CITIZENSHIP AND INEQUALITY IN NATIVE CALIFORNIA

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by
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Department of Anthropology
Abstract

of

CITIZENSHIP AND INEQUALITY IN NATIVE CALIFORNIA

by

Dayna Yvonne Barrios

Native Americans have endured many hardships throughout history. In modern times, tribal disenrollment is becoming an epidemic for many Native communities. Disenrollment is a non-traditional concept where an individual, or family, is stripped of their tribal citizenship. They are no longer able to participate in tribal affairs, they lose access to healthcare, cultural and financial resources, and the effects are detrimental to an individual’s Native identity and feelings of belonging.

This thesis analyzes the causes and consequences of disenrollment. I interviewed seven disenrolled members from three Native Nations in California to understand how and why they were disenrolled, along with how being disenrolled has affected them and their families. Structural violence, symbolic power, and symbolic violence all play a part in disenrollment and it is a violation of a person’s civil and human rights. Based on my findings, I have concluded that disenrollment is a form of inequality that many Native people are experiencing. I have found that the effects of disenrollment range from the fracturing of an individual’s identity, PTSD and other forms of mental trauma, along with experiencing poverty and a lack of resources.

_______________________, Committee Chair
Data D. Barata Ph.D.

_______________________
Date

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DEDICATION

This thesis is for everyone who has experienced Disenrollment, please do not give up hope. For my mom, Marlene, thank you for always believing in me. For my husband, Daniel, thank you for being my source of strength. Lastly, for all my Native brothers and sisters, keep up the good fight.
ACKNOWLEDGEMENTS

This thesis has not been an easy endeavor by any means and looking back, I realize it was a long time in the making. First, I must thank my thesis committee chair, Dr. Data Barata for being my guiding light throughout this whole process. His patience, kindness, and willingness to help me in any way he can has been a learning lesson in itself. I have known him for many years now and I am truly honored to have had the opportunity to work with someone so incredibly brilliant. I would also like to thank Dr. Raghuraman Trichur, my first reader, for always being so amazingly passionate and showing me how to analyze the world around me and strive to make it a better place for all. I also want to thank my second reader Dr. Kristina Casper-Denman. She has grown to be a part of my family and her unwavering support has made this all possible. All three of my advisors have made me a better person; they have shown me how to use anthropology to do good things for the world.

I must also thank everyone who agreed to participate in my research. Without them, this thesis would not have been possible. I thank them for trusting me, confiding in me, and for being so brave. I know this has not been easy, but because of their help, I believe we have produced a piece of work that can benefit many people and help create a positive change.

Lastly, I would like to thank my family. I must thank my husband, Daniel Milewski; he inspires me every single day with his kind heart and his revolutionary mind. I firmly believe that together, we can change the world. Thank you to my mother,
Marlene Houlihan, who is one of the most astounding women that have ever walked the earth. Her strength, love, and loyalty have kept me going. I would like to thank my father, Rick Barrios, for teaching me that by working hard, anything is possible. My dad is one of those people that can accomplish anything he sets his mind to, and I would like to think I got that same tenacity from him. Lastly, I must thank my little sister Shelby Barrios, you helped me keep my sanity throughout this whole process and our phone conversations were a much-needed distraction. In closing, my life has been a whirlwind, and it is because of the people I mentioned above that I am where I am today. Let us keep the momentum going, because together, we can make a difference in the world.
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CHAPTER 1
INTRODUCTION

Background

My interest in the subject of this thesis is partially sparked by the CBS article published in January 2014, titled “Disenrollment leaves Natives ‘culturally homeless’” which summarized the possible causes and consequences of tribal disenrollment including how a person’s identity and feelings of belonging have been impacted because of disenrollment. The CBS article articulated, to the extent afforded by journalism, aspects of disenrollment that has been deeply troubling for me. Disenrollment can be described as the process in which a person, or family, is stripped of their tribal membership, or cultural citizenship, and all the benefits that come with that. To understand disenrollment, we have to also understand Native citizenship, tribal sovereignty, historical processes, the effects of capitalism, and current membership policies. Like other sovereign nations, Native Nations determine and set limits on Native citizenship, which is a vital part of their sovereign rights as Nations. In recent years more people have been stripped of their Native citizenship, and the effects can be detrimental to an individual’s identity and their feelings of belonging, in addition to threatening processes of cultural continuity.

In 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples which states that Indigenous peoples have the right to belong to an Indigenous community or nation, in accordance to the traditions and customs of the community or
nation concerned. Many scholars and activists have stated that tribal disenrollment is a violation of Native peoples’ human and civil rights because disenrollment is not considered to be a traditional practice, but rather a modern one. Within many Native communities, disenrollment is seen as “tribal genocide” which is a result of Casino-Capitalism, corruption, and a result of cultural assimilation practices.

Disenrollment policy has become so engrained in the federal-tribal relationship that many tribal governments believe that the federally imposed idea of ‘disenrollment’ was implemented on their own accord. In reality, however, disenrollment is a nonindigenous construct and a power that has been delegated by the United States to tribes over time. [Galanda and Dreveskracht 2015: 388]

The United Nations Declaration on the Rights of Indigenous Peoples was a huge step in the right direction. Indigenous peoples have experienced assimilation, dispossession, and marginalization, along with cultural and political isolation. Native peoples are overcoming many of these processes of structural violence and with the adoption of the United Nation’s Declaration on the Rights of Indigenous Peoples their voices could now be heard on the world stage. Unfortunately, while 143 countries voted in favor of the United Nations Declaration on the Rights of Indigenous Peoples in September of 2007, the United States, Australia, Canada, and New Zealand did not. Native peoples in the United States rose to the occasion and demanded that the United States be a part of this monumental achievement for Indigenous peoples everywhere. Thankfully on December 15, 2007 President Barack Obama announced the United States’ support of the Declaration.

The Declaration established a universal framework of minimum standards for the
survival, dignity, well-being and rights of Indigenous peoples from all over the world. The United Nations Declaration on the Rights of Indigenous Peoples addressed both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It will be important to keep this Declaration in mind throughout this thesis, because disenrollment is considered by many people as a violation of this Declaration. While tribal councils are commonly accused of perpetuating disenrollment, we must look at the United States involvement in disenrollment as well.

In anthropology studying issues of inequality, human rights, violence, conflict, and social resistance has fallen under the category of what is called a “moral anthropology”. Many anthropologists today are concerned with moral matters which can perpetuate a moralistic view of the world. Many people, such as Didier Fassin (2008), believe that these moral values can lead to moral judgment which could be considered ethnocentric. Though I think Vijay Prashad speaks for many of us when he says “culture, unlike biology, should allow us to seek liberation from cruel and uncomfortable practices” (2001:xi). Looking at the human condition of Native populations against the background of this contemporary global moral framework in the form of the United Nation’s Declarations and treaties, which are often reluctantly accepted by the U.S., brings to light some outstanding social issues that need to be critically examined, and one issue is the topic of this thesis, tribal disenrollment. ¹

¹ Further readings on moral anthropology: Heim and Monius 2014; Caduff 2011; Fassin 2011
Statement of Problem

As I show in my research, disenrollment cannot be solely explained by looking at the actions of tribal councils, but it is also connected to the federal government’s implementation of numerous policies that aided in the assimilation of Native groups (such as the Indian Reorganization Act of 1934). Eurocentric ideas of race, ethnicity, and belonging have also had a very negative effect on how tribal membership is determined. Many people are disenrolled because of the lack of appropriate blood quantum levels, or missing evidence of ancestral ties even though many scholars have pointed out how unreliable early tribal rolls and mission records are.

Another reason why disenrollment has become so prominent in the past 20 years is the advent of tribal casinos. Power and greed are the most common reasons why many Native peoples believe they have been disenrolled. The fewer people in your tribe, the more per-capita payments tribal members will receive. Furthermore, for some people, questioning money allocation or casino operations leads to their disenrollment so those who have power, stay in power.

The goal of this thesis is threefold: the first objective is to trace the origins of tribal disenrollment by using a historical framework of analysis. By analyzing historical processes including traditional forms of membership and belonging, the impacts of settler colonialism and Missionization, in addition to understanding the widespread poverty in Indian Country we will be able to see how and why disenrollment came about. The second objective is to understand the impacts of disenrollment at both the individual and national levels. One must consider issues of space and place, race and ethnicity, identity
formation, along with issues of cultural continuity to fully understand the ways in which disenrollment affects individuals and communities. The last objective of my thesis is to look at disenrollment through the lens of inequality to provide an understanding of how inequality affects an individual, to show that disenrollment can be seen as an injustice and also how disenrollment could be considered a violation of people’s human and civil rights.

To my knowledge, up to this point no work has been published by anthropologists in regard to disenrollment. There have been scholars from different fields who have done extensive research such as legal scholars Gabriel S. Galanda and Ryan D. Dreveskracht (2015) and conflict analysis and resolution expert Janice R. McRae (2010). While there has been mention of disenrollment in some anthropological studies (Cattelino 2008; Ramirez 2007) there has not been a study dedicated to tribal disenrollment. This systematic study will look at various aspects of cultural processes, symbolic and structural violence, state and Native politics, along with the effects of capitalism.

**Methodology and Approach**

Native peoples and anthropologists have sometimes had difficult relationships dealing with one another; it can be hard to find examples of harmonious relationships in these circumstances. The beginning of American anthropology in the early 20th Century consisted of salvage ethnography, where anthropologists would venture out to the lands of the “Other”, observing and attempting to preserve information about these “dying species”. Looking back, some early anthropology was quite appalling, though at the time
it was representative of the colonist-subject relationship which was a relationship that was based on power, dominance, and oftentimes oppression.

However, we have learned our lessons so that in the 21st century, anthropologists have gained a great deal of knowledge about ethics, culture, and fieldwork. Vine Deloria Jr. renowned Oglala Sioux activist wrote in his infamous piece “Anthropologists and Other Friends” from the book *Custer Died for Our Sins*, “we should not be objects of observation for those who do nothing to help us” (1969:94). Consequently many anthropologists have set aside the notion of the passive observer, and instead, have begun to practice a more activist oriented anthropology. In doing so, we have tried to actively move away from the type of anthropology that Vine Deloria Jr. described.

I attended the California Indian Conference at UC Berkeley in fall 2015 where one of my advisors, Dr. Kristina Casper-Denman, and I presented on how anthropologists can be allies with Native communities. Dr. Greg Sarris (tribal chair of Graton Rancheria Coastal Miwok and Pomo Nation) was the keynote speaker and within the first few minutes of his talk he began to discuss the relationship Native Americans have with anthropologists. Dr. Sarris talked very candidly about anthropologists and how problematic their research has been, and still is. While the crowd cheered him on, my advisor and I could not help but feel like outsiders. Anthropologists are, more often than not, unwelcome in many Native communities for reasons that are valid in some ways. Personally it is an odd position for me to be in because I am Native American and an anthropologist.

In taking a reflexive methodological approach I feel it is important to tell my story
and give you a glimpse into my background. I am Ventureño Chumash. I was born and raised in Ventura, California, which is my ancestral homeland. Like so many other Native Californians, we are a somewhat fragmented tribe. We are not federally recognized, we have no reservation, most of our lands have been built upon, and our fellow tribal members are spread all across the continent. My tribal leaders do amazing things for our community and they work very well with the resources they have. From language revitalization to public education, our tribe tries extremely hard to not only preserve what is left of our culture, but to teach others about who we are and who our ancestors were.

Growing up I always knew I was Chumash. It was, and still is, a great source of pride within my father’s family, though we were not very involved with tribal affairs. As a child I would play in the rivers and hike in the hills that my ancestors did thousands of years ago, and I was fully aware of that relationship. I would drive by the San Buenaventura Mission and cringe at the sight of Father Serra’s statue, because I was aware of what my ancestors had to go through.

It would be remiss of me to not share that while yes, I am Native, and yes, I know what it is like to feel as if you a part of something greater than yourself, I also know what it feels like to be an outsider. I have light skin, so every time I would state that I was Native, people would laugh and think that just because I did not have dark skin and wear turquoise jewelry I was non-Native. I know what it is like to see others around you enjoy the feeling of being part of a tribe, while you feel like you do not belong. When I came to Sacramento and experienced Native cultures, it was a whole different world to me. The Native communities I experienced are tightknit, and I have never experienced that before,
so that exacerbated my feelings of being an outsider. I was inspired to become a more involved member of my tribe, and I have done so, though being hundreds of miles away can be a challenge.

When I first learned of disenrollment, it hit me very hard because I could somewhat understand what they were going through. I know what it is like to feel like you do not belong, but also know that you are Native no matter what anyone else has to say about it. You know it in your heart and you know it in your soul. This was a blessing in disguise, because it provided me with both an etic and emic (outsider and insider) perspective. I am able to understand the importance of land, ritual, and community in terms of identity formation. I am able to understand how settler colonialism and Missionization continues to have effects on California Native communities, though I also understand these issues from an anthropological perspective. My anthropological training has allowed me to look deeper beneath the surface, to analyze things on a much larger scale, and to understand Native experiences using anthropological frameworks.

The reason I have chosen to include my story is two-fold. I first want readers to understand where I am coming from and to know where my biases might lie. Secondly, while it may be considered somewhat of a risk and I am sure I will be judged by some, it is important that people understand that being Native is not about letting a fraction define you. It is not about how much “Indian blood” you have. It is much more than that, and it is different for each individual and each community. For me being Native is about being connected. It is more about connecting to my lands, to my ancestors, and connecting with fellow tribal members and less about having a piece of paper define who I am.
When I began my research I knew that I wanted to be as true as possible to those I have interviewed. I wanted their words to shine through and really be heard, though the problem was actually finding participants. I decided to focus on California, because that is where many disenrollment cases were occurring, and it was also easier for me to interview people within the state I am currently living. I knew people were being disenrolled, but who were they? How do I contact them? This was the hardest part of my thesis, data collection. I began contacting reporters who had written pieces on people who had been disenrolled, hoping they would provide me with contact information. That was a fruitless venture, and I was back at square one. I thought to myself, how am I supposed to do this thesis when I have no one to interview?

One day I was scrolling through Facebook and decided to see if there were any disenrollment groups on Facebook. To my surprise there was. Emilio Reyes, a member of the Gabrieliño Nation, runs the Disenrollment Facebook page that currently has around 12,000 followers. I decided to email him and see if he could help me. Thankfully he was wonderfully excited to help. He asked me for my interview questions and then began posting them all over Facebook, which led to my questions being posted on the Pechanga Blog, which is run by Rick Cuevas and is one of the main hubs on the internet for disenrollment information. I created my own email address dedicated to my research and within a few days responses began to trickle in.

When all was said and done, I had a total of seven interviews from those who had been disenrolled. There are two disenrolled members from the Pala Band of Mission Indians, four disenrolled members from the Pechanga Band of Luiseño Indians, and one
disenrolled member from the Pinoleville Pomo Nation. The interviews I received were
great because they spanned from northern California all the way to southern California. I
was able to get a nice range and yet find commonalities among these three Native
Nations. I was also able to interview Dr. Greg Sarris and anthropologist Dr. John Johnson
who helped me immensely and provided me with vital information. Lastly, I interviewed
Emilio Reyes who gave me a wonderful and much needed activist perspective.

Getting responses from those who had been disenrolled was definitely a
breakthrough for me and I was elated for numerous reasons. First and foremost I actually
had interviews to supplement my scholarly research. Secondly, I was excited to use social
media as a technique for ethnographic data collection. This form of ethnography, or what
Kozinets calls “netnography” (2010) is obviously new, but I feel it is an untapped
resource of information. While many netnographies are concerned with marketing, I used
this method to gain a better understanding of the experiences disenrolled people are
having and to gain access to the people in which I have interviewed.

It is common for people on social media to feel like they can speak more freely, to
feel as if they will not be judged as harshly, and I believe they are much more candid
about their experiences. Furthermore, it is interesting to see the memes that people share,
the responses that people have, and the ways in which they use their agency to comment
on certain posts.

Using social media as a form of ethnographic method does have its drawbacks. It
is a bit more impersonal, I felt as if those who I was speaking to did not know who I was.
I was not able to read their body language or get a feel for how they were responding to
certain interview questions. Interviews via email are much more structured; the practice of free-flowing interviews is more difficult to do. It has also proven to be an obstacle to get responses to follow-up questions. I conducted one face-to-face interview with Dr. John Johnson, an anthropologist and curator for the Santa Barbara Museum of Natural History and one telephone interview with Dr. Greg Sarris, tribal chair of Graton Rancheria, both of which lasted over an hour. Some of my interviews via email were very short and concise, while others were pages upon pages of people telling me their story.

In the end I was very pleased and extremely thankful for the information I was able to gather from June 1, 2015 until December 1, 2015. While the period was fairly short for data collection, I believe I was able to gain some very important and interesting information in that small amount of time. I attempted to contact members of the tribal councils that were responsible for disenrolling the people I interviewed. Unfortunately I never received any responses. Therefore, one could say this is a partial-truth, but it is very much the whole truth to those who have been disenrolled.

When I was sifting through the interviews and pulling out themes, it was very emotional. I found myself having to take many breaks while writing this thesis just so I could compose myself and get back into research mode. Some people poured their hearts out to me and it was definitely a risk for them to do so, which is why you will see that some names have been changed to protect people’s identity. Some people risked a great deal by talking to me, but they wanted their voices to be heard and that speaks volumes to who they are as people and to how important is it that we openly speak about disenrollment.
My thesis is organized into four main chapters. Within those four chapters I have interwoven theoretical perspectives, along with literature reviews. I decided to format my thesis in this way so readers are able to immediately see how theoretical frameworks can be applied to various issues throughout this thesis. The same goes for literature reviews, rather than writing a large review of the literature in the beginning chapter, I decided to break up my literature reviews within each individual chapter so that the sources can be directly related to the topic I am discussing.

In terms of chapter content, the second chapter takes us on a journey through time. I provide information about what life was like in California before and after colonization and Missionization. I tried as much as possible to focus on the three Native Nations that the people I interviewed had been disenrolled from. I go into the layout of their land, the relationship they had, and some still have, with their surrounding environments. Moreover, I show how their identity is connected to space, place, and their community. Furthermore, I provide information on kinship patterns and how colonization and Missionization altered their traditional lifeways. In this chapter I argue that disenrollment is not a traditional practice, but rather a modern one in which European lifeways and assimilation policies helped create. Furthermore, I argue that the numerous forms of trauma that California Natives experienced during and after colonization is not unlike the trauma that people who have been disenrolled experience.

The third chapter is focused on more modern issues having to do with Native Californians in general, paying special attention to the three Native Nations my
interviewees have been disenrolled from. Beginning with the Termination Era of the 1950s I show how congressional policies impacted Native peoples in California. Issues of poverty, civil rights, and urbanization are included. All of the information in both chapter two and chapter three leads us to the topic of how casinos came about in Indian Country. It is important for people to understand the state that many tribes were in before and immediately after Casino-Capitalism was introduced. Furthermore, this analysis is crucial in order for us to understand how and why the current disenrollment epidemic began. In this chapter I argue that tribal casinos are an important form of economic sovereignty for many Native Nations in California. At the same time, I argue that issues of race, ethnicity, and belonging are exacerbated because of the advent of tribal casinos.

