Racist Powwow," <http://beyondbuckskin.blogspot.com.silk.library.umass.edu/2012/09/paul-franks-racist-powwow.html> (accessed 06/10/2013).

102 Images of the Paul Frank debacle can be found here: http://www.zimbio.com/pictures/CX_JBwva-ls/Paul+Frank+Fashion+s+Night+Out/browse (accessed 06/10/2013).

103 Paul Frank Industries not only apologized, they collaborated with four Native artists from different tribes to create products that represented each person's culture. These items will be offered in August 2013 with proceeds going to a yet-to-be-revealed Indigenous cause or scholarship. For more information, visit <http://nativeappropriations.com/2013/06/the-paul-frank-x-native-designers-collaboration-is-here.html>(last accessed 06/19/2013).

104 Devon A Mihesuah, *Indigenous American Women: Decolonization, Empowerment, Activism* (Lincoln: University of Nebraska Press, 2003), 58.

105 Wilford, *The Mysterious History of Columbus*

106 Timothy Kubal, *Cultural Movements and Collective Memory: Christopher Columbus and the Rewriting of the National Origin Myth* (New York, NY: Palgrave Macmillan, 2008).

107 Maria Yellow Horse Brave Heart and Lemyra M. DeBruyn, "The American Indian Holocaust: Healing Historical Unresolved Grief," *American Indian and Alaska Native Mental Health Research* 8, no. 2 (January 1998): 61.

108 Jason Edward Black, "U.S. Governmental and Native Voices in the Nineteenth Century: Rhetoric in the Removal and Allotment of American Indians" (University of Maryland, College Park, 2006), 87.

109 Renee Ann Cramer, "The Common Sense of Anti-Indian Racism: Reactions to Mashantucket Pequot Success in Gaming and Acknowledgment," *Law & Social Inquiry* 31, no. 2 (2006): 313-341.

110 Williams, *'The Savage as the Wolf'*, 12.

111 John Chaney, Amanda Burke and Edward Burkley, "Do American Indian Mascots = American Indian People? Examining Implicit Bias Towards American Indian People and American Indian Mascots," *American Indian and Alaska Native Mental Health Research* 18, no. 1 (2011): 42-60.

112 Pewewardy, Cornel D., "Playing Indian at halftime: The controversy over American Indian mascots, logos, and nicknames in school-related events," *The Clearing House: A Journal of Educational Strategies, Issues and Ideas* 77, no. 5 (2004): 180-185.

113 Ibid.

114 Admittedly, the occasional article or policy report documents the deep economic disparity of Indigenous Peoples in relation to other racialized groups. And certainly, Native Americans are mentioned in racial studies, but more as a validation of the evils of colonialism while studying contemporary white racism against black people or recent immigrants.

115 James V. Fenelon, "Indians Teaching about Indigenous: How and Why the Academy Discriminates," *American Indian Quarterly* 27, no. 1-2 (2003), 186.

116 The Surgeon General estimates 14 to 27 percent of all American Indian adolescents have attempted suicide.

117 Deloria, *Playing Indian*

CHAPTER 3

A NECESSARY EVIL: FRAMING AN AMERICAN INDIAN LEGAL IDENTITY

For Native people, individual identity is always being negotiated in relation to collective identity, and in the face of an external, colonizing society. Bodies of law defining and controlling Indianness have for years distorted and disrupted older Indigenous ways of identifying the self in relation not only to collective identity but also to the land.

– Bonita Lawrence (Mi'kmaq)¹

Native American people is the only race in America that has to prove that they're Indian. If you're black and you say "I'm black" and nobody will question it. If you're white, you say, "I'm white" and nobody questions it, but if you're Indian, they want to see your CDIB card. "Well, you say you're Indian, [but] let's see your card."

– Will (Chickasaw), enrolled citizen and Elder

Indian² identity is complicated—*especially for the Indians who inhabit it*. Depending upon the context of identification (e.g., external, community, or self), Natives may possess all, some, or none of the social constructs—race, ethnicity, or legal standing—commonly used in their identity formation. This study examines the emergence of an American Indian Legal Identity (AILI). Initially found within the racialization of American Indians through federal policy, AILI does not act as an inclusionary approach. Rather, it functions to determine who is to be *excluded* from the scope of federal legislation, establishing race-based definitions that gain institutional legitimacy. Moreover, AILI usurps ethnic belonging through tribal reification of federally-defined authenticity in their membership criteria. Ultimately, however, AILI does not require an ethnic or racial identity. *Created in race, driven by ethnicity, AILI has taken on a life of its own, separate from these other social constructs.*

Indigenous communities experience substantial conflict about who meets the criteria for being a “real” Indian.³ Both academic literature and the latest U.S. Census confirm multitudes of Native Americans navigate between a lack of the political advantage of a legal

identity and the everyday experience of being Indian.⁴ According to the United States (U.S.) Census Bureau (2010), over 5.2 million people identify as American Indian; yet, the U.S. Department of Interior (2010) reports only 1.9 million people are enrolled members of federally recognized tribes. This indicates an additional 3.3 million people who identify ethnically as American Indians are not citizens of federally recognized tribes. Vast complexity exists regarding the requirement of American Indians to prove racial heritage, and ultimately, why many Natives, who identify ethnically, cannot.

Legal standing creates clear political and social distinctions for Natives. Possessing, or not possessing, of what I conceptualize as American Indian Legal Identity (AILI), results in clear gains and costs. On economic and political levels, “legally recognized” Natives receive rights, services, and protections Indians without legal statuses do not enjoy. Native people must first legally prove their Indian ancestry in a very specific way to qualify. At the community level, research shows Native people commonly believe “real Indians” are enrolled in tribes and carry federal-issued cards as proof. Yet, many do not have the ability to confirm their heritage because of the sociohistorical complexity and exclusivity of the criteria to do so. Acquiring such evidence is considered one of the most complicated, inconsistent paradoxes of federal law.⁵ In fact, there is no actual single method to satisfy the federal definition of the American Indian. At least thirty-three separate definitions have been used in federal legislation.⁶

Census statistics indicate millions of Natives *do* navigate between the lack of the political advantage of a proven American Indian identity and the everyday experience of being Indian.⁷ Claiming Indianness is decidedly more complex than checking a box on a census form; it involves confusing and dynamic political, racial, and cultural criteria. Indianness is a term to indicate the beliefs of the Native people concerning the authenticity of being Native, whether through blood or cultural ties or ethnically, racially, or legally.

While a great deal of research documents the issue of political benefits for Natives,⁸ the goal of this project focuses on the processes and consequences of legal identity for Natives. Scholarship documents proof of Indianness is a source of contention within American Indian communities, both individually and collectively.⁹ I examine the emergence and application of ALLI, analyze its current implications within Native populations, and provide narratives of Natives in Oklahoma concerning its meaningfulness in their daily lives. How do Natives make sense of having to prove their authenticity and what does this institutional measure of belonging mean to them? Using a qualitative approach, I analyze the impact of the federally-defined authenticity of Indian identity through the voices of thirty Natives from Oklahoma, who identify ethnically as Indigenous, only half of who possess a legal identity.¹⁰

The paper is organized as follows: first, an overview of the uniqueness of the ethnic and racial aspects of Indianness; second, an overview of the conceptualization of American Indian Legal Identity; third, a description of the methods of the research; fourth, how Indians, tribes, and tribal citizens become legitimate within Federal Indian Policy and through tribal reification; fifth, an overview of one of the frames the participants used to justify the need for ALLI; and finally, a conclusion and discussion about the results of the study.

Tribal Ethnicity versus Indian Race

Ethnicity and race act as personal and group schemas that organize our lives and motivate our actions. Both serve as bases of our social identity, involving a sense of belonging and an association of collective behaviors, values and attitudes.¹¹ Ethnic and racial identities are not mutually exclusive, but there are differences. Eduardo Bonilla-Silva maintains ethnicity and race produce different social positions and serve separate societal functions.¹² Fredrick Barth explains ethnic identity is produced and preserved through relational processes of inclusion and

exclusion at the personal level rather than the structural level.¹³ *Ethnic* groups share common cultural distinctions such as language, religion, and modes of dress, but are not restricted by fixed boundaries. People may join or leave, but the group is maintained no matter the varying membership. We find this when examining the traditional cohesion and survival of Indian groups. Membership was maintained through commitment to good of the group, not biological ties.¹⁴

In contrast, Brubaker contends racial group designation is not relational or communal in nature.¹⁵ In fact, racial groups may have few social experiences in common. Racial categories are often imposed by outsiders.¹⁶ For instance, Europeans imposed a collective identity of *Indian*. The category of Indian became a concept of racial identity, one which distorts the autonomy of independent indigenous tribes and redefines them as a homogenized, uniform, oversimplified group. The complex environment of social identities provokes valid confusion for the study of American Indian identity, in general. The commonly accepted—often used interchangeably—classifications of ethnicity and race hold particular salience for Indigenous people.

To appreciate the tension between the ascription and attribution of American Indian identity, it is necessary to examine both ethnicity and race in the light of the discursive positioning of Native peoples. I present my understanding of the divergent perspectives of *being* Native (column 1) versus *possessing* Indianness (column 2 and 3) in Table 1. The first column in Table 1 refers to a subjective context or the ethnic form of Indian identification—the person is identified as part of the Indian group through shared culture, such as customs, norms, values, and commitment to the group. The second column is a context that refers to material objects that constitute a racial identity, such as phenotype, genetics, and the experience of being designated as Indian. The third column refers to a legal identity whereby possessing Indianness indicates people who are connected to their tribal nations through CDIB or membership cards.

By current federal and tribal standards, legally identified Indians possess “authenticity.” Natives may also fully occupy the subjective and both objective positions—in other words, ethnic, racial, and legal identities are not mutually exclusive.

Table 1. Comparison of Divergent Contexts as Applied to American Indians

(1) <i>Ethnic Identification</i> <i>Self/Group Cultural Aspect</i>	(2) <i>Racial Identification</i> <i>Other Biological Traits</i>	(3) <i>Legal Identification</i> <i>Tribal/Federal Affiliation</i>
- Relational ties	- Phenotype	- Tribal Citizenship
- Social connections	- Genetics	- Lineal Descent
- Historical belonging	- Designation as Indian	- Blood Quantum
- Commitment	- Historical	- Parental Descent
- Tribal connections	- discrimination	- Geographic residence

My research finds tribal ethnic identities extremely dynamic. Most of the multitribal participants use tribal ethnicities interchangeably. Lillie, citizen of the Cheyenne tribe, exemplifies this phenomenon, stating:

I am fullblood Native [Ponca, Osage, Pottawatomie, and Cheyenne] ... The question of which tribe I identify is a funny one. I mean I always think that’s funny because we live near the Poncas. Poncas are 30 minutes away from us. I mean, I am Ponca. I never grew up around Cheyennes, but I totally identify as Cheyenne. I am Cheyenne. I consider myself Cheyenne. My mother raised me Cheyenne. My dad’s family were all Catholic and they all went to boarding schools, so all of their [Ponca] ways are totally lost. I don’t ever remember [my dad] talking about being Ponca, Osage, or especially Pottawatomie. Didn’t know I was Pottawatomie for a very long time. [But] we participate in the I’n-Lon-Schka dances, the Osage dances ... I still feel Cheyenne. It’s because of my mom. Because my mom grew up traditionally and taught me traditional. She taught me as much as she could about being a Cheyenne wife and mother.

Lillie identifies as multitribal with her strongest affiliation being Cheyenne, but she feels comfortable with any of her tribal ethnicities. Because of her father’s heritage, Lillie lives and works among the Ponca people. She also participates in Osage ceremonial events, even though she readily admits her father was acculturated as a result of boarding school experiences. Without any real knowledge of Pottawatomie culture, she still claims it. Finally, even though

Lillie never lived around Cheyenne communities, her mother raised her traditionally as a Cheyenne. Therefore, she strongly identifies as Cheyenne. The interchangeability of Lillie's tribal ethnicity demonstrates how cultural aspects and social connections reproduce multiple ethnic identities in this sample.

Racialization occurs when society assigns racial meaning to social relationships, practices, or groups, like religion, ethnicity, or nationality. Stephen Cornell and Douglas Hartmann stress racial identities serve as common bases for social closure because easily identified differences serve as boundaries for restricting access to resources, and ultimately, limit competition for the same.¹⁷ Racial designation is the outcome of racialization. Over time, racial designations change, especially under particular social pressures; therefore, race is a sociohistorical, not biological, phenomenon.¹⁸ However, racialization does assume biological attributes or phenotype to identify who belongs to a group.¹⁹ As one participant put it:

I'm gonna be 84 years old in October. I am some Indian, most people identify me [as Indian] by just looking at me. My tribal affiliation is Cherokee, my grandmother was full Cherokee, and she was my mother's mother. My mother was enough to hold land, but she was white enough that she could pass, so she did not claim it because [society] discriminated so against [Indians] back in those days. (Sally, no legal identity)

Sally affirms the fact people often attribute race to her, and therefore, she has a racial identity of Indian. Although Sally has no communal relationship with Cherokees, she identifies ethnically through historical belonging. On the other hand, Sally's mother racially "passed" as white but did not abandon her ethnic identity of being Cherokee.

Many scholars tend to discuss race and ethnicity as one intermingling model "rather than attempting to separate the two concepts artificially."²⁰ There is conflicting scholarship about whether this is appropriate for Native Americans. For instance, Joane Nagel argues Indians are caught between conflicting ideas of internalized ethnicity versus socially ascribed ethnic identity.²¹ Fitzgerald disagrees, maintaining "an ethnic identity cannot adequately

capture the experience” of the racialized experience of the Native.²² Nagel insists the category of American Indian can be defined as a legitimate, political, and historical ethnic group, even though a racial component exists.²³ In other words, Nagel contends being Native is more ethnic than racial. This claim is especially frustrating for Native people who are trying to gain identities within the federal and tribal government’s legal frameworks—which require proof of racial (biological) ancestry, not cultural or ethnic ties.²⁴ Natives cannot attain legal identities through ethnic standing in their communities. The availability of American Indian Legal Identity (AILI) to the individual requires more than the performance or “doing” of Native identity; rather, it requires the ability to cross the boundaries of mandatory criteria, as determined by federal legislation and contemporary tribal policies.

Having a racial identity of Indian does not guarantee a legal identity, either. As illustrated in the previous example, Sally has both racial and ethnic identities, but does not possess a legal identity. Furthermore, Sally’s mother did not claim to be Indian because of the prevalence of societal discrimination. Race and ethnicity, therefore, are not separated “artificially” for American Indians. The racial designation of *Indian* carries both historical and economic boundaries for Natives, having served to separate and strip them of their cultures and resources. To reduce race to ethnicity is to deny the sociopolitical formation of a racial identity and the subsequent distinctiveness of racial oppression.

American Indians are commonly spoken of as a race, and in fact, are listed as a race on the U.S. Census. On the other hand, their ethnic identity (culture) lies within their tribal affiliation, imagined or preferred. Citizens of federally recognized tribal nations inhabit a political identity certified by tribal and federal law, quite distinct from Natives who are not members of legally recognized tribes, and quite unique from other U.S. Citizens. This political

status is what I conceive of and term as an American Indian Legal Identity (ALLI), which I define in the following section.

American Indian Legal Identity

Before going further, it seems useful to conceptualize ALLI. Figure 3 is my attempt to simplify ALLI to its most basic illustration. ALLI first requires the proof of direct lineage (also known as lineal descent) and a linked certification of ancestral Indian blood (also known as blood quantum) from an ancestor who was issued a census enrollment number by the federal government between 1883 and 1907. This is commonly referred to as a roll number. Any interaction for Native services within tribal, state, and federal institutions requires its use, much like the use of a driver's license number or social security card.

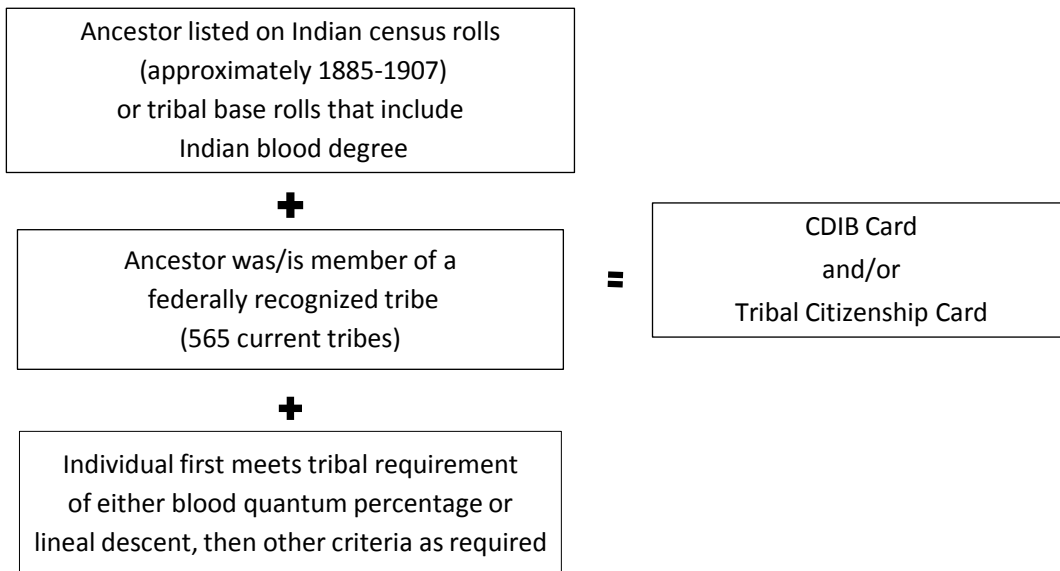


Figure 3. Simplified Construct of American Indian Legal Identity

Additionally, as we see in the middle box on the left-hand side, the tribe in which the person is a member must be federally recognized. A federally recognized tribe is distinguished

as a political entity that can interact with the U.S. Congress with formally established government-to-government relationships, as defined by the U.S. Constitution and the U.S. Supreme Court.²⁵ As shown in the bottom left box, the individual must then meet the citizenship requirements of his or her affiliated tribal government²⁶ or be able to prove at least one-half Indian blood quantum through direct ancestry. Finally, we see this evidence must then be authenticated and corroborated by the U.S government in the form of a Certificate of Degree of Indian Blood (CDIB) card.

Scholars contend the idea of authentic Indianness is yet another issue by which Native people can be divided and conquered.²⁷ On one hand, increasing numbers of people self-identifying as American Indians raise reasonable concerns about ethnic fraud and cultural appropriation. Requiring proof of authenticity protects Native cultures and resources from further loss and misuse. On the other hand, self-identified Indians often point out even though a Native may have legal status, this does not necessarily imply a cultural or even personal one.²⁸ Lastly, Natives who embody both sides of the issue—those with *and* those without federally defined authenticity—argue the concept of a legal identity is foreign to the very nature of being Indigenous.²⁹

With contested meanings of *being* Native, an unrelenting debate continues about the use of federally-issued CDIB cards, tribal enrollment, cultural involvement, and blood quantum as indicators of Indianness.³⁰ How do Natives make sense of having to prove their authenticity and what does this institutional measure of belonging mean to them? The remainder of this paper analyzes how filtered through the enduring processes of ethnicity and race, a separate legal identity has been officially codified by Federal Indian Policy to serve as a proxy for Indianness.³¹

Methodology

My personal lens has shaped the exploration of American Indian Legal Identity (AILI) from question development through analysis. *Being* Indian and being labeled an Indian certainly shapes who I am today. Indeed, my life history attests to the phenomenon of AILI and its impact, as well as the experiences of occupying racial and ethnic identities. I am a citizen of a federally recognized tribe, but I was also raised within the culture and traditions of my people. My demonstration of ethnic and tribal pride stands in juxtaposition with experiencing the social shame of being racialized as an Indian. I never question my connections with my people, my tribe, my Nation.

