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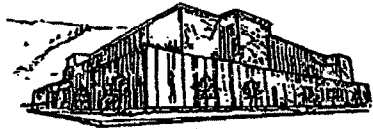
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DIVISION BY BLOOD: EXAMINING A HISTORY OF POLITICAL AND RACIAL
CLASHES UNDERLYING AMERICAN INDIAN IDENTITY

By

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presented in partial fulfillment of the requirements

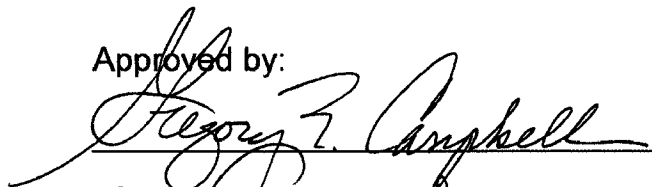
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Master of Arts


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Dean, Graduate School

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**Division by Blood: Examining a History of Political and Racial Clashes
Underlying American Indian Identity**

Chair: Dr. Gregory R. Campbell



This thesis examines the progression of American Indian policy through history in the application of the racial designation of American Indians based upon blood quantum. Blood quantum is an arithmetic method of quantifying racial ancestry. It examines the history of intermarriage in the American Indian community and the current population trends relative to census data. Additionally, it discusses current debates over tribal membership, ethnic boundary maintenance, and Indian identity in relation to blood quantum. It concludes with a case study of the Confederated Salish and Kootenai Nations, where the effects of policy and other influences have culminated to affect the current tribal political struggles surrounding blood quantum.

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CHAPTER I

AN INTRODUCTION TO BLOOD QUANTUM

Who is an American Indian? The answer to that question varies today from tribal nation to tribal nation. In 1934, with the passage of the Indian Reorganization Act, individual tribes became responsible for deciding tribal membership criteria. Currently, using blood quantum as a measure of purity, most tribes have adopted a registration system that requires members to establish their tribal affiliation by possessing at least one-quarter degree of blood quantum from that tribal nation. In 1978, the United States Supreme Court subsequently upheld the tribe's sovereign right to determine membership in the *Santa Clara Pueblo vs. Martinez case*.

Naomi Zach in her book *Race and Mixed Race* discusses blood quantum as such:

It was generally believed during the colonial period that the racial designations of Third World people referred to biological characteristics, which were inherited within the races in question. The widespread model of racial inheritance was some kind of arithmetic mechanism which dictated the intergenerational transmission of racial characteristics through their division in the blood of offspring. (Zach 1993:13)

Today, blood quantum continues to be calculated based on the information first recorded during the late 1880s and early 1900s when

reservations were being parceled out and allotted to individual tribal members.

The Bureau of Indian Affairs (BIA), as well as tribal officials, keeps a record of all tribal members and the fraction of American Indian blood each possess. With each successive generation, these fractions have become ridiculous, measuring quantum into the hundredths.

Currently, this racial designation of tribal membership has come under severe scrutiny. The Confederated Salish and Kootenai Nation of the Flathead Reservation recently held a referendum calling for the elimination of the minimum one-quarter-blood degree criterion and instead called for membership to be based upon lineal descent. Lineal descent is membership that requires having at least one previously enrolled direct ancestor within the tribe but has no minimum standard of blood degree. The referendum was soundly defeated. Other nations have also been faced with the decision to change their tribal enrollments. For example, the Navajo are currently considering changing their enrollment standard from a minimum of one-quarter degree to one-eighth degree blood for membership (*Navajo Times* 4/22/2004). The Shoshone Bannock have also been debating their membership since a referendum passed in 1995 maintaining their lineal descent and residency requirements for enrollment. Those requirements were again upheld in a 2003 vote (*ShoBan News* 2/6/2003).

American Indian identity was not always based upon blood quantum. Historically, American Indians knew who they were based upon their kinship, band, or clan affiliation distinct from other American Indian peoples (Weaver 2001). Blood quantum, born out of archaic racial notions, was applied to

American Indians in a series of racial projects. Michael Omi and Howard Winant (1994) state that racial projects seek to identify and define a race, then redistribute resources along these lines. It is important to note that race has been found to have no scientific validity for explaining human variation; however, it plays an essential role in the creation and maintenance of American social structure (Omi and Winant 1994). We are born into and live in a society in which racial projects have created our images of racial groups and have normalized the hegemonic relationships between them. Blood quantum, constructed by way of racial projects throughout history, has become the American standard for measuring Indianness both to American Indians and non-Indians. American Indians have incorporated blood quantum and phenotypical characteristics for self-identification as well as membership criteria and ethnic boundary maintenance. It is one of the fundamental barriers between marking an individual as an American Indian or a non-Indian.