Chapter four is dedicated to disenrollment, and includes all of my case studies. The first section consists of the interviews I conducted with disenrolled members. I provide a brief casino history where applicable which is then followed by a synthesis of the interviews I conducted. I also provide a brief analysis where I pull themes out from the interviews for further analysis. The second section analyzes the ways in which Native activists are fighting against disenrollment in hopes of creating awareness that will lead to change. I argue that disenrollment is affecting people is negative and detrimental ways which will have effects on generations to come. I also argue that disenrollment is a form of structural and symbolic violence and that people are playing what Sherry Ortner (2006) describes as “serious games” to try and stop tribal disenrollment.

For the fifth chapter I decided to take the topic of disenrollment and apply it to a more global perspective of inequality. More often than not, Native Americans are left out
of many important conversations on inequality. Furthermore, I argue that viewing
disenrollment in this way will allow us to see the deeper effects of disenrollment on the
individual level while also giving us the understanding that disenrollment is a
consequence of structural inequality. My goal is to show that disenrollment has the same
kind of effects that other forms of inequality have on various populations.

I end my thesis with an overview of my findings, chapter content, and a summary
of future research that still needs to be done on this topic. This thesis just scratched the
surface on the issue of disenrollment. My goal for this thesis is to inspire others to
analyze and study disenrollment from a variety of perspectives. Furthermore, I feel it is
important that the voices of the underrepresented, in this case people who have been
disenrolled, have their voices heard.

In closing, my hope is that my research will contribute to current topics in
anthropology such as inequality and activism. It is very important that anthropology stays
current, and studies what is going on in the world today. Activism in anthropology is
becoming more and more prominent. The numerous social movements in our culture, and
around the world, demand that we become more than a passive observer and I hope to
contribute to that growing field in anthropology. Moreover, it is also important that we
use anthropology to help us, and others, understand the human condition and the impacts
that dominant structures in our society have on both individuals and culture itself. My
study contributes to this conversation and provides the voices and perspectives of the
disenfranchised to help us all understand not only the effects of inequality, but how
inequality is being perpetuated in various levels of society
CHAPTER 2
HISTORICAL OVERVIEW

The colonization and Missionization of Native California has had, and continues to have, some very strong effects on tribal peoples and governments; changes in identity, membership, and ways of belonging are just a few of the impacts Native peoples have experienced. I argue that the implementation of European lifeways onto Native Californians has had lasting effects that can be seen as contributing to the massive disenrollment of California Natives in the 21st century. Furthermore, I argue that the physical, mental, and cultural trauma experienced by California Native peoples, and all Native peoples in what is now the United States, is further deepened by acts of disenrollment.

The Land as it Once Was

Throughout the United States, and even the world, most people do not think of Native Americans when they think of California. They think of the glamour of Hollywood, the salty breeze from the warm oceans of the coast, and the towering redwoods in the north. Little do they know that California was home to numerous Native tribes consisting of hundreds of thousands of members who spoke more than 60 languages and occupied around 250,000 acres of land. With colonization and Missionization came genocide; the California Native population dropped by 90%. While many tribes and individual Natives flourish today, there is definitely a scar that has been
left not only on the land, but also on the hearts of the Native peoples. This section outlines what life was like before colonization, in sum, it is a history of the land as it once was.

There are always those who romanticize what life was like before the arrival of the Europeans, some even calling it a utopia. In a sense, they are correct, though California Native peoples still faced many hardships. California’s environmental diversity and richness is exceptional in comparison with other places in the United States, even the world. “Spanning more than ten degrees of latitude and extending over one hundred million acres, California is a bridge between cool-temperate, foggy, dimly lit rainforests and open, parched, hot, sun-bathes subtropical deserts” (Anderson et al. 1997:12). Tall mountain peaks, crystal clear rivers flowing down through the hills, unique rock formations, and ancient trees were, and still are, infused with meaning. “What is labeled as ‘wilderness’ in today’s popular imagination and on current topographic maps actually harbored human gathering and hunting sites, burial grounds, work sites, sacred areas, trails, and village sites. Today’s wilderness was then human homeland” (Anderson et al. 1997: 14).

Native peoples lived off of the land and many were hunter gather societies, though some, including the Cúpeño, and the Owens Valley Paiute, practiced horticultural methods to improve productivity. Others, such as the Cahuilla of southern California would plant desert fan palm seeds and other plants to ensure their survival. Native people in California gathered foods in such a way that allowed certain plants to regenerate. They were so successful at this that when explorers first arrived on the shores of California, it
has been said they were fooled into thinking that the land was untouched.

The Pomo people north of San Francisco, one of the nations included in my case studies, maintained territory that was about 90 miles in length and sixty miles in width. They controlled half of Mendocino, Sonoma, and Lake Counties, as well as a small section of Glenn and Colusa Counties. Their coastal territories extended from a point about halfway between Ten Mile River and Fort Bragg, and southward almost all the way to Bodega Bay. Their territory coincided with the divides south of Ten Mile River, Tomki Creek, South Eel River, and Rice Fork, all the way up to Clear Lake (Curtis 1924:55). “Within these boundaries are the sites of an immense number of villages and camps, a few of them inhabited at the present time, many more within recent years or within the memory of men now living, and a large number in the misty past of tradition” (Curtis 1924:55).

As with many California tribes, there were differences in culture due to environmental factors. From coastal regions, to the interior valleys, subsistence patterns varied greatly. The reliance on nature for subsistence and survival led to many Native peoples having a special relationship with their land. The Pomo Nations were connected with the nature that surrounded them. “Prior to historic contact, the Pomo Indians of northern California contrasted Human (i.e., Culture) with Nature, Natural with Supernatural, and Community with Wilderness” (Parkman 1994:13). This dualism influenced their ideological constructs, which gave the Pomo Nations a unique perspective for observing the world around them (Bean and Theodoratus 1978). Furthermore, the Pomo landscape was comprised of both communal lands and wild
lands; the communal lands being under direct control of the people and their cultural laws, and the wild lands being controlled by natural and/or supernatural laws (Parkman 1994:13).

I worked with individuals from two other Native Nations, the Pechanga Band of Luiseño Indians and the Pala Band of Mission Indians. The Luiseño people have their own territory in what is now Temecula, and the Pala territory is close to the Pechanga in northern San Diego. This whole area of southern California has been inhabited for at least 12,000 years and consisted of numerous tribes:

A regional synthesis of coastal southern California prehistory divides northern San Diego county’s period of human occupation into four widespread cultural horizons—the San Dieguito or Early Man, the La Jolla/Pauma or Millingstone Assemblages, the Transition or Hiatus, and the San Luis Rey. Refined by numerous scholars over a period of decades, these four horizons, each with significant local variation, emphasize the archaeological content of cultures, the relationships among them, and how or why they changed, determined through analysis of their use of hand-fashioned implements and consumption of wild game, seeds, and acorns. [Karr 2001:8]

The traditional territory of the Luiseño covered around 1,500 square miles, from just north of the Mission San Juan Capistrano to just south of the city of Oceanside. The Luiseño’s land covered a wide range of ecological zones that consisted of marshes, beaches, coastal chaparral, large oak groves, grass valleys, and even the pines and cedars from Mount Palomar (Kroeber 1976: 648). Scholars believe that the pre-Contact population was anywhere from 4,000 to 10,000 people. The precolonial Luiseño settlement patterns consisted of interior village groups that were semi-sedentary and autonomous. Luiseño members owned the land, and its content, collectively; though
individual ownership of materials and dwellings was common. Karr (2001) writes that their primary food staple was the acorn, like many other Native groups in California, though wild berries, roots, cactus fruits were foraged, and deer, rabbit, and small trout were hunted. Harvesting rights based on territory were established in order to ensure suitable annual crops (2001:15).

Based on linguistic analysis, along with archeological data, the San Luis Rey complex can be divided into two separate phases: San Luis Rey I (1400-1750), and San Luis Rey II (ca. 1750-1850). The Pala are seen as part of the San Luis Rey II phase and therefore are immediate ancestors of the Luiseño. Today, the Pala Band is comprised of both Luiseño and Cupeño populations, which shows the direct ancestral connection. The Pala Band in northern San Diego had a special relationship with the land around them as well. Dr. Steven Karr (2000) writes that the Pala Band has identified with the land in which they have lived for centuries. “In part, this identity is drawn from the waters of the San Luis Rey River that slowly meanders its way through the nearly twelve-thousand-acre reservation” (Karr 2000:381). The term Pala translates to water, which speaks to how important water was, and still is, to this culture.

Land, Spirit, and Identity

From colonization to imperialism to the effects of modern capitalism, spaces and places have been affected by the influence of outsiders for hundreds of years. As anthropologists, geographers, and others have pointed out, space and place have a very real and permanent effect on a person’s identity. Spaces and places hold special,
sometimes sacred, meaning for people all over the world. Whether they are sites of worship, places of comfort, spaces of love and family, or lands that are linked to ancestral ties, land, space and place all have the capacity to invoke strong feelings and carry special meaning that can differ from person to person, or culture to culture. Places can also be sites of genocide and injustices; these spaces can have detrimental effects on people and cultures, inciting memories of historical trauma along with feelings of loss and despair. For this section, I will be focusing specifically on how land and religion affect and help mold a person’s identity. As we get further into the disenrollment chapter this information will be critical to understanding the effects of land and group separation that many disenrolled people feel.

For many Native peoples, land is more than just a physical space; it is a moral space as well. “A village and its surrounding territory were important elements of personal and collective identity, physical links in a chain binding a group to its past and making a locality sacred” (Merrell 1989:545). By using an ethnogeographic perspective, scholars are able to understand the importance to land in relation to historical and contemporary identity. Keith Basso (1996), a cultural and linguistic anthropologist, mapped the White Mountain Apache’s community, and the toponyms they used to describe their environment, which brought the landscapes to life and showed the importance of ritual power and memory. Basso writes that human existence is irrevocably situated in time and space, and that expressive instruments are ways in which communities produce and display their understandings of their existence (1996:53-54).
Persons thus involved may also dwell on aspects of themselves, on sides and corners of their own evolving identities. For the self-conscious experience of place in inevitably a product and expression of the self whose experience it is, and therefore, unavoidably, the nature of that experience (its intentional thrust, its substantive content, its affective tones and colorings) is shaped at every turn by the personal and social biography of the one who sustains it. Hence, as numerous writers have noted, places possess a marked capacity for triggering acts of self-reflection, inspiring thoughts about who one presently is, or memories of who one used to be, or musings on who one might become. [Basso 1996:55]

Basso is completely correct in saying that people have a shared relationship with geographical space, and that these spaces acquire meaning through those relationships (1996:54). Ritual acts also aid in creating one’s relationship with the land; myth, prayer, music, dance, and art are expressed through the relationship to places. “Thus represented and enacted-daily, monthly, seasonally, annually-places and their meanings are woven into the fabric of social life, anchoring it to features of the landscape and blanketing it with layers of significance that few can fail to appreciate” (1996:57).

Jack Forbes was a Powhatan-Renapé/Delaware-Lenápe, and an acclaimed author, activist and professor emeritus of Native American studies at the University of California. He writes that there are a few characteristics that stand out. First, many Native communities envision a creative process of the universe as a mental process. Second, it is common for Native communities to have a source of creation that is plural. Third, the agents of creation are rarely human. Lastly, creation is seen as a living process resulting in a living universe where everything is connected (2001:283). While it is problematic to generalize Native cultures, there are some commonalities that are seen throughout many
Indigenous cultures in the United States. “Indigenous Americans tend to see this living world as a fantastic and beautiful creation engendering extremely powerful feelings of gratitude and indebtedness, obliging us to behave as if we are all related to one another” (2001:284). Forbes highlighted that Native peoples tend to view the earth and other living entities as being part of bios, which is often seen by many post-1500 Europeans as simply romantic, though for many Native peoples, these are the ways of their ancestors which are still being practiced today.

Native peoples relied on the land for survival, both literally and figuratively, it gave them life; it was their mother, their father, or even their creator. Because they relied on the land and the animals for survival, they had a special relationship that was based on respect and reciprocity. This relationship spawned the beautiful animist belief systems that many Native peoples still practice today. The religions of the Pala, Luiseño, and the Pinoleville Pomo Nations support these scholars’ arguments regarding the connection between religion, land, and identity. For example, the Pechanga Band of Luiseño Indians reside in what is now called Temecula, California. Before the Spanish renamed the land, it was called Temeekunga, the place of the sun. For the Pechanga, life began in the valley Exva Temeeku, the place of the union of Sky and Earth or father and mother (Tuukumit'pi Tamaayowit). According to Pechanga’s webpage for their world class golf course called Journey at Pechanga, the land in which this course was built upon is actually a portion of their ancestral land:
The native history of the Pechanga Band of Luiseño Indians is deeply implanted in every fertile yard of Journey at Pechanga. The cultural heritage and connection to the land runs deep and is virtually inseparable. The very name "Pechanga" means "place where the water drips," a fitting description so in keeping with the beautiful and natural water features that abound on this magnificent course. Journey is built on a portion of Pechanga’s ancestral land that has been their "home" for countless generations. This land is also home to "The Great Oak" – one of the largest natural-growing, indigenous coast, live oak trees in the United States and estimated to be anywhere from 850 to 1,500 years old. To the Pechanga people, the land that Journey is built upon, and the Great Oak that stands upon it, carries meaning that far transcends mere physical presence. [https://www.pechanga.com/golf/history.aspx]

While much could be said about building an enterprise on ancestral land, for now it is important to highlight the Pechanga people’s connection to their surrounding environment. Unlike many Native Nations in the United States, the Pechanga were able to stay close to their ancestral lands which make their ties to the area that much stronger.

For the Pala, most information available is through oral histories which have been passed down from generation to generation. It should be noted that the Pala and Pechanga are close ancestors (both have strong Luiseño ties), so many of their creation stories and oral histories overlap with each other. For the Pala, their creation story is: Whaikiiit Piwkut was the man, the sky or Milky Way, whit[e]ish-gray. Hantrai Chatutai was the woman, the earth. She was with child. Then came forth the children in order of their birth: Yula Nahut, Chakwut Wafcut, Nosish A yaraka, and Pala (DuBois 1908). As noted above, space and place are often times considered sacred. Karr (2001) states that a Temecula chief named Nahachish ventured all across his peoples’ land where he gave place-names to various locations:
He sang a song. He sang that he was going to leave that part of the country, but he did not know here to go. He went to *Picha Awanga, Pichanga*, between Temecula and Warner’s Ranch, and named that place… He went into a ravine and called it *Sovoyama*, because it felt chilly… In the cañon he drank water and called it *pala*, water… [DuBois 1908]

As Karr (2001) points out, today, these are still very important stories for the Pala; they still consider water and the San Luis Rey River very sacred. The land has historical meaning that connects people to their past and allows them to bring their history into the present by passing down these stories and practicing ceremonies.

Ritual and ceremony are inextricably linked to both identity and ways of belonging. Philip Stedman Sparkman (1908) wrote an extensive book in which he provides information on Luiseño life. In regards to ritual and ceremony, he writes that when a person dies people blow three times, with the idea of assisting their soul or spirit (heart) to rise to the sky. This is an elaborate ceremony that includes burning the clothes of the deceased person which generally occurred a year after their death. “Some clans have now given up this practice, but others still keep it up. When the clothes of a person are to be burnt, the feast-chief of that clan does not perform the ceremony himself, but employs someone else to do so, usually the feast-chief of another clan” (1908:226). This ceremony, along with others, was also about building and maintaining relationships with neighbouring clans, as well as honouring the dead and ensuring that their souls rise to the sky.

For the Luiseno people as a whole, Raymond White (1957) writes about their theory of knowledge in which there is a:
Set of native concepts concerned with the nature of "knowledge," and how it is acquired, employed, and disseminated. *Ayelkwi* is the native term which these people translate as "knowledge," and has to do with the properties of the world as the Luiseño perceive and believe it to be. In some respects, *Ayelkwi* is similar to mana in that both supernatural power and a systematic means for its use and control are involved. As conceptually organized by these Indians, their "theory" of knowledge forms the core of the old native religion, and thus of pre-Spanish social structure. To the Luiseño way of thinking, the bases of knowledge and its nature are inherent in their cosmogony. [1957:1]

Like many other tribes in California, there are varying degrees of variation from Nation to Nation. Just like the Luiseño, the Pomo are divided up into numerous different Nations, some having regained federal recognition and some not, each having their own traditions and ways of life. Edward Curtis (1924) writes about Pomo ceremony and spiritual beliefs stating: “the dead were believed to travel southward to an unnamed county, and in order to prevent the ghost from haunting its former abode a bit of bakó (angelica-root) was burned at the house during the four nights of cremation” (1924:68). The Pomo had two kinds of healers, those who sucked out the disease, and one who administered medicine. The “sucking doctor” acquired their power through intense dreams. The healing doctor would use herbs and perform rituals with sacred songs and rattles to treat their patients.

The Pomo also practiced the Kuksu, like many other Native groups in northern-central California. The Kuksu is a “religious complex centering upon the impersonation of a god or gods, which stressed curing rituals or rites of ‘well-being’ for the entire group. Some of the rituals stressed protection against the dangers of nature while others connoted fertility” (Bean and Theodoratus 1978:297). The Kuksu ceremony was held at a
different place every year, but every seven years it would take place in a designated village and consisted of numerous dances in an earth-covered dance house. It also involved an initiation ceremony, where young boys (ages 10 to 12) would become part of a special rank, or the “ghost society” where sacred knowledge was taught and practiced (1978:297).

As we can see from this information, religion, the land, and also a person’s community had, and continues to have, a very strong effect on a person’s identity. From religion, to healing methods, to place names, everything relates back to heritage, the earth, and community. People relied upon each other, and sometimes the surrounding clans or tribes, for their survival. Today, some of these rituals are still practiced, and for those that are no longer celebrated publically, they still reside in a person’s, or the community’s, memory.

Ways of Belonging and Social Organization

Similar to how religion and ritual can shape a person’s identity, being part of a group, tribe and/or community could be considered the core of someone’s identity, and when that is taken away from them (by being disenrolled), it can be detrimental. Little River Band of Ottawa Indians wrote:
Tribal membership for Indian people is more than mere citizenship in an Indian tribe. It is the essence of one’s identity, belonging to community, connection to one’s heritage and an affirmation of their human being place in this life and world. In short, it is not an overstatement to say that it is everything. In fact, it would be an understatement to say anything less. Tribal membership completes the circle for the member’s physical, mental, emotional, and spiritual aspects of human life. [Samuelson v. Little River Band of Ottawa Indians-Enrollment Comm’n 2007 WL 6900788 at *2 (little River Ct. App. June 24, 2007)]

In chapter four, I provide an analysis of interviews that I conducted with people who have been disenrolled, but for now it is important to show the ways in which community and tribal membership are a piece of a person’s identity, including how membership was traditionally viewed and/or determined.