Until this research, I assumed most Natives had similar experiences and spoke and felt the same way about being Indian as me. Not so. Because my people are recognized as *legitimate* Indians, my citizenship within my federally recognized tribe cultivates me socially, nurtures me emotionally, benefits me economically, and protects me legally. Hence, the most perplexing issue becomes why people with a legal identity, *like me*, accept a requirement of documented authenticity without question. Therefore, I utilize a critical lens—a standpoint that emphasizes emancipatory research, empathy, and reciprocity.

My research includes Native people on both sides of this contentious debate. This is the first study (to my knowledge) to examine the legitimacy of Indian identity with equal numbers of participants from both perspectives. I chose a qualitative methodology because it is particularly appropriate for working with marginalized groups, giving value and voice to their lived experiences in a historically contextualized way.³² The sample consisted of thirty Natives living in Oklahoma over the age of 18, fifteen of whom possess a legal identity through membership in a federally recognized tribe and fifteen of whom did not, recruited between June 2009 and April

2010, initially through flyers and advertisements in Native newspapers, and then by word of mouth.

Purposive sampling was necessary because the participants needed to identify *ethnically* as Indigenous. Snowballing helped me find Natives otherwise might not have had the opportunity to speak to this issue; Natives with a legal identity sometimes knew family or friends without one. Legal and non-legal status was established by asking their tribe affiliation, whether they were an enrolled member of their tribe, and whether their tribe was federally recognized. Pseudonyms were assigned to each respondent to provide anonymity.

I conducted semi-structured interviews that lasted between one and two hours, and followed up with additional questions and clarifications with each individual. Twenty-three interviews were conducted face-to-face at the participants' homes, places of business, restaurants, and ceremonial events. I conducted seven by phone to respect the participant's preference. The interview consisted of three main parts—general information, general Native American issues, and legal identity issues. I used open-ended questions to avoid influencing participants' responses, and occasional prompts to keep the conversations flowing, once established. Because the interviews were administered to Native people only the issue of terminology was important. Ethnicity is defined as an identity one gives oneself,³³ but race is still widely used among Natives, and sensitivity to this distinction was necessary. I used the label(s) of each participant's preference (e.g., by clan, pueblo, tribe, or pan-ethnic labels—such as American Indian, Native American, First American, Native, etc.).

All interviews were audio-taped and additional written notes taken after the interviews. I transcribed the interviews as precisely as possible, including any gestures, pauses, or other information that might influence the interpretation.³⁴ Thirteen men and seventeen women participated, ranging from age twenty-one to eighty-five; the average age was forty-seven. Eight

of the women and seven of the men possessed legal identity, and nine of the women and six of the men did not. The average annual income was \$24,853. Thirteen distinct tribes were represented within the sample. Relative to the general Native population, there is an educational bias toward the highly educated (53 percent hold a college degree).

I employed two forms of analysis for understanding how we socially construct realities that inform and justify our worlds: grounded theory and critical discourse analysis. Within the grounded theory method, data collection, analysis, and theory participate in a reciprocal relationship.³⁵ I periodically reviewed all the collected data, including transcribed interviews, analytic memos, and self-reflexive journals to identify emerging themes and formulate yet to be answered questions raised in the data. I first read each transcript several times to get an overall feeling of recognition in order to identify patterns, causal flows, and intentions.³⁶ I then analyzed each transcript with line-by-line open coding for key words and phrases.

I used critical discourse analysis to supplement the grounded theory findings. I examined contextual assumptions and discourses of the politics of identity. I looked for particular discourses linked to cultural constructions, and political and social institutions that reproduce dominance and power, and the subsequent internalized oppression of AILI. I used pattern-organizing frames to examine any rhetorical themes and symbolic images that rationalize and institutionalize the relative advantages and disadvantages of an AILI. This offered critical insight into how specific ideas—like Indianness or Legal Identity—becomes a collective belief. I then synthesized an in-depth, exhaustive description of the experiences about living with or without a legal identity as a Native American. Narrative quotes are used to illustrate the essence of the themes identified.

I assumed a person has a legal identity if she or he is enrolled in a federally recognized tribe or has a CDIB card, and accepted Natives who claimed tribal citizenship, not asking for

proof through identification. My status as an American Indian and familiarity with American Indian communities allowed me to connect with participants on an ethnic/culture level. I am an insider as an American Indian, but may be considered an outsider when working with someone who lacks a legal identity. Additionally, the participants represented various and distinct tribes, and although I related to the participants as an American Indian, my own unique tribal perspective often differed for many reasons (e.g., region, language, and/or reservation, rural, or urban).

I provide perspectives, as well as negative, discrepant information about the themes. Accuracy of the research was ensured through the respondents' checking of the interviews.³⁷ My research was debriefed by a peer—a person who reviewed and asked questions so the interpretation of the data was clear and resonated for others. Overall, this data enabled me to study the lived experiences of being Indigenous and to analyze the essence of possessing (or not) Indianness.

Being Indian: The Complexity of Competing Social Constructs

Discourses of blood quantum, CDIB cards, and cultural belonging intermingle throughout every interview I conducted, regardless of the legal identity of respondents. American Indian identity becomes daunting in its sociohistorical and sociopolitical complexity. Claiming Indianness involves negotiating an intricate matrix of cultural, political, and racial criteria. American Indian Legal Identity (AILI) is both an individual and collective identity created, institutionalized, and imposed by structural forces. It is defined, determined, and regulated through the system of federal law and tribal policies—in other words, governmental powers establish Indian identity as authentic, or not. At its base, AILI is constructed in the language of race and reified in tribal ethnicity in such a way as to both produce and reproduce it.

Euro-Americans clearly created the system for legally identifying who may rightfully claim to be Indian. Yet, tribal nations and their citizens reproduce the racialization of Native people in their membership criteria. Recent research suggests members of disadvantaged groups often support and legitimize systems that exclude or relegate them to an inferior position.³⁸ And the motivation to justify the status quo—even against one’s own interests—manifests within cognitive frames (e.g., belief systems). The sociohistorical and sociopolitical events that birthed and institutionalized AILI produced three major phenomena: (1) recognition of the individual Indian; (2) federal recognition of the tribe; and (3) tribal recognition of the individual Indian. In order to be a *legal* Indian, a Native must qualify to be a *legal* member of a tribe the federal government *recognizes* as legitimate.

Being Legitimate: Indians, Tribes, and Tribal Citizens

Allotment policy is the birthplace of American Indian Legal Identity (AILI). While earlier eras of federal Indian legislation exist, it was the Allotment era that first produced the highly contested issue of qualifying to be “Indian.”³⁹ In 1887, Congress enacted the General Allotment Act or the “Dawes Act,” which authorized the President to survey Indian lands for severalty (separation). This legislation, in effect, removed communal land from the tribes and portioned it out to individuals. Accomplished through a system of enrollment with the Bureau of Indian Affairs, *eligible* tribal members were identified to receive parcels of land for farming and ranching. Because the Act failed to define the meaning of “Indian,” determining the eligibility of individuals manifested in various ways. Qualifying mostly depended on the perspectives of local Indian agents appointed by the President.

Enrollment eventually alienated thousands of American Indians from their respective tribes. Tribal factions also resulted between individuals chose to enroll and receive an allotment

of land and legal status and other individuals who rejected the allotment policy due to distrust of the federal government or the belief in the sacredness of communal living.⁴⁰ In other words, many Indian people refused to enroll. On the other hand, Indians could be (and were) excluded from enrollment regardless of their standing within the tribe. Tribal councils decided who was eligible for enrollment, but did so under the direct supervision of federal superintendents. Literally, hundreds of thousands of applications for allotments were denied.⁴¹ Indians were subjected to legitimization of their belonging within the tribe. Altogether, less than 40 percent of the applications for membership on Indian Census Rolls were approved.⁴²

Indians could be (and were) excluded from enrollment regardless of their standing within a tribe. A specific case of exclusion is found in the Mississippi Choctaws. The Removal Treaty of 1830 gave the Choctaw the choice between fully assimilating by remaining in Mississippi to receive an allotment and full U.S. citizenship or relocating to Indian Territory (Oklahoma). Many stayed in Mississippi, but the federal government reneged on their agreement for allotments and citizenship. During enrollment, thousands of the Mississippi Choctaws were never enrolled.⁴³ Gary, a citizen of the Muscogee (Creek) Nation, offers an example:

My wife is Mississippi Choctaw. She's part Choctaw and her blood [great] uncle's on the roll down there, but her grandmother was in Arkansas when they signed up, so they didn't sign. So, my wife doesn't have a card. She can't get one.

Gary's wife exemplifies how members from the same family were deemed legal Indians or not. In other words, her grandmother and great-uncle were brother and sister. The brother was enrolled and the sister was not.

The stage for the concept of federal recognition for tribal entities was set in the language of the comprehensive *Report on Indians Taxed and Indians Not Taxed in the United States*.⁴⁴ Acknowledging no census of Indians had been taken before 1846, the report suggests

“some reservations [be] abandoned and tribes consolidated....this will save millions of dollars.”

⁴⁵ Serving as a precursor for later federal policy, this language assumes the full power of the federal government over tribes—to *the point of combining tribes without consent*.

The Indian Reorganization Act (IRA) of 1934 firmly established the concept of “legitimate” tribes. Federal acknowledgment or recognition became the defining criterion in recognizing the authenticity of a tribe. The IRA also establishes blood quantum as the standard for tribal membership. After ratification of the IRA, only Indian tribes which are *recognized* are eligible to receive protections and services: “The term ‘Indian’ as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and ... all other persons of one-half or more Indian blood.”⁴⁶ With this Act, tribes bifurcated into federally recognized and non-recognized categories and the term “recognition” assumed a jurisdictional (legal) meaning.⁴⁷

Having a historical relationship with previous European countries or the U.S. through documented treaties does not necessarily qualify tribal entities for recognition. Tribes declared as assimilated no longer meet the criteria for being distinct entities.⁴⁸ Sitchee, a member of an unrecognized tribe, reacts emotionally when discussing federal recognition policy:

I’m angry that you can see that my family was on muster rolls that listed people who were forcibly moved. But I’m not considered an Indian. We had treaties. We had land. We were forced out just like you. You people take your cards for granted.

Sitchee’s resentment toward card-holding Indians, like me, is obvious. She expresses real frustration, having seen historical documents that trace her family to the Apalachicola Band of Creeks—a tribe that interacted with the federal government in the 1800s through treaties and other agreements but is now presumed assimilated, and therefore, not currently recognized.⁴⁹

Ironically, individuals negotiating legal identity through tribal variations and distinctions may find it just as precarious. The means by which tribes restrict individuals from citizenship

include but are not limited to specific blood quanta, recognition of parental descent, and residential status. For example, a child born of two Native parents could be considered ethnically or racially Indian, but not be a legal member of any tribe. The Santa Clara Pueblo requires patrilineal heritage, but the Seneca tribe requires matrilineal descent.⁵⁰ Therefore, if a Santa Clara Pueblo mother marries a Seneca father, then any child born *will not* have a legal identity as a member of either federally recognized tribe—even if the parents are full-blood members of their tribes. Tribes might also require their citizens to live within their political geographic boundaries to maintain membership. The Tulalip tribe requires member parents to live on their reservation at least twelve continuous months prior to their children’s births for the children to be eligible for membership. Without proof of such residency, these children will not be members, and thus, lack a legal identity.

Federal recognition validates the tribe's right to self-determination (internal sovereignty).⁵¹ Since 1975, the federal policy of self-determination acknowledges federally recognized tribes possess inherent rights of self-government with authority to administer federal programs and services for their members and construct membership criteria.⁵² The subtext here is important for ALLI. Gary, a legally identified Native who works for the Muscogee (Creek) Nation, expresses conflicting emotions, assigning elements of institutionalized racism, pride, tribal loyalty and responsibility to the same concept—tribal enrollment manifested in the form of an identification card:

[Tribal members] shouldn't have to [carry cards], but it's something now that they've issued that tag that you're carrying now. And I'm proud to carry it, but it's something that's evolved out of time and now it's our identification process that we had to go through. And to me, you can quote me later, well they ought to give a Mexican a card, they ought to give a white guy a card. Make them prove they're Mexican or white or whatever. Why do they have to single us out? Of course, it's about sovereignty. Tribes can define who gets to be a member, but the feds can yank recognition, if they don't like the way we do it. We're really not as sovereign as we think we are.

The requirement of tribal membership criteria demonstrates the federal government's insistence on an exclusive approach. Tribes cannot simply accept members into their tribe, but must establish qualifiers. The most important criterion is "an individual must have some Indian blood; consequently, a non-Indian adopted into an Indian tribe cannot be considered an Indian under federal law."⁵³ Indeed, federal agencies may ignore tribal membership lists, having exclusive power to determine tribal membership for disbursement of federal program funds. Congress has *plenary power*—full and complete authority—to limit, modify, or eliminate tribal rights; in other words, it may "assist or destroy an Indian tribe as it sees fit."⁵⁴ Therefore, the real paradox of American Indian identity as a legal status is even though tribes set the criteria for tribal membership, the federal government acknowledges if a tribe is valid and deserving of federal recognition, and can deny or revoke acknowledgement of the tribe and its members.

At the tribal level, racial ideology, not ethnicity, frames ALLI. In their membership criteria, all the recognized tribes privilege blood over community. Out of the current 566 federally recognized tribes, two-thirds require a specific blood quantum (e.g., one-fourth, one-half, etc.) and the other one-third require lineal descent.⁵⁵ Thus, cultural participation or ethnic belonging is subordinate to blood kinship. Some speculate a tribe's ability to determine citizenship allows it to restrict the allocation of resources—permitting existing members to get better shares.⁵⁶ Some tribes do work to increase the number of enrolled tribal members, but others have been exclusive, expressing concern about further assimilation.

Tribes requiring only lineal descent are especially criticized about their tribal membership criteria. For example, the Cherokee Nation has removed a specified blood quantum requirement for membership, only requiring proof of lineal descent from an ancestor who was enrolled on the Dawes Roll during 1899-1906. Twenty-six out of thirty participants (all of those

with a legal identity and eleven of those without) expressed real concern about only requiring lineal descent and relaxing blood quantum criteria.

I think if you're going to have a tribe, I think [blood quantum] is an absolute necessity, because of what's happened in the Cherokee Nation. You've got literally people who are 1/4000th that are getting houses built. Getting medical care. Getting their kids sent to college. (Ward, no legal identity)

Ward believes blood quantum can ensure Indian authenticity, but he does not require cultural or community commitment.

On the other hand, the Confederated Salish and Kootenai Nation voted in 1960 that only those born with a one-quarter or more blood quantum could be tribal members, and an overwhelming majority of their tribal citizens upheld this requirement again in 2003.⁵⁷ Half of the participants in this study make the point that requiring a specific blood quantum presents a unique problem. Sooner or later, tribes will not have enough members who meet the blood quanta criterion.

When you determine that an Indian is an Indian because they have a certain blood quantum, then basically you're projecting that at a certain time years from now you are going to cease to exist...What's going to happen when we don't have anyone with blood quantum left? You know there's very few full bloods of any tribe left. (Jennifer, no legal identity)

Blood quantum is a bad thing. It's a systematic extermination of an entire race because once you are bred to a certain degree according to the [Department of the Interior], I'm not sure if it's 32nd or 64th, you're no longer seen as a Native American. You're bred out or you're a white person... And I think that's terrible. (Clark, legal identity)

Jennifer, a Comanche without legal identity, and Clark, member of the federally recognized Modoc tribe, see blood quantum as a way of the federal government to ensure less tribal members to the point of eventual extinction. Both recognize the small number of people who are wholly of one tribal heritage is dwindling. If held to the racial standard of blood quantum, they, and thirteen other participants, express real fear of disappearing by becoming "white."

Racial categories consisting of biologically distinct groups of people have been wholly discredited. Yet, a particular concept of race is still applied for proof of Native ancestry—blood lineage. In either case—blood quantum or lineal descent—Indigenous nations reproduce the federal government’s racialized Indian identity as the authentic one. Tribes institutionalize Indianness within their membership policies—presupposing their people possess unique biological identity markers. In other words, to gain legitimate tribal ethnicity, Indians must first meet specific racial standards of ancestral lineage or blood quantum, which then results in an institutionalized legal identity.

In the following, I explain how the discourse of tribal sovereignty acts to justify AILI. An overwhelming majority of all the participants—both legally and non-legally identified—used this frame. My findings reveal major commonalities *and* divergence between the groups’ lived experiences and interpretations (frames) of the concept of legal identity. Within-group congruence and variation are present; therefore, the results are not mutually exclusive to one group or the other.

A Necessary Evil: In the Name of Tribal Sovereignty

The frame of sovereignty has profoundly impacted the socialization of Natives to accept legal identity serves to protect and sustain Indian nations. But tribal sovereignty for Indigenous communities does not hold the same meaning as the legal jargon of Federal Indian Policy. Tribal sovereignty encompasses culture and belonging. Wilkins defines *tribal sovereignty* as more than the ability to maintain independence and exercise power like states or governments, rather it “has a unique cultural and spiritual dimension that differentiates it.”⁵⁸ In other words, the interactions of tribes with their people speak of a responsibility for sustaining the community, especially after what the people have suffered.

When asked why Natives must be enrolled in tribes, *all* of the legally identified participants express that AILI acts as protection against further usurpation of tribal rights. For example Lillie, a legally identified Cheyenne woman, articulates a bittersweet justification:

To dish out sovereignty, everything we are born with, everything we have a right to. Without that it's gone. There would be nothing. [pauses] But I think tribes are what is left. They are *what little bit* we have left. They sit on what is left of where these peoples ended up, the land. And our sovereignty is executed through them.

Lillie states an argument common among the participants—the need to maintain sovereignty. Throughout the data, tribal sovereignty acts as a discourse—a frame—to justify the current social order (requiring qualification to be Indian) by reinforcing the objectified representations and symbols (tribal enrollment and/or CDIB cards) of established social structures (tribes and federal agencies). Tribal enrollment is framed as necessary for the preservation of sovereignty. Rather than acknowledge the inequality of AILI, Lillie avoids it and defaults to the sovereignty discourse. Eva, a legally identified Kiowa woman, expands the sovereignty discourse, framing the need for tribal enrollment as a way to maintain sovereignty and gain cultural knowledge and pride:

It also gives you that sense of, hopefully, a sense of self-determination and sovereignty. I think that as time progresses and you go on and you understand what that really means, even though it's kind of like a double edged sword. Sovereignty's good but sovereignty hasn't always been afforded to us the way we should have it as a Native people. I think that if a person is enrolled, they can really understand that this means we're a nation. We're a government within a government. We're actually our own people. We have our own government, our societies, our culture, our language. This gives me pride to carry this and show who I am.

Eva idealizes sovereignty as a proxy for cultural and ethnic attributes to avoid the internal conflict caused by the racialized framework of tribal membership. In fact, all the participants commonly cited reciprocity, respect, and strong relationships with other Native people as part of their tribes' cultures and their ethnic identity, speaking often of unspoken social ties and understanding between people of the same tribe and different tribes.

Consequently, *being* Indian conveys feelings of community, security, and confidence. However, possessing membership in a sovereign tribe represented cultural belonging for all the participants—even for those without tribal memberships; therefore, AILI translates as protecting both sovereignty and culture, simultaneously.

We are battling still against our culture being taken away. We are trying to rebuild our language, rebuild our history. We don't ever want to be extinct. We want to preserve our culture. Our main goal is to not let anyone take it away. (Melissa, a non-legally identified woman from the federally recognized Blackfeet tribe)

By making sovereignty and culture interchangeable, Melissa justifies the mechanism (AILI) that separates her from her tribe. Idealizing culture (ethnic belonging) allows the participants to rationalize what separates and categorizes them—AILI.