Traditionally, in most cases, tribal membership was based off of kinship, though as Fogelson points out:

Kinship not only included those whom one could trace familiar common descent, but could be extended to include more ramifying groups like clans, moieties, and even nations. Moreover, besides biological reproduction, individuals and groups could be recruited into kinship networks through naturalization, adoption, marriage, and alliance. Identity encompassed inner qualities that were made manifest through social action and cultural belief. [1998:44-45]

Jones (1992) wrote his dissertation on the Luiseño’s development of cultural complexity, stating the Luiseños most likely lived in independent nuclear families that consisted of immediate relatives. When the family grew in size, they would split off and occupy new territories (1992:31). Moreover, they would use marriage to tie together families of various groups in order to expand influence and territory.
The Pomo had a similar form of social organization. “The Pomo generally recognized that they shared a common culture, the variations of which they compared and contrasted when establishing their ethnicity vis-à-vis other cultures or among themselves” (Bean and Theodoratus 1978:293). Each tribelet consisted of one or more bilaterally related extended kin groups that ranged from 100 to 2,000 people. Each extended family had a headman or minor chief, who together formed a ruling elite/tribal council. “Kinship groups were the most significant social unit; the tribelet itself was a rather fragile social unit, since ambilaterality and ambilocality allowed movement of members from one tribelet to another. The tribelet would recombine in various ways” (1978:293-294). While most relationships among the Pomo were based on kin and any other type of relationship could be considered suspect, there were relationships that were based on friendship. “This was a formal relationship involving a ritual gift exchange, which contracted a reciprocal relationship, sometimes for the lifetime of the partners, and tacitly included the primary relatives of each of the partners”(1978:292).

What we can pull from this information is that membership was somewhat fluid as long as it was based on kinship, but even that had exceptions. Relating this to disenrollment, scholars Galanda and Dreveskracht (2015) write that in traditional Native societies, the casting out of one’s own relatives did not occur; though they note that banishment did happen on occasion. Banishment is a “punitive sentence under which an indigenous person was sent out of his or her community, and forced to live away from the community for a prescribed period of time” (2015:395). This was usually done to restore stability and harmony to the group. “An individual’s kin would impose an initial
reprimand; the community could impose further sanctions, and might also abolish the kin if the original discipline as not appropriate (2015:395). The banished individual would compensate affected members and seek forgiveness, after which they might then have the opportunity to be let back into the group. It should be noted that banishment was considered a last resort, and was only used to punish very serious crimes, such as murder or incest.

_The Darkest of Days: Colonization and Missionization in California_

I have gone over many aspects of what life was like for the Pomo, along with the Pechanga and Pala bands of Luiseño Indians. With the arrival of the Europeans, many aspects of Native life were changed and thousands upon thousands of lives were lost. I will not go into too many details regarding the processes of settler colonialism, Missionization, and the California Gold Rush because many authors have previously written detailed analyses on these topics. What I will discuss, are the issues that directly affected the Pomo, Pechanga, and Pala Nations, because colonization, Missionization, and the California Gold Rush have had lasting effects on these Native Nations, many of which can be seen as contributing to the current disenrollment epidemic.

In 1892, the US Census Bureau concluded that there were less than a quarter of a million Indigenous people living within this country’s claimed boundaries. The original population when the Europeans first arrived is estimated to be as high as 125 million (Churchill 1997:1). The Native American population was reduced by 90 percent; millions
of people died, not only from horrible disease, but from atrocious and heinous treatment as well.

The people had died in their millions from being hacked apart with axes and swords, burned alive and trampled under horses, hunted as game and fed to dogs, shot, beaten, stabbed, scalped for bounties, hanged on meat hooks, and thrown over the sides of ships at sea, worked to death as slave laborers, intentionally starved and frozen to death during a multitude of forced marches and internments, and, in an unknown number of instances, deliberately infected with infectious diseases. [Churchill 1997:1]

California was first exploited and colonized by the Spanish in the 1540s; making their way up through Central America and Mexico, they murdered Indigenous populations for silver and gold along the way. The Spanish conquistadors and missionaries walked their way north, up the western side of the United States through Texas and California. Native Californians were used to coming into contact with different groups, so for some, they welcomed the Spanish and ended up becoming trading partners. Due to the spread of smallpox, influenza, dysentery, malaria, measles, and syphilis, the California Native population was reduced to two-thirds by 1848.

Native Americans, whose ancestors had lived on the American continents for millennia, found that they too were living in a new world, but for them it was a bleak, dangerous, and conflict-ridden place, rendered deadly by European diseases and the hardly less benign presence of thousands of armed settlers. [Henretta 1993:60]

Spain claimed Alta California but it was too far to actually settle there, so California remained unoccupied by colonists until British and Russian interest was sparked, which led to the Spaniards defending the region. They did so by sending a defensive expansion up the coast in 1769, which was led by Captain Gaspar de Portolá and Franciscan monk
Junípero Serra, who established outposts in San Diego and Monterey.

Colonization always disrupts the social, economic, and cultural structures of the colonized populations, with Native Californians, it was no different. For those living close to the missions, colonization and Missionization had an even greater detrimental effect. “In the ensuing years, the affected native population was reduced by disease conflict, and emotional abuse, sometimes intentional, and other times unconscious” (Carrico 1987:13). Native populations were more often than not seen as “barbarians” and “savages” who needed to either be exterminated or converted.

The common belief among European settlers in the 18th and 19th centuries that natives were little more than animals was upheld in varying degrees. At one end of the spectrum, some Europeans believed that natives, despite being at a lower level of maturity, could be ‘civilized’ through education and Christian evangelism. There was a vague notion that in time indigenous people might one day be able to participate in modern society as assimilated whites. [Darian-Smith 2004:21]

Richard Carrico writes that whatever intentions the missionaries and the military had, it helped set the stage for the cultural decline and physical destruction of tens of thousands of California Indians (1987:13). In 1769, Father Junípero Serra founded the first mission, Mission San Diego de Alcalá, and by 1823, the last mission, San Francisco Solano de Sonoma, was founded. During this period there was a rapid decline in the coastal Indian populations, “movement and abandonment of villages, disintegration of moral fiber, and cultural chaos” (Carrico 1987:14).

The Mission Period did not affect the Pomo as much as it did the Luiseño. While the Pomo populations did suffer at the hand of colonization, it was not until the 1840s.
Honing in on the Pomo in Pinoleville (Mendocino, CA), we can see that after the Bear Flag Revolt in 1846, the main goal of the new European population was to gain complete control over California. More often than not, Native populations were seen as an obstacle to the realization of this goal, and they were to either be exterminated or domesticated, much like what happened to the Luiseños in southern California. “Because of the Gold Rush, white settlement in California became concentrated into a very short period, intensifying and heightening the process into a frenzy of acquisitive activity, a kind of mass-hysteria” (Pitelka 1994:13). In 1848, the non-Native population of California was less than 15,000, but by 1852, it had increased to 223,856.

Whites settled permanently in Mendocino County in 1844, when Fernando Feliz settled on a Mexican land grant located near the present town of Hopland. A year later, Vincente Juarez settled on a land grant covering 33,000 acres of Yokaia Pomo land that came to be called the Yokayo Rancho. The local Indians worked on these ranches as laborers sometimes willingly, but often by force. Mexicans would simply lasso a passing Indian and take him to the rancho. When they needed more workers, the Vaqueros would surround a Rancheria (native village), kill those Indians who resisted, and then select the needed workers from the survivors. Anglo ranchers would later continue using Indians as a captive agricultural labor force. [Pitelka 1994: 20]

The colonization and Missionization of Native peoples in California had devastating impacts on all facets of Native life. Not only were thousands upon thousands killed, their culture, languages, identity, and spiritual practices would be impacted for centuries to come. While this is heart breaking, it must be said that Native peoples have fought a long fight, and some have been very successful at preserving their cultural
heritage and identities. Unfortunately, Native peoples are still being forced to fight to preserve their sovereignty, cultural heritage, and identity. In the next section, we will see the numerous forms of structural violence that are systematically perpetuated by the United States government against Native peoples, resulting in detrimental changes to their culture and traditional forms of government.

Major Treaties and Laws that Affected California Native Groups

Since the founding of the United States the relationship between Native Nations and the federal government has been a tumultuous one. The “Doctrine of Discovery” in 1823 was a way for colonial powers to claim ownership of newly discovered land. The doctrine has been used to support decisions that have invalidated or ignored Native possession of land, giving colonial or post-colonial government’s power over land ownership. The Doctrine of Discovery is still used today in numerous court case decisions. In 1831, the U.S. Supreme Court decision in Cherokee Nation v. Georgia declared that tribes were “domestic dependent nations”. This was the beginning of the government-to-government relationship that we see today. While federally recognized tribes are considered sovereign entities, the relationship to the United States is much like that of a “ward to its guardian”. While Native Nations do have power to govern themselves, define membership, manage tribal property, and regulate their business and domestic relationships, their sovereignty is still limited and controlled by the U.S. government and acts of Congress.

In 1848, the Treaty of Guadalupe Hidalgo was signed ending the Mexican-
American war resulting in the United States acquiring more than 500,000 square miles of valuable territory. Many Native Americans often cite the Treaty of Guadalupe Hidalgo as a document that promised civil and property rights. The treaty stated that Native populations should become U.S. citizens as soon as possible, and in the meantime, their liberty, property, and civil rights would be protected. Although “the California Constitution of 1849 explicitly denied citizenship to Indians, and the Private and Grant Act of 1851 established a commission for verifying titles to Spanish and Mexican land grants” (Pitelka 1994: 21).

With California statehood in 1850, “the state government prescribed a series of laws and statues that were, for the most part, official, legal sanctions for white abuses of natives” (Carrico 1987:37). In April 1850, the California legislature passed a body of laws entitled “An Act for the Government and Protection of Indians”. All of these laws, Carrico states, negatively impacted Native Californians and regulated Native Californians at the state level rather than protecting them, which was a direct challenge to the United States Supreme Court decision of 1832, Worcester vs. Georgia (Carrico 1987:39). Section 2 of Chapter 133 at least guaranteed limited rights to land for California Natives. While this made it illegal to remove Native Americans from their land, it did not acknowledge the principle of Native American land ownership.

Steven J. Crum, Duck Valley Shoshoni scholar from UC Davis, has worked extensively on the topic of Native American histories. Crum describes the Indian Removal Act of 1830, which he writes “paved the way for the mass-scale physical removal of thousands of Native Americans who lived east of the Mississippi River”
(Crum 2003:140). There are many historical accounts of the removal of the Cherokee, Choctaw, Creek, Chickasaw, and Seminole, including the Trail of Tears in 1838, in which thousands of Cherokee died. Crum writes that while we often hear about the eastern Native Americans being removed, we seldom hear about the removal of Native Californians. The state of California applied its own removal policy to the tribes within the state.

In 1863, California state troops gathered up roughly 400 Concow Maidu of Butte County and marched them across the Sacramento Valley, over the coastal range, and placed them in the Round Valley Reservation in Mendocino County. The descendants of the Maidu still live at Round Valley. In another case, the military gathered up 800 Owens Valley Paiute from Eastern California and placed them at Fort Tejon. [Crum 2003:141]

In the mid nineteenth century, the government created the reservation policy. The purpose of this policy was to gather up tribes, and place them on reserves so they could be managed and controlled (Crum 2003:141). The purpose of reservations was to essentially, “civilize” the Native populations. But as Wilkins (2007), a Lumbee scholar and professor of American Indian studies, points out “these reserved lands were held in ‘trust’ by the United States on behalf of the tribe(s), who were deemed beneficiaries” (Wilkins 2007:33). This leads us to the idea of sovereignty, and how it applies to Native Nations. Sovereignty essentially means that the North American Native Nations have the right to make their own laws and the right to self-govern. They are considered to be separate and apart from both European and American governmental authority (Lim 2003:131). While they are sovereign Nations, many scholars note that the U.S.
government still controls much of what goes on in Indian Country.

“The Commerce Clause of the U.S. constitution acknowledged that tribes had political powers separate and distinct from state governments” (Lim 2003:131). This may sound positive, but as Lim points out, the United States Supreme Court interpreted the Commerce Clause as granting Congress broad power to legislate over matters concerning Indian tribes. Lim (2003) goes on to write about how the Marshall Trilogy and the doctrine of plenary power also impacted Native Nations. What Lim (2003) is essentially saying is that while Native Nations are supposed to be sovereign Nations, the U.S. government still has control over Native reservations.

The Dawes General Allotment Act of 1887, was a U.S. law that called for the distribution of Indian reservation land among individual tribesmen, the main goal of this was to essentially create responsible farmers in the “white man’s image”. This act created very serious hurdles for Native peoples, especially in regards to capital accumulation, because one could not take a loan out on trust land. This act also made the idea of private, individual land ownership a reality in Indian country. Previous ideas of collective ownership were replaced with the European concept of individual ownership, leaving many reservations resembling a checkboard, where owned land is scattered and non-contiguous. “Although the stated motivation was to ‘civilize’ Indians by turning them into landowners and farmers, in practice allotment made additional land available to settlers. The allotment process was subject to widespread abuse and led to a massive loss of the Native American land base” (Henson et al. 2008:4).

In 1924, Congress passed the Indian Citizenship Act, which again, was an attempt
to ‘civilize’ Native peoples by making them U.S. citizens. Before the Civil War, Native peoples of one-half or less Native blood were allowed to be citizens. This new “all inclusive” act extended the privileges of citizenship to all Native peoples, even though the right to vote was often times denied until the early 20th century. While we see the theme of blood quantum through this early part of American history, the Indian Reorganization Act of 1934, was the nail in the coffin in terms of defining what, and who, a Native person is.

The story of disenrollment can be linked to many macro and micro levels of injustices that date back to colonization. It can also be linked to more recent imperial practices having to do with tribal sovereignty and self-determination. Political scientist, American Indian studies professor, and Lumbee Native, David Wilkins has written numerous articles regarding tribal sovereignty. His paper *The U.S. Supreme Court’s Explication of “Federal Plenary Power”* (1994) is an analysis of case law affecting tribal sovereignty from 1886 until 1914. The 200 year old political relationship between Native tribes and the United States is both problematic and contradictory, due to the fact that this relationship consists of geographical, historical, political, and constitutional issues which impact the federal government’s relationship with Native peoples. According to Wilkins, the Supreme Court applied the “unlimited-absolute” definition of plenary power to tribes, their members, and their resources in the 1880’s. “The judicial, political, and historical evidence supports what many other scholars have maintained: Broadly put, it was to legitimate the unabashed and forced congressional policy of assimilation and acculturation of tribal members into the American mainstream” (1994:361).

This is an important concept that can take us to current issues of membership and sovereignty because after the Indian Reorganization Act of 1934, tribes began creating constitutions and governments that more often than not, mimicked those of the United States. “Indeed the federal government has had a significant homogenizing influence on the governmental forms currently in use among Indian tribes” (Henson et al. 2008:18). Essentially, if you wanted to be a federally recognized tribe and be seen as a sovereign nation, you had to adopt a government and constitution that was almost identical to that of the United States. “For many, many tribes, governments organized under the IRA entailed a fatal flaw: they were boilerplate systems that ignored the wide variety of legitimate governing forms tribes had used to rule themselves for innumerable years” (Henson et al. 2008:19).

To narrow this down we can look at a specific case study about the Lakotas of the Oglala Sioux Tribe in South Dakota, who have been one of the poorest Native Nations in the United States for decades. “Lakota traditions of governance provided notably effective systems of parliamentary-type structures in which leaders gathered in council selected multiple executives to carry out administrative functions and an independent society resolved disputes and provided law and order” (Henson et al. 2008:20). Before the IRA, the Oglala Sioux put forth numerous models of reservation government that were built off of these traditions, though the federal authorities rejected all of these types of government. “The terms of the IRA were eventually narrowly accepted by voters at the Pine Ridge Reservation, but its poor match with Lakota standards of legitimacy and authority in governance underlie many of the problems of political instability and
economic deprivation that persist today” (Henson et al. 2008:20).

Furthermore, this act defined a person as Indian based on three criteria; tribal membership, ancestral descent, and/or blood quantum. This is when we begin to see widespread use of blood-quantum as criteria for tribal membership. Historian at the University of North Carolina, Theda Perdue points out in her book *Mixed Blood Indians: Racial Constructions in the Early South* (2003) that Native peoples did not have a category for “mixed bloods” and never used the term. If they did use a term, they used “half-breed”, which defined a person straying from tradition, rather than the current definition which refers to race and/or ancestry. Perdue writes that after colonization, “mixed blood” and “full blood” Natives expressed their identity by wearing a mixture of both Native style clothing and European clothing (2003:91). Furthermore, skin color did not determine ancestry because there was such a variation in skin tone that determining ancestry based on complexion was imperfect.

Determining Nativeness by blood came about in the 1890’s, when settlers began allotting lands in Oklahoma with elaborate rolls to document Native names and their blood quantum. Settlers used blood quantum because it was assumed that the more European blood a Native person had, the more civilized they were, therefore they were deemed more trustworthy. Comparatively, the more Native blood a person had, the less trust settlers would have in them. The settlers assumed Native peoples could not manage their property so more restrictions were placed upon them.
Despite the circumstances under which racial determinations were made—the dispossessions of Southern Indians—allotment rolls with their “blood quantum” became the basis of modern tribal membership, and in a great historical irony, the language of blood permeates tribal politics into the twenty-first century. [Perdue 2003:98]

Because European ancestry among some Native groups was seen as a source of power, many tribal leaders were “mixed blood”, so they were able to have more prestige in the eyes of the settlers and their people. This is when we begin to see the link between race and power in numerous Native Nations, which we still see today. The difference is today, this idea has flipped, the more Native blood you have, the more prestigious you are. For some Native people, it is believed that the more Native blood you have the more connected you are with your culture and the less assimilated you are to American lifestyles. Furthermore, for many Native Nations you must have a certain amount of Native blood to gain membership into a tribe. Those with higher degrees of Native blood quanta are thought to be “more Native” than those with lower degrees of Native blood quanta. As we will see in the coming chapters, this becomes a place of contention and also one of the main causes for disenrollment. Members are kicked out of their tribes because of their lack of proof showing their ancestral ties to the tribe and others are denied membership due to their levels of Native blood, both of which are problematic for a variety of reasons which I will analyze further in this thesis.

I have shown in this chapter the numerous effects of settler colonialism and Missionization in California. Moreover we can see that the identity of Native peoples in California is tied to the land, community, and ritual. This will be of great importance when I begin discussing the impacts that disenrollment has on the individual and
communities. I will show that the effects of disenrollment are not unlike the effects Native peoples experienced with colonization and Missionization. In the next chapter I will continue with a historical analysis, but I focus more on the effects that American policy has had, and continues to have, on Native peoples.
CHAPTER 3
POVERTY, STRUCTURAL VIOLENCE, AND CASINO-CAPITALISM

Issues of race, sovereignty, politics, and economics all come together to tell the story of how and why tribal casinos came to be. In this chapter, I will focus on the process of how Native casinos evolved, the different levels of tribal casinos, and why they are seen as the “new buffalo” for so many tribes not only in California, but all over the country. Furthermore, by understanding the U.S. government’s role in not only Native casinos, but also the high rate of Native American poverty, we will begin to understand why economic sovereignty is so important to Native tribes. Disenrollment is often said to be the result of casino greed in Native Nations, and while I do not deny that, I also believe it extremely important to show how Casino-Capitalism has had numerous benefits to some tribes in California, though as we will see in the coming chapters, it also has negative consequences.