Joy, a member of the federally recognized Cherokee Nation of Oklahoma, explains how Indians express genuine and legitimate concerns:

Communities see an outside person coming in and get their guard up and become very defensive very protective ... There is a fair amount of weight on history, all things considered. In the past, you open a door to a stranger and you get burned.

Joy speaks about the common knowledge that Indians have suffered through the exploitation of their lands, genocide of their people, and experienced their communal living undermined by individualism. They are suspicious and untrusting of people's motives, whether legally identified or not. And whereas belonging to a tribe confers some right to belong, one must still work communally to earn full acceptance. Conversely, AILI allows people to benefit without actually participating in the culture. The majority of legally identified persons sympathized with Natives who could not prove their ancestry, but reacted harshly when discussing tribal members who did not participate in their communities, expressing disdain for Natives who rediscover their Indianness:

During high school, this person didn't have anything to do with Indians. Didn't dance, didn't hang out with them and then he went to [name of college], got his master's,

married an Indian woman, and came back and decided he wanted to be [tribal leader]. Now he's got long braids. He's a dancer. Had a big fancy dinner for his kids to go into the dancing circle. And we're kind of offended by it. Oh, he's suddenly Indian now. [says with sarcasm] (Lillie, legal identity)

Even though Lillie enjoys a legal identity, her attitude mirrors many of the participants not legally identified. *Eight out of fifteen without a legal identity* question the motives of people who decide to reconnect with their tribe, doubting the sincerity of the "new" Indians' desire to preserve sovereignty or culture. Yet, the cultural aspect for most participants without legal identity often resulted in participating more as spectators, rather than full members.

Research indicates marginalized groups inevitably experience conflict between the need to think well of themselves and their social groups and their simultaneous support of a system that disadvantages them. John, a young man enrolled in the federally recognized Choctaw Nation, passionately defends ALLI as a survival mechanism:

As silly as it sounds, I think it's something that is *a necessary evil*. Whites came in and made Native Americans deal with this idea of being 'legally identified.' Hey, you're not white and we're gonna make legal reasons to say you're not white. So when the Native Americans finally accepted and said "okay, we're gonna make a legal identity besides not white." They had to accept the evil of a legal identity to maintain autonomy from whites. I think they have to have a legal identity separate from white *just to exist anymore*.

Accordingly, legally identified participants did not place blame on tribes for their roles in the reification of legal identity. Rather, to negate the conflict between the inequality of the racialized system of ALLI and the need to think well of the tribe, participants use sovereignty as a cognitive representation of cultural survival. Cultural survival acts as justification for the systematic racism of American Indian Legal Identity (ALLI). Accordingly, the majority of the participants expressed *being* Indian is a sense of belonging and responsibility to their communities.

Participants without legal standing also spoke with equal pride about their tribes, even without membership. This shows system-justifying beliefs are adaptive. For example, Lisa, a member of an unrecognized tribe, also uses the sovereignty discourse to rationalize tribal enrollment, stating, “I don’t think anyone should *have* to do that. There’s no other race that has to do that. But at the same time, it gives [tribes] a sense of sovereignty as well.” Rather than speak of her lack of legal identity, she avoids the exclusivity of tribal enrollment through the rationalizing frame of sovereignty. Any anxiety Lisa feels over her lack of legal status becomes subordinate to the need to support her tribe and maintain the status quo of tribal enrollment. Similarly, Billy, a member of the unrecognized Eastern Shawnee Tribe, rationalizes enrollment is necessary “so the tribe can be whole.” Billy utilizes culture and belonging as a proxy for sovereignty. The frequency of the sovereignty discourse suggests Natives justify AILI as protective, even though they understand it maintains the hegemonic status quo. Framing AILI as inevitable reduces the anxiety caused by the acknowledgement of its inherent racism.

Tribal enrollment and CDIB cards represent legal identity—they maintain the American Indian race through the assignment of discursive blood quanta and lineal descent subtexts. Participants in this study recognized “Indian cards” as symbolic of the racialization process, but seem resigned to the structural utility of them. In other words, within the established social structure of tribal enrollment, AILI is justified and reinforced by the objectified representation and symbol of a federally recognized tribal or CDIB card. Overall, most people expressed dissatisfaction with the system, understanding its artificiality, but were willing to accept the costs in order to maintain tribal continuation. In other words, they justified it.

Bonilla-Silva offers insight into the ability to readily accept the racialization of American Indians in order to privilege identity and culture.⁵⁹ Bonilla-Silva argues that Omi and Winant’s racial formation theory focuses too closely on an idealistic view of race and culture ideology.⁶⁰

Instead, Bonilla-Silva promotes a framework of racialized social systems.⁶¹ Structure exists as the networks of relationships between actors and groups of actors who share “socially meaningful characteristics.”⁶² Consequently, racialized social systems reward socially constructed differentials—economically, politically, socially, and psychologically—at all societal levels. A hierarchical system results and racial acceptance and contestation are expressed at both the individual and collective level. Therefore, people with an AILI are rewarded with racial authenticity because the system must maintain the tribal collectivity.

Conclusion

There are no easy answers for reconciling the complicated environment of American Indian Legal Identity (AILI). All American Indians—legally identified or not—contend with the milieu and consequences of this complexity. In this project, themes of justification and contestation interweave with poignant stories of cultural belonging and rejection. Participants shared ambivalent, even conflicted feelings about legal identity. Tribes, generally, escape criticism for their role in structuring AILI, but there are defiant challenges toward the federal government and its role in defining legitimate Indians and legitimate tribes. Resignation to the plight of non-legally identified Natives emerges from both groups of participants. In the face-to-face interviews, all participants exhibited visible discomfort when discussing the concept of blood quanta and the federal government’s involvement; yet, the data reveals most continue to rationalize legal identity and justify its necessity. Even Native individuals *without legal standing* justify the very system which excludes them.

This study contributes in substantial ways. First, the voices of Natives had not been documented concerning the meaningfulness of a legal identity within the 21st century. I involve only Native participants to address the apparent disconnect between being Nation versus

possessing Indianness. I created the concept of AILI to problematize the racialization and panethnic paradigm commonly used for Native people. AILI is a useful tool of analysis for competing social constructs of identity—especially political ones. Because the legitimacy and complexity of American Indian authenticity is pertinent to scholarship of the processes of race and ethnicity, I examined the emergence of AILI as an individual identity created by structural forces and its application through institutions of government—federal and tribal. Most importantly, I make evident that a person can have an AILI without having either racial identity or ethnic identity. It stands on its own as proof of Indianness even though it was created in the discourse of Federal Indian Policy.

My findings substantiate the claim of divisiveness in Native communities, in regards to the practice of authenticating Native identity. However, unlike previous studies, this research found the conflict appeared more often between members of the legally identified group about the applicability of blood quantum, rather than between legally identified persons and non-legally identified persons about who can claim Indianness. If anything, the legally identified group was sympathetic but often dismissive of the group that lacked legal identity. And while the group without legal status occasionally articulated resentment toward the legally identified group for taking their status for granted, both groups placed most of the responsibility for the situation upon the federal government.

With tribal reification of this federally-defined authenticity, AILI birthed a racialized collective Indian identity. Moreover, this phenomenon (AILI) has resulted in the internalized racialization of Native identity. Most of the participants were unaware of the sociohistorical forces that left American Indians without a legal identity. Racial designations function to impart meanings of underlying power and prejudice. Historically, being nonwhite yielded social meanings of inferiority. Consequently, being designated as an Indian and racialized through

blood quantum has served to separate and strip Natives of their cultures and resources; yet, a particular concept of race is deeply embedded in Native cultures and nations. Natives who lack a legal identity endure veritable costs, especially concerning governmental policies in relation to protective legislation, economic resource distribution, and other promised compensations. More poignantly, non-legal Natives described immense emotional costs and social losses. This was certainly evident within this research.

In order for anyone to understand *why* Native American communities would accept a legal identity or would use verbiage like "blood quantum" or "pure blood," there must have been—first, the social construction of these terms, and second, the socialization to this terminology through social discourse. Frames of discourse legitimate the social order, reinforcing the social structures in place (e.g., hegemonic ideologies). As demonstrated within this study, the frame of *being* Indian maintains an ordered life for Native Americans and others, alike. Frames structure society, but are often invisible because they seem commonsensical—in other words, truthful and right.⁶³ The knowledge and beliefs of a socially created reality become accepted as an efficient means of understanding everyday life. The objectified world is internalized as human consciousness through social discourses (e.g., language, media, law, Federal Indian Policy).

Once objective facts about society are internalized into people's subjective reality, they rarely question the origin of their beliefs, but instead work to accept, maintain, or reorder them. Thus, ultimately the relationship between society and the subjective self is dialectic and self-perpetuating. Frames act to justify the current social order by reinforcing the objectified representations and symbols of established social structures (e.g., words like blood quantum, CDIB cards, real Indian, full blood, and pure blood). This holds great meaning to marginalized peoples like Native Americans because, ultimately, discursive formations work to construct and

influence their decisions, practices, and relationships, even when such attitudes and behaviors are not beneficial. For example, the frame of sovereignty has profoundly impacted the socialization of Natives to accept that legal identity serves to protect and sustain Indian nations. Yet, the acceptance of a fixed list of criteria to demonstrate citizenship within tribal nations is especially paradoxical. The U.S. has no such fixed standards of proving lineal blood ancestry to a specific temporal census roll or list of people for citizenship. But an American Indian's ancestor must have met strict historically-specific guidelines within a very narrow timeline to gain citizen status within federally recognized tribes. Through the legal racialization of Indian Nations, the issue of the federal government's usurpation of tribal sovereignty is largely ignored.

The "real Indian" is now a social fact. As demonstrated within this study, the reality of being Indian has been socially constructed as possessing Indianness, which maintains an ordered life for Natives and others, alike. Through the sociohistorical forces of colonialism and discourse of Federal Indian Policy, American Indian identity has been racialized and politicized through tribal ethnicity and the legitimacy of the tribe. Indeed, AILI now exists as if it has always been. AILI also conveys authenticity to the individual. Within the AILI paradigm, Indians are only, truly *real* if they possess a material object as proof of blood ancestry that has been documented within a restricted period of time and narrow criteria. That is, "real Indians" are legitimate Indians, as defined first by Federal Indian Policy and then reified through membership processes of federally recognized tribes.

Authenticity by legal identity is self-perpetuating. This has real implications. Neither the abstract conceptualizations of blood quantum nor a legal identity speaks to the difficulty of breaking one's self into parts. The juxtaposition of racialization, discrimination, and stigma against tribal belonging and cultural pride provides for greater dimensions of oppression. Blood quanta, phenotype, and legal standing remain particularly meaningful both within and outside

the tribe—symbolically and politically. Indigenous folk consent to the oppressive nature of legal identity because it establishes their authenticity and right to belong, even though they recognize the inherent racism in the system.

In sum, Natives with a legal identity (and even those without one) within this study demonstrate an understanding and acceptance of the inherent racism but “necessary evil” of a legal identity as a function of maintaining and protecting sovereignty—a sovereignty that is at best, deeply problematic. Categories of difference do not “themselves produce deep, durable inequality;” rather, it is the hierarchical configuration of these categories and their relational maintenance through social ties that generate inequality.⁶⁴ Whereas legal identity faces heavy contestation through self-identification, as demonstrated by the ever-increasing census population numbers of American Indians, I find American Indian Legal Identity has been configured as the trump card for claims of Indigeneity, and thereby reproduces conflict, confusion, and inequality throughout Indian Country. Nagel argues, ultimately, true American Indian identity occurs at the intersection of social construction and social negotiation—where “who I say I am” meets “who they say I am.”⁶⁵ My research modifies Nagel’s concept to reflect the definition of American Indian Legal Identity—where “*who* I say I am” meets “*what* they say I am.”

Notes

1 Bonita Lawrence, "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview." *Hypatia* 18, no. 2, (2003), 4.

2 Passionate debate persists in academia over the most useful term(s) to describe indigenous peoples of the United States. On one hand, the usage of "Indian" as an identifier reifies an inferior, racialized label. On the other hand, it is the most commonly used term among Native people, in general. I respect the opposing views, but having lived in Indian Country most of my life, I hear Elders and other Native folks use the term Indian on a daily basis. For the purpose of this research, I use the term "American Indian" because of its usage at the U.S. Census Bureau. I use the term "Indian" because it is the legal term used within Federal Indian Policy. I use the terms "Native" and "Indigenous" interchangeably, as my preferences.

3 Eva Marie Garroutte, *Real Indians: Identity and the Survival of Native America*. (Berkeley: University of California Press, 2003).

4 For example, see Karen A. Cerulo, "Identity Construction: New Issues, New Directions." *Annual Review of Sociology* 23, no. 1 (1997); Stephen E. Cornell and Douglas Hartmann, *Ethnicity and Race: Making Identities in a Changing World*, (Thousand Oaks, CA: Pine Forge Press, 2007); Eva Marie Garroutte, "The Racial Formation of American Indians: Negotiating Legitimate Identities within Tribal and Federal Law," *American Indian Quarterly* 25, no. 2 (2001); Garroutte, *Real Indians* (2003); Joane Nagel, "American Indian Ethnic Renewal: Politics and the Resurgence of Identity," *American Sociological Review* 60, no. 6 (1995); Joane Nagel, *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture*, (New York: Oxford University Press, 1997); C. Matthew Snipp, "Sociological Perspectives on American Indians," *Annual Review of Sociology* 18, (1992).

5 Garroutte, *Real Indians*; C. Matthew Snipp, "An Overview of American Indian Populations," in *American Indian Nations: Yesterday, Today, and Tomorrow*, edited by Horse Capture et al., (Lanham, MD: Alta Mira Press, (2007); Paul Spruhan, "The Canadian Indian Free Passage Right: The Last Stronghold Of Explicit Race Restriction In United States Immigration Law," *North Dakota Law Review* 85, no. 2 (2009); Paul Spruhan, "A Legal History of Blood Quantum in Federal Indian Law to 1935," *South Dakota Law Review* 51, no. 1 (2006); Russell Thornton, "Tribal Membership Requirements and the Demography of 'Old and New' Native Americans," *Population Research and Policy Review* 16, no. 1/2 (1997): 33.

6 Sharon O'Brien, "Tribes and Indians: With Whom does the United States Maintain a Relationship?" *Notre Dame Law Review* 66, no. 5 (1991).

7 Indigenous people claim many different identities—tribal nation, band, clan, regional, etc. Within this research, these are distinguished through pan-tribal or pan-Indian frames (e.g., Kiowa, Creek, American Indian, Native American, and Native). Pan-identities are purely social constructs that refer to individuals from diverse backgrounds. Some Indigenous scholars call these pan-identities “counterfeit” identities imposed by European and American colonizers as tools of racist subjugation.

8. Even for Natives with legal identity, social services and economic resources are fairly limited due to the variability of annual federal budgeting. Indigenous people are one of the poorest racial ethnic groups, if not the poorest. The myth of copious “benefits” and large per capita payments from tribal gaming is disproved by socioeconomic statistics: 32% of working individuals live below poverty level; 32% have no health insurance; median household income is \$33,671; and 49% of the labor force experience unemployment. If available, health care, housing, and nutrition programs are often inaccessible due to the distance or remoteness of the distribution of such services. Only 246 of 566 tribes have gaming operations, and of those, only 73 offer per capita payments to tribal citizens. All tribal gaming allocations, including per capita payments, are overseen by the federal agency, the National Indian Gaming Commission. For more, see Robertson, “The Myth of Indian Casino Riches.”

9. Cerulo, “Identity Construction; Cornell and Hartmann, *Ethnicity and Race*; Garrouette, *Real Indians*; Joane Nagel, *American Indian Ethnic Renewal*; Snipp, “Sociological Perspectives”; David E. Wilkins, *Documents of Native American Political Development: 1500s to 1933*, (Oxford; New York: Oxford University Press, 2009).

10. I changed or omitted the names of individuals to protect their anonymity.

11. Jean S. Phinney and Anthony D. Ong, “Conceptualization and Measurement of Ethnic Identity: Current Status and Future Directions,” *Journal of Counseling Psychology* 54, no. 3 (2007).

12. Eduardo Bonilla-Silva, “Rethinking Racism: Toward a Structural Interpretation,” *American Sociological Review* 62, no. 3 (1997).

13. Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*, (Waveland Press, 1998).

14. David E. Wilkins, *Documents of Native American Political Development*.

15. Rogers Brubaker, *Ethnicity without Groups*, (Cambridge, Mass.: Harvard University Press, 2004).

16. Carolyn A. Liebler, "American Indian Ethnic Identity: Tribal Nonresponse in the 1990 Census," *Social Science Quarterly* 85, no. 2 (2004); Carolyn A. Liebler, "Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation," *Social Forces* 89, no. 3 (2011). Michael Omi and Howard Winant, *Racial Formation in the New Millennium*, (London: Routledge, 2008). Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s*, (New York: Routledge, 1994).

17. Cornell and Hartmann, *Ethnicity and Race*

18. Omi and Winant, *Racial Formation*

19 Howard Winant, "Race and Racism: Towards a Global Future," *Ethnic and Racial Studies* 29, no. 5 (2006).

20 Oyserman and Oliver, *Ethnic and Racial Identity*, 128.

21 Nagel, *American Indian Ethnic Renewal*.

22 Kathleen J. Fitzgerald, *Beyond White Ethnicity: Developing a Sociological Understanding of Native American Identity Reclamation*, (Lanham: Lexington Books, 2007), 8.

23 Nagel, *American Indian Ethnic Renewal*.

24 Garrouette, "The Racial Formation of American Indians."

25 A tribe may be recognized within the state in which it is based, but only federally recognized tribes may interact with the U.S. government. State-recognized-only tribes cannot offer federal benefits, rights, and protections.

26 Contemporary federal recognition of tribes requires that tribal members must show direct genealogical descent from a group that existed before contact with non-Indians.

27 James F. Hamill, "Show Me Your CDIB: Blood Quantum and Indian Identity among Indian People of Oklahoma," *American Behavioral Scientist* 47, no. 3 (2003); Kathryn W. Shanley, "The Indians America Loves to Love and Read: American Indian Identity and Cultural Appropriation," *American Indian Quarterly* 21, no. 4 (1997); Snipp, "Sociological Perspectives"; Paul Spruhan, "The Canadian Indian Free Passage Right: The Last Stronghold Of Explicit Race Restriction In United States Immigration Law," *North Dakota Law Review* 85, no. 2 (2009)1-50. Hilary N. Weaver, "Indigenous Identity: What is it, and Who really has it?" *American Indian Quarterly* 25, no. 2 (2001).

28 Steve Russell, "In Search of the Meritocracy," *American Indian Quarterly* 27, no. 1-2 (2003).

29 See note no. 27.

30 Robertson, "Card-carrying Indian: The Social Construction of an American Indian Legal Identity."

31 At least two federally recognized tribes problematize this issue: the Cherokee Nation of Oklahoma and the Blackfoot Nation of Montana. To be a citizen of the Cherokee Nation, an individual must have at least one ancestor who was listed on the Dawes Rolls. This is in line with my theoretical frame of "AILI." However, the story is much more complicated. In 1866, after the abolition of slavery, Freedmen (former slaves of the Cherokee citizens) were granted tribal citizenship with the Cherokee Nation of Oklahoma. In the early 1980s, the Cherokee Nation administration revised citizenship criteria to require lineal descent from an ancestor listed as "Cherokee by Blood" on the Dawes Rolls, effectively disenfranchising Freedmen citizens. In 2006, the Cherokee Supreme Court ruled that the descendants of the Cherokee Freedmen had been unconstitutionally kept from enrolling as citizens, and thus, allowed to enroll in the Cherokee Nation. In 2007, the Cherokee Nation amended their constitution exclude anyone whose ancestors were not listed as "Cherokee by Blood" on the 1906 Dawes Rolls.