Gary C. Anders, writes “in the United States, a country which has set standards for material comfort and prosperity, many members of the (original) Native population, continue to experience socioeconomic conditions comparable only with parts of the underdeveloped Third World” (Anders 1981:226). Furthermore, he uses theoretical concepts of internal colonialism and economic dependency to analyze Native people’s relationships with the dominant White political economy. His main argument is “that colonialism and the imposition of White control over Native institutions undermined the social, cultural, political, and economic basis of the tribe’s solidarity” (Anders 1981:233).
Many scholars, especially those in the social sciences, study the connection between racial minorities and poverty. “In 1990, per capita income levels for American Indians were $8,284, less that 60 percent of the U.S. average of $14,420” (Leichenko 2003:368). Brod and Miller (1998) conducted a study in which they treat race as a variable rather than a constant and illustrate how hunger, poverty, and other dimensions of socioeconomic status intersect with race (Brod and Miller 1998:101). Geographer, Robin M. Leichenko (2003) geared their research more towards the income variation across Native American tribal areas. This analysis spans across numerous Native Nations, rather than just few families or tribes. Leichenko looks at the persistent poverty among Native reservations and the results “suggest that location indeed plays a significant role in accounting for variation in income across both tribal and nontribal areas, but that human capital, demographics, and structural factors also matter” (Leichenko 2003:365).

To play off of this idea of space we can use political geographer and urban theorist Edward Soja’s *Seeking Spatial Justice* as a kind of framework to analyze space in relation to Native Americans. Soja analyzes how geography can be unjust and oppressive (Soja 2010:191). Furthermore he writes “distributional inequalities arise with regard to all basic needs of urban life, ranging from vital public services as education, mass transit, police and crime prevention, to more privatizing provisioning of adequate food, housing, and employment” (Soja 2010:47). Many Native reservations are secluded and therefore access to services is extremely limited. In the following section, reservation poverty is highlighted which shows how numerous Nations on reservations experience distributional inequalities.
Professor of anthropology and geography David Harvey writes extensively on uneven geographical development could be applied to reservations as well.

Uneven geographical development is interpreted as the product of a differentiated diffusion process from the center that leaves behind residuals from preceding eras or meets with pockets of resistance toward the progress and modernization that capitalism promotes. [Harvey 2006:72]

He goes on to say that the idea of “backwardness arises out of the unwillingness or inability to “catch up” and whole populations or cultures are thought to be incapable of shaping their own history, or economies (Harvey 2006:72). This is one reason many Native Nations are still considered to be “wards of the state”.

It has been said that the reservation system actually exploited Native Americans for their land and isolated them from the rest of the nation (Rombough and Keithly 2005). Federal legislation created sovereign nations of Native Americans within the Nation’s borders, but the reality of self-determination, some argue, has never been fully realized (Rombough and Keithly 2005:105). Most of the lands on the reservations are in fact dead lands which cannot grow the food that is needed for subsistence. Andrew Sluyter (2001) analyzes the geography of reservations and provides a historical analysis of colonialism and landscapes; he also attempts to provide a comprehensive geographic theory of colonialism and landscapes. For Sluyter, landscapes are a key unit of geographic analysis and its transformation through social/biophysical processes (Sluyter 2001:410). He writes that landscapes became geographic objects of European power and served as a resource for the extension of European power through space. Moreover, “The scope and magnitude of colonial landscape transformations have ensured their continuing
consequences for some of our greatest postcolonial challenges, such as achieving global social and environmental well-being” (Sluyter 2001:411). He states that Native depopulation, technologies, institutions, and ideas do indeed transform these landscapes.

Other scholars, such as anthropologist Gerald Sider (2009), have looked at the idea of class. Sider (2009) analyzes concepts of culture, social organization, and the Marxist concept of primitive accumulation of class to study the fractures in contemporary Native American societies. He critiques past anthropological homogenizing models, including the idea that cultures are bounded and discrete which aids in our power over these societies (Sider 2009:277). Moreover, he states that “despite the intensity and the insight of many anthropological and Marxist critiques of colonial states, they share their models with the very colonial states they seek to critique” (Sider 2009:277).

Sider discusses the impacts of boundaries and the European formation of towns stating that these formations and ideas created and reproduced bounded Native societies. Bringing the conversation into the present, he writes that “the social and cultural production of Native American peoples, in the mid-twentieth century as in the colonial period, has substantially intensified inequalities both within and between native peoples” (Sider 2009:282). The production and harnessing of difference is thus also its destruction; new kinds of difference, in new places, must continually be made” (Sider 2009:283). What Sider has left out is that Native Americans are not just passive bystanders, letting others dictate their lives. While, yes, they are “wards of the state”, they also have individual and communal agency.

In regards to Casino-Capitalism, Jessica R. Cattelino has done by far some of the
most ground breaking work in the field of anthropology. Her work with the Seminoles in Florida gives us a detailed and in-depth look at the numerous changes that have taken place because of Indian gaming. The Seminoles own one of the most successful casinos in the country, raking in billions of dollars. “Casinos have enabled Seminoles to develop a new form of ‘economic nationalism’, in which the tribal nation increasingly is consolidated and conceived around economic life” (2008:123). While Cattelino shows how Casino-Capitalism has helped the Seminole in a variety of ways, she also highlights the problems that have arisen due to increased capital accumulation. These problems include: embezzlement, problems with the distribution of funds, and the effects on the younger generations (such as a lack of work ethic and worries regarding cultural transmission). Cattelino shows the ways in which Seminole life has been transformed socially, economically, politically, and culturally because of Indian gaming. Before I go into more detail about this topic, it is important for us to understand the political climate leading up to advent of Indian gaming in the 1980s.

The Relationship between Native Nations and the Federal Government

To better understand the comprehensive nature of this complicated relationship between sovereign Native Nations and the federal government, we need to analyze specific congressional acts and laws that have directly influenced the economic state and social development of Native populations. Beginning with the Termination Era of the 1950s, which is explained below, we can see that Congress began adopting policies aimed at ending tribes’ status at distinct political entities and under the policy of
termination, over 100 tribes and bands lost federal recognition. “Without federal recognition, tribal governments lost jurisdiction and became ineligible for federal trusteeship and funding” (Henson et al. 2008:4). Moreover, thousands of Native Americans lost federal designation and any governmental assistance that they may have received. “At the same time decades of economic and educational deprivation left individuals and tribes without the human capital and accumulated wealth with which they might fend for themselves economically” (Henson et al. 2008:4). Essentially, having your tribe terminated meant that it was a very real possibility that a person’s identity, as well as their community, were in jeopardy.

The House concurrent resolution 108, passed in 1953, announced the policy of termination and called for an end to the federal relationship between selected tribes and all the aid that came with it. They determined that specific tribes needed to be immediately terminated because they no longer needed federal services due to their fiscal advancement; this included many tribes in California. Furthermore, Public Law-280, also passed in 1953, was part of the effort to reduce federal responsibility for Native populations and gave more control to the state so they would have jurisdiction over criminal matters on Native land in California, and several other states. Some have outlined the positive aspects of PL-280 (Anderson and Parker 2008), stating that it increased economic prosperity due to the state’s involvement in tribal affairs. PL-280 also: increased the role for state criminal justice systems on reservations, allowed for the virtual elimination of the special federal criminal justice role, created numerous obstacles for Native Nations in their development of tribal criminal justice systems, and increased
the state’s role in civil related matters. Essentially, the U.S. government went from completely controlling Native populations, to washing their hands of them. They did so without making sure that these populations had the proper resources to prosper and flourish.

Like for many minority groups, the 1960s and 1970s were a time for change and resistance. The civil rights movement led directly to numerous younger Native leaders participating and leading the way in the Native activism movement.

The civil rights movement’s call to self-determined identity and given backbone by a generation of Native leaders who brought strong personal traits of self-reliance honed in, particularly, honorable military service in World War II and Korea, guardian-to-ward status was put on the run. [Henson et al. 2008:20]

In July of 1968 in Minneapolis, 250 Natives from various organizations met and created one of the most important and well-known Native rights groups in the country. The creation of American Indian Movement (AIM) made a huge impact not only in the United States, but worldwide. The Indigenous rights movement had begun and it sparked a flame in the hearts and minds of Native people everywhere. Fighting racism, injustice, structural violence, and inequality, AIM’s impact spanned coast to coast. In California, the Occupation of Alcatraz caught the world attention. What is now known as Alcatraz was the Native homeland of the Ohlone, whose territory spanned from San Francisco to Point Sur. The island was used by many Native peoples to escape the Mission systems, but then it became a very well-known prison where many Native peoples were imprisoned. On November 20, 1969, a group of Native peoples, including activists and
students, sailed out to the island and started a symbolic occupation, which turned into a full scale occupation which lasted until June 11, 1971.

Within their proclamation they state:

> We feel that this so-called Alcatraz Island is more suitable for an Indian reservation, as determined by the white man’s own standards. By this we mean that this place resembles most Indian reservations in that:

> It is isolated from modern facilities, and without adequate means of transportation. It has no fresh running water. It has inadequate sanitation facilities. There are no oil or mineral rights. There is no industry and so unemployment is very great. There are no health care facilities. The soil is rocky and nonproductive, and the land does not support game. There are no educational facilities. The population has always exceeded the land base. The population has always been held as prisoners and kept dependent on others. Furthermore, it would be fitting and symbolic that ships from all over the world, entering the Golden Gate, would first see Indian land, and thus be reminded of the true history of this nation. This tiny island would be a symbol of the great lands once ruled by free and noble Indians. [Smith and Warrior 1996:29]

This proclamation speaks to what Native peoples all over the country were feeling at the time. Their reservations were thought of as impoverished prisons and there was no escape. While many Native peoples moved to urban settings (Ramirez 2007), many were still living on reservations with very little sources of income. I included this piece on the occupation of Alcatraz to argue that economic sovereignty was, and still is, important to Native peoples. The U.S. government did take notice of these issues, because they were forced to. Numerous laws were passed, such as Public Law (PL) 93-638 (the Indian Self-Determination and Educational Act of 1975) that “marked a clear shift in federal thinking about tribal governments, allowing Native nations to take over and manage programs and
services that the federal government had so long controlled on reservations (Henson et al. 2008:20-22). Though there is still much work that needs to be done to undo the decades of poverty and structural violence that Native peoples have experienced, and continue to experience.

**Neoliberalism and Casino-Capitalism**

The 1970s was also the time of the rise of neoliberalism. Neoliberalism can be understood as “a set of ideas and practices centered on an increased role for the free market, flexibility in labor markets and a reconfiguration of state welfare activities” (Willis et al. 2008:1). The neoliberal turn has affected many aspects of life, and Native California is no exception. The advent of Native casinos in the 1980s, led to some Native Americans in California experiencing a much needed increase in economic growth. Although with economic growth comes some ramifications such as disenrollment, issues of inclusion and exclusion, along with abuse of power. If we take a Weberian perspective, it could be argued that such power, both social and economic, is needed for the betterment of society and social organization. However, I argue that for some tribes, casino profits are causing inner group conflicts, an increase in inequality, and the fragmentation of tribes. While economic sovereignty is a major goal for many Native Nations, there can, and are, ramifications (e.g., disenrollment) to attaining economic sovereignty through tribal gaming. By looking at the numerous aspects of neoliberalism and Native casino groups, with specific attention being paid to membership/citizenship, we will be able to understand the effects that neoliberalism and Casino-Capitalism is
having on California tribes.

As we have seen in this chapter, many Native Americans have experienced, and continue to experience, extreme poverty. Today unemployment levels among Native populations are nearly double that of the overall population. According to the U.S. Labor Department, more than 1 in 4 Native Americans live in poverty and their labor force participation rate is 61.6, which is the lowest of all ethnic groups. Moreover, Native unemployment rates in 2014 were at 11 percent, which is almost double the national rate of 6.2 percent. In 2013 the federal government provided Native groups with around $19 billion dollars in federal funds that went towards food assistance, education, and health services. It is important that we realize that Indian gaming has helped a few tribes raise their populations out of poverty, but as my research shows, it hasn’t helped everybody, only a select few.

The development of contemporary Indian gaming began in the late 1970s when federal policies of self-determination and court recognition of the limits that states had over tribes (Henson et al. 2008:146). This is when we begin to see tribal governments create, own, and operate gaming operations. Because of this, many tribes came into conflict with their surrounding states over regulatory jurisdiction. In the landmark case *California v. Cabazon Band of Mission Indians* (1987) the U.S. Supreme Court recognized a tribe’s right to determine their own gaming regulations. Many states still pushed for national legislation to oversee Indian gaming, which resulted in the Indian Gaming Regulatory Act (IGRA) of 1988. This created a framework under which government can oversee Indian gaming.
IGRA’s framework is as follows:

- **Class I:** Social games, or traditional forms of Indian gaming
- **Class II:** (i) bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)... including... pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and (ii) card games that are authorized by the laws of the state
- **Class III:** All forms of gaming that are not class I gaming or class II gaming (Henson et al. 2008:146)

Even though gaming was considered legal, Indian gaming did not really take-off until the 1990s especially in California and even when it did grow, it did not grow evenly.

A common misperception is that all Native Nations have very lucrative casinos, which is not the case. According to the National Indian Gaming Commission, in 2014 there were a total of 459 Indian gaming operations in the United States. In 2014 about a little over half of these gaming operations made more that $25 million; only 26 operations made over $250 million; and 88 of these operations made under $3 million.

There are currently 109 federally recognized Native Nations in California and 78 tribes petitioning for recognition. Out of these 109 recognized tribes, 62 have casinos, and some of these tribes have multiple operations. There are 68 tribal gaming operations in California, including northern Nevada, which made a gross revenue of $7,298,080.00. This shows that while there are some very successful casinos, there are also those that are not as grand in scale as others. Those Nations that are close to major cities and are easily accessible seem to bring in more revenue than those who are more geographically isolated. A majority of Native casinos are concentrated next to large city centers.

For those Nations with successful casinos, profits have “helped to accelerate the
socioeconomic recovery under way in the self-determination era by loosening constraints on capital investment in tribal economies and by bolstering tribal government budgets” (Henson et al. 20008:150). Many Native Nations have invested in hotels, conference centers, entertainment facilities, golf courses etc. Many of these Native Nations are also using their income to provide school scholarships, create and maintain linguistic programs, assist those that need help paying mortgages, some help protect endangered species, care for elders, monitor pollution levels, improve foster-care placement, along with numerous other public goods and services (Henson et al. 2009:152). Gaming has made many Native Nations self-sufficient and they are able to invest in their culture and heritage.

It is crucial to understand how high casino profits are impacting Native life in California. Moreover, we will see in the coming paragraphs how neoliberalism is impacting these tribes with very profitable casinos. While there is very little work done in regards to neoliberalism and Casino-Capitalism, I have chosen to use research that has been done on neoliberalism in general, and apply it to Native Nations with casinos. David Harvey writes that a key component of neoliberalism is the exportation of capital and the cultivation of new markets around the world (2010:19). If we take a step back, we can see that prior to Indian gaming, many of these reservations were impoverished, there was no capital growth happening there. Now, for these tribes who have successful casinos, these are new sites of capital, or previously untapped markets. This has become “a story of becoming”, in neoliberal terms.

One of the major staples of neoliberalism is the idea of self-sufficiency. There is
no argument that tribes with successful casinos have become self-sufficient; they no longer have to ‘rely on the government’ for help. For many people it has provided new opportunities, though for others it has been a very negative experience, especially for people who have been disenrolled. It is important to note that people experience neoliberalism differently, but “the ways in which neoliberal capitalism ‘bleeds into’ and articulates with its ‘constitutive outsides’ including processes of ethnicity, class formation, gender, religion, and ideology, different political formations and theoretical conceptualizations” (Willis et al. 2008:230). Furthermore, neoliberalism is constructed and enacted in multiple forms and spaces in society.

While I went into detail regarding traditional forms of membership in chapter 2, I would like to put membership and belonging into an economic and political framework. It is vital to understand that “political power influences the definition of racial and ethnic categories” (Jiobu 1990:7). Galanda and Dreveskracht (2015) trace the origins of membership as part of their research on tribal disenrollment. They highlight that determining membership is in fact a sovereign right, but disenrollment is a nonindigenous concept (2015:393-394). As we saw in Chapter 2, Native Americans relied heavily on the concept of kinship for purposes of identity. We also saw that with colonization, came the use of blood-quantum to determine ones “Indianness”, this has served the Eurocentric philosophy, by “subjugating American Indian notions of belonging and kinship, and replacing those indigenous norms with racialized criteria that serve federal objectives for Native government dissolution and land dispossession” (2015:397). Furthermore, membership rolls (which were littered with mistakes), and blood quantum became a
determining factor for cancelling trust status of Indian allotment lands (2015:401). When all was said and done, the U.S. government forced Native Americans to part with 90 million acres of land over a 50 year period.

In sum, the U.S. government imposed its Eurocentric ideas of race, ethnicity, and belonging on Native peoples to not only have the power to say who is and who is not Indian, but to also gain access to millions of acres of land. Sociologist Robert Masao Jiobu writes “political power influences the definition of racial and ethnic categories” (1990:7), and we can see this to be true in regards to Native Americans, blood-quantum, and belonging. Bringing this back to neoliberalism and economic control, the Indian Gaming Regulatory Act (IGRA) mentioned above, outlines how tribes use the profits from gaming, including aiding local governments, and promoting economic development. Furthermore, the IGRA requires a ‘distribution plan’ if the tribe wants to make per-capita payments to its members.

For some tribes, membership literally determines the difference between rags and riches. Anthropologist Kathleen Pickering writes that “the issue of who is a tribal member and where has a tremendous economic effect on individuals, households, and families” (2000:91). Membership can determine the chances you have of getting a good job, and as Pickering points out, not being a member of a tribe can exclude some groups from participating in the market economy (2000:93). Many tribes have become very dependent on the free-market economic system; therefore mass tribal disenrollment, like we have seen in California, becomes a way to protect ones assets and per-capita
payments. Pickering focuses on the Lakota and Sioux, specifically Pine Ridge and Rosebud. She writes that:

The conflicted social relations between Indians and non-Indians illustrate how identity, race, and class work at the local level to perpetuate inequality. Being Indian or non-Indian has a profound impact on the way the market defines the returns available from production and exchange. [2000:93].

In regards to neoliberalism, we can see that the federal government imposed restrictions and guidelines that pertain to controlling membership, money dispersal, land use, and even the structures of tribal government in order for a tribe to be federally recognized and operate a tribal casino. With an increase in capital also came the exclusion of people, which is also indicative of neoliberalist ideals. What we begin to see is the emergence of political economies that mirror the patterns of those who are outside of Native Nations. Furthermore, with colonialism came the switch from a more flexible approach to ethnicity and belonging, to a narrowly conceived primordialist practice of ethnicity.

In the next chapter, we will begin to trace the ramifications of individual and family disenrollment as it affects those people and their Nations as a whole. It is important to draw upon issues of sovereignty, economics, Casino-Capitalism, and other issues that I discussed in this chapter to successfully analyze and understand the stories and experiences of those who have been disenrolled.
Disenrollment is a very intricate topic that can only be properly analyzed by looking at history, economics, power, identity, space and place, and so many other variables. Native Americans have had a very tumultuous history post-Contact, and disenrollment can be understood as a continuation of that history. Furthermore, we also have to understand that while yes, Native Nations are sovereign, they still participate in the U.S. economy, and are also U.S. citizens. They also experience the impacts of U.S. policy, neoliberalism, inequality, and structural violence. The analysis I provided in the previous chapters builds up to this chapter on disenrollment. Here I present the interviews that I have conducted over the past seven months with people who have been disenrolled from the Pala, Pechanga, and Pinoleville Pomo Nations. In addition I also interviewed numerous activists, scholars, and a tribal chairman. These are extremely brave people who have come forward in a time that many people are not willing to speak about disenrollment publicly, let alone to an anthropologist.