In August 2011, the Cherokee Supreme Court upheld the right of the Nation to amend its constitution and set citizenship requirements barring Freedmen. Shortly thereafter, the U.S. District Court for the District of Columbia dismissed the Freedmen's complaint against the Department of the Interior because the Cherokee Nation is a necessary party but is immune from suit. The Cherokee Nation's countersuit, *Cherokee Nation v. Nash*, against the Freedmen seeking final judgment that the Freedmen have no right to Cherokee citizenship, remains pending in federal court. See *Clare Boronow*, "Closing the Accountability Gap for Indian Tribes: Balancing the Right to Self-determination with the Right to a Remedy" *Virginia Law Review* 98 (2012), p. 1373. Also see: *Nash v. Cherokee Nation Registrar*, No. CV-07-40, at 1-2 (Cherokee D. Ct. Jan. 14, 2011), rev'd, *Cherokee Nation Registrar v. Nash*, No. SC-2011-02 (Cherokee Aug. 22, 2011). On the other hand, the Blackfeet Nation of Montana requires blood quantum of one-quarter for tribal enrollment rather than just lineal descent. However, the Blackfeet's original 1935 constitution required that tribal members only be at least 1/16th Blackfeet. In 1962, the constitution was amended to raise that requirement to one-quarter. Currently, a group of enrolled Blackfeet citizens are petitioning that the constitution be amended to no blood quantum requirement. <http://www.blackfeetforever.com/petition.html>, (accessed January 4, 2013).

32 Catherine Marshall and Gretchen B. Rossman, *Designing Qualitative Research*, (Thousand Oaks, CA: Sage Publications, 2006).

33 Mary C. Waters, *Ethnic Options: Choosing Identities in America*, (Berkeley: University of California Press, 1990).

34 Herbert J. Rubin and Irene Rubin, *Qualitative Interviewing: The Art of Hearing Data*, (Thousand Oaks, CA: Sage Publications, 2005).

35 John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, (Los Angeles: Sage, 2009).

36 Creswell, *Qualitative Inquiry*; Rubin and Rubin, *Qualitative Interviewing*.

37 Creswell, *Research Design*; Joseph A. Maxwell, *Qualitative Research Design: An Interactive Approach*, (London: Sage Publications Inc, 2005).

38 Kay et al., "Panglossian Ideology in the Service of System Justification: How Complementary Stereotypes Help Us to Rationalize Inequality," *Advances in Experimental Social Psychology*, 39, (2007); Kay et al., "Inequality, Discrimination, and the Power of the Status Quo: Direct Evidence for a Motivation to See the Way Things are as the Way they should be," *Journal of Personality and Social Psychology* 97, no. 3 (2009).

39 Robert J. Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny*, (Lincoln, NE: University of Nebraska Press, 2008). Federal Indian Policy changed often and abruptly. Generally accepted historical eras of Federal Indian Policy include: Colonial; Confederate; Trade and Intercourse; Removal; Reservation; Allotment; Reorganization; Termination; Self-Determination. See Robert Miller's *Native America, Discovered and Conquered* for a complete overview.

40 Angie Debo, *And Still the Waters Run*, (Princeton: Princeton University Press, 1989); Garroutte, *Real Indians*; Hamill, "Show Me Your CDIB."

41 Felix S. Cohen and Rennard Strickland. *Felix S. Cohen's Handbook of Federal Indian Law*, (Charlottesville, VA: Bobbs-Merrill, 1982). Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, (Lincoln: University of Nebraska Press, 1986).

42 Prucha, *The Great Father*; Angie Debo, *And Still the Waters Run*, 39. According to Prucha and Debo, fraud and forgery did exist. Thousands of people attempted to enroll in order to receive tribal land. Debo contends that between 1902 and 1904, a special tribunal for appeals within Indian Territory excluded all but 156 of 3,403 claimants and recovered land valued at \$16 million.

43 Angie Debo, *And Still the Waters Run*.

44 U.S. Census Bureau, "Report on Indians Taxed and Not Taxed," *11th Census, 1890*. (Washington, D.C.: Government Printing Office, 1894).

45 Ibid, 73.

46 As quoted in William W. Quinn, "Federal Acknowledgement of American Indian Tribes: The Historical Development of a Legal Concept," *The American Journal of Legal History: Official Publication of the American Society for Legal History the American Journal of Legal History* 34, (1990), 356.

47 Ibid.

48 Mark Edwin Miller, *Forgotten Tribes: Unrecognized Indians and the Federal Acknowledgment Process*, (Lincoln: University of Nebraska Press, 2006).

49 Mark Edwin Miller, *Forgotten Tribes*; David E. Wilkins, *American Indian Politics and the American Political System*, (Lanham, MD: Rowman & Littlefield, 2006). Both Miller and Wilkins make the point that federal legislation makes it complicated, expensive, and time-consuming for tribes to become recognized. Since 1978, any Indian group intent on federal recognition must meet strict criteria. Whether the federally established criteria have been met is decided within the Department of the Interior. Unrecognized groups condemn the bureaucratic process for federal recognition as costly (approximately \$200,000 to petition and follow through) and time-consuming (with an average of ten years from start to finish). Indeed, in twenty-one years (1978 to 1999), out of 231 groups seeking recognition, only fifteen tribes gained recognition, and nineteen were denied.

50 Garroutte, *Real Indians*.

51 Wilkins, *American Indian Politics*; Recognition of tribal groups as legitimate became especially poignant in the 1950s and 1960s, as the U.S. pursued a policy of termination. In the name of assimilation, with the leverage of federal recognition in hand, the U.S. withdrew its federal acknowledgement of 109 tribes and over 13,000 Indians. Termination policy meant that the federal government no longer bore legal or financial responsibility for the prior legitimate tribal communities; therefore, tribal members lost their legal status (legal identity). All federal aid and support services were terminated, as well. In 1975, due to its disastrous economic and health effects, termination policy was replaced with the federal policy of self-determination. Many of the terminated tribes regained recognition, but could not recoup the loss of 1.3 million acres of Indian lands.

52 Ibid.

53 Stephen L. Pevar, *The Rights of Indians and Tribes*, (Oxford; New York: Oxford University Press, 2012), 19.

54 Ibid, 59.

55 Thornton, "Tribal Membership Requirements."

56 Garroutte, *Real Indians*.

57 Ron Selden, "Flathead Reservation Keeps Blood Quantum," *Indian Country Today*, January 29, 2003, (accessed December 4, 2008).

58 David E. Wilkins, *American Indian Politics and the American Political System*, (Lanham, MD: Rowman & Littlefield, 2006), 51.

59 Bonilla-Silva, "Rethinking Racism."

60. Omi and Winant, *Racial Formation*.

61 Bonilla-Silva, "Rethinking Racism."

62 Ibid, 469.

63 Michel Foucault, *The Archaeology of Knowledge*, (New York: Pantheon Books, 1972).

64 Charles Tilly, *Durable Inequality*, (Berkeley: University of California Press, 1999), 99.

65 Nagel, *American Indian Ethnic Renewal*, 21.

CHAPTER 4

REAL INDIANS: POLICING AUTHENTIC INDIGENOUS IDENTITY

Indians were obsessed with authenticity. Colonized, genocided, exiled, Indians formed their identity by questioning the identities of other Indians. Self-hating, self-doubting, Indians turned their tribes into nationalistic sects. But who could blame us our madness? We are people exiled by other exiles, by Puritans, Pilgrims, Protestants, and all of those other crazy white people thrown out of a crazier Europe. We who were once indigenous to this land must immigrate into its culture.

– Sherman Alexie (Spokane/Coeur d'Alene)¹

For American Indians,² the consequences and lived experiences associated with different forms of identity representation are at best, complex, and at worst, alienating and discriminatory. Contested meanings of *being* Native reinforce an unrelenting debate about indicators of authentic indigeneity.³ Birthed in colonizing oppression, European acts of othering, and federal Indian policy, the “real Indian” trope is a social fact for American Indians. Thus, indigeneity claims commonly encounter resistance in the United States (U.S.)—particularly from other Natives. Distressingly, Indigenous individuals often employ the “real Indian” trope among and against one another.⁴ That is, American Indians commonly inquire or comment about the legitimacy of another person’s claim of Indianness. Authenticity markers like blood quanta, phenotype, cultural performance, and tribal citizenship remain particularly meaningful—symbolically and politically.⁵

Policing authenticity boundaries also produces collective representational challenges for Indigenous communities. On one hand, our lives gain meaning within validating symbols like tribal customs, language, and shared histories. On the other hand, roots, traditions, and values get lost among institutional signifiers of Indian identity.⁶ Because of the intense socialization of what constitutes legitimacy, Indigenous communities have internalized and continue to reify the collective belief that Indians must be distinguished, at the very least, on a tribal level, and at

best, at both tribal and federal levels. Consequently, lived experiences of being Indigenous get displaced among enrollment numbers, federal and tribal recognition criteria, and fractional blood heritage.

The very question of authentic Indianness “has deep roots within colonial racism.”⁷ Therefore, it is important to note that the intent of this study is not to depict Indigenous Peoples’ prejudices and bigotry. Racial boundary policing is not an Indigenous phenomenon. Dominant groups and non-dominant groups enjoy a long history of policing racial boundaries.⁸ Because race is socially created, modified, and transformed within sociohistorical contexts among political interests,⁹ racial boundaries are messy. By operating within the dominant racial hegemonic ideology of whiteness, non-dominant groups often police actions and cultural proclivities within their racial boundaries to determine authenticity.¹⁰ This is one example of policing racial borders, somewhat differentiated by the legal regimes regarding Indigenous identity in the U.S. The federal government used tactical exclusionary measures for Natives, unlike the inclusionary actions of the one-drop rule, for example.

Therefore, my goal is to expose the impact of 500+ years of systemic oppression on our daily lives. Any shared discriminatory beliefs and common stereotypes that Native people hold against and/or about one another originate in the racist discourse of the colonial conquest and domination.¹¹ Monstrous federal Indian policy eras of removal, relocation, reservation confinement, economic deprivation, assignments of blood quantum, and required boarding school attendance, to name only a few, purposely created conflict between and among Indigenous Peoples.¹² In that spirit, I examine the “real Indian” trope by asking the following questions: What authenticity markers hold the most value for Native people? How do Indigenous Peoples justify authenticity policing?

Using a qualitative approach and an Indigenous epistemology, I examine the phenomenon of internalizing the “real Indian” indigeneity and the impact of policing authenticity. Conversations with forty-five Indigenous people indicate that achieving Indigeneity is elusive because of its dynamic nature within the local specificity of social contexts. Results of the study are explained through my framework of internalized legitimized racism.¹³ I argue the real Indian trope developed within federal bureaucratic procedures; thus, policing indigeneity claims manifest as an expression of internalized racial oppression for Natives and as an extension of legitimized racism against Indigenous Peoples.¹⁴ As confirmation, I present two memes mentioned most often by participants that symbolize Indigeneity: (1) card privilege and (2) blood privilege.

The paper is organized as follows: first, an overview of the paradox of Indigenous identity; second, a description of the methods of the research; third, an overview of the findings about card privilege and blood privilege of the real Indian; and finally, a discussion and conclusion about the results of the study.

The Paradox of Indigenous Identity

[When people ask] “How many Indians live in the United States?” My answer is an equivocal “it depends.” You can pick the answer you like the most, depending on the combination you prefer.

– C. Matthew Snipp (Cherokee)¹⁵

The U.S. Census Bureau reports that the number of people who self-identify as American Indian has sharply increased in the last 50+ years, from 524,000 in 1960 to 5.2 million in 2011.¹⁶ Out of 5.2 million, the Bureau of Indian Affairs estimates only 1.9 million people are members of federally recognized tribes. Simple math tells us that 3.3 million people self-identify as American Indian without tribal citizenship. These people claim a racial identity of American Indian (and an ethnicity if they list tribal affiliation) but do not have any legal status within a

federally acknowledged tribe. This shows that self-representation and social identification are relational and contextual, especially for people who identify as American Indian. A myriad of options exist. We may be racialized as Indian, Black, White, Asian, Latino, or as unknown. We may express affinity to a one tribe, multiple tribes, or no tribe. We may hold little, a lot, or no cultural knowledge. We may be known or not known within our tribal communities. We may enjoy membership within a federally recognized tribal nation, membership within a non-federally recognized tribe, or no membership at all. Finally, we may have any combination of the presence or absence of the same. This is the paradox of Indigenous identity.

The “Real Indian” Complex

This trivialization of our oppression is compounded by the fact that nowadays anyone can be Indian if she or he wants to.

– Andy Smith (Cherokee)¹⁷

According to Snipp, the claim of authenticity is yet another issue by which Natives can be divided and conquered.¹⁸ Two problematic assumptions structure the policing of Indigenous identity.¹⁹ First, we assume that there is an ideal of authentic indigeneity, which artificially imposes a binary of authentic/not authentic. Second, we assume that since an authentic indigeneity exists, it is distinguishable to others. This means that because we believe authentic indigeneity exists, we also believe we can recognize it. Conversely, inauthentic indigeneity also must exist and be recognizable. As a result, indigenous performativity is likely to be censured, rejected, and excluded if judged to be inconsistent with the locally accepted authenticity measures.²⁰ Harris, Carlson, and Poara-Smith provide a concise explanation of the intensity of performing and policing of authentic indigeneity:

There is a great deal of symbolic capital that ensues from authentic performance, especially in the absence of group access to important economic and political resources. Who establishes the boundaries within which one must perform? Forces both from within and outside of indigenous communities seek to construct, define, name, and

police indigenous identities, and in doing so, a constant battle ensues in the shifting sands on which the play for authenticity is performed.

Failure to express indigeneity through prescribed authenticity distinctions undermines the credibility of people claiming it. Recent research by Sam Pack illustrates this more fully. While conducting research on the Navajo reservation for four years, Pack says he was struck by the frequency that the Navajo people (Diné) referred to themselves as real Indians in contrast to people they “characterized as ‘sell-outs’ or, worse, ‘bilasaanas’, the Navajo word for “apples.”²¹ According to Pack, the Diné have six rules²² for determining “Real Indian” cultural authenticity:

- (1) Indians do not refer to themselves as “Native Americans” (unless they are in the company of non-Indians).
- (2) Indians don’t have to try to be Indian.
- (3) You must live on the reservation (or at least have grown up on one).
- (4) After initial exposure, white people first feel sympathetic for you, then guilty, then envious, and finally, these same white people appropriate your Indian culture.
- (5) You are not Indian unless you have felt ashamed to be Indian.
- (6) You have to be Indian.²³

Pack qualifies this list by saying it is not meant to be exhaustive or a checklist of sorts, but concedes the rules are “the most sure-fire ways to separate the genuine from the spurious, according to those who should know best.”²⁴ Of course, specific criteria vary by social and geographic location. Some would argue there is no rule for cultural performance, like language or historical knowledge. This list would also meet with great resistance from participants not living near reservations. Furthermore, as the census numbers attest, being Indian is very popular now and people may take umbrage at the fifth rule. Ironically, if people have not experienced shame, they are ruled out as real Indians. Indeed, person who contest any rule on the list fall outside of its authenticity boundaries. And therein lies the problem—the belief that there is an authentic indigeneity and that it can be known.

For over five hundred years, the dominant discourse justified the systematic land and resource theft by colonial powers in North America. The very processes of identity construction,

maintenance, ascription, and attribution are indicative of discourses of inequality in our society. For example, in the 15th and 16th centuries, Europeans used common concepts like “heathen” and “savage” to establish the social identity that became known as “Indian.”²⁵ Thus, a racialized discourse promoted Indigenous Peoples’ behavior as uncivilized, inferior, and basically, the antithesis of European culture.²⁶ The negative counterimage of Indians as savages reframed the unbridled colonial greed for Indigenous land and resources as righteous and godly. Framing Indigenous Peoples as subhuman served to justify eradication measures against them.²⁷

From 1887 to 1934 (less than fifty years), Indian identity shifted from “social-cultural-territorial-based definitions”²⁸ to legal and “race-based eligibility standards.”²⁹ Federal Indian policy has ensured our complicity by legislating boundaries of Indianness and imposing our internalization of those margins.³⁰ We have internalized a fractionalized blood heritage as an equivalent to cultural identity. How does this occur? Legitimized racism becomes internalized when racialized identity components “become habitual as they are constructed in and through social relations and organization, causing even the oppressed to have a stake in their subordinated identity.”³¹ Internalization occurs when the racialized group accepts that the racial identities, constraints, traditions, behaviors, terminology, and institutions as real and not harmful. The power of legitimized racism is reinforced by the racialized, oppressed group’s adoption of it.

Indian Identity: A Racialized Commodity

The politics of authenticity forces some people to become authentic by becoming inauthentic.

—Jeffrey Sissons³²

The federal government was the first authenticity police of Indianness—motivated by its desire to first reduce and eventually terminate its financial responsibility towards Indians.³³

When annihilation failed, Natives became framed as uncivilized humans who must be consolidated and restrained in order to protect innocent American settlers.³⁴ To ensure unremitting westward expansion, Congress assumed responsibility for displacing and confining Indians to reservations. Responsibility is expensive, however, and government correspondence and legislation is replete with concerns about the high economic costs of providing subsistence rations and paying military personnel to ensure Indians stayed within reservation boundaries. The federal government sought to diminish its social and contractual obligations by limiting the number of people to be covered within the agreements.³⁵

Beginning in the 1820s, the U.S. government systematically applied increasingly restrictive boundaries around the race of Indian. Brownell argues federal legislation and regulations for defining Indian identity are based around three things: (1) blood, (2) tribal status, and (3) whatever the Bureau of Indian Affairs (BIA) and federal courts say it is.³⁶ Number three has proven to be especially true. For example, Western standards of civilization had explained the supposed inferiority of Natives through “racial” distinctions of behavior. But in 1877, the Supreme Court declared that, even though they looked Indian, the Pueblos in New Mexico were not really Indians because they were peaceable, intelligent, virtuous, and industrious. Yet, in 1913, the Court had to reverse its decision when it received reports from the BIA that the Pueblos drank, danced, and lived communally.³⁷

Behavior was deemed too inclusive for racial distinction. The federal government intensified its exclusionary efforts through scientific means. White and Black people living as Indians need to be excluded. Science supported the idea that recognizable physical differences indicate different races.³⁸ In 1914, the Justice Department contracted anthropologists to determine whether Chippewa people on the White Earth Reservation were full-blood or half-blood based on hair texture. Curly hair meant half-blood or less. In another example of scientific

racism, the BIA sent an anthropologist to North Carolina in 1936 to determine whether the Lumbee Indians were Indian. One determination noted whether a pencil slipped easily through their hair—if so, they were classified as Indian; if not, as “Negroid.” Only 22 out of 209 people qualified. Brownell calls the results absurd since the “study listed children as Indian while omitting their parents and placed brothers and sisters on opposite sides of the half-blood line.”³⁹ Even so, the federal government continued to use “science” to legitimate its racist determination of being Indian.