My goal for this chapter is to let their words speak and shine through because their experiences offer us a glimpse into why disenrollment occurs, in addition to showing us what kind of effects disenrollment has on individuals, Native communities, and what effects it might have on future generations. My argument is that disenrollment is affecting people and communities on a very deep level that has yet to be fully understood. All cultures, including Native cultures go through cultural evolution, and
disenrollment has become part of that change. It is important for people to try and steer their communities in a more positive direction, and when culture begins to harm people, even unintentionally, it is important that we document it and speak out against it.

This chapter is divided up into two main sections. The first section includes the disenrollment interviews for the Pala, Pechanga, and Pinoleville Pomo. I provide casino history where applicable, which is followed by the interviews conducted with those who have been disenrolled, and I end each section with a brief analysis. The second section is dedicated to those who are on the frontlines of change, many of which have not been disenrolled but support the cause of abolishing disenrollment. I provide a detailed introduction which highlights numerous theoretical frameworks within anthropology that will help guide our analysis.

Disenrollment Case Studies

Pala Band of Mission Indians

Pala Casino History

The Pala Band of Mission Indians, as stated in Chapter 2, is located in Northern San Diego. According to their website, palatribe.com, they have around 918 enrolled members who live on their 12,273 acre reservation. The Pala members consist of both Cupeño and Luiseño Native peoples. Like most Native communities, they have a Tribal Council that is in charge of all affairs on the reservation. The Pala are governed by an Executive Committee which consists of six members who are elected by the General
Council. The General Council is comprised of all tribal members that are qualified voters, which consists of any member that is 18 years or older.

The Tribal Chairman, Robert Smith, has held this position since 1990. He negotiated the first Tribal-State compact with then California Governor, Pete Wilson in 1996 which resulted in opening the Pala Casino. From casino profits, Smith and others have provided health, vision, and dental insurance for members, created home loan programs, scholarships for higher education, and purchased land for a Tribal cemetery. Other tribal programs include: the creation of a Pala fire department, a Pala skate park, fitness center, learning center and a Pala giving program which supports numerous philanthropic causes such as education fundraisers, youth athletic programs, other Native American groups, churches, and local community organizations such as the San Diego Sheriff’s Department. As we saw in the last chapter, casino profits have the capacity to raise tribes out of poverty and provide essential services to their communities, and the Pala are a very good example of that.

The Pala Casino Resort & Spa consists of 2,250 slot machines, 85 table games, eight restaurants, two lounges with entertainment, and a large event center that promises to offer the same level of excitement as Las Vegas. The upscale Pala Spa promotes health and rejuvenation with their 14 treatment rooms, couples suites, fitness centers, a full-service salon and retail boutique.

The Pala Resort is a very successful casino offering numerous jobs for not just the tribal community, but the surrounding communities as well. It is important to show all sides of Casino-Capitalism, including the numerous benefits which I have just outlined.
What follows are two disenrollment stories of former Pala citizens. The experiences of these two women show a very different side to the glitz and glam of casino life and Casino-Capitalism. I will provide excerpts from these two interviews, followed by an analysis of their information.

**Pala Disenrollment Case Study**

Beginning with the first former Pala member, Hakwishka (a Luiseño pseudonym meaning tempest or whirlwind), we can see from her interview that disenrollment has caused her mental trauma, along with extreme financial hardship. Her mother grew up on the Pala reservation along with Hakwishka’s two brothers. Hakwishka did not grow up on the reservation but she and her family would travel there often to visit family. They also went to at least four council meetings a year to keep up with tribal politics and they played a huge role in the beginning phases of the Pala Casino & Resort.

Hakwishka received a letter stating that they were no longer Pala members and all of their benefits had been stripped. Hakwishka and her family were disenrolled on February 02, 2012 (two weeks after her mother passed away).

Robert Smith had sent a letter questioning our ancestor Margarita Brittain’s total Indian Blood, and for us to gather our paperwork of proof about her blood quantum, which we did. We had more than enough proof. In our letter of disenrollment, the Executive Committee never really explained the official reason, they just stated that they voted to disenroll us and we had 30 days to file a complaint with the BIA. [Hakwishka interview on June 18, 2015]

Hakwishka believes she and her family were disenrolled because they began questioning the Committee's finances which angered the Executive Committee members. She states
that they used to receive financial reports, but those stopped about three years after the casino opened. She writes that the Committee members were extravagantly spending lots of money on homes, jets, cars, and the casino itself. Moreover, during this time the country was experiencing an economic recession and the Committee members stated that the per-capita payments went down because the casino was not profiting as much. This also was around the same time that other tribes in California began disenrolling members (like the Pechanga, whom will be discussed in the next section of this chapter). By manipulating the Articles of Association, the tribe was able to disenroll members. Hakwishka writes that the tribal council wanted more money and more power so they got rid of any opposition, her family (Hakwishka interview on June 18, 2015).

The effects of disenrollment are very evident based on the answers in the interview I conducted. Hakwishka stated:

Our whole family of 8 brothers and sisters and all of our children have been deeply wounded by this. We have all lost our homes and most of us have had to claim bankruptcy. We are all over 45, so it was like having to start all over again. Most of us work too, but without per-cap it was impossible to keep up on any major payments and once you fall behind it just keeps getting worse. We all lost our health care and without being part of a federally recognized tribe the Indian Centers do not like to take you in as a patient. We all also make just a little too much money to be considered for any health program or any other program there is. We are stuck and depressed, not just from losing our mother, but also from being hit so hard from out tribe. They even tore down the house my brother was kicked out of on the Reservation, as to slap us with one more thing. [Hakwishka interview on June 18, 2015]
She also writes that at times her family is actually taunted and harassed by some Pala members “they drive by certain relative’s homes and shoot guns in the air to scare them or peel out in their driveways at very early hours in the morning” (Hakwishka interview on June 18, 2015). This has also affected relationships with distant family members who still live on the reservation. Hakwishka stated that they are too scared to talk to them, because they too may get disenrolled.

Hakwishka stated that she has lost everything; she has had to pull her children out of college, and she continues to receive phone calls from creditors because she cannot pay her bills. She writes there were times that she just wanted to die and that she has lost all feelings of belonging. Hakwishka is also deeply saddened by the fact that her children will not know Pala traditions and culture as she did.

The thing that sucked the most is having to watch my other loved ones go through the same thing. I am usually a very optimistic, happy, loving, caring person and I have become a stressed out, depressed individual that is very pessimistic. I write letters, started petitions, continue to do research, but until this veil of sovereignty is lifted from the individual Indian having rights against their tribe, it is pretty much hopeless. I feel my children will not know the Pala that I knew and that is so sad, this is our history, our heritage and it has been stripped. [Hakwishka interview on June 18, 2015]

Hakwishka is a survivor, though she and her family have been deeply wounded, they will heal together, just like Native peoples have done for centuries. Hakwishka sees the Pala as a tribe that is “lost in the white man’s world. They are no longer true Indians, they are fake commercial versions… it was once ‘blood is thicker than water’, but now it is money and greed rules over family” (Hakwishka interview on June 18, 2015).
Heather Womack was also disenrolled from the Pala Nation in January of 2012. As we saw in chapter 2, the Luiseño were a very large band which was comprised of numerous smaller groups. Heather grew up on the Soboba Band’s reservation, which lies in the lower reaches of the San Jacinto Mountains, across the San Jacinto River from the city of San Jacinto. The Soboba band members come from both Cahuilla and Luiseño ancestry. As we see with the Pala, both have Luiseño roots. Even though Heather was raised on the Soboba reservation, she always knew that she belonged to the Pala; in fact she taught her children that they were from Pala.

The Pala tribal council sent her a letter stating that she had to prove her blood degree, and when she did so, they refused to accept them. “I was disenrolled after a long feud between families. People wanting to aggravate one another because they think they should be the leader” (Heather Womack interview June 24, 2015). Much like Hakwishka, Heather experienced poverty.

Some of the lasting effects it has had on my family is that we are now on government assistance… where I could once [buy] my kids shoes when they were old I can no longer do [that]. I get treated like I am trash now by society for being poor. I [cannot] function around a lot of people because I have breakdowns” [Heather Womack interview June 24, 2015]

Heather writes that being disenrolled has made her feel bitter because she knows who she is and that they are trying to destroy that. In regards to whether or not she now views her tribe differently she stated “They are all greedy people who are not really about traditions, but [how] much money they can funnel out of the council… [they] think they know the truth but are blind to justice” (Heather Womack interview June 24, 2015).
There are three themes that I would like to pull from these two case studies: inter-generational trauma, PTSD, and the effects of poverty. All three of these themes are interrelated and can be seen in such a way that suggests that tribal disenrollment has the same kind of effects on an individual that processes of colonization and Missionization had on Native peoples hundreds of years ago. In recent years there has been a growing field of study that focuses on inter-generational trauma and PTSD among Native populations here in the United States.

Tommy Begay Jr., who got his PhD in Language Reading and Culture at the University of Arizona, wrote his dissertation on *Toxic Stress: Linking Historical Trauma to the Contemporary Health of American Indians and Alaskan Natives* (2012). His dissertation specifically analyzes how biology (neurodevelopment, neurobiology and endocrinology) and culture (inter-generational learned behaviors) are woven together in the development of dysfunctional coping behaviors that contribute to stress-related chronic diseases, including heart disease, obesity, depression, and others. Moreover, he writes that “the primary impact of many episodes of historically traumatic genocide has been post-traumatic stress disorder (PTSD)” (2012:9).

Many other researchers (Brave Heart 2003; Whitbeck et al. 2004; Ehlers et al. 2013; Wiechelt et al. 2012) have analyzed historical trauma among Native populations. “Historical trauma theory suggests that many American Indians are still affected by the
cultural losses and injustices endured by previous generations” (Wiechelt et al 2012:319). It is important to note that:

In addition to the PTSD-like symptoms that the actual victims of the traumas experience, there has been data to suggest that the offspring of the victims of trauma may also suffer from PTSD-like symptoms by a process that is often referred to as “secondary”, “vicarious” or “intergenerational” trauma. [Ehlers et al. 2013:180]

The scholars mentioned above attribute intergenerational trauma and symptoms such as PTSD to boarding school, ethnic cleansing, genocide, forced acculturation, and culture loss. Disenrollment often times leaves people feeling like they are no longer a part of their culture or community, their children often times do not learn their traditions, and many activists have called disenrollment “cultural genocide”. While disenrollment is not responsible for the death of millions, as colonization was, impacts such as cultural loss, the fracturing of identities, etc. are the same as some of the impacts caused by colonization.

Hakwishka revealed that poverty has also had strong effects on herself and her family. Much work has also been done on this topic, and I will go into more depth on the effects on poverty in the next chapter, but for now it is important that we understand how this has affected both Hakwishka and Heather. “Across many studies, poverty is associated with a range of negative outcomes for children in the realms of physical health, language and cognitive development, academic achievement and educational attainment” (Yoshikawa et al. 2012:273). Stress stemming from economic hardship can affect an individual’s biological and psychosocial pathways, in addition to causing stress related diseases and emotional trauma such as depression and marital conflict.
(Yoshikawa et al. 2012). If we related the effects of poverty to intergenerational trauma, the children of those who have been disenrolled can also experience trauma, which may also be passed along to their children and grandchildren. The main point is that disenrollment does not just affect the person who has been disenrolled, but can continue to have negative effects for generations to come.

**Pechanga Band of Luiseño Indians**

Introduction: Pechanga Casino History

The Pechanga people have called the Valley of Temecula home for 10,000 years (as stated on their website www.pechanga-nsn.gov). Today the Pechanga Reservation consists of 5,500 acres of land which spreads from the center of Temecula out 60 miles north and south and approximately 45 miles east to west. They consider themselves an independent and freedom loving people. “Like a well-nourished oak tree and its acorn fruit, the symbol of the Pechanga Band, we are once again lifting our branches to the sun, providing roots, shelter and food, restoring balance and harmony to our valley” (www.pechanga-nsn.gov). The Pechanga have a two-tiered government who govern by a constitution and bylaws. The Pechanga Tribal Council consists of a seven member council that is elected by a majority of the General Membership and is responsible for setting policy and administering governmental programs. The General Membership also elects the tribal secretary, tribal treasurer, and members and officers of the Pechanga Development Corporation and Pechanga Gaming Commission.

Their $262 million dollar casino and resort was created in early 2001. The casino
includes an 85,000-square foot casino, 1,200-seat bingo hall, 515,000 square-foot, 14-story, 522-room hotel and 38,800 square-foot convention center, 1,200-seat showroom, 200-seat cabaret lounge, and seven restaurants. The new casino also features 2,000 slot machines, 60 card tables and 15 poker tables, in addition to an 18-hole championship golf course. The Pechanga website states that the net revenues from the Resort & Casino and other tribal enterprises (an RV Resort and Food Mart) are Pechanga government funds. From their profits they have upgraded roads, housing, and water systems, in addition to providing public safety and emergency services. Health and social services, senior supplemental programs, preschool to 5th grade education, a recreation center, community parks, scholarships for higher education, and job training skills are a few of the services that the Pechanga have provided to their citizens.

**Pechanga Disenrollment Case Study**

I interviewed four people who have been disenrolled from the Pechanga Nation: two former members who preferred I use the following pseudonyms: “Luiseño” and “Hunter Family Member”, as well as Della Freeman, and Rick Cuevas. Rick Cuevas runs one of the largest and oldest anti-disenrollment blogs, and I have chosen to include his interview in the last section of this chapter, which focuses on current anti-disenrollment activism. All four of my interviewees are part of the same lineage of Paulina Hunter, who the Pechanga tribal council deemed to not be of Pechanga decent therefore disenrolling all of those in her family line. I want to begin with providing information on Paulina Hunter before I discuss the experiences of those who have been disenrolled.
Both Rick Cuevas and Luiseño suggested that I speak to anthropologist Dr. John Johnson who is a professor at UC Santa Barbara and is also the curator at Santa Barbara’s Natural History Museum. Dr. Johnson has done extensive work with many tribes in southern California, including my tribe, the Ventureño Chumash. Dr. Johnson has worked and built relationships with the Luiseño populations, therefore his input and knowledge is extremely important. In our interview, Dr. Johnson stated that he was hired by the Marine Corps Base Camp Pendleton to compile information pertinent to the locations of villages that occupied the spaces during and before the Missionization of both San Juan Capistrano and San Luis Rey. Dr. Johnson successfully identified lineages of descendants whose ancestors were members of the rancherías that were on, or around, Camp Pendleton. Part of the purpose of this ethnohistoric study was for Camp Pendleton’s cultural resource staff to know whom they should consult in regards to discussing issues having to do with sites of importance to Native groups in the area.

While doing research, Dr. Johnson grew to have a close relationship with the Pechanga and was hired by them to be a NAGPRA (Native Americans Graves Protection and Repatriation Act) consultant, along with doing genealogical work for the tribe. Dr. Johnson was asked to do genealogical research on Paulina Hunter and her family. By going through numerous different types of records (padrónes, census records, tribal records etc.), Dr. Johnson found that Paulina Hunter and her family were proper decedents of the Pechanga (Johnson 2004). He prepared a report for the committee, which stated:
I thought that Paulina Hunter was an original allottee at Pechanga (and they just didn’t give allotments to non-Luiseño, they didn’t do that). The person that I think was most likely her father was the only guy listed in the whole padróne of San Luis Rey that is actually listed from Pechanga and his wife was a descendent from Temecula. So there is no question in my mind that she and her decedents are appropriate members of the tribe. [Dr. Johnson interview October 9, 2015]

The tribal council voted and agreed she and her descendants were part of the tribe. Dr. Johnson later found out that the faction that wanted Paulina Hunter’s descendants disenrolled moved forward with actually disenrolling the Paulina Hunter family by creating unfair membership criterion. The council stated that Paulina Hunter’s son, in one of the California enrollment records, was listed as being a San Luis Rey Mission Indian. As Dr. Johnson points out, in the early days San Luis Rey just meant Luiseño. Furthermore, Dr. Johnson stated that they didn’t apply this same criterion to their own ancestors because they are also listed that way. As I stated in chapter 2, the traditional territory of the Luiseño was fairly vast, and many people who are now considered different tribes, once thought of themselves as Luiseño, which is why Pala, Pechanga, and other tribes in the area have Luiseño members. Dr. Johnson went on to write a formal letter to the Pechanga in June of 2006 in which Dr. Johnson concludes:

It is unfair to the descendants of Paulina Hunter to be disenrolled from the Temecula Band of Luiseño Mission Indians based upon these incorrect conclusions contained in the Record of Decision of March 16, 2006. There is no credible evidence that Paulina Hunter was not a member of the Pechanga Temecula tribe; in fact the preponderance of the genealogical evidence contained in surviving records would indicate that she was a descendant of both Pechanga and Temecula ancestors. [letter to Pechanga Tribal Council June 20, 2006]
A Hunter Family member stated that he believes they were disenrolled “to bring a bigger casino per capita and to keep votes in their favor to stay in power” (Hunter Family member interview June 08, 2015). Furthermore, he provided me with numerous documents, which I have chosen not to include in this thesis so his identity remains confidential, that confirm the official reason they were disenrolled was because Paulina Hunter was not Pechanga, even though all the evidence I have provided shows that she was from Pechanga. Della Freeman also states that, “I think politics and greed played a major role in our disenrollment. We did not side with the bad forces of the tribe and [we] were a family of 100 voting adults” (Della Freeman interview June 17, 2015).

Disenrollment has been very hard on the Hunter family, and has caused a variety of stresses on them and their families’ lives. The Hunter family has allotments on the land, therefore many still live there, but they have no say in tribal matters. “Just recently the Pechanga water bill [S.1983] wants to sell our water rights, we have no input and all we can do is send letters” (Hunter family member interview June 17, 2015).

Health care has been another obstacle that disenrolled people have to face. “Health benefits were cut drastically [from] not being [a] federally recognized tribal member. Any governmental [assistance] is denied [because I am not a] federally recognized tribal member” (Hunter family member interview June 17, 2015). An elder, and former member of the Pechanga tribe, stated:
I used to have health care as an Elder, luckily I was able to get my teeth fixed during this time and I can now eat solid foods again. But being disenrolled I no longer have health care, and the only dental I can now afford is to have my teeth pulled when I have problems, I am suffering from bad leg problems, and I think I suffered a heart attack a couple days ago. The only thing I can do about this it seems is to just die, as I can’t afford doctors. [Luiseño interview June 07, 2015]

He stated that this has been hard to talk about because he has not been able to bring it up to someone outside the tribe for several years. Thankfully, he was able to get health insurance through the Affordable Care Act, but this is just one example of the numerous struggles people who have been disenrolled go through.

Much like the women who were disenrolled from Pala, those disenrolled from Pechanga have suffered mental trauma as well. Della Freeman stated that besides being an outcast from her own tribe and being treated like an outsider, “my children cannot attend tribal school, we cannot go to the park without a hassle. We cannot use the community facilities without a ‘tribal member present’ . The list goes on and on” (Della Freeman interview June 17, 2015). Disenrollment is affecting the next generation and generations to come, as we also saw in the last section.

My children and grandchildren really don’t understand how a silly piece of paper can make us into non-American Indians. We own land on the reservation, and I always wanted to build on it, so did my children, but now we are afraid of not being protected by the reservation police. [Luiseño interview June 07, 2015]

The Paulina Hunter family has been very vocal about their experiences; they have done numerous interviews with local news channels and have done their best to try and fight this. “When I talk to others that [have] been disenrolled it [is about] sharing what’s
going on in [Washington D.C.] or in the courts” (Hunter family member interview June 17, 2015). They also look to the internet for up to date information on disenrollment cases. In closing this section, Della Freeman writes “a piece of paper doesn’t make me who I am. I’m still as much from Pechanga today as I was the day I was born. No one can change that.” (Della Freeman interview June 17, 2015)

Analysis of Pechanga Case Study

There are a few themes from the Pechanga case studies that we can pull for a brief analysis. In the next chapter I will situate all of these experiences through the lens of inequality, but for now issues of sovereignty and structural violence are important points of analysis. I argue that under the guise of sovereignty, some Native Nations that are disenrolling people are committing acts of structural violence upon those members who have been disenrolled. Paul Farmer states structural violence is “violence exerted systematically-that is, indirectly-by everyone who belongs to a certain social order: hence the discomfort these ideas provoke in a moral economy still geared to pinning praise or blame on individual actors” (2004:307). If we view people who have been disenrolled as a group that belongs to a strong social order, we can see that Native Nations who disenroll people could often times be committing acts of structural violence. Furthermore, the state also commits structural violence upon Native Nations as a whole, which I have shown in the previous chapters. It is a cycle of structural violence, the state oppresses Native Nations, which sometimes leads to tribal governments oppressing certain groups by disenrolling them, therefore denying them membership, vital services (such as health
care), and even in some cases, their identity.

As Paul Farmer shows in his research on rural Haiti, structural violence draws upon history, biology, and the political economy. If we look at the historical roots of disenrollment, it is accurate to say that disenrollment is one of the many results of decades of structural violence committed by the state. Acculturation, poverty, trauma, genocide, political and economic deprivation all have ties to disenrollment. What is extremely tricky is that most disenrollment cases are done legally, because sovereign nations are able to create their own membership criteria, even if it appears to be unfair and unjust.

Sovereignty is the crown jewel for Native peoples; it is what makes Native Nations recognized by outsiders as nations. They have the power, in theory, to govern themselves and determine their own fate. While the federal government has over the years tried to take it away, Native Nations have held onto their sovereignty. Today, many people in the United States don’t understand sovereignty, or its importance:

In one world we have the United States of America, where conquest was completed and tribal sovereignty does not exist. In another world we have tribal sovereignty: It has always existed; it has been diminished but never abolished; and it coexists with the sovereignty of the United States, occupying the same space-time continuum and exerting substantial force on events in the real world. Here are two very different universes; yet, somehow they both exist and exert force on each other. [Singer 2014:6]

Native Nations exercise power over their citizens, and in some cases, even non-Natives who step onto tribal lands. “Indian nations have legislatures, courts, jails, governing laws, administrative agencies, tribal colleges, and tribal businesses” (Singer
2014:12). Just like the United States has the power to determine who is and who is not a citizen, so do Native Nations. In terms of stripping one of citizenship, “involuntary expatriation is not an available penalty under any other state or federal statue, even those regarding allegiance-related or anti-national offenses” (Reitman 2006:795). As we have seen, Native Nations do have this power, and also use this power. Disenrollment strips people, their families, and future generations of their citizenship. Native Nations do this by exercising plenary power over tribal citizenship, and the federal government refuses to get involved in most cases because they are sovereign nations.

This is a very difficult situation in which most remedies impede on tribal sovereignty. Its roots lie in colonialism (from blood quantum to tribal rolls), imperialism (Indian Reorganization Act of 1934), and now it seems as if capitalism is also contributing to the rise in disenrollment (see previous chapters). In closing this section, I argue that disenrollment is the result of years of structural violence that has been perpetuated at the nation-state level, which has led to some Native Nations committing acts of structural violence against their own citizens.

**Pinoleville Pomo Nation**

**Introduction: Pinoleville Contemporary History**

The other two Native Nations in which my case studies are derived from practice Casino-Capitalism, but while the Pinoleville Pomo do not have a casino they still have cases of disenrollment. I was fortunate to be able to gain access to Eric Enriquez, because I wanted to know if disenrollment can be solely linked to Casino-Capitalism. In our
correspondences he sent me a very detailed historical analysis from Verle Anderson, a
cultural historian who runs the Native American History Project Inc. based out of Ukiah
in northern California. Ms. Anderson’s work provided me with extensive information
relating to the current state of the Pinoleville Pomo Nation.

Going back to the Indian Reorganization Act of 1934 many Pomo people divided
themselves into tribes and adopted constitutions in order to be federally recognized. It is
important to reiterate that many tribal members only understood their traditional forms of
government and many did not understand the constitution model. In 1906, using
“homeless Indian funds”, land was purchased by the federal government in Mendocino
County so tribes could establish rancherías; this is when the Pinoleville Ranchería was
created. Moving forward to 1958, the California Ranchería Act was passed which, as I
stated in the previous chapter, terminated numerous Native California tribes. The act
essentially stated that these tribes now cease to exist and all members are to be stripped of
their tribal property and Indian status (see Chapter 2 for further detail on these acts).

In 1979, Tillie Hardwick, a Pomo woman, sued the federal government and in
1983 the U.S. District Court restored the status of 18 California Rancherías, and the
Pinoleville Pomo was one of them. When the tribe was re-recognized they based their
membership off of March 1, 1937 and April 22, 1960 membership rolls, though as Verle
Anderson points out, those were not entirely accurate (which we have seen with many
other tribes, like the Pechanga).

The Pinoleville Pomo Nation does not have a casino, though they are still being
affected by Indian gaming in California. In September of 1999, Governor Gray Davis
signed the Tribal-State Gaming Compact, which created the Revenue Sharing Trust Fund. This meant that large scale gaming tribes must make quarterly payments to non-gaming tribes and/or those will small casinos; the first quarterly payments began in 2001. The Revenue Sharing Trust Fund can be a wonderful thing for many tribes (if you are federally recognized of course). So while the Pinoleville Pomo Nation does not have a casino, they are still benefiting from Indian gaming. This money, much like those Native Nations with casinos, can help in a variety of ways to help create a prosperous environment for Native peoples. Analyzing the California Gamming Control Commission reports, I found that the funds that each Native Nation receives can range from around $100,000 dollars to around $200,000 dollars per quarter. That is a fairly substantial amount of money, which can be put to good use for so many California tribes, though as we will see, it can also create conflict within tribes as well.

*Pinoleville Pomo Case Study*

Eric Enriquez’s father was a Mexican national who came to the west coast after the Bracero program ended. His mother is Pomo, Wailaki, and Concow (all from northern California). Eric was raised by his mother and spent time living on the Pinoleville and Coyote Valley Rancherías until he left for college. His great-grandmother was Elsie Allen, a noted Pomo Sage and basketweaver. In her book “Pomo Basketmaking: A Supreme Art for the Weaver” (1972), she writes about her life, her history, and her way of basketweaving. Elsie Allen was born near Santa Rosa on September 22nd, 1899. She
lived with her grandmother early in her life, where she lived a fairly isolated existence in Cloverdale, California.

We suffered much from the diseases of white people in those early days. I was very sick with the measles when I was five years of age. Since no white doctors were available, we used many healing herbs. When I was six my grandfather, an Indian singing doctor, told my parents that he could protect me from most diseases by a special ceremony. [Allen 1972:8-9]

Elsie goes on to talk about how this ceremony protected her from tuberculosis when she was forced to go to an Indian boarding school in Covelo. At the age of 11, she could not yet speak English and found that it was difficult to follow instructions on how to dress, eat, and do chores because they were not allowed to “speak Indian”. This language barrier made it very difficult for Elsie, and she was often times extremely homesick.

Elsie married in 1919 and began basketweaving. She had a few bad experiences with basketweaving and her mother then began giving Elsie her baskets and taking her on the road to show her baskets at numerous fairs. When Elsie began making baskets of her own she wrote: “Unfortunately some of my Pomo people were not very pleased with me for doing this and even some of my own family came to me and told me I should stop doing it. They felt these old ways should die and we should forget the past heritage” (Allen 1972:14). Elsie kept on weaving and dedicated herself to her art. She is now very well known for her beautiful baskets. She kept the tradition alive.

After doing research on Elsie Allen I saw the same strength and passion in Eric Enriquez, because he, too, is trying to keep traditions alive. Eric’s story begins with explaining what a strong grandmother he had. Eric would strip redbud for her, and listen
to all of her stories at her chairside. She gave him his Indian name. Eric’s mother was also very involved with tribal affairs. She always worked in Native agencies when he was growing up, so he was always underfoot. Eric would read every book in the Indian Education Center; he would gather information for their board meeting packets and volunteer whenever he could. Eric’s aunt worked for the first Pinoleville tribal office under the chairwoman Marie Pollock. “Marie was humble and dedicated to serving the elders. She was a half-sister of my great grandfather, Arthur Allen. Arthur was Elsie’s husband. He was from the original Pinoleville area, whereas Elsie was born in Sonoma County” (Eric Enriquez interview June 16, 2015). His great-grandparents built a life and a house in Pinoleville, where Eric’s mother still lives to this day.

His grandmother was the site director for the Indian Senior Nutrition Center, and every summer Eric would stay with her in Pinoleville where he would set and bus tables, and get coffee for the Native seniors. Eric’s mother is also very involved with tribal affairs; she has worked at the Northern Circle Indian Housing Authority (NCIHA) for 35 years. “I worked as a maintenance guy at NCIHA as well, and have patched the walls, replaced the window screens and mowed the fields at all of those sites” (Eric Enriquez interview June 16, 2015). Over the years, Eric has served on Native boards, helped found a Native Community Development Financial Institution, has held positions at the Northern Circle Indian Housing Authority, has facilitated Gathering of Native American (GONA) training workshops, he worked for the Indian Dispute Resolution Service, in addition to working at the Sacramento Native American Health Center for the past 7 and a half years. Moreover, Eric has trained as a ‘rock man’ in the traditional Pomo singing
ways. It is important to highlight all the work he and his family have done with the Native communities in California to show their strong connection and dedication to the people and the land in this area as well as their cultural continuity.

Things began to change in Native California during the 1980s. Eric states that “the tribes weren’t as individual when I was a kid. This was relatively soon after the Tillie Hardwick case. The old folks didn’t gather by band, but as Indians” (Eric Enriquez interview June 16, 2015). He states that some service groups, such as the Hin’thil Women’s Club were pan-Pomo. Eligibility was based off of your knowledge about your community rather than blood-quantum.

During the 80s and 90s, economic and housing opportunities started becoming available and the bands solidified independently to take advantage of grant programs etc. From that point on, the communities became more disclusionary [sic] than inclusionary. And to find yourself outside of your traditional home-band meant that you were also outside all the others now. [Eric Enriquez interview June 16, 2015]

Moreover, Eric states that tribes were now competitors for what people thought were scarce resources; resources were not seen as free and natural but dedicated and restricted (Eric Enriquez interview June 16, 2015).

Eric and many others were disenrolled in 2004 because of a change in membership criteria. “It [membership] was originally constructed of a list of allottees and their dependents, it was transformed to the descendants of a handful of signatories on a document related to some neighboring land held in trust” (Eric Enriquez interview June 16, 2015). Eric wrote that this wiped out entire families off of the membership rolls, but
kept the Williams council in place. When I asked whether or not the tribe explained his disenrollment he said:

It had all begun when various members requested documentation for the budgetary plan for the non-gaming payments due to the tribe. We wanted to know what the council planned to do with this, some of the first discretionary funding available to us. The council [was] notoriously shady, the Tribal Administrator was a longtime boyfriend of the chairwoman and we wanted some accountability to the membership in place before the money arrived. From that moment on, it was basically war against us. Once the gaming investors started providing free legal support for [the council], our fate was sealed at Pinoleville. [Eric Enriquez interview June 16, 2015]

Moreover, Eric stated that they were attending a meeting of the General Membership called by the BIA (Bureau of Indian Affairs) in April 2004 in Ukiah. “At the meeting Dale Risling Jr. presided over a pre-scripted and rehearsed meeting whereby the new version of the membership, including people flown in at the expense of gaming investors, approved the new terms of eligibility and effectively disenrolled over 100 members” (Eric Enriquez interview June 16, 2015).

Like the other people I have interviewed, disenrollment has taken a very serious toll on them and their families. “My mother is probably suffering the most as she has become a squatter in her own home” (Eric Enriquez interview June 16, 2015). This home was built by his great-grandfather, dragged by horse to where it now sits, and is the home where Elsie Allen weaved her famous baskets. “As a non-member, she lives in the knowledge that those who have done the most to harm her have lots of power over the land upon which it sits” (Eric Enriquez interview June 16, 2015). While they did not suffer financially from being disenrolled, they have experienced other harsh impacts such
as Eric’s children not being eligible to become members. “I am sad for the children, who have no idea what was taken from them when the selfish ones made the biggest mistake allowable under their authority” (Eric Enriquez interview June 16, 2015). Disenrollment, again, has impacted not only the disenrolled, but generations of Natives Californians as well.

I stated in the beginning of this section that Eric’s words reminded me of the words of Elsie Allen. Eric is strong, persistent, and does not give up easily. When I asked how this has affected his identity he wrote:

I have had to get better at explaining the difference between Indian-ness and being a member of a federally recognized tribe. My Indian-ness is unassailable and self-evident. I am a sovereign Indian on the Earth and no law of man can impact that. It is my blood and body. It is my song. I identify now as a Disenrolled Pomo/Wailaki/Concow. There is no shame for me in this. I did not do this to myself. This was done to me by gaming interests, horribly ignorant, short-sighted and selfish tribal members and the Bureau of Indian Affairs. This war created by my enemies has granted me warrior status. I am stronger than ever. Disenrollment has helped me in ways and hurt the tribe. [Eric Enriquez interview June 16, 2015]

Analysis of Pinoleville Case Study

Building on Eric's statement, what exactly is Indian-ness? What makes someone a Native American? Identity is a fluid and ever changing concept that humanity grasps on to and allows them to feel part of a group and/or community. Anthropologists, and other scholars, have written about identity for quite some time now, and philosophers have been postulating about identity for centuries. Ronald Niezen, faculty of Law and Anthropology at McGill University, analyzes identity and Indigenism writing that
“Indigenous peoples, like some ethnic groups, derive much of their identity from histories of state-sponsored genocide, forced settlement, relocation, political marginalization, and various formal attempts at cultural destruction” (2003:5). Moreover, Dr. Niezen points out, Native peoples share attachments to land, including attachments derived from primordial use and occupancy of land. Native Americans often times band together because many share a common struggle and a common history. We know that our fellow Native brother or sister will understand our shared history and the struggles that our ancestors have had to endure. Unfortunately that struggle, that pain, makes up a large portion of our Nativeness.

Eva Marie Garroutte writes about Native identity stating “a cultural definition, like the other available definitions of Indian identity, functions to exclude at least certain claimants to Indianness” (2003:66) Garroutte writes that there are many factors that go into determining Native identity including law, biology, and even stereotypes of what an Native person should look like. As we saw in Chapter 3, blood-quantum and/or ancestry is usually used to determine one’s Nativeness. Sociologist Joane Nagel argues “that the process of cultural construction and reconstruction is at least as powerful a force in ethnic identity, organization, and renewal as the contents or the structure of culture itself” (1997:44-45). Using Pierre Bourdieu’s notion of *habitus*, Dr. Nagel shows the limits of human action in cultural and/or identity construction.
Simply stated, habitus is akin to a set of assumptions, dispositions, and orientations that shape human thought and action, visions of the possible, perceived choices. The content and texture of habitus tend to vary by time and place, resulting in similarities in thought and action among individuals within cohorts and in differences across cohorts. Thus the ‘rational choices’ of different actors may vary depending on variations in habitus. [Nagel 1997:45]

This allows us a framework for thinking that can be challenged and/or contested in situations of social flux. Furthermore, it shows that identity changes based on what is happening in the world around us, just like disenrollment and issues of belonging are changing because of the present environment.

Identity is always changing, much like culture. It can become hybridized, it is often contested, and the boundaries are always shifting. In many Native communities the boundaries of identity are becoming more and more visible and the divisions between those who belong, and those who do not, are becoming greater and greater. “Paradoxically, the solidifying of cultural boundaries is predicated upon the malleability of cultures-on the ability, especially by those with power, to reshape cultural properties and attachments, sometimes to make them fit more comfortability with political interests” (Niezen 2003:6). I argue that those in power, who are responsible for disenrolling individuals and whole families, are changing, or reshaping cultural and or identity boundaries. In doing so they are exercising their power to determine who is, and who is not, Native. While their collective and individual Native identities may have shifted, they are still Native American, and no one can take their heritage, identity, and deep culture away from them.
On the Frontlines of Change: A Look at How Activists and Leaders are Fighting against Disenrollment

We must recognize that people are using their agency to combat tribal disenrollment and are trying to make their communities whole again. I have begun to see the beginnings of social movements that are happening in the United States that are against disenrollment. I mentioned numerous groups and social movements in the introduction, but it is important to again summarize the various people and organizations that are shedding light, and fighting against, disenrollment. I argue that through these social movements and campaigns, Native peoples are standing up for their heritage, their identities, their communities, and are using their agency to make a difference.

From Occupy Wall Street, to Black Lives Matter, social movements in the United States have become a hot topic for research in the social sciences. Chris Samuel has used Pierre Bourdieu’s *habitus* to understand symbolic power and symbolic violence. While I briefly discussed the concept of *habitus* in the previous section, I would like to apply it to agency, power, and social movements. While I believe the Bourdieu’s *habitus* (Bourdieu 1984; 1991; 1998) seems fairly restrictive, I highly appreciate the work done by Dr. Samuel because he goes beyond the deterministic *habitus* to create a more fluid version.

Bourdieu articulated his own conception of agency through the formula: \[(\text{habitus}) (\text{capital}) + \text{field} = \text{practice}\]. Here, action is neither fully determined nor reflective. Agency is reducible neither to the dispositions embodied in the *habitus* nor to the objective structural condition-or ‘field’, in Bourdieu’s language-an agent faces, but the highly contingent and dynamic relationship between the two. [2013:400]
An actor can exist in numerous different fields at once, whether they are cultural fields, economic fields, or political fields; they bring their own *habitus* with them wherever they go. Relating this to identity, Dr. Samuel writes that a collective identity first emerges from interacting with certain people, which can include social movement participants, the media, and others. Then these interactions are “unified through competing and even antagonistic efforts to produce representations of the meaning of suffering and mechanisms for redress” (Samuel 2013:401). Whether they are pamphlets passed out at protests, or memes shared on social media sites, actors are producing and circulating their visions of collective identity. I argue that this concept can be applied to various disenrollment campaigns where they all share a collective identity of being disenrolled, and even if they are not disenrolled, they understand the plight of reclaiming identity because of the colonial history that all Native Americans share.