Focusing on biological ancestry usurps cultural authenticity and community membership. The assignment of blood quanta and lineal descent subtexts maintain a racialized American Indian identity. Claiming Indianness may also culturally specific involving emotional ties to our tribes or ceremonial grounds, or to the idea of an Indian community-at-large. Tajfel defines social identity as “that part of an individual’s self-concept which derives from his knowledge of his membership in a social group (or groups) together with the value and emotional significance attached to that membership.”⁴⁰ But self-identified American Indians do not automatically gain entrance into tribal communities. There are anticipated authenticity markers. Expected racial markers might consist of being physically distinguished with dark skin, black hair, and brown eyes. Expected ethnicity measures may include life-long community interaction, attending Indian churches, or being fluent in the tribal language. Expected legal markers include tribal or CDIB cards. As Tall Bear explains, “Blood talk and, increasingly, talk of DNA have unfortunately infiltrated tribal political life and are used to help justify cultural and political authority. Such biological measures reaffirm racial definitions of the tribal nation and who rightly claims tribal citizenship.”⁴¹

Accomplished through exclusionary tactics of federal legislation, Indian identity is now a racialized commodity with legitimizing qualifications like blood quanta, phenotype, federal

recognition of tribes, and tribal recognition of members. Because tribal nations and Indian people desire to protect their cultural and political authority from further encroachment, they hold tightly to an established means to differentiate—even if that means involves the commodification of Indian identity through legitimized racism. Within Indian communities, CDIB cards and Blood Quantum are central in the performance of Indigenous identity.

Methodology

This paper is one of three that developed out of a project about American Indian identity. This paper looks at the myth of authenticity and the consequences of policing within-group racialized identity. Consequently, the methods section may have some overlap or bear similarity to the other projects.

My personal lens shapes this research.⁴² My life history attests to the experiences of racial and cultural authenticity challenges by other Natives and by non-Natives. I am often asked by non-Natives “What are you?” Other than showing required identification for receiving Indian services, I confess that I have never been asked if I have a CDIB card by another Indigenous person like many of the people I spoke with. My background accounts for this in some ways. I was raised in Henryetta, Oklahoma, just 9 miles south of the capital of the Muscogee (Creek) Nation. I have experienced great pride and great shame as an Indian in Oklahoma, where I have lived most of my life. Oklahoma has 38 federally recognized tribes⁴³ and Natives make up nine percent of its population.⁴⁴ Due to its designation as Indian Country, Oklahoma has a rich history of authenticity policing of Indian identity. I am often challenged about my loud, gregarious personality by people who have internalized the idea of the stoic, silent Indian.⁴⁵

Between June 2009 and May 2013, I had extensive conversations with forty-five people from twenty-nine distinct tribes, who lived in Oklahoma, New York, California, Arizona, Maine,

North Carolina, Montana, Colorado, Texas, Ohio, Washington, D.C., and Massachusetts.

Participant observation was completed in Oklahoma and Massachusetts. I utilized purposive sampling (ceremonial events, Indian churches, Indian Health Clinics, and Indigenous Studies listservs), followed by snowball sampling.⁴⁶ Twenty-four participants were women and twenty-one were men. Ages ranged from twenty-one to eighty-five, but the average age was forty-two, with an average income of \$30,567. I did not ask for proof of Native identity through any identification or community reference.⁴⁷

Conversations lasted between one and two hours. I spoke with thirty-three people in person, seven by telephone, and ten online through video calling, as participants preferred. I first gathered general demographic and tribal information. I asked open-ended questions about general topics that are central to being Indigenous in the United States. I was sensitive to distinctions used for participant's affiliation preference (e.g., by clan, tribe, nation, and/or pan-Indian labels like American Indian, Indigenous, Native, etc.). We reflected about our experiences, feelings, ideas, knowledge, and opinions about American Indian identity symbols. We discussed our individual tribal histories, language, customs, and membership requirements. I contacted the participants again to clarify wording or meaning and ask follow-up questions. I recorded and transcribed the conversations, supplemented the work with written reflections, and noted any additional information that might help with the interpretation.⁴⁸

My Indigenous research framework (epistemology) specifically privileges Indigenous knowledge and Muscogee knowledge.⁴⁹ Grande states that, for the Indigenous scholar, scientific research presents the "Sophie's Choice moment where one feels compelled to choose between retaining his or her integrity (identity) as a Native person or doing research."⁵⁰ In order to balance this choice, I utilize a blended critical and Indigenous interpretive lens—a standpoint that emphasizes participative, emancipatory research and requires holistic, relational,

decolonizing ethics as well as empathy, respect, and reciprocity.⁵¹ Indigenous epistemology requires that when making meaning we are responsible for treating someone else's words with respect and kindness.⁵² Therefore, decolonization is a process and requires compromise between Indigenous epistemology and qualitative analysis. Indigenous researchers are often challenged with "interpreting meaning from stories that do not fragment or decontextualize the knowledge they hold."⁵³

Qualitative methodology is particularly appropriate for working with marginalized groups.⁵⁴ The participants and I shared deeply personal stories and showed vulnerability and pain within that new knowledge,⁵⁵ which made it difficult to parse out bits and pieces as "coding" themes. I felt that I was dishonoring the people who generously shared their hearts with me. A self-reflective journal helped me to work through these feelings and self-locate through a written record of my experiences, concerns, and reflections. As a concession, I utilized mixed-methods for interpretive and thematic analysis, as Kovach recommends.⁵⁶

I present the data as wholly as possible with integrated theme coding in a modified grounded theory method.⁵⁷ Each transcript was first read several times before identifying themes. As themes emerged, I went back to all the data—transcribed conversations, analytic memos, and self-reflexive journals—for a fresh look at emerging bundles of themes. I used critical discourse analysis to supplement the grounded theory findings. I examined contextual assumptions and discourses about the politics of identity and policing authenticity. I looked for particular discourses linked to political and social institutions that reproduce authenticity discourses through dominance and power, and subsequent "real Indian" rhetoric. I looked for rhetorical themes and symbolic images that conveyed the ideal of authentic indigeneity or rationalized authenticity policing. I present my research in thematic version with illustrative

narrative quotes from conversations with participants, and share my own perspective and reflections to balance respect and reciprocity.⁵⁸

Because I am Indigenous, participants felt comfortable talking to me about such sensitive issues. On the whole, I am accepted as an American Indian, only misidentified by non-Native people. People occasionally expressed resentment toward me because they did not experience the same acceptance. Some participants took awhile to speak openly with me, especially people reporting high blood quantum and being affiliated with a tribe located outside of Oklahoma. As I have learned, many reservation Indians are reluctant about non-reservation Indians. I acted with patience, empathy, and reciprocity to assure participants that I valued their perspectives and experiences. The participants reciprocated. Accuracy of the research was ensured through the participants' checking of the conversations.⁵⁹ I use pseudonyms to identify the participants.

Being considered authentic or really Indian within the tribal communities is salient for Native Peoples. Two questions guided this work: What authenticity markers hold the most value for Native people? How do Indigenous Peoples justify authenticity policing? The next section presents my findings about accepted indicators of indigeneity and the impact of policing authentic indigenous identity.

The Real Indian

Forbes asserts that an identity based upon Indian race was formed and applied within the context of violence and power and the desire for Indian resources.⁶⁰ The racialization of Indigenous Peoples and Indigenous Groups of Peoples remains a contemporary exclusionary strategy for systematically reducing the political and economic power of Indians.⁶¹ Membership in federally acknowledged tribes also provides needed services and protections as designated

within federal Indian policy. Yet, this system of being Indian by federal government standards has also produced a continuing economic dependency for tribes and individuals in a capitalist economy. Indeed, through racial designations, the U.S. has created historical and economic boundaries that have served to separate Native Americans of their cultural affiliations; yet, there remains an emphasis on race even among the American Indian people today.⁶²

Within historical forms of Indian identification, people belonged to tribal groups through shared culture and commitment to one another and the group as a whole. Today, people receive mixed messages facilitated through legitimized racism. On one hand, community acceptance as a real Indian requires living as defined by tribal tradition and local custom.⁶³ On the other hand, people may also belong through bureaucratic processes that establish tribal membership without any commitment to community or cultural values. Tribal citizenship does not necessarily indicate having ethnic belonging or being racially identifiable. When facing such ambiguity, we understand why many individuals find navigating discourses of “authentic” indigeneity to be particularly challenging and why Indigenous communities experience substantial conflict about who meets the criteria for claiming “real Indian” identity.⁶⁴

Indigeneity claims are heavily contested if individuals do not perform nor produce particular symbols that represent authentic Indianness, i.e. a real Indian. My conversations with participants indicated that indigeneity is dynamically formed, challenged, resisted, and reformed within local, historical, and culturally specific social contexts. Therefore, this is not an attempt to simplify the complexity of indigeneity, but to understanding how policing authenticity functions to create increasingly rigid identity boundaries—not only for those whose identity is being monitored, but also for those of us who police indigeneity standards. Indigenous authenticity involves access to resources, protections, and personal empowerment.

Because of the intense structural socialization of racial authenticity, Indian cards and blood quanta have become major signifiers of Indian identity, displacing cultural knowledge and community ties. Many of us have internalized the belief that federal indicators represent Indigenous authenticity. I compare and contrast two concepts mentioned most often within this study to symbolize the “real” Indian: 1) card privilege and 2) blood privilege.

Card Privilege

The concept of Indian cards is commonly known by Native people, but typically, other racial or ethnic groups are unaware of their existence. Why would they be aware? Under federal law, *only* Indians have the privilege of being issued CDIB cards. Tribal cards are issued only to people who have met tribal standards for citizenship. Specifically, federal recognition of Indianness happens two ways: (1) people are recognized as having at least one-half blood quantum without membership in a federally recognized tribe, or (2) people are citizens or members of federally recognized tribes. CDIB cards list one’s name, date of birth, tribal affiliation, and the fraction of Indian blood inherited from one’s parents (blood quantum). Natives generally keep their cards in their wallets—the same as most people might carry their state driver’s licenses or other forms of identification.

Do plastic cards with meaningless numbers validate Indian identity? If we recognize that Indian identity is created within social interaction, then the short answer is yes. Indian cards give legitimacy to the tribal government that issues it and to the person who receives it. In a reciprocal fashion, tribal governments reify the legitimacy of Indian cards by issuing them and Indians give legitimacy by internalizing and reproducing the symbolic shared racial meanings of Indian cards. The symbolic value of belonging to a group of people means less if the group is not recognized as legitimate. Cynthia Hunt, a Lumbee Indian, articulates this beautifully, “I feel as if

I'm not a real Indian until I've got that BIA stamp of approval ... You're told all your life that you're Indian, but sometimes you want to be that kind of Indian that everybody else accepts as Indian.”⁶⁵ Cynthia brings to light what many Natives have internalized. The BIA knows real tribes. Real tribes give real Indian cards. Real Indians have CDIB cards.

CDIB and tribal citizenship cards represent protection of tribal resources and autonomy and act as cultural surrogates for many participants.⁶⁶ Tribal citizens are socialized to routinely provide this type of proof for social or legal services. And self-identified Natives without this proof are customarily questioned about it. The acceptance of these symbols reduces indigeneity to racialized objects. With the number of people who self-identify as American Indian sharply increasing, concerns about ethnic fraud and cultural appropriation, continue to be relevant.⁶⁷ Some scholars posit the argument that Indian cards also protect Indigenous culture and resources from further appropriation.⁶⁸ Others argue that that identity validation is foreign to the very nature of being Native.⁶⁹ Altogether, Indian cards play significant roles in some communities—indicate belonging, highlight irresponsibility, and represent traditional beliefs. The following subsections show that Indian cards hold cultural meaning and represent necessary racism.

Cultural Meaning

The normality of Indian identification cards reinforces identity boundaries. Two-thirds of the people I spoke with imbued the cards with cultural value. Will describes the normality of CDIB cards, equating to getting a social security card. Will recounted how he felt the day he received his CDIB card, assigning immense symbolic value and pride to it:

I was 14 years old. And uh, when you got CDIB card, then you were *full blown Indian*. That was like getting your social security card, your driver's license, it was your identity. When you got that CDIB card, you told people you were Indian and you could show them that you were Indian. There was a certain amount of proud associated it with it. It

was documented. A lot of people knew you were Indian and a lot of people didn't. Like when I went to prison out in California, they interviewed you whenever they were booking you into prison. And this guy said, "So, you're white." And I said, "No, I'm American Indian." He said, "You're gonna have to produce the paperwork." I told him, "Look in my wallet for my CDIB card. It's a federal card." And he got that out and said, "Well, by god, you are an Indian. You do have your paper work with you." I told him, "I can use this card anywhere in the United States of America. I can go to another state and if I need help, I can take this to the Bureau of Indian Affairs or the local tribe and ask for help. And I can get it whether they're my tribe or not." So, getting that CDIB card when I was young made me really, really proud. I was proud to be an Indian anyway, but I was really, really proud because I had documentation of it.

Lacking the cultural tribally-specific rites of passage that mark development from child to adulthood, Will attaches meaningful achievement to his card—with its arrival, he was "full blown." Traditionally, he might have been required to perform acts to demonstrate his passage into adulthood, such as providing winter provisions for the people to showcase his hunting skill and responsibility to his community. Instead, Will's CDIB card validated his authenticity and reaffirmed his sense of pride of being Indian even when facing the shame of incarceration. Being able to educate the person who had power over him brought great satisfaction. Will was able to contest the humiliation of incarceration with his ability to prove his indigeneity.

But the symbolic value of Indian cards varies by the presence of other indicators of Indianness. Indian people need more than the demonstration of something more than the card. Having a card and not participating in the tribal community as expected discredits any community authenticity. "Only being Indian when it is convenient" or beneficial exposes inauthentic Indigeneity, according to this study. Participants contested the Indianness of people who take no part in community responsibilities, yet take advantage of Indian services. A common theme about acculturated Indians who only utilized their Indian cards to receive services emerged from the majority of the participants. Shane's comments reflect the overall feeling toward them:

I know people who have CDIB cards, but they don't tell anybody. It's not something they talk about. I think that's weird. I go to the [denomination] church. Indians call it the White church. And I would see people at the clinic that I see at church. And they would never tell you or no one would know that they are Indian. The only reason I know is because I see them at the clinic. And I just think that's really strange. They come for their services but they go out and live the rest of their lives, like they don't want to identify with being Indian. It's like they're ashamed of it or something. I know older people, people in their 40s, and even people younger than me act that way.

Shane and others say that some Indian people can be mistaken for being "Mexican" or Latino or white. But all the participants strongly expressed that other Natives and non-Natives should know that you are an Indian. There should be no guess work. Shane and others describe behavior that they resent and equate it to being "born-again Indians" who decide when and how they will become Indian. Shane tells how his mom and uncle feel the same way,

The other thing is that my mom and my uncle went to school with some people and because it wasn't popular to be Indian when they grew up in the 50s and 60s and [Mom] said they would have never said they were Indian. She said, "Now, I see them at the clinic. They would have died if someone had known they were Indian." Now she sees them at the clinic—the same old classmates that would have never said they were Indian.

According to Shane and others, there is offset from the BIA's legitimized racism, when we perform community service. Shane and his mom question the motives of Native people who denied their heritage until they needed the services of the tribe. If somebody only uses their card to get services like health care programs, housing vouchers, utility assistance, and food subsidies, that person is judged harshly by the local community. Because most participants were active within their communities, they spoke of community as an indicator of Indianness. Shane and others felt disdain for people who use cards without any consequences.

Born-again Indians break the social norm of expected performance of reciprocity within Indian communities. There is also an expectation of accountability to identity affiliation. If you claim Indianness, there should be some evidence of struggling for survival. At the very least, you should have experienced discrimination, at the very least. In other words, people should earn

being a part of the community. At first glance, this may seem to be an internalized Western ideal. However, Indigenous communities have always constructed and maintained distinctive social standards among and for one another. Communal living required cooperation and reciprocity. Whereas some people may use them as only a convenience, they represent responsible to the community for people in this study.

For some, possessing legal distinction acts as a proxy for cultural belonging. Teresa, a professional woman in her 30s, continues to live within the political boundaries of her federally recognized tribe. Her family is well known within her community. Teresa is strongly identifiable and reveals that she is fullblood during the first five minutes of our conversation. Teresa grew up traveling the pow wow circuit with her family. She remembers dedicating every weekend to cultural activities with her large extended family. She laughingly tells non-Native friends that her family “didn’t go to church. We powwowed.”

Teresa has obvious indicators of indigeneity. Yet, she still needed to marry a real Indian (somebody who could prove it) to conform to her family’s expectations of authenticity:

Our culture was really big, at least for my grandmother, that I marry Indian, so my husband had to work hard and get his Cherokee documented. Everybody’s happy that he got *a card*. [She didn’t think he was Indian until he got a card?] Exactly. I was the oldest grandchild for a long time and there was a lot of pressure. I couldn’t handle it, hardly. Of course, our grandmother was the center of everything. And so, it was very important to her, but not to me. I was surrounded by a lot of non-Natives. It was difficult. Most people thought it was cool that I was Indian. But it was always a struggle to find a balance between the two worlds.

Teresa’s grandmother would not give her blessing until Teresa’s husband claim of Indianness was authenticated. Teresa explained that, for her grandmother, a card represented proof that his [tribal] community accepted him, not that he was certified by the federal government as Indian. Teresa questioned the actual purpose of cards, but also actively works to reduce any feelings of dissonance. Teresa understood that she was expected to marry another

federally and tribally recognized Indian. Teresa did not marry her husband until he had a CDIB card, even though she did not subscribe to the same belief that Indian cards make Natives more authentic. Teresa felt strongly her grandmother's cultural honor was the "center of everything." She explains that her grandmother's motives were culturally driven.

Elders, family, and tribal community have always been culturally relevant. According to Pewewardy, social acceptance and approval from older members of the family is crucial to the development of a strong Indigenous identity.⁷⁰ Teresa's grandmother was the symbolic leader within her family, holding the wisdom and traditions. Therefore, her approval maintained harmony and balance within the family. Teresa's decision, though intertwined with racialized objects imposed by the federal government, was actually traditionally based.

Over half of the participants discussed being married to other Indians. With over 75 percent of Natives married to non-Natives, this has important implications.⁷¹ Most partners had Indian cards. Even participants without cards often mentioned that their spouse was enrolled in a tribe. For example, when I asked Jennifer to share a little bit about herself with me, her first statement was, "I am married to a [tribe] man that works for his tribe." Thus, participants without Indian cards derived symbolic cultural from being married to someone with one. For these participants, to consciously date and marry other Native people was not an ethnocentric act. Rather, they conveyed it came out of the need to share cultural understanding and resist further assimilation.

Necessary Racism

Almost a third of the participants understood that these artifacts have overwhelming implications as racialized objects. But every participant mentioned that no other race or ethnicity was required to provide legal proof of blood ancestry. Harriet bluntly stated, "It's kind

of racist, right? I mean who else has to prove that they are a certain amount of something? It's weird." Taking his CDIB card out of his wallet, Phillip says sarcastically, "It's just a I-can-prove-I'm-Indian card. Full-blood. 4/4s. Pure-blood." Joy, who lives within the political boundaries of her nation, acknowledges that it "seems racist having to show a card showing I am this much Indian." But she also feels secure and valid with her tribal card—being able to show that she *is* a real Indian:

I've had to pull out the [CDIB] card a few times to prove to people. An International student from Kenya was like "No way, you can't be Indian." So, I pull my card out, and he said, "You have to carry this? Isn't this racism?" [laughs]

When an exchange student easily recognizes the inherent racism packaged as Indian identification cards, Joy justifies it as necessary for keeping out "all those people who were Indian in a former life." The symbolic value of cards is high among Indians who lack other indicators of Indigeneity. Joy regularly participates in cultural events for her tribe and people often tease her about her looks. Joy says she laughs when Indian people call her "whindian" for white Indian. Joy does not look Indian by her or her community's standards.

Perhaps that is why Joy wants to make it clear to me that she does not self-identify and shows me her card as we eat lunch in a busy café. Joy finds comfort in being called a whindian, rather than a wannabe. People who do not look Indian may be wannabes, but people who do not have cards *are* wannabes. This indicates that on a personal level, Joy has internalized the belief that people who self-identify are not real Indians, and conversely, that people who have cards are real Indians. If individuals do not look Indian, then cards play the role of showing that they still belong. Claims of ethnic belonging cannot substitute for legal validation of Indian identity. For example, Russell explains that he uses his CDIB and tribal cards to "notify white people of my tribal identity and, when combined with my birthplace, tell Indian people (should

there be any) that I was not an ‘instant Indian’ seeking special favors.”⁷² Russell’s statement shows that the strength of the card depends upon the audience and phenotype.

Indeed, several of the participants accused people who use Indian cards as being inauthentic. Bob questions the intent for the existence of CDIB cards and people who believe they are valid for Native culture, “It’s not that card. It’s the dollars associated with that card. And that’s tragic because that means those Indians have adopted another culture’s ways. That’s not Indian.” Bob’s statement sums up the general sentiment for individuals who felt that people who used Indian cards are assimilated. He also exposes the common perception that American Indians receive copious benefits.⁷³

Lisa reveals the frustration and hurt she feels when people question whether she has a card, “One Native girl even said, ‘You have no proof.’ That bothered me. It was insulting for me. It would be insulting for anyone to tell someone else, ‘You aren’t who you are.’ That’s not Indian. I wouldn’t do that.” Kent reacts strongly about being questioned over Indian cards:

Somebody says, “you gotta a card?” and I say, “do you?” and I say, “I don’t gotta prove nothing to you. If you don’t wanna believe I’m Native, then don’t.” [Pauses and sighs deeply.] I know I am and I’m the only one that I got to prove anything to.

Lisa, Bob, and Kent typify the conflict in Indian Country over proving they belong. They rationalize that individuals who challenge their authenticity are the cause of their emotional distress, rather than the internalization of the systemic racism of federal Indian policy that manifests in tribal membership criteria. This allows them to maintain their ethnic and tribal identities. Tribes also require authentication for membership, but did not have the freedom to establish their own membership criteria until the passage of 1975.⁷⁴ Ironically, Lisa, Bob, and Kent also participate in policing the authenticity of those who police them.

Overall, several participants did feel emotionally hurt that other community members would privilege a card over their claims of indigeneity. On the other hand, many people

repurposed the federally-issued documentation card, rearticulating them as symbols of pride, empowerment, cultural belonging, and cultural honor. On a structural level, in the absence of standard racialized authenticity indicators like phenotype or high blood quantum, the power of symbolic markers like cultural knowledge or participation weakens. When people are left with only legal status validation, it is decidedly easier to internalize as authentic.

Hearsay

The symbolic value of Indian cards is also contextual and dynamic. I meet Tammy, a professional woman in her early 40s, in a café. We sit quietly as we wait for our order to arrive. Tammy laughs unexpectedly and then leans in, like she has a secret to divulge, and almost whispers, “Tribes out in Arizona, they don’t think we’re real Indians.” I am intrigued and ask how she knows this. Tammy explains that she has spent the last several years living and working in Arizona. I reply, incredulously, “Like in Oklahoma, we’re not real Indians?” Tammy leans back, shrugs her shoulders, speaking in a laughing voice, “Nope. They don’t think we are real, because we carry cards. They don’t like the CDIB thing. I don’t know, they say we’re ‘card-carrying’ Indians. We’re not reservation Indians.”

I inquire further, “They didn’t think *you* were a real Indian?” Tammy answers straightforwardly, “Don’t be so surprised. I mean, I’m a fullblood [tribe] who looks more Indian than rez Indians. But because they have reservations out there, they think they’re more Indian.” I express astonishment, “But don’t they still have cards?” Tammy looks away, sighs deeply, and says, “Oh, I’m sure they do. But they make a *big thing* out of Oklahoma Indians being card-carrying Indians.” I think to myself, “This is the day I found out that I am not a real Indian.”⁷⁵

Pack’s research corroborates this idea of reservation Indian versus non-reservation Indian. But this prejudice extends into rural versus city and language speaker versus non-

language speaker. In other words, geography is just one of the endless possibilities in which we can discriminate against one another.

Blood Privilege

To view Indigenous identity as merely racial or ethnic ignores the role of power and community in identity formation and shifts. American Indians, forced to participate in the cultural codes and forms of the West, have learned to speak and interpret the language of our oppressors, and many of us have internalized their meanings of difference.⁷⁶ For example, blood quantum serves to differentiate those who belong and those who do not. It is the gold standard to identify authentic Indians among Indigenous Peoples—the higher, the more authentic. What exactly is blood quantum? It is a metaphorical construction that refers to an ancestral heritage that is measured by degrees or fractions of blood inheritance.

Blood quantum has its roots in the discourse of colonialism.⁷⁷ The concept of “degree of blood” was documented as early as 1705 in Virginia in a case that disallowed persons to testify in court or hold public office if they had ancestors to the fourth generation that were “Negro” or “Indian.”⁷⁸ Fredrickson traces “pure blood” certificates back to the mid-sixteenth century in Spain, which differentiated pure-blood Christians from Jews.⁷⁹ For Natives, blood quantum functions to exclude. Through exclusion, the U.S. decreases its financial responsibilities to tribes and individuals. The BIA, tribal nations, and other institutions utilize established blood thresholds (e.g., legitimized racism) for Indian housing, employment preference, educational opportunities, and healthcare, generally on the basis of 1/4 or more. Institutions that provide services or protections also require proof of being Indian, documented according to federal Indian policy standards. With such a high rate of intermarriage (75%), Congress estimates that by 2080 less than 8 percent of American Indians will have one-half or more of Indian blood.⁸⁰

Blood quantum and phenotype are tightly entwined in federal Indian policy. Only since the late 19th century has blood quantum become privileged in defining individual Indian identity and tribal membership.⁸¹ The concept of Indian legitimacy by blood was birthed in the Dawes Act of 1887 and institutionalized with the 1934 Indian Reorganization Act (IRA).⁸² Indians were people who are members of federally acknowledged tribes, people who descend from those members, and any other person of one-half or more Indian blood.⁸³ I argue that the IRA firmly entrenched the concept of blood quantum as a proxy for Indigeneity through its definitional criteria. The IRA requested that federally recognized tribes create census rolls that list their members and enumerate their degrees of blood. Therefore, tribal membership rolls trace blood relationships. With passage of the IRA, Indian identity became fixed as biological rather than cultural.

Internalizing Restriction

Everyone knew their blood quantum; thirty-three people stated it without being asked. I never asked or initiated the conversation about a person's blood quantum. This is most telling because it illustrates the depth to which an essentialist (unchanging) racialized identity has been internalized. Thirty-six of forty-five believe that blood ancestry is necessary. When asked whether blood quantum was a good measure of Indianness, the participants responded with mixed messages. For Tom and others, blood quantum represents the tribe's autonomy.

Blood Quantum is good in a way because ... it keeps the Nation run by Nation people. But in a sense, I think it's discriminatory by saying ok, your grandparents or great grandparents are on the [roll], but *you don't have enough blood to be part of who we are*. So, if there's a full blood who is okay with sitting back, 'Well, what can the tribe do for me? How can the tribe pay my bills this month?' And they're not doing anything. What makes him better than me for the tribe? If he's gonna sit back and just take, take, take from the tribe, and I want to be the type of person who gives back to the tribe and bring our tribe up. Why limit me with the blood quantum?

Yet, blood quantum also restricts Tom from participating as full cultural and political member with his people. He feels demoralized by not having a high enough blood quantum. Blood quantum is privileged over his cultural participation. Kelly discusses the ramifications of this:

Strategic uses of blood discourses have long-term consequences. When racial or ethnic markers come to stand in the place of rhetorical competence and vice-versa, we lose sight of the dynamic and performative dimensions of identity that enable greater degrees of political agency. Racializing tribal identity as a response to the challenge of self-identification sacrifices the political and associative dimensions of Indian identity that can build coalitions between those with and those without official tribal membership.⁸⁴

Because blood quantum is so commonly used to express Indianness, Native people, including me, express resistance by stating that cultural participation is much more important. To test this, I gave an example of two Native women and made their tribal origin the same as the participant I was speaking with. One woman had a lower blood quantum (1/8), but was very active in the community, doing such things as driving Elders to appointments or taking food to people who were ill. The other woman had a higher blood quantum (3/4), but did not participate in the community. I then asked, "Who do you think is the real Indian?" A common story emerged from the conversations. I provide Natalie's commentary as an example of the overall message I received:

Here's a good example. I knew a [Indian] woman who worked in the [tribal] program. She abstained from alcohol, always voting, always in the community helping the elders, picking up kids and giving rides to school. She worked to preserve the traditions and was raising her daughter that way. She was very involved, but she was blond-haired. Then there was another woman that was fullblood and she looked it. But she was alcoholic. Didn't preserve the ways at all. She only voted if somebody came and got her. I think they are both Native. A lower quantum doesn't make you *not* an Indian if you work hard for the community. But if you have a higher quantum, not participating culturally doesn't invalidate you. They're both Indian. One's just got more leeway.

Blood privilege is deeply established within Indigenous communities. Jennifer discusses blood quantum in a double minded way, "I think [blood quantum] is a bad thing, although I wish that I was a full blood. Because I feel like if I were I would be more Indian. That sounds crazy, but

that's how I feel. I would have more right to claim being a really real Indian, not to being just Indian. After all, I am Indian." Indigenous folk consent to the oppressive nature of blood quanta because it establishes their authenticity and right to belong, even though they recognize its inherent racism.

Justifying Exclusivity

Blood hegemony has been internalized to the extent that not marrying another Indian is directly associated with cultural loss.⁸⁵ Pack reports that all his Navajo informants emphasize "the importance of preserving their culture by keeping their bloodlines pure."⁸⁶ Janet expresses that blood quantum is very important. But she, like other participants who had children, struggles in its application to her son:

Yes, but it's easy for me because I'm full blood. I know how much I am, but for my son, it's like a part of me is trying to figure out. I tease my husband because he's only an eighth, "Oh you were just enough to push him over the half-way mark." My son's 9/16th. "Yeah exactly, thanks babe, that sliver did it, babe." But you know, it's important because we are all intermingled. We aren't all full blooded anymore. We've got different degrees of blood. And for my son, it's gonna be important to me for him to know much he is and what he is. [Does more blood quantum mean more Indian?] No. [laughs] It's like with me being a full blood and I still don't know all that I should know with our culture. And I'm full blood.

Clearly, Janet regards the threshold of over one-half as meaningful. But when questioned about whether a higher blood quantum indicates someone is more Indian, Janet dismisses its translation into cultural belonging. She reasons that she still feels culturally lacking, even though she is full-blooded.⁸⁷ Even though blood quantum may symbolize culture on a superficial level or even external level, cultural understanding is presented as more precious and harder to attain than blood. Culture is to something to achieve, attain, and believe in. According to Janet, blood is the circumstance of birth.

But blood quantum loses its power in the context of our children's authenticity. Shelly feels ambivalent about whether blood quantum is good or not when thinking about herself, but recognizes its restricting nature when she thinks of her kids.

Yes and no. I am happy to say "Yes, I am half [tribal name]." But my kids are a quarter and their kids are gonna be one-eighth. And when you start get to those low doses, that's when it starts being a big deal. My husband is totally offended that they lowered the blood quantum in his tribe to an eighth. He doesn't want people that don't have anything to do with, not just the traditions, but that community. Because that's where he grew up. That's his home. That's his people. He doesn't want somebody from [another town in another state] who got adopted out, coming out and running his community. So, he's really offended by it. Also, the Cherokees are a good example. You start having more white people, more non-Natives that could trace it somewhere, and they can trace it, believe me. But when you start saying 1/100th or 1/16th, that don't make you an Indian.

Shelly appreciates her blood quantum because in her community being one-half or more blood quantum is considered as good as full blood. She struggles like Janet when it comes to her children because she recognizes the exclusivity of blood quantum as the sole indicator of Indianness. Blood exclusivity is embedded in the racial paradigm birthed in colonialism, institutionalized through federal Indian policy, reified through tribal restrictions, and internalized within Indigenous communities. Smedley argues that exclusiveness is fundamental to the ideology of race, and can "only be maintained by the erection of social-cultural boundaries between populations ... most effective when they can be transmuted into a biological axiom."⁸⁸ Blood quantum certainly qualifies as a privileged, broad boundary that delineates "real" Indians.

For Native Peoples, the symbolism of blood goes beyond racialization. Meyer explains that, although blood quantum is constructed through colonialism, Indigenous Peoples' conceptions of blood are not comparable with European meanings for blood as synonymous with ancestry and rights of heir.⁸⁹ For Natives, blood did not necessarily connote physiological meaning. Meyer concludes, however, that blood politics "would not spare tribes or individuals from the destructive consequences of basing policies on racial criteria."⁹⁰ Mihesuah contends

that the concept of blood as kinship is crucial to the development of American Indian identity.⁹¹ That is, blood, parentage, and ancestry symbolize indigeneity.

Krouse maintains that blood and descent are especially important symbols among urban Indians who lack ties to their tribes of origin.⁹² Krouse argues these concepts establish rights of access to cultural knowledge that allow displaced Indians to participate in the urban pan-Indian community. Fogelson echoes the sentiment that blood is symbolic of Indianness and fundamental to Indian identity.⁹³ Snipp disagrees, stating, "It is misleading to suggest that a handful of biological characteristics can meaningfully define the bounds of the American Indian."⁹⁴ Furthermore, Snipp says the relationship between Natives and the BIA that issues the CDIB card is "not too different than the relationship that exists for championship collies and the American Kennel Club."⁹⁵

Conclusion

It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity.

—W.E.B. Du Bois⁹⁶

Produced through 500+ years of Western legitimized racism, the "real Indian" trope is a social fact that manifests in racial, ethnic, and legal authenticity expectations. And policing these authenticity boundaries presents great challenges for Indigenous communities. What authenticity markers hold the most value for Native people? My findings show that tribal communities and Indigenous people have internalized and continue to reify federally-defined criteria for authentic Indigeneity. That is, documented belonging in the form of Indian cards and high blood quanta bear significant importance. How do Indigenous Peoples justify authenticity policing? After centuries of constructions of otherness, enforced cultural codes, institutionalized identity measures, Natives negotiate staggering expectations of cultural purity and

performance, social recognition within the community and legal recognition from both tribal and federal governments, high degrees of blood quantum, and geographical location.⁹⁷ Frankly, we have incorporated and accepted the definitions and objects used against us within the embodiment of indigeneity.

Being Indigenous and active within one's community is often displaced among the privilege of Indian cards and blood claims. Whereas the requirement for individuals to show documented proof within Indigenous communities remains contentious, some of us justify the cards as necessary racism. This study shows that the symbolic value of Indian cards varies by the presence of other indicators of Indianness. Indeed, we discredit our authenticity if we utilize our card without participating in the tribal community. This reads as being an "apple" or "Indian of convenience." Yet, in the absence of phenotype or high blood quantum, the power of symbolic markers like cultural knowledge or participation weakens. Thus, having an Indian card was deemed better than just self-identifying. In order to justify authenticity policing, people rearticulate Indian cards as symbols of pride, empowerment, cultural belonging, and cultural honor. When people are left with only legal status validation with no cultural knowledge or phenotype, it becomes internalized as authentic.

I find that blood quantum is the gold standard for authenticity. Yet, it loses its strength when applied to generations to come and in the face of culture. A high blood quantum establishes authenticity and the right to belong, even if it is inherently racist. Participants justify blood quantum's restrictive and exclusive nature because it acts as a cultural proxy. However, I find within this study a contradiction. On one hand, cultural understanding is presented as more precious and harder to attain than blood. Yet, when questioned about community involvement and cultural knowledge, the majority of participants privileged higher blood quanta.

Reducing Indigeneity to institutionally based criteria does great harm, especially when Indian cards become rites of passage and proxies for culture and blood quantum is an object of both fear and desire. Yet, can we find new understanding using racialized concepts? Recent scholarship suggests we can conceptualize racial experience as three constructs—“racial identity (an individual’s self-understanding), racial identification (how others understand and categorize an individual), and racial category (what racial identities are available and chosen in a specific context).”⁹⁸ They contend that this can bring clarity to the complexity of the process of racial identity development by focusing on the level of interaction and context of identity. Through this lens, the ongoing processes that maintain racial identity as a means for superiority or subordination may be identified and questioned, resulting in a deeper understanding of the sociological impact of a racial identity.

More importantly, can we regain an understanding of indigeneity through cultural identification? Perhaps, as many Indigenous Peoples are advocating, we should know each other by shared values, norms, and thought patterns when determining authentic Indianness.⁹⁹ But cultural definitions can also “impose a misleading and timeless homogeneity onto tribes.”¹⁰⁰ Cultural traditions are diverse, even within tribes. Many Native Nations had separate bands and villages that spoke different languages. Who decides what qualifies as culturally traditional identification measures? Weaver argues that the biggest threat to Indigenous continuity is the “self-appointed ‘identity police’.”¹⁰¹ According to Weaver, people “who divide communities and accuse others of not being ‘Indian’ enough” probably wrestle with their “own insecurities about identity and racism learned as part of the colonization process.”¹⁰²

This is why we must remind one another that Indigenous Peoples have suffered enough at the hands of colonization. Even those who have internalized legitimized racism cannot be discarded. Western domination unabatedly demanded both cultural and structural changes for

Indigenous Peoples—leaving little to recognize ourselves by—yet, we do.¹⁰³ How will we decide to honor the survival and triumph of Indigenous Peoples? By understanding that we have internalized the legitimized racism of the colonizer, we can begin to heal and forgive. With time, Indigenous Peoples can exercise their cultural sovereignty to determine new ways of belonging—ways that forego racialized objects meant to divide and exclude.

Notes

1 Sherman Alexie, *Ten Little Indians* (New York: Grove Press, 2003), 40.

2 Passionate debate persists in academia over the most useful term(s) to describe indigenous peoples of the United States. On one hand, some find the usage of "Indian" as an identifier reifies an inferior, racialized label; see Michael Yellow Bird, "Cowboys and Indians: Toys of Genocide, Icons of Colonialism," *Wicazo Sa Review* 18 (2004): 33-48. On the other hand, it is the most commonly used term among Native People, in general. See the survey by Clyde Tucker and others, *A Statistical Analysis of the CPS Supplement on Race and Ethnic Origin* (Washington, DC: Bureau of Labor Statistics, Bureau of the Census, 1996). I respect the opposing views, but having lived in Indian Country most of my life, I hear Elders and other Native folk use the term Indian on a daily basis. For the purpose of this research, I use the term "American Indian" because of its usage at the U.S. Census Bureau. I use the term "Indian" because it is the legal term used within Federal Indian Policy. I use the terms "Native" and "Indigenous" interchangeably, as my preferences.

3 Dwanna Lynn Robertson, "Card-carrying Indian: The Social Construction of an American Indian Legal Identity," Master's Thesis, Oklahoma State University, 2010.

4 Pack, "What Is a Real Indian? The Interminable Debate of Cultural Authenticity."

5 Some argue that by discussing and analyzing concepts for categories of difference (e.g., race, blood quantum, etc.) we actually contribute to the perpetuation of essentialist thinking about socially constructed concepts, i.e. reify the notion that these categories are real and not the product of human creation. I argue that there is a social reality to these to social categories in that they produce real effects on racialized and othered actors. Therefore, it is important to highlight and contrast the social dynamics that produce the categories, as well as the social categories themselves. For a deeper explanation, see Chapter 1 of Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*, Second Edition (Lanham, MD: Rowman & Littlefield, 2006).

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7 Sissons, *First Peoples: Indigenous Cultures and Their Futures*, 43.

8 David Roediger, *Working Toward Whiteness: How America's Immigrants Became White* (New York: Basic Books, 2005).

9 Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

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11 Lisa M. Poupart, "The Familiar Face of Genocide: Internalized Oppression Among American Indians," *Hypatia* 18, no. 2 (2003): 86–100.