Going one step further, we can use Bourdieu’s notion of *symbolic violence*, to show the importance of anti-disenrollment groups and social movements in helping others relate to each other and fight towards a common goal. Symbolic violence can be described as the “experience of feeling out of place, anxious, awkward, shamed, stupid and so on because those who experience symbolic violence are both objectively unable to construct appropriate actions (because the resources necessary to do so are unavailable to them) and subjectively committed to, in the sense of recognizing, the very rules of distinction by which they are excluded and dominated” (Samuel 2013:402). I argue that social media, blogs, and social movements give people necessary, although not sufficient tools and resources to construct their actions. They are able to come together, share ideas,
and most importantly, relate to one another so they realize that they are not alone.

Sherry Ortner has also done groundbreaking work in regards to theory of agency in anthropology. She analyzes the ways in which we can use agency to understand power and social projects at the micro and macro level (Ortner 2006). Practice theory is “a general theory of the production of social subjects through practice in the world, and of the production of the world itself through practice” (2006:16). The world is made through the ordinary, or sometimes not so ordinary, actions of human subjects which means that the world can be, in theory, unmade and remade. By bringing agency to the forefront of practice theory, she leads this framework into new directions. Directions that highlight what Ortner calls serious games, which addresses the ways in which people, or social actors, actively pursue culturally oriented goals and projects. Ortner focuses on intentionality and agency to write about this idea of serious games and the ways in which social actors use them to realize specific goals and projects.

I have interviewed people who are pursuing culturally oriented goals and projects, or playing serious games, to fight disenrollment, which itself is a serious game. Rick Cuevas, who was disenrolled in March of 2006 from the Pechanga Band of Luiseño Indians, created the Pechanga Blog (www.originalpechanga.com). This is a site that is dedicated to providing information about disenrollment issues from across the country. Rick Cuevas was involved with the Pechanga in a variety of ways, from going to meetings, gathering signatures for propositions, to speaking at conferences. Like many other former Pechanga members, he was disenrolled because of his ancestral link to Paulina Hunter. He stated that power and greed are two of the main reasons why he and...
his family were disenrolled. “Each member was impacted financially of course, many had no jobs, many were elderly and lost their health care. Some had been on the reservation for 50 years or more. The loss of heritage was staggering” (Rick Cuevas interview June 6, 2015).

Rick Cuevas became one of the main disenrollment activists and has been doing this for many years. He has been interviewed on television, radio, and print talking about the injustices of disenrollment. When you go to his site you can see that he is very passionate about this topic. He does not just speak about the Pechanga, but all Native Nations in the United States that are disenrolling people. While in recent months the disenrollment movement has become more and more popular, Rick Cuevas has been doing this before it was ‘accepted’. I firmly believe that his voice and his blog have helped others stand up and speak out. The Pechanga Blog is also a place where people who have been disenrolled can go for not only information, but to also feel like they are not alone. It has become its own community.

I have not sought out support groups, but sharing the experiences, so that other tribes might pause before destroying lives helps. Finding new friendships with others is also a help. My blog, which is growing, helps. And knowing that the government comes to my site as a [resource] also helps. [Rick Cuevas interview June 6, 2015].

As I stated in the introduction, the first person I contacted about disenrollment was Emilio Reyes. Emilio runs the Disenrollment Facebook page that currently has almost 12,000 followers. Emilio has been vital to not only my research, but also this
disenrollment campaign in general. While he himself has not been disenrolled, he noticed how many people were and knew he had to do something.

When I noticed how many individuals were affected by disenrollment I opened up a Facebook page (Disenrollment) and just waited to see how many people would follow. After just 2 months, I had close to 5k followers. Which made me aware that many individuals were affected with disenrollment or had an interest in this cultural genocide. [Emilio Reyes interview July 14, 2015]

For Emilio, it is much more than just creating a Facebook page, it is about helping people, and it is about fighting against disenrollment.

I constantly receive messages and I try to help as much as I can and guide individuals [down] the right path to get answers to their questions. I do visit frequently the National Archives and help individuals find missing links of their family history and I also help in the area [where] they need assistance to validate their claim as eligible for tribal membership. All my work has been voluntary with no pay. [Emilio Reyes interview July 14, 2015].

When asked what his thoughts were on current membership criteria for Native Nations in California he believes that blood-degree based membership is a European concept, which research in this thesis and many other scholarly works has shown. Furthermore he thinks

Blood quantum is a white way to make you and your descendants disappear. Being 1/16 or 1/32 will not make you less Indian…. Anyone should be eligible for tribal membership as long as the individual can prove their genealogy to the tribe’s base roll [and] as long as the base roll is reasonable and [is accepted] by its members. [Emilio Reyes interview July 14, 2015].

Emilio stated that he believes tribal disenrollment is due to casino profits. “Before the [first] casino opened in California after [California v. Cabazon Band of Mission Indians 1987] disenrollment was not an issue” (Emilio Reyes interview July 14, 2015).
He goes on to say that many Native peoples were against blood quantum. “Our ancestors fought very hard to keep everything traditional… so that these corrupted leaders [didn’t] change everything into the white way. Reality is, the more citizens they disenroll, the more per capita they get into their pockets. Simple” (Emilio Reyes interview July 14, 2015).

The most telling part of this interview was when I asked Emilio to give advice to people who have been disenrolled. He stated, “Our ancestors [didn’t make] it this far for us to be illegally [removed] from tribal rolls. Never give up, if you know you belong, you fight, until you win” (Emilio Reyes interview July 14, 2015). Emilio goes on to say that it is not their fault, but it is the greed of the corrupted leadership that is responsible for disenrollment. He states they are trying to “kill the Indian to save their casino” and “the creator made you Indian and he can only give final authority on your total blood degree. So please, don’t let anyone change your history because you are what you are and you will survive this only if you are a warrior [in] the fight” (Emilio Reyes interview July 14, 2015).

An interesting trend that I have seen in social media is the use of the hashtag #stoptribalgenocide. Emilio sees disenrollment as cultural genocide.

It’s the termination of your Indian ways, your language, and your way of living. You lose your allotment, your place in the reservation, you cannot vote, you practically have no say in tribal meetings. It is also a way to have our people assimilate into the white culture, to forget about heritage and live non-traditional and white ways. [Emilio Reyes interview July 14, 2015]
While in anthropology we know that culture is not static, it is ever changing, but people should have a right to practice their traditions if they choose to. I will go into the human rights aspect of disenrollment in the next section, but for now it is important to note that many Native peoples see disenrollment as cultural genocide.

As I have shown, disenrollment has become very visible in the news, especially in social media. Emilio has been very busy doing activist work on various social media sites.

Because of my past experience in other protests and twitter storms. I created a twitter storm on tribal genocide and started bringing awareness to congress and other individuals that Natives Lives DO matter and that disenrollment should not be happening to our people. So I created the hashtag #stoptribalgenocide which I constantly use on Facebook and Twitter hoping to bring more awareness to the public and also hoping everyone would support this good cause. [Emilio Reyes interview July 14, 2015].

I believe that this has done its job, and many people, both Native and non-Native are taking notice. In February of 2016, as I was finishing up my thesis, a new social media campaign began. Using the hashtag #stopdisenrollment a new grassroots organization called Stop Disenrollment has begun. Their motto is that disenrollment is not Indigenous, not traditional and is not acceptable. On February 3, 2016 they began their social media campaign by asking everyone to complete the sentence: Disenrollment_____. They asked for people either to write this on the palm of their hand, or to write it on a piece of paper, then take a picture and post it on social media using the hashtag #stopdisenrollment. The responses were quite telling. A few of the responses were: Disenrollment denies and silences our stories; you can’t disenroll our hearts; disenrollment is cowardly self-
extinction; disenrollment is assimilation through bureaucracy; and disenrollment is racist.

What contributed to this movement’s success are the high profile Native leaders and activists who have participated, including Winona LaDuke. She is an Anishinaabekwe (Ojibwe) enrolled member of the Mississippi Band Anishinaabeg who lives and works on the White Earth Reservations. Winona LaDuke, a graduate of Harvard and Antioch Universities, has done extensive work in advocating and raising support for Native environmental groups. She has now chosen to speak up and advocate against tribal disenrollment.

Another well-known Native leader, Greg Sarris, has also participated in the Stop Disenrollment campaign. Dr. Greg Sarris is the tribal chairman of Graton Ranchería which is located in Northern California, a few miles from Santa Rosa. The Graton Ranchería is a federation of Coastal Miwok and Southern Pomo groups that have been recognized as a tribe by the United States Congress. Dr. Sarris and his tribal council have worked extremely hard to rebuild their community and the surrounding areas as well. Having the third or fourth largest casino, they are using some of those profits to give back to the surrounding community by offering high paying jobs with full benefits, and also practicing sustainable and organic farming, in addition to restoring much of the Native open landscape in the area.

Dr. Sarris and his tribal council have done ground-breaking work in regards to disenrollment. He stated that disenrollment is continuing the “legacy of colonization which is to delegitimize us as people. Now we are delegitimizing those within our own rank; we are creating homelessness once again because of greed and everything else” (Dr.
Greg Sarris interview August 13, 2015). He emphasized that we need to undo the ‘us versus them’ culture and make it a ‘we’ culture again. Dr. Sarris has taken on this culturally oriented goal/project by amending their tribal constitution to forbid disenrollment, in fact they were the first Native Nation in the United States to do so. When he made the gaming compact with Governor Jerry Brown, he put in a provision which stated that for any person disenrolled they have to actually pay the governor; so there is a monetary incentive not to disenroll and this compact is good for 20 years. But Dr. Sarris’s vision is much grander that this; he states:

> My belief is that if tribes who are in areas such as ours, that are lucrative and close to the Bay Area, would take care of those out in rural areas that don’t have that, if we would just take care of one another with the resources we have, we would not have this fighting and tribal land jumping, disenrollment. You wouldn’t have this. We can begin to create home once again… We are one of the most, if not the most, powerful lobbyists in Sacramento. If we could get together and share we’d have the money and the resources to make a home for ourselves and to transform the world. [Dr. Greg Sarris: August 13, 2015]

Dr. Sarris, along with many others are on the frontline of change and they have dedicated parts of their lives to create a better world for California Natives. When I asked Dr. Sarris if he could speak to those who have been disenrolled he said:

> You are Indians and don’t ever let an arbitrary decision by an Indian or a non-Indian determine who or what you are. And to think in your own mind, and I believe this, that the person who disenrolled you is not truly an Indian. That is where you got to start. They may have some blood, they may have some color, they may wear some beads but the circus is not the show. [Dr. Greg Sarris: August 13, 2015]
As this chapter has shown, disenrollment has some very serious implications on a person’s identity, their economic and social status, along with issues of cultural continuity. While the reasons for disenrollment vary, we can pull themes of power and monetary gain as some of the leading causes of disenrollment. Disenrollees experience both symbolic violence and structural violence that are having both short term and long term effects. Moreover, some people in the Native community are creating culturally oriented projects to combat disenrollment.

It is important to note that the people in which I interviewed stated that the reason why they, and so many others, are being disenrolled is because they cannot provide proof that they are directly connected to the tribe. However, this chapter has shown that even if they have proof, that is often times not sufficient. Therefore it can be said that maintaining power is an underlying reason why people are being disenrolled. I have attempted to contact chair members from the Pinoleville Pomo, the Pechanga Band of Luiseño Indians, and the Pala Band of Mission Indians, but have not yet received any response. Therefore this thesis is only a portion of the overall story, but it is the story of those who have been disenrolled and those who are fighting against disenrollment.

Concluding this chapter, one can see that there are various forms of inequality that disenrollees experience. Access to healthcare, education, experiencing poverty and trauma, in addition to being excluded because of their ethnicity and ancestral ties are all forms of inequality. Inequality is a global issue, but we can situate disenrollment within that conversation. The next chapter will take the themes of inequality that my interviewees have described and place them within the larger framework of inequality.
CHAPTER 5
INEQUALITY AND INJUSTICE IN NATIVE CALIFORNIA

Inequality has plagued most societies throughout space and time. Whether it is earlier societies such as chiefdoms or the feudal societies of the medieval era, or modern day capitalist societies, inequality is usually present in one form or another. In the twenty-first century inequality seems to be on the rise and is taking on numerous forms throughout the world. There are many people fighting inequalities and are searching for, and hoping to, create a society that is free from racism, sexism, classism, and violence. In anthropology, studying these bases of inequality is a very important part of our field, in both practice and theory. Using ethnographic analysis in an attempt to understand and bring to light injustice and inequality in modern Native American societies, is as important now as it was a hundred years ago.

As we have seen throughout this thesis, Native Americans have undergone many hardships that consisted of colonization, genocide, Missionization, boarding schools, and extreme poverty (to name a few). In modern times a recent cause of inequality that more and more Natives are experiencing is tribal disenrollment. The people I interviewed for this thesis stated that there are numerous impacts from being disenrolled, which include, but are not limited to: not being able to vote at tribal council meetings, not having access to healthcare and tribal schools, no longer having the ability to participate in cultural group ceremonies, have trouble accessing sacred lands, no longer receiving tribal funds, experiencing depression, and some have even been threatened with violence. These can
all be seen as inequalities. This chapter will touch on numerous aspects of inequality such as the impacts of Casino-Capitalism, exclusion due to race and ethnicity, and also how disenrollment can be seen as a violation of both human and civil rights.

By outlining numerous levels of inequality I argue that disenrollment is a complex occurrence that perpetuates inequality in a variety of ways. Inequality in Native Nations exists at the individual and communal level in addition to being perpetuated at the state and federal level. I argue that tribal disenrollment causes major inequalities within the tribe itself, in addition to being a violation of people’s civil and human rights. I will look at key arguments of legal scholars to support my hypothesis.

**Approaches to Studying Inequality**

To begin we need a working definition of inequality. Inequality can be seen as “a difference violating some normal assumption of (this-worldly) equality (not necessarily explicit or clear), deriving from that commonality” (Therborn 2013:38). It can be viewed as the uneven distribution of resources, and few people controlling the distribution of these resources. Göran Therborn writes:

Inequality is a violation of human dignity; it is a denial of the possibility for everybody’s human capabilities to develop. It takes many forms, and it has many effects: premature death, ill-health, humiliation, subjection, discrimination, exclusion from knowledge or from mainstream social life, poverty, powerlessness, stress, insecurity, anxiety, lack of self-confidence and of pride in oneself, and exclusion from opportunities and life chances. [Therborn 2013:1]
A consequence of inequality is that it reduces our capacity to function as human beings; it affects our health, our sense of self and impacts how we participate in societies around the world. André Béteille writes that in studying inequality in a systematic way we must keep in mind that many different forms of inequality exist. Furthermore, the idea of inequality is not a simple or homogenous one. For example, Béteille points out that there are major differences between the orientation and perception of those who emphasize competitive equality or equality of opportunity and those who talk about distributive equality or equality of outcomes (1994:1010). There is no universally accepted criterion that allows us to accurately say whether or not any given society responds more closely to some standard of equality than any other society. The conclusion we reach from a comparison of different patterns of inequality will depend on the methods and approaches a researcher chooses for analysis.

For the purpose of outlining the effects of inequality, along with specific forms of inequality and how they are produced, I will turn back to Gorän Therborn. Inequality takes a major toll on the mind and body that not many people realize. To state it bluntly, as Therborn did, inequality kills. Life expectancies go down very rapidly for those who are poor and little-educated as empirical evidence suggests. “Not only death comes early to the poor and little-educated. Common chronic diseases also start substantially earlier” (2013:12). In short, class inequality shortens the lives of the unequal.

Therborn writes that inequality manifests itself in three specific forms. Vital inequality refers to the socially constructed un-equal life chances of an individual (mortality rates, life expectancy, child health, hunger, malnutrition etc.). In the interview
I did with “Luiseño” he stated that he has very little healthcare which is affecting his health in a variety of ways. “I know of several other disenrolled Elders from [our] Tribe who have died (not sure if it was because of [the] lack of health care, but it could [have] helped)” (Luiseño interview June 07, 2015). He was not the only one to mention the lack of healthcare. That was unfortunately a common theme that I noticed in many of my interviews.

Existential inequality refers to the unequal allocation of personhood (autonomy, dignity, freedom etc.). I noticed that many people experienced a loss of dignity because they were disenrolled, whether it was because they no longer had financial resources, or that they were ousted from their family and/or tribe. This was again, a very unfortunate theme I found in my interviews. Heather Womack’s interview really stuck out to me in regards to existential inequality. As you will recall in the last chapter she has breakdowns when she is around a lot of people, which means she could be suffering from anxiety and/or depression. Heather stated that she has breakdowns because often times she is treated badly in public because she is poor (Heather Womack interview June 24, 2015). Therborn writes that existential inequality refers to the “unequal allocations of personal autonomy, recognition and respect, to denials of an existential equality of human persons, denied a capability of decent functioning (Therborn 2013:50). As we can see, disenrollment is a form of, or at the very least leads to, this type of inequality for many people.

Lastly, Therborn writes about resource inequality which refers to providing human actors with unequal resources to act. This is another theme that I saw all too often
in my interviews. “We have lost any good credit rating that we had achieved and are having major problems trying to get places to live” (Hakwishka interview on June 18, 2015). According to Therborn this is “where most inequality discourse begins, with the arrival of the first pay cheque, disregarding the fact that by then many bodies have been buried, and many lives have been stunted forever by humiliations and degradations” (2013:49).

All three of these forms can, and often do interact and intertwine, but Therborn stresses that they should remain distinct and irreducible from one another. Therborn argues that these three forms of inequality can be gauged and compared when looking at institutional norms, social patterns of interaction, power-holders and knowledge keepers, along with personal experiences with restrictions and humiliations, through surveys and qualitative interviews (2013:49).

The next main concept Therborn presents, is the four mechanisms of inequality. “Inequalities are produced and sustained socially by systemic arrangements and processes, and by distributive action, individual as well as collective. It is crucial to pay systematic attention to both” (2013:55). Furthermore, Therborn writes that distributive action and system dynamics produce and maintain these four mechanisms of inequality. Each mechanism refers to social processes that result in a distributive outcome that seem to be situated between two poles of social interaction.

The first mechanism is distanciation, which is a crucial mechanism to inequality. Distanciation divides society into winners and losers producing social distance. You have one individual who has better life chances, while the other person does not and falls
farther and farther behind, unable to catch up. We can situate this mechanism within the context of disenrollment. Those who are disenrolled are at a disadvantage compared to those who are still members of the tribe. They no longer are part of a group, they have less financial resources, and their children lose access to cultural resources as well.

The next mechanism of inequality that Therborn writes about is exploitation. He describes this mechanism as involving a categorical division between superior and inferior people where the former extracts values from the latter. If we view exploitation as treating someone unfairly to benefit somehow, this mechanism can be applied to people who have been disenrolled. Money is often times cited as the root cause of disenrollment. The more people you disenroll, the large per-cap payments other tribal members receive.

The third mechanism of inequality is exclusion which prohibits certain individuals from advancing or having access from not only goods, but also ways of life. Exclusion divides society up into in-groups and out-groups; the outsiders being hindered by ‘glass ceilings’ and ‘closed gates’. This mechanism can be very clearly applied to disenrollment. People who are disenrolled are prohibited from benefitting from the numerous advantages that come with being part of the tribe. Whether it be cultural access, financial resources, opportunities etc. people who are disenrolled are in fact hindered by the ‘closed gates’ that disenrollment creates.

The last mechanism is hierarchization which “refers primarily to a ranking of the included, those inside the door of exclusion, but also the excluded may be ranked” (2013:59). In other words, hierarchization is a way of formal organization that can be
anchored in a value system of sorts. Again, this can be clearly related to disenrollment. Those who are disenrolled are excluded from being part of a tribe that their ancestors have been a part of for generations. As we see in my interviews, there are those who feel ‘less than’ because they have been disenrolled. There are also those who do not experience this and have used this experience as a source of strength. Either way, a hierarchy takes place, enrolled members being at the top, and disenrolled members are at the bottom. For Therborn, these four mechanisms of inequality encompasses all inequality experienced in the world. Furthermore, they operate in health, life expectancy, autonomy, recognition, respect, and on economic and other resources.

What I would like to pay special attention to are the effects of exclusion and inequality on individuals, which is of great importance especially in regards to tribal disenrollment. Inequality commonly excludes people from possibilities produced by human development. Exclusion takes on two forms: (1) Having a universal social meaning, the first type of exclusion excludes people from having sufficient resources to participate fully in the everyday life like your fellow citizens; (2) closes off the elite from the rest of the people. “The thicker the door of exclusion, the more distorted human cooperation and interdependence become, in favour of the former” (2013:21). Therborn highlights three aspects of exclusion: sundering, squandering, and political distortion.

The social space for human development is carved up and restricted, above all for the disadvantaged, of course, but not only for them. Secondly, the inequality of ownership of, control of or access to economic resources means that what has been produced in a given society can easily be dissipated by the privileged few. Thirdly, inequality of economic resources and their political deployment has
negated nineteenth-century liberal fears of democracy: that citizens’ power would encroach upon private property. [Therborn 2013:22]

I have chosen to use Therborn’s forms and mechanisms of inequality for a variety of reasons, the first being that his approach is laid out in a very comprehensive way. Therborn writes about each form and mechanism of inequality while giving real world examples of each. Too often theory is written about in a hypothetical way, and Therborn avoids that. Secondly, while many scholars only cover one or two aspects of inequality, Therborn analyzes all aspects of inequality and leaves no stone unturned. Lastly, I believe in is important that anthropologists, and others in the social sciences, take an interdisciplinary approach. This allows us to view things from numerous perspectives and provides us with frameworks that may not be available in our specific disciplines. Throughout this chapter I will keep referring back to Therborn’s forms and mechanisms of inequality.

Casino-Capitalism and Disenrollment

While not many scholars outside of legal studies have written about tribal disenrollment in regards to inequality, many theorists have written about inequality in general or about other cultures and populations around the world. I argue that power, hegemony, capitalism, and inequality are all inter-related in regards to tribal disenrollment. While Native American casinos are fairly new to the US political economy, many scholars have been paying attention to, and writing about, the effects of casino profits on Native tribes. Ingo Schröder (2003) analyzes Elizabeth Rata’s model of
neotribal capitalism in which she argues that modern tribes could be seen as organizations of capitalist accumulation through a type of ‘neotraditionalist’ ideology that has the capacity to recreate present day class relations in precolonial terms. Schröder argues that “a political-economic approach is particularly well suited for explaining the political processes and economic inequalities in postcolonial indigenous societies” (2003:435). Under the conditions of neotribal capitalist accumulation, the elite within a tribe use their position to act as intermediaries between their communities and the state to appropriate profits that are derived from tribally owned resources and businesses for the betterment of themselves and a select few. Schröder argues that this in turn establishes a system of local inequality that is not unlike a class system. “Moreover the same tribal elite also controls the process of defining tribal membership and thereby decides who is entitled to access resources and revenues tied exclusively to membership” (2003:437). We can go even one step further, as Schröder suggests, and say that the tribal elite dominate modes of representation of their people, which in turn supports the existing power relations with claims to legitimate heritage and traditional social relations.

Like in many cases, those in power try their hardest to keep that power. Some Native elites are no different, and exclude many people from voting in elections and/or running for office. Whether it was to keep votes in their favor, or to bring more per-capita payments to them and their families, my ethnographic data shows that people are often disenrolled because of money and power.

Using Marxist frameworks provided by David Harvey (2006) will give us a similar perspective to that which Schröder provided. David Harvey writes about the
process of accumulation through dispossession and the nature of capitalism. Neoliberalism has become very widespread during the past 25 or 30 years and this has had an impact on Native economies as well. Harvey writes “the fundamental mission of the neo-liberal state is to create a ‘good business climate’ and therefore to optimize conditions for capital accumulation no matter the consequences for employment or social well-being” (2006:25). Harvey gives two reasons for the rise of neoliberalism; one being that uneven geographical development has accelerated allowing some territories to advance at the expense of others. The other reason is that from the perspective of the elite, neoliberalism is a huge success; it has restored class-power to the ruling class or even created conditions for capitalist class formations where they didn’t exist before (2006:42).

If we apply these frameworks to Native casinos we can see that only certain tribes are able to get casinos. They have to be federally recognized, have funding, have land, and the list goes on. This leads to some tribes being prosperous while others are still living in poverty. If we link this to Schröder’s insights mentioned above, neoliberalism paired with accumulation through dispossession allows for class-system formations. On a more communal and individual basis, by disenrolling tribal members, a select few stay in power and accumulate more wealth.

I would like to hone in on the notion of accumulation by dispossession for a moment because it is of great importance to my argument that capitalism perpetuates disenrollment. Harvey notes that yes, all societies generate some kind of profit; the more elaborate the social system, the more important profits are. Appropriating profits is where
issues come about. Asking questions like: How are these profits being appropriated? Who is doing the appropriating? These are particularly interesting questions in regards to disenrollment. Usually the elite are the ones who control the profits and therefore dominate the lower classes, and we can see this in Native tribes that are disenrolling people due to casino profits. One of the numerous examples from my case studies shows this correlation between casino profit and disenrollment. “He wanted more money and to stay in power so he got rid of any opposition, our family” (Hakwishka interview, June 17, 2015). Looking at the social media accounts dedicated to disenrollment, or even various news articles on disenrollment, casino profit and/or greed is the main reason people believe they have been disenrolled. One example is an article that was posted by Indian Country Today. In this article Gabriel Galanda wrote: “Indeed, there is no more formidable of a force in disenrollment—or in modern tribal governance generally—than the almighty per capita dollar” (Galanda 2015).

If we apply these inequalities to Therborn’s forms and mechanisms of inequality we can see that his framework for resource inequality can be applied to the inequalities that Casino-Capitalism has created. Those who have been disenrolled no longer have access to resources (which is also a form of exclusion). Many people who have been disenrolled used to receive fairly large per capita payments that they relied upon for survival. When they are disenrolled they no longer have that economic resource and many now live in poverty and are having trouble finding a place to live, getting healthcare, sending their children to school etc. While the elite members of the tribe continue to accumulate capital, many of the disenrolled and excluded members are left
with very little in terms of economic resources.

Race, Ethnicity, and Inequality

As this thesis has shown, from the perspectives of some tribal councils, people who have been disenrolled do not have the proper blood-quantum levels, or direct ancestry to that specific tribe. Therefore, they do not meet the tribe’s membership requirements. Schröder argued that the tribal elite control defining tribal membership, therefore controlling who can access resources and revenue tied to membership (2003:437). Similarly, Therborn writes about exclusion and hierarchization, which refers to excluding some from attaining resources, in addition to ranking both the ‘in-groups’ and the ‘out-groups’ (2013:59-60). Moreover, Robert Masao Jiobu writes that ethnicity has an economic impact on nonwhites, which reinforces the notion that a person’s race/ethnicity is still a dividing line in the United States (1990:91). To tie this all together we can use Haller and Eder’s framework (2015) which states that class formation, social stratification, and ethnic differentiation are “the basic triad when it comes to explain the distribution of socio-economic resources and privileges; these three processes play a central role also in connection with social integration and conflicts in general” (2015:23). Disenrollment can be seen through the lens of Marxist and Neo-Marxist perspectives; ethnic inequalities contain a class-related aspect of domination and exploitation.

As I have stated before, there are numerous levels of power and domination when looking at disenrollment; the same goes for looking at inequality in regards to race and ethnicity. Through my interviews, and the empirical data of others (Galanda and
Dreveskracht 2015) it is clear that one’s race, or blood-quantum, plays a major role in determining membership and plays an equally important role in the process of disenrolling members. I showed in chapter 2 that blood-quantum is a way of determining membership and is a recent development in Indian Country; it has roots in both settler colonialism and imperialism.

The Indian Reorganization Act of 1934, which I summarized in chapter 2, is when tribes began creating constitutions and governments that more often than not, mimicked those of the United States (Henson et al. 2008). If you wanted to be a federally recognized tribe, and be seen as a sovereign nation, you had to adopt a government and constitution that was almost identical to that of the United States. Furthermore, this act defined a person as Indian based on three criteria: tribal membership, ancestral descent, or blood quantum. This is when we begin to see widespread use of blood-quantum as a criterion for tribal membership.

Determining Nativeness by blood came about in the 1890s when settlers began allotting lands in Oklahoma and used elaborate rolls to document Native names and their blood quantum. Settlers used blood quantum because it was assumed that the more European blood a Native person had, the more civilized they were, therefore they were more trustworthy.

Despite the circumstances under which racial determinations were made—the dispossession of Southern Indians—allotment rolls with their “blood quantum” became the basis of modern tribal membership, and in a great historical irony, the language of blood permeates tribal politics into the twenty-first century. [Perdue 2003:98]
I interviewed Dr. John Johnson who is a curator of anthropology at the Santa Barbara Museum of Natural History and anthropology professor at University of California, Santa Barbara. Dr. Johnson stated that you cannot use DNA because you cannot differentiate which tribal population they are from. “The science isn’t developed enough to indicate that there are unique polymorphisms for local populations” (Dr. John Johnson interview, October 9 2015). Moreover, he stated that people have been disenrolled because they do not own allotments on the reservation, which is highly unfair, but tribes plead sovereignty which means they can create their own criteria for membership.

In closing this section, the United States government has created inequalities based on race/blood-quantum in the 19th century and in the 20th century many tribes base membership off of these same race based requirements. Basing tribal membership off of race and/or blood-quantum is not part of Native tradition; rather it was created through the process of settler-colonialism and imperialism. The result has led to many institutional inequalities being perpetuated at the local level in Indian country, one of which is disenrollment.

_Human Rights, Civil Rights, and Disenrollment_

The anthropology of human rights has become a hot topic in our field, as have the topics of inequality and social justice. Many anthropologists are practicing public anthropology; Courtney Morris states “the increased visibility of what is vicariously referred to as public, engaged, activist, action, or applied anthropology challenges
anthropologists to circulate their insights more widely and effectively in the public sphere” (2015:540). Human rights are one of those topics where anthropologists can get involved, raise awareness, and ideally make a contribution to the betterment of the world. Anthropology has the tools and the theory to do just that. For example, Richard Wilson (2006) insists on locating human rights processes in context through ethnography.

There are many scholars writing about human and civil rights violations, paying special attention to disenrollment and membership. Austin Badger (2011) writes about the Universal Declaration of Human Rights, paying special attention to how the Declaration lacks adequate guidance on the resolution of conflicts between collective indigenous rights and individual human rights (2011:487). He focuses “on the tension between the individual human right to enjoy one’s culture articulated in Article 27 of the ICCPR and the collective indigenous right to self-determination and autonomy in internal affairs embodied in Articles 1 and 4 of the Declaration” (2011:288). Badger writes that a group’s right to control enrollment and disenrollment is part of Article 4 of the Declaration that emphasizes self-determination (2011:494). This contradicts Article 27 (in regards to disenrollment) which is about an individual’s right to cultural access by implicitly requiring preservation of the group in order for that culture to continue to exist (2011:496).

Badger calls for a more balanced approach to make sure that rights guaranteed to individuals are not violated in membership decisions that are left entirely up to the indigenous groups. “Without a more balanced approach, indigenous groups retain free reign to make arbitrary decisions which violate anti-discrimination and other human
rights laws” (2011:503). He writes that these issues will lead to even more membership disputes with the rise of casino-derived income, which increases disenrollment rates.

Wenona Singel (2012) wrote a paper about Native tribes and human rights accountability. In this article she goes in depth about the meaning of tribal sovereignty and self-governance, along with the parameters of tribal jurisdiction and how self-governance is actually practiced. What is most significant for us now is section 3 that analyzes how human rights can be enforced in Indian Country. Singel points out that just like and other government, Native governments are fully capable of abusing their powers and inflicting harm. “The human rights claims in Indian country nevertheless implicate a variety of civil, political, economic, social, and cultural rights that are protected in existing human rights instruments” (2012:585). Most of these claims are linked to tribal disenrollment, with special regards to California. Singel states that disenrollment in California has led to the creation of numerous grassroots organizations whose sole purpose is to fight and educate people about these human rights complaints, some have even drafted legislation called the California Legacy Act to prevent tribal disenrollment (2012:610).

Singel believed that tribal isolationism (the silence of tribal leadership to criticize or even discuss reports of abuse of power) is uniform and remarkable. Some have linked this isolationism to years of abuse through colonization. People are scared that their sovereignty will be taken away, or even they themselves will be disenrolled for speaking out. I was warned by various people before I began my research that many enrolled members would not speak to me because they would be fearful that they too would be
disenrolled. Furthermore, there are cases of current tribal members not speaking to relatives who have been disenrolled because they are scared they will be disenrolled as well. Hakwishka stated that “Some of our nieces and nephews, aunts and uncles, and cousins are still enrolled and will not talk to us because we were ousted or are too scared to talk to us so they do not get ousted too” (Hakwiska interview June 18, 2015)

While it is important to highlight the abuses of power that are occurring in Indian Country, it is equally important for us not to lose sight of the larger power structures at play here. It is the United States government that determines what the limits of tribal sovereignty are, along with who is considered to be a recognized tribe and how they should organize their tribal councils and political organizations. Moreover, I also must note that Native tribes are still considered wards of the state, which means that the state should be held accountable for tribal human and civil rights violations.

As I have shown, disenrollment causes massive inequalities in Indian Country. Casino-Capitalism, as I have stated, exasperated issues with membership and belonging that have been present in many Native communities since colonization. Disenrolled people have little to no access to cultural resources. Monetary resources that they once had are gone, as is the health care that they once enjoyed; a few stated that they cannot even see the family members that they have known all their lives. Some have called disenrollment a violation of their human and civil rights, others have stated that it is a continuation of colonialist ideologies.

Disenrollment has very serious consequences, as we have seen in this thesis; Galanda and Dreveskracht write “the result is that the concepts and assumptions of
American Indian identity reproduce the very social inequalities that have traditionally defined American Indian oppression” (2015:474). To end this section I would like readers to understand that many people who have been disenrolled are fighting back. There are people playing “serious games”, people who are creating cultural projects to challenge disenrollment and to heal those communities and individuals who have been affected by this epidemic; they are remaking the Indigenous universe.
As I stated in the introduction, anthropology is moving toward a more active or engaged anthropology, where anthropologists participate in helping to create a better world, rather than simply being observers on the side lines. As anthropologists Setha Low and Sally Merry point out:

The call for engagement has enlisted anthropologists as varied as those who argue that anthropology requires a rethinking of its methods and modes of writing to create a postcolonial relationship to its subject to those committed to finding a nonimperialist political stance to those working to formulate a new way to work collaboratively rather than hierarchically with communities. [2010:S203]

This method of engaged anthropology also consists of sharing and supporting scholarly works, providing social critique, collaboration, advocacy, and activism. The main goal of this thesis was to write a piece that can be accessed by people from Native communities who are fighting against, or experiencing disenrollment. I write this in hopes that it will find its way into the hands of people who will use this thesis to spread awareness and create change.

This thesis provides readers with a broad historical overview of tribal disenrollment, along with the various impacts disenrollment has on the individual and Native communities. Chapter 2 showed what life was like before colonization, including traditional forms of membership, belonging, and the connection people had with the land which they lived upon. With settler colonialism, Missionization, and the California Gold
Rush came massive, and often times detrimental, changes to California Native populations. Beginning with the Treaty of Guadalupe Hidalgo in 1848 we begin to see assimilation policy that continues to this day. Many federal policies, such as the Indian Citizenship Act of 1924, and the Indian Reorganization Act of 1934 helped pave the way for the advent of tribal disenrollment.

Chapter 3 showed how these policies aided in the extreme poverty within California Native reservation communities. By focusing on economic and social development from the 1950s to present, we can see how Native casinos came to be and why they are often seen as the “new buffalo”. Furthermore, while the economic sovereignty from Native casinos has been extremely helpful for many Native populations, there are variations in the amount of success each tribe experiences. The emergence of Native casinos resulted in the proliferation of insider/outsider policy, which has aided in the disenrollment of Native peoples.

Chapter 4 included various case studies on California disenrollment. Focusing on disenrolled members from the Pechanga Band of Luiseño Indians, the Pala Band of Mission Indians, and the Pineville Pomo, readers understood the numerous and varied effects disenrollment has on the individual and Native communities. These effects are the fracturing of an individual’s identity, PTSD and other forms of mental trauma, poverty, and a lack of resources. Disenrolled peoples also lose access to cultural resources as do their children and grandchildren, so we can see disenrollment having an effect on future generations as well. Structural violence, symbolic power, and symbolic violence all play a part in disenrollment. The chapter ends with an analysis of the ways in which people
are fighting back against disenrollment, as well as the numerous forms of activism that are taking place. This chapter shows there are very serious implications on both the well-being of the individual and also, the well-being of Native communities as a whole when disenrollment is present.

While Chapter 4 offers a more geographically local approach, Chapter 5 brings us back to the conceptual level by situating disenrollment into a broad framework of inequality. Native peoples are more often than not left out of these conversations, and disenrollment is in fact a form of inequality perpetuated at the local, state, and federal level. The chapter highlights the numerous consequences of inequality, in addition to showing how disenrollment can be seen as both an injustice and a violation of peoples human and civil rights.

There is still a lot of work that needs to be done on disenrollment. For example, I was not able to gain access to the Nations that disenrolled people. I contacted them for comment, but I did not receive responses by the time the thesis was submitted. It would be very helpful for research purposes to interview people within tribal councils who have disenrolled people to document their perspectives. It would also be a good idea to include more people from a wide variety of Nations in future studies in order to gain a better understanding of the effects of disenrollment. I would also recommend that future researchers follow up on disenrollees and their descendants to give us a better understanding of long-term effects. Lastly, I believe it is important that anthropologists attempt to provide possible solutions when appropriate. While there are scholars who have done this (Galanda and Dreveskracht 2015; Riley 2007) it would be interesting to
look at possible solutions to disenrollment through the lens of anthropology.

In closing, disenrollment is having widespread and permanent effects on people and their families, along with their cultures and identities. Many of the effects are still unknown since the proliferation of disenrollment happened so recently. Disenrollment is an injustice to Native peoples and will continue to tear Native Nations apart unless something is done to remedy this terrible situation that too many people are finding themselves in. The last thoughts come from Emilio Reyes with some advice that he has for people who have been disenrolled: “We survived Christianization, indoctrination, acculturation, termination, extermination, relocation, reservations, assimilation, treaty violations, and we will survive what is next” (Emilio Reyes interview July 14, 2015).
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