12 Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto*, First (New York: Macmillan, 1969); Russell Thornton, *Studying Native America: Problems and Prospects* (Madison: University of Wisconsin Press, 1998); Robert A Williams Jr., "'The Savage as the Wolf': The Idea of the Indian on the Frontier Borders of the American Racial Imagination," *Western Humanities Review* 60, no. 2 (2006).

13 Framing symbolic documentation, identifiability, and blood heritage as proxy for indigeneity was solely developed within this project and is not meant to indicate that all Indigenous people experience the same.

14 I define internalized racial oppression and legitimized racism in another section.

15 Snipp, In search of Indians

16 Scholars point out that more than demographics, such as increased birth rate, decreased death rate, improved health or immigration, account for such a growth in population. The two most common reasons acknowledged for this increase are changing patterns of racial self-identification and improved procedural collection of census data. Since 1960, people have been allowed to choose their racial identification, rather than have it assigned by a census taker. See Liebler, "Homelands and Indigenous Identities in a Multiracial Era"; C Matthew Snipp, "Sociological Perspectives on American Indians," *Annual Review of Sociology* 18 (1992): 351–371; Thornton, "Tribal Membership Requirements and the Demography of 'Old' and 'New' Native Americans."

17 Andy Smith, "For All Those Who Were Indian in a Former Life," *Ms. Magazine*, November/December (1991): 44-45.

18 Snipp, "Sociological Perspectives on American Indians"; Paul Spruhan, "A Legal History of Blood Quantum in Federal Indian Law to 1935," *South Dakota Law Review* 51, no. 1 (2006): 1–50.

19 Charles Taylor, "The Politics of Recognition," in *In Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (New Jersey: Princeton University Press, 1994), 25–73.

20 Michelle Harris, "Emergent Indigenous Identities: Rejecting the Need for Purity," in *The Politics of Identity: Emerging Indigeneity* (Sidney: UTS Publishing, 2013), 12.

21 Pack, "What Is a Real Indian? The Interminable Debate of Cultural Authenticity," 177.

22 Pack, "What Is a Real Indian?"

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69 Cornell, *The Return of the Native*; Garrouette, *The Racial Formation of American Indians*; Hamill, *Show Me Your CDIB*; Nagel, *American Indian Ethnic Renewal*; Shanley, *The Indians America Loves to Love and Read*.

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74 The Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-638) gave tribes the ability to set their own criteria for the first time since 1934. However, only one-third of tribes require lineal descent, rather than a set blood quantum.

75 I use this example to clearly indicate the way race is essentialized and cultural authenticity contested. Both Jennifer and I maintain strong culturally indigenous identities.

76 Poupart, "The Familiar Face of Genocide : Internalized Oppression Among American Indians."

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101 Weaver, "Indigenous Identity: What Is It, and Who Really Has It?," 251.

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CHAPTER 5

CONCLUSION

Euro-Indians, Paleo-Indians, hunter gatherers, indigena, indigenous, autochtones, OPs, original peoples, original Americans, American originals, Native Americans, Native North Americans, Native North American Indians, indigidade, American Indians, Amerindians, Amerindos, First Americans, First Nations, Fourth World, All my relations.

Alex Jacobs (Karoniaktahke)¹

Indigenous identity is difficult but rewarding to navigate. Alex Jacobs's "The Indian List" sums up the impact of being racialized as an Indian in the United States. Beginning with 177 common stereotypical names and phrases used to disparage Natives, Jacobs lists 183 more items of "what we call ourselves," ending with the last twenty-one from the quote above.² Jacobs describes the piece as cathartic because "we all start at the same place and we end up healing together at the end."³ Jacobs's prose captures the sentiment of how navigating Indigenous identity can be simultaneously painful and empowering. We feel the pain when being named, stereotyped, authenticated, and policed, but also empowering as we resist, belong, and participate within our communities.

We still lack consensus about what constitutes Indigeneity, but this work shows that Indianness, Indigeneity, Indian, and Indigenous are more than pan-Indian identifiers. These constructs do function to differentiate tribal people from Euro-American or Western society, but the terms also embody deep seated beliefs about being Native from temporal, cultural, and local standpoints of Indigenous Peoples. That is, they measure and represent belonging to the First Peoples of North America, whether through blood, cultural, legal ties, or all three. Socially constructed within Western cultural codes, these terms are now multidimensional and all-inclusive of racial, ethnic, legal, personal, and group identities, representing a matrix of different social combinations. Jacobs illustrates that alienating, discriminatory, painful, and prideful

complexity of being Othered, of Othering, and of Being with his 360 descriptive names and phrases for Indians.

Overview of Findings

This work has sought to clarify the inherent inequality and social injustice that resides in the matrix of Indigenous identity and to examine its impact on the daily lives of Indigenous Peoples within different contexts—personal, interpersonal, and institutional. I was primarily guided by sociological approaches that propose the reciprocity of social identities and social structures. Giddens contends that pre-existing social structures govern human agency, and reflexively, agency (re)shapes structure.⁴ Bourdieu similarly theorizes that human agency performs and produces cultural identity within “the discursive elements of social reality and cultures that emerge as a result of time, place, and histories of conquest and oppression.”⁵

The goal of this dissertation was to explore the dialectical and reciprocal relationship between notions of structure and agency as represented in negotiations of Indigenous identity. Western domination unabatedly demanded both cultural and structural changes for Indigenous Peoples.⁶ First, by collapsing hundreds of distinct cultures into one group, Europeans othered Indigenous Peoples as Indians, and the U.S. continued this racialized practice. Besides being the targets of government-sanctioned genocide,⁷ federal Indian policy has tenaciously pursued the destruction of Indigenous traditional life ways for almost two hundred years. Thereby, Indigenous Peoples have endured the violence of compulsory acculturation tactics, including the forced removal and relocation to desolate and economically deprived reservations and required participation, often by gunpoint or incarceration, in formal Westernized education and Christian religions.⁸ Federal legislation produced an ongoing economic dependency for tribes and individuals within a capitalist economy, and federal courts have upheld these laws. Altogether,

assimilation measures succeeded in eliminating most traditional political systems, kinship structures, communal and migratory economic relationships, and many religious practices of Native Peoples.⁹

Therefore, I examined Indigenous identity as the product of out-group processes (prevalence of overt racism), institutional constraints (required legal identification), and intra-ethnic othering (authenticity policing). I present my findings in the following three subsections: the phenomenon of legitimized racism, a summary of findings within the chapters, and a framework of American Indian Identity.

Revisiting Legitimized Racism

One of the most significant findings to emerge from this work is the phenomenon of what I have conceptualized as legitimized racism. The failure to acknowledge and study this phenomenon obstructs our understanding of the reproduction of racialized injustice, theoretically and empirically. Without this understanding, structural and cultural mechanisms continue to reproduce inequality within the invisibility of institutionalized and normalized racism. Legitimized racism is not just about the production of racial images, attitudes, or identities. It is not between individuals. Indeed, it is the foundation of power that holds the dialectical interaction of human agency and social structure. It is like a clear jar that holds all these forms of racisms that are, in fact, overt, but become invisible within the package of the jar.

First, racism is present, of course. Racism rationalizes that members of a racialized group have the same inherent abilities characteristics, morals, and qualities. For example, beliefs in racial differences justifies unequal treatment; views, practices, actions all reflect belief of distinct “biologically” inferior groups; e.g., hiring white person rather than a person of color

with same qualifications because of a conscious or subconscious belief that white people are smarter. Systemic racism is also present. Systemic racism is an ideology that attaches common meanings, representations, and racial stories to groups that become embedded within social institutions that serve to justify the superordination of white people and the subordination of non-white people in the U.S.¹⁰ Systemic racism functions to give advantage to some and disadvantage others.

To legitimize is to make something seem right or reasonable. Accordingly, the racist actions, discourses, or institutions seem ordinary, and without malice. Legitimized racism is so common that it is accepted as the norm, as just part of the American landscape. Any attempt to change it meets excessive resistance. Empathy is not easily forthcoming, even from other marginalized groups because they also participate in it. Individuals who protest are accused of being too sensitive or simply silly. Groups who protest are charged with being subversive and acting in their own interests and not for the good of society. But it is when the multilayered, intersectional, and dynamic racism is legitimized (institutionalized, normalized) that it becomes simultaneously overt and invisible.

This is terribly significant because this phenomenon of legitimized racism is not exclusive to Indigenous Peoples. Indeed, it affects us all. Legitimized racism is the means by which we appropriate and condense cultures, like the monolithic caricature of South Asian culture by way of “Bollywood” parties, dancing, and impersonations. Legitimized racism demonstrates the ease in which Arab Americans were vilified after 9/11—after all, we had a “legitimate” fear of Islamic extremists, correct? It mattered not that most Arab Peoples and Americans who have an Arab ancestry do not fall within that category. Another example of legitimized racism is the common public discourse that undocumented Mexicans take away American jobs or they receive copious amounts of public benefits that are paid for by “real” Americans. The broad scope of this

discourse is facilitated by the tendency in the United States to racialize most Hispanic/Latin@ Peoples as Mexican.¹¹

Finally, the American national identity possesses a normative whiteness,¹² which is accomplished through the public discourse of legitimized racism. That is, when discussing Americans, there is the common assumption that, unless told otherwise, we are discussing White people; hence, the terms, Native American, Arab American, Mexican American, Asian American, etc. Only non-White people need to be marked by racializing terms. By differentiating only people of color, we are participating in a system of legitimized racism.¹³ With that point, it might be noted that there are also legitimized forms of homophobia, misogyny, etc. The rhetoric that characterizes the United States as the land of freedom, meritocracy, and individualism is often code for legitimizing white privilege and the public discourse of normative patriarchy.

Legitimized racism then becomes internalized when racialized identity components “become habitual as they are constructed in and through social relations and organization, causing even the oppressed to have a stake in their subordinated identity.”¹⁴ The power of legitimized racism is reinforced by the racialized, oppressed group’s adoption of it. Internalization occurs when the racialized group accepts that the racial identities, constraints, traditions, behaviors, terminology, and institutions as real and not harmful. Of course, not all accept legitimized racism; indeed, many of us contest it. I demonstrate this within a summary of the chapters that describes the impact of legitimized racism through the power of discourse on Indigenous communities and individuals.

Summary of Chapters

For over five hundred years, Western dominance has shaping the public perception of Indigenous Peoples. Thus, individuals, communities, and academia struggle with the lack of

consensus within the complexity of Indigeneity. As documented in Chapter 2, anti-Indian terminology, imagery, and behavior have become legitimized to such a degree that other marginalized people accept such as nonracist and readily maintain and participate in it. Public education, media, and government communications all engage in the perpetuation of racialized historical discourse. Indigenous Peoples became othered as heathens, savages, or beastlike beings that are incapable and inferior. Colonizers became seekers of justice and benevolent providers. Through a dialectical process, the stereotyped Indian's behavior was and continues to be developed as the antithesis of Euro-American culture.

Myths of colonial benevolence are now acted out in school plays and celebrated on national holidays, and the "savagery" of Indians is reified through entertainment mediums. Do we find it ironic that the savage discourse used over 200 years ago to justify genocide and all that followed is the same savage discourse used today in public discourse and by sports teams and the military? Indigenous identity representation includes dealing with the legitimized racism of national holidays, racist labels and mascots for sports teams, and the pervasiveness of playing Indian. Over 235 years of federal Indian policy have systematically racialized Indians as inferior, incapable, and uncivilized. Conversations with the participants reveal contemporary consequences for this historical racist discourse in the form of legitimized racism.

As documented in Chapter 3, American Indian Legal Identity (AILI) emerged within the racialization of American Indians through federal policy, gaining institutional status with the Indian Reorganization Act of 1934. AILI acts to exclude Indian people from the scope of federal legislation. Racialized meanings of Indianness gained further institutional legitimacy when tribes reified the federally defined criteria, creating a blood tie ethnicity. In 1974, the Supreme Court determined that the definition of Indian with requirements of blood quantum and tribal membership was political and not racial.¹⁵ In other words, federal Indian policy produced a

racialized collective Indian identity, which subsequently resulted in the internalized racialization of Native identity. Euro-Americans clearly created the system for legally identifying who may rightfully claim to be Indian. Yet, tribal nations and their citizens reproduce the racialization of Native people in their membership criteria.

Ultimately, however, legal standing does not require an ethnic or racial identity. The juxtaposition of justification and contestation against cultural belonging and rejection was poignant. Participants shared ambivalent, even conflicted feelings about legal identity. They did not find tribal governments to blame for structuring race-based membership criteria. Instead, full culpability is placed on the federal government for the creation of legitimate Indians and legitimate tribes. Resignation to the plight of non-legally identified Natives emerges from both groups of participants. Most continue to rationalize legal identity and justify its necessity as a necessary evil because identification procedures maintain tribal sovereignty. Even Natives without legal standing justify the system which excludes them.

As documented in Chapter 4, the prevalence of legitimized and institutionalized racism has led to the internalization of the “real Indian” trope, which was developed within racialized legal discourse, i.e. legitimized racism. Indian identity is framed as blood and ancestry with meanings of underlying power and prejudice that we now use against one another, expressed through Indian cards and blood quantum. In other words, public discourse has produced a bastardized version of Indianness that has manifested in a monolithic caricature of the “Real Indian” trope. As a result, Indigenous people justify policing other Indigenous people about their identity. They see Indian cards as proxies for cultural belonging and recognize the restricting and exclusiveness of blood quantum.

Whether using racial or cultural boundaries, expectations for group membership may result in “unanticipated and negative consequences, particularly the pressure to conform to an

essentialized vision of the community.”¹⁶ An essentialized vision of community also births racial and cultural gatekeepers. Internalized legitimized racism means that we use the objects created to oppress us to then oppress others. When Indian cards become cards of convenience where we have no concern about the welfare of the people, they can no longer hold cultural value. When Indian cards are also used as cards of privilege to discount other people’s claims, they can no longer hold cultural honor. Indeed, policing the validity of other people’s Indianness perpetuates the colonizer’s system—it means we have internalized the colonizer’s values.

Weaver describes internalized oppression as internalized colonization because our “propensity toward exclusivity and denying the cultural identities of mixed-blood people comes from the exploitation experienced by Native people and communities for centuries.”¹⁷ Suspicion about the appropriation of cultural identity has grown alongside the increasing population of people claiming to be American Indian. Weaver says, “Given the strong emphasis on the collectivity in indigenous cultures, it is problematic to have an individual who self-identifies as indigenous yet has no community sanction or validation of that identity.”¹⁸ Community sanction means that people need to be able to recognize the contribution someone makes. Validation comes through recognition of ancestry through family or the assumption of high blood quantum.

In sum, the three essays show how overt racism becomes invisible when racist social discourse becomes legitimized. Racist social discourse becomes legitimized through normalization within social institutions. Discourse structures society, providing framework for relations (interactions) between institutions and individuals and groups to manage subjective experience. It is no wonder that being Indian is confusing. Institutions that shape social norms—those seen as social authorities—make it seem right to enact racial violence against, and between, Indigenous Peoples through the commonness of stereotypes, racist labels, and laws

that define an “Indian” race by blood. Ultimately, Indigenous Peoples can reproduce or contest the legitimized racism of Western social norms, which I describe within my framework of American Indian identity.

Framework of American Indian Identity

Another significant finding is my framework of American Indian identity, labeled as such because federally-defined measures are included in its construction.¹⁹ This is not an attempt to simplify in a reductionist manner the complexity of Indigenous identity by objectifying Indigeneity or community or cultural experiences. This is solely a theoretical framework developed within this project in response to the overwhelming amount of required performativity and documentation for being Indian. In that spirit, I assign particular aspects mentioned often by participants and/or literature to each category and sub-categories to show what they think navigating Indigenous identity looks like and particularly contested areas.

In Chapter 1, I gave a simplified diagram of Indigenous identity in Figure 1, in which quarter-peripheral, semi-peripheral, and peripheral groups showed graduated Indianness as opposed to the core group of Indigenous people. This study problematizes that diagram. Indeed, according to the participants in this study, being authenticated as a “real Indian” occurs in the intersection of ethnic, racial, and legal identity. Figure 5 shows the intersection in a Venn diagram with three major categories of American Indian identity, three combined subcategories, and one hybrid categories containing all three constructs.

On the left side, the circle that represents Ethnic Identity includes concepts of claiming tribal affiliation, cultural belonging, and community interaction and validation. On the right side, the circle that represents Racial Identity includes the concepts of being named and racialized, possessing an identifiable phenotype, socio-psychological recognition of being racialized, blood

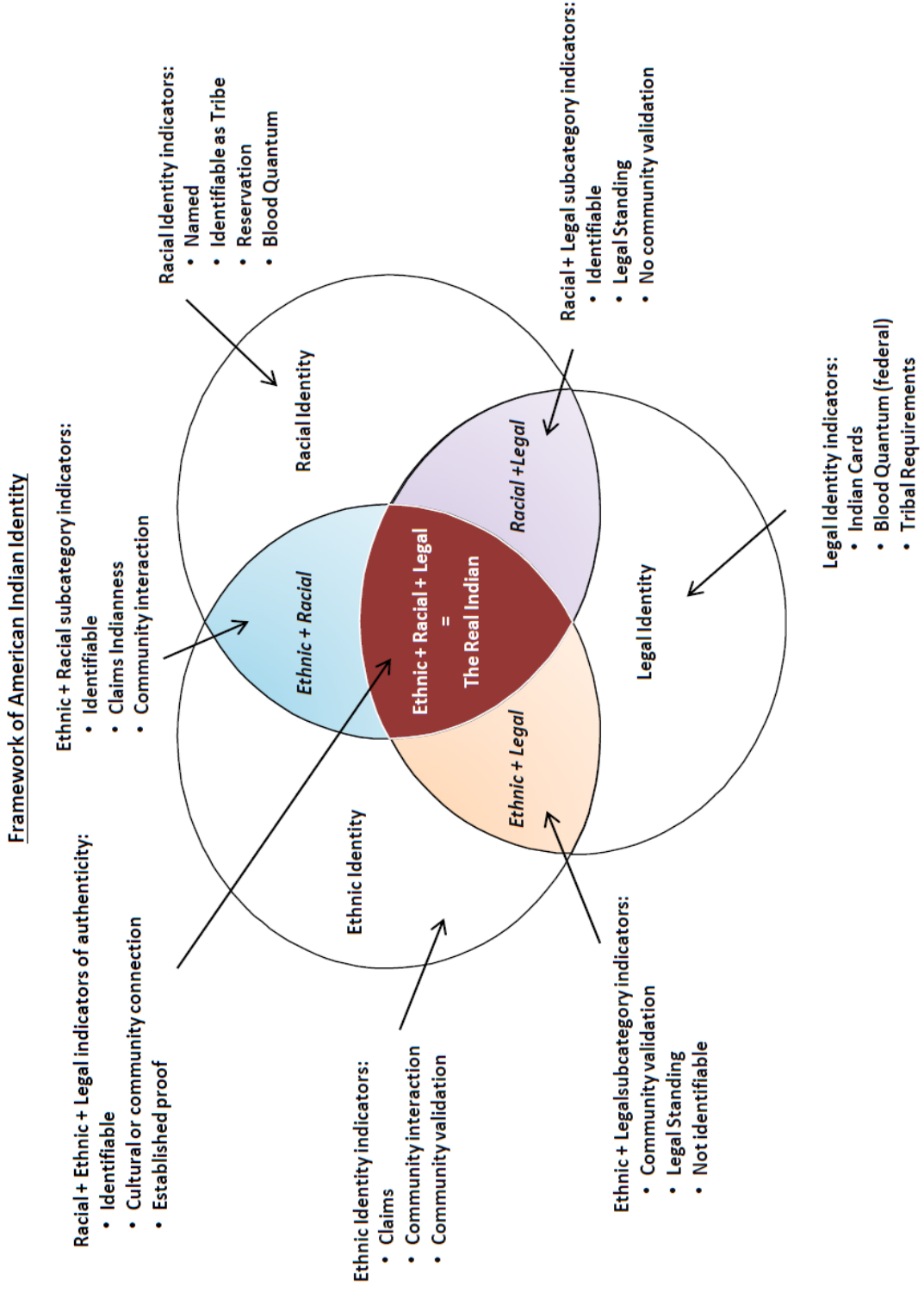


Figure 4. Illustrating the Complexity of Indigeneity

talk, and feeling social distinction because of past or present shaming or stigma. The bottom circle that represents Legal Identity includes membership within federally recognized tribe, Indian cards, and the concept of blood quantum. The subcategories arise from the overlap of the main categories and illustrate the strength or weakness of combined identities and the ability to contest specified ways of being Indian.

In all actuality, Indigenous persons whom might be classified within any of the subcategory identities may be accepted more easily into the Native community than if they were identify in only one of the main categories— Ethnic, Racial, or Legal. The strength of a subcategory identity results from the salience of either intermingling category. If I have a strong racial identity and a strong ethnic identity, then the subcategory between those two will be stronger than either of the primary categories. In other words, synergy occurs, where the whole is greater than the sum of its parts.

Based on the conversations with participants, it is more important for a person to have a high level of interaction with the community than to be identifiable. Therefore, the blended subcategory of ethnic and legal identities could be stronger than the subcategory of legal and racial. However, if one lived on the reservation, the racial and ethnic subcategory would be more important, again according to the participants.²⁰ A racial identity combined with a legal identity includes being identifiable and possessing Indian cards but no real interaction with the community.

From this research, I would theorize that the higher the blood quantum, the stronger this subcategory identity becomes. I would also assume that being recognized as strongly identifiable also increases the strength of this identity, both externally and internally. Participants indicate that as cultural interaction decreases, so does standing within community; however, not participating does not invalidate Indianness. But as illustrated, the most authentic

identity is the hybrid of all three. And this area is also much contested and quite stratified. Liken it to a “bull’s eye” where the target gets smaller and smaller and more difficult to hit. The construct of “Real Indian” becomes, by nature, more and more exclusive. Figure 5 shows the difficulty and complexity of navigating indigeneity. It also shows that the categories are not static; thus, quite contestable.

Implications for Policy and Practice

Can we restructure our recognition systems? Is there another way? This is an emotional and politically challenging issue. As a Mvskoke person, I cannot presume to tell other Indigenous Peoples how they should recognize or know their own people. But I clearly advocate for the withdrawal of federally-defined tribal identity wrapped within racialized criteria. Historically, Indigenous Peoples of North America held a subjective view of who belonged—with no exclusionary hard boundaries.²¹ That is, members identified one another by language, location, actions, and values.²² They possessed different and complex cultural traits, languages, family hierarchies, political structures, and rituals and beliefs.²³

The cohesion and survival of Indian groups was maintained through commitment to the good of the group, not biological ties.²⁴ Indigenous Peoples formed groups consisting of ancestral kinship, but also expressed distinction through adoption outside of the group.²⁵ Belonging through adoption often occurred through circumstances like warfare, marriage, or orphaning. Even after European arrival, a person could be raised as an adoptee of a tribe by speaking the language or going through rites of passage, while not possessing a biological or genealogical claim.²⁶ Common values and needs (as determined by Native group members) outweighed the objective considerations of familial ties or blood lineage. Familial ties were not

unimportant, however. Matrilineal tribes passed belonging through the mother; patrilineal, through the father. Indigenous groups used diverse ways to determine membership.

I clearly advocate for the end of Congress's plenary power over Native Nations. The government's historical abuses and acts of broken faith are too numerous to name here. The intrusion by the United States into tribal sovereignty and the right to determine membership began with the birth of this country and has not paused. Whereas most of us believe that tribal nations have enjoyed self-determination (authority to determine their own membership) since 1975, the federal government still prescribes membership requirements for some tribes. I use the following case of the Ysleta del Sur Pueblo to show that, even though specific blood quantum may be used by choice for one-third of tribal nations, some tribes' blood quantum criteria is determined by the federal government.

In 1987, the United States restored the Ysleta del Sur Pueblo as a federally recognized tribe but limited membership to tribal members with 1/8 or more Tigua blood quantum. Beginning in September 1997, bills were introduced in the 105th through the 109th Congress to lower the blood quantum from 1/8 to 1/16. These bills would pass, but no further action would be taken. On March 26, 2007, a bill was introduced to modify this requirement to no specified blood quantum because the tribe showed it would extinct within fifty years. After several reiterations, House Resolution 1560 was passed by the U.S. Senate on August 1, 2012, in the first session of the 112th Congress. President Obama signed it into law on August 10, 2012. After fifteen years, the Restoration Act was amended by authorizing (for the first time) the Ysleta del Sur Pueblo to include any Tigua person of Ysleta del Sur Pueblo Indian blood. The Pueblo's membership increased from 1300 to over 2000.

What took fifteen years? First, cost and budgetary concerns had to be addressed. Based on information provided by the Indian Health Services, the Congressional Budget Office (CBO)

estimated that fifty-five percent of the new members (400 people) would receive benefits at a cost of around \$2,800 per person. The BIA was also consulted about their costs, which they estimated at one million dollars over the next five years. Altogether, the CBO estimated that allowing the Pueblo to determine their own blood quantum would cost the federal government an additional seven million dollars from 2011-2015.²⁷

Within the framework of legitimized racism, it seems perfectly logical to determine who may belong along budgetary concerns. The power of racialization occurs in the ability to withhold naming, as well as the power to name. The United States has a long history of imposing and withholding race, according to financial and political benefit.

Implications for Future Research

But simplifying the sociohistorical and sociopolitical complexity of Indigenous identity is no easy task. Indigeneity involves negotiating a complex and dynamic matrix of racial and ethnic statuses laden with symbolic meaning. Indigenous identity is both an individual and collective social category created by social interaction and public discourse.²⁸ Indian identity is also the product of structural forces—institutionalized and imposed or restricted by federal and tribal governments, often in conflicting, contradictory ways.²⁹ And there are difficult consequences to racial categories and their relation to the real lives of people. Because of its focus on the impact of being racialized and internalizing racialized meanings of being Indian, this work focused on the consequences of reciprocal relationships between structure and agency.

A more complete work will include cultural notions of sovereignty—a particular indigenous ideology of consensual collectivity. Future work should focus on the survival of local cultural components like language, land, food, and spirituality in a postcolonial Indigenous state. I would also like to explore the reciprocal relationships between agency and enculturation

versus structure and acculturation, particularly as it applies to the current trend of disenrollment within tribal nations. Is sovereignty flexible and resistant? Do Indigenous people exercise agency through cultural rituals to counterbalance being racialized? How do cultural revitalization efforts revive, transform, or destroy traditional knowledge ways? Future research should also include a nationwide survey for more inclusive understanding.

Notes

1 Alex Jacobs, "The Indian List," in *Sovereign Bones* (New York: Nation Books, 2007), 28.

2 Ibid., 25-28.

3 Ibid., 31; I must admit that the first time I read it, I cried for a very long time. I felt validated by someone else's admission of only knowing these terrible words because he had heard them, like I had heard most of them.

4 Giddens, *The Constitution of Society: Outline of the Theory of Structuration*.

5 Michelle Harris, "Emergent Indigenous Identities: Rejecting the Need for Purity," 16.

6 We might argue that Western Domination continues to demand these changes, exemplified in Congress' plenary power over American Indian tribes, the Supreme Court's narrow definitions of tribal sovereignty, and the Bureau of Indian Affairs' lack of accountability to Tribal Nations.

7 Maria Yellow Horse Brave Heart and Lemyra M. DeBruyn, "The American Indian Holocaust: Healing Historical Unresolved Grief," *American Indian and Alaska Native Mental Health Research* 8, no. 2 (January 1998): 56–78; Michael Yellow Bird, "Cowboys and Indians: Toys of Genocide, Icons of Colonialism," *Wicazo Sa Review* 18 (2004): 33–48; Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988).

8 Brave Heart and DeBruyn, "The American Indian Holocaust: Healing Historical Unresolved Grief."

9 O'Brien, "Tribes and Indians: With Whom Does the United States Maintain a Relationship?"

10 Eduardo Bonilla-Silva, *Racism Without Racists: Color-blind Racism and the Persistence of Racial Inequality in the United States*, 2006; Feagin, *Systemic Racism: a Theory of Oppression*.

11 In CNN's report about a new Brown University study, they highlight a Honduran restaurant manager's frustration about people labeling his food as Mexican. <http://inamerica.blogs.cnn.com/2013/03/20/study-hispanics-show-increasing-cultural-economic-and-social-diversity/> (accessed 07/13/2013; The Brown study can be found here: <http://s4.brown.edu/us2010/> (accessed 07/13/2013).

12 Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity* (New York, NY: Routledge, 2007), 27.

13 I have obviously used racialized and generalized terms throughout this research, which begs the question: How do we avoid using words as automatic descriptors, yet research the experiences of groups upon whom these terms have been imposed?

14 Pyke, "What Is Internalized Racial Oppression and Why Don't We Study It? Acknowledging Racism's Hidden Injuries," 557.

15 Paul Spruhan, "Indian as Race/Indian as Political Status: Implementation of the Half-Blood Requirement Under the Indian Reorganization Act, 1934-1945," *Rutgers Race & the Law Review* 8 (2006): 27-49.

16 Jessica M. Vasquez and Christopher Wetzel, "Tradition and the Invention of Racial Selves: Symbolic Boundaries, Collective Authenticity, and Contemporary Struggles for Racial Equality," *Ethnic and Racial Studies* 32, no. 9 (2009): 1570.

17 Weaver, "Indigenous Identity: What Is It, and Who Really Has It?," 250.

18 Ibid., 247.

19 American Indian is the legal term for Indigenous individuals who fall under the purview of federally recognized tribes and the federal government.

20 Pack, "What Is a Real Indian? The Interminable Debate of Cultural Authenticity."

21 Wilkins, *Documents of Native American Political Development: 1500s to 1933*.

22 Ibid., 78.

23 Cornell, *The Return of the Native: American Indian Political Resurgence*; Robert J Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny* (Lincoln, NE: University of Nebraska Press, 2008); Snipp, "Sociological Perspectives on American Indians," 1992; Williams Jr., "'The Savage as the Wolf': The Idea of the Indian on the Frontier Borders of the American Racial Imagination."

24 David E Wilkins, "Broken Landscape: Indians, Indian Tribes, and the Constitution," *American Historical Review* 115, no. 4 (2010).

25 George P. Castile, "The Commodification of Indian Identity," *American Anthropologist* 98, no. 4 (1996): 743-749.

26 Ibid.; Raymond D Fogelson, "Perspectives on Native American Identity," in *Studying Native America: Problems and Prospects*, ed. Russell Thornton (Wisconsin: University of Wisconsin Press, 1998), 40–59; Wilkins, *Documents of Native American Political Development: 1500s to 1933*.

27 Senate Report 111-359, 111th Congress, 2nd Session, Calendar No. 683 (2010). <http://www.gpo.gov/fdsys/pkg/CRPT-111srpt359/html/CRPT-111srpt359.htm>, (last accessed 07/13/2013).

28 Bourdieu, *Language and Symbolic Power*; Foucault, *The Archaeology of Knowledge*.

29 Peter Nabokov, *Native American Testimony: a Chronicle of Indian-white Relations from Prophecy to the Present, 1492-1992* (New York: Viking, 1991); Vine Jr Deloria, "Laws Founded in Justice and Humanity: Reflections on the Content and Character of Federal Indian Law," *Arizona Law Review* 31 (1989).

APPENDIX A

ADVERTISEMENT USED IN PARTICIPANT RECRUITMENT

Research Participants Needed

If you identify as Native American or American Indian or have a tribal membership card or CDIB card, and are over the age of 18, you may be eligible to participate in a research project. The Department of Sociology at the University of Massachusetts is conducting a research project concerning Indigenous identity. The purpose of the research is to gather the opinions of Native or Indigenous people like you about historical and contemporary stereotypes, sports mascots, marketing of cultural objects and images by non-Indian people. Also, who do you think should be able to claim an American Indian ancestry or identity?

Participants will complete an interview that may be audio recorded or carefully noted either in person or by telephone, all according to participant's preference. The interview may take place in your home or another convenient location for you. The interview will last approximately 90 minutes.

This research is expected to benefit Native American communities by adding Native points of view into national conversations about the impact of stereotypes, cultural appropriation, and what makes someone authentically indigenous.

For more information or if you are interested in becoming a participant, please contact:
Dwana Robertson at (413) 387-2477 or dwanna@soc.umass.edu

APPENDIX B

CONSENT FORM FOR PARTICIPATION IN RESEARCH STUDY

(Page 1 of 3)

Researcher(s): Dwanna Robertson (Primary Investigator); Joya Misra (Faculty Sponsor)
University of Massachusetts, Amherst

Study Title: *Navigating Indigenous Identity*

What is this form?

This form is called a Consent Form. It will give you information about the study so you can make an informed decision about participation in this research.

Who is eligible to participate?

To participate, you must identify ethnically, racially, or legally as Native American or American Indian in order to relate your experiences or speak to issues pertaining to Indigenous identity. You may be an individual or an Indigenous representative for tribal or federal agencies. You must be 18 years of age and older who is able to communicate in English to be included in this study.

What is the purpose of this study?

The purposes of this research study are (1) to understand what it is like to claim or experience American Indian identity so that the Indigenous voice—your voice—may be represented in academic research, and (2) to serve Indigenous people through the sharing of knowledge that encourages understanding.

Where will the study take place and how long will it last?

You will be interviewed in your home or another convenient location for you or by telephone. The interview will last approximately 60 to 90 minutes. The interview may be audio recorded or carefully noted, all according to your preference. There are no planned follow-up procedures. However, I may contact you to request follow-up interviews or to clarify information from the initial interview.

What will I be asked to do?

If you agree to take part in this study, you will be asked to answer questions regarding your opinions and feelings about: cultural elements and ties; blood quantum; tribal connections; common “Indian” stereotypes; and sports teams with Indian-themed mascots and/or names. You will be asked about any prejudiced or discriminatory behavior you have experienced from people who are NOT Native American. You will be asked about prejudiced or discriminatory behavior you have experienced from people who are Native American. You may also be asked about similar behavior that you have witnessed toward other Indigenous people from Native or nonNative people. *You may skip any question you feel uncomfortable answering.*

CONSENT FORM FOR PARTICIPATION IN RESEARCH STUDY

(Page 2 of 3)

What are my benefits of being in this study?

The benefit for you directly from participating in this research is that you get to give your insight about very important topics to Indigenous people. Furthermore, this research is expected to benefit Native American communities by adding Native points of view into national conversations about the impact of stereotypes, cultural appropriation, and what makes someone authentically indigenous.

What are my risks of being in this study?

I believe there are no known risks associated with this research project which are greater than those ordinarily encountered in daily life; however, a possible inconvenience may be the time it takes to complete the study.

How will my personal information be protected?

The following procedures will be used to protect the confidentiality of your study records. I am the only person who will have access to the audio recordings and written notes. Your name will not be connected to any of the information you provide during the interview. I will keep all study records, including any and all written notes in my possession, any codes to your data, and interview transcriptions in a locked file cabinet. Research records will be labeled with a code. A master key that links names and codes will be maintained in a separate and secure location. The master key and audiotapes will be destroyed three years after the close of the study. All electronic files such as spreadsheets and interview transcripts containing identifiable information will be password protected. Any computer hosting such files will also have password protection to prevent access by unauthorized users. Only I will have access to the passwords. At the conclusion of this study, I may publish my findings. I may use direct quotes from the interviews to illustrate points but they will be attributed only by pseudonym and you will not be identified in any publications or presentations. I will ensure that no information provided by any respondents will be able to be linked to any particular individual.

What if I have questions?

Take as long as you like before you make a decision. I will be happy to answer any question you have about this study. If you have further questions about this project or if you have a research-related problem, you may contact me, Dwanna Robertson at (413) 387-2477 or dwanna@soc.umass.edu or Dr. Joya Misra at (413) 545-5969 or misra@soc.umass.edu. If you have any questions concerning your rights as a research subject, you may contact the University of Massachusetts-Amherst Human Research Protection Office at (413) 545-3428 or humansubjects@ora.umass.edu.

Can I stop being in the study?

Your participation is voluntary. You do not have to be in this study if you do not want to. There is no penalty for refusal to participate. If you agree to be in the study, but later change your mind, you may drop out at any time. There are no penalties or consequences of any kind if you decide that you do not want to participate.

CONSENT FORM FOR PARTICIPATION IN RESEARCH STUDY

(Page 3 of 3)

Subject statement of voluntary consent

When signing this form I am agreeing to voluntarily enter this study. I have had a chance to read this consent form, and it was explained to me in a language which I use and understand. I have had the opportunity to ask questions and have received satisfactory answers. I understand that I can withdraw at any time. A copy of this signed Informed Consent Form has been given to me.

Participant Signature

Printed Name

Date

By signing below, I indicate that the participant has read and, to the best of my knowledge, understands the details contained in this document and has been given a copy.

Researcher/Interviewer

Printed Name

Date

APPENDIX C

INTERVIEW GUIDE

(Page 1 of 2)

I. INTRODUCTORY INFORMATION

1. Exchange greetings.
2. Tell me a little about yourself.
3. What wording do you prefer when discussing topics about the indigenous people of North America? [Let participant distinguish terminology to use—race, panethnic, tribal, Native Nation, clan, etc.]
4. What is your [tribal] affiliation?

II. AMERICAN INDIAN IDENTITY ISSUES

1. Do you identify as solely [indigenous] or more than one race?
If more than one: Which do you feel closest to?
2. Are there certain things that make you proud to be [Native]? Tell me about them.
Prompt: cultural elements, common characteristics of Natives, etc.

A. Stereotypes and Cultural Appropriation

1. Name some typical stereotypes [Native Americans] face? Have you dealt with these?
2. What do you think about sports teams that use [Indian] mascots? What about [Indian] team names?
3. Do you find any media or marketing offensive?
Prompt: cars, food products, movies, books, songs, etc.
4. Have you ever felt looked down on or discriminated against by non[Indians] because:
 - a. You don't have a (CDIB/tribal enrollment) card?
 - b. Your blood quantum supposedly isn't high enough?
 - c. You supposedly don't look Indian enough?

For each subpart:

- *If so:* Can you tell me about it?
- *If not:* Do you know someone who has been? Can you tell me about it?

B. Authenticity and Belonging Measures

1. Do you feel closely connected to your people? Why or why not?
2. If somebody doesn't speak the language of his or her tribe, what does that mean?
3. Can we tell if somebody is [Indigenous] by looking at them?
4. Why would people claim to be [Indian] if they're not? Does it bother you?
5. How often do you hear people talk about blood quantum?
6. Do you think that blood quantum is a good thing? Please explain.
7. Do you think cultural ties or blood ties to the [Native] community are more important?

INTERVIEW GUIDE

(Page 2 of 2)

8. In your opinion, how can [Native] people reconnect to their [tribal] communities?
9. Have you ever felt looked down on or discriminated against by other [Indians] because:
 - a. You don't have a (CDIB/tribal enrollment) card?
 - b. Your blood quantum supposedly isn't high enough?
 - c. You supposedly don't look Indian enough?

For each subpart:

- *If so*: Can you tell me about it?
- *If not*: Do you know someone who has been? Can you tell me about it?

III. GENERAL BACKGROUND INFORMATION

1. Year of birth, Gender, Level of Education, Occupation / Source of Income
2. Annual income level—less than \$20,000, between \$20,000 and \$50,000, more than \$50,000

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