The barriers between American Indians and Euro-Americans, while they existed ideologically, often did not factually. American Indians practice the highest amount of racial exogamy compared to other nonwhite minorities (Peroff 1997). Historically, this intermarriage pattern has been encouraged for economic reasons such as gaining land during the colonial times and westward expansion, or achieving status in the fur trade. American Indians have been finding themselves living in more urban environments where contact with non-Indians is more prevalent. This has fueled intermarriage and helped create a pan-Indian identity. I would argue that many urban American Indians are in a state of

negotiation between a tribal ethnic identity and a pan-Indian ethnic identity. Having a tribal enrollment number by meeting individual tribal standards gives credibility to the self-identification of an American Indian ethnic identity. Ironically, even with policies that have put American Indians into urban environments such as boarding schools and the relocation program, tribal membership continues to be based upon tribal endogamy. Scholars such as M. Annette Jaimes (1992) have pointed out that this contradiction will surely lead to numerical genocide.

There are essentially two ways in which American Indian identity is recognized. The first is self-identification and the second is tribal membership. The United States Census Bureau uses self-identification and this statistic shows the number of American Indians has grown to over four million 2000; however, the number of registered tribal members has not increased. To demonstrate the decline in enrollable population within one tribal nation, the March 13, 2003 *Missoulian*, reported that the total number of Confederated Salish and Kootenai tribal members is 6,872, with the number of full-blooded members listed at 109. Their average blood quantum is three-eighths, meaning most members are less than one-half with only 1.6 percent of their total tribal membership being full blooded. Ronald Trosper (1976) states that in 1905, of the 2,133 enrolled tribal members, 915 or 43 percent were classified as full bloods. The current issue is that using blood quantum as a mechanism to determine tribal membership is causing American Indians to disappear statistically while American Indian self-identification continues to rise. Since 1934, with the passage of the *Indian*

Reorganization Act, American Indians have had the opportunity to make a dent in the genocidal damage of the past, yet they do not as many tribes continue to maintain a minimum one-quarter blood degree for tribal membership.

Blood quantum is an issue that remains a personal concern of mine. Some of my friends and members of my extended family are not enrolled, based upon blood quantum, yet they are living and working on the reservation. They participate in cultural activities and are considered members of the Blackfeet community. Therefore, blood quantum has split my family, some are considered Blackfeet officially while others are not. At a party held for American Indian graduate students at The University of Montana, my interest was piqued in how blood quantum has become internalized and how it effects the perception we have of ourselves and of other American Indians. During the party, we were asked to identify ourselves by our name and our tribal affiliation. As we went around the room, I noted that American Indian students who were more phenotypically European stressed their tribal enrollment status more than American Indian looking students. It was as if their acceptance within the group depended upon their acceptance within their own tribe by meeting the blood quantum standards. It was then that I began to read more about blood quantum, its conceptual evolution, history, and how it informs American Indian self-identity.

Throughout this thesis, I used the term American Indian to denote indigenous peoples of what is now the United States. Occasionally, I have used the term Indian as well. These are terms most often used on the reservation and terms I have grown up hearing. While the term Indian can invoke images of

degrading stereotypes that is not my intent. I also used the term Euro-American to denote those people who are of European descent and African American for those people who are Americans born of African descent. The backdrop of this treatise will be the theories regarding race published in 1994 by Omi and Winant. Chapter II explores various racial projects to demonstrate how United States American Indian policy was influenced by racial thinking and how it allowed for the successful redistribution of American Indian held resources. Chapter III presents the history of intermarriage and examines population demographics so that a picture of the future can be painted regarding blood quantum and tribal enrollment. Further, Chapter IV delineates some of the issues that are currently presenting themselves in American Indian country regarding blood quantum and tribal membership. Finally, Chapter V is a case study of one tribal nation, The Confederated Salish Kootenai, through history up to their current battle over blood quantum and tribal enrollment.

As long as the United States government, the individual tribes, and the general populace hold a racial standard for American Indian identity such that a minimum standard of blood quantum is needed to ensure cultural competence and survival, the future of American Indians is doomed with regard to federal recognition as a people given the current statistical trends. Regardless of a continuation of cultural practices and language revitalization, a land base is also necessary for American Indians to continue as a people. With no tribal members officially recognized by the Federal Government the land base as well as treaty rights are in jeopardy. The Federal Government will no longer be responsible for

providing services laid out in the treaties, thus their “American Indian problem” that they have struggled to eliminate will, through statistical genocide, undergo self-eradication.

CHAPTER II

RACE AND FEDERAL INDIAN POLICY

Currently, debates regarding tribal membership have increased in the United States. Who is an American Indian and who is not can come down to a matter of the percentage of American Indian blood that can be proven via the Bureau of Indian Affairs official records. The concept of blood quantum was not conceived by American Indian people or used as a marker for tribal membership until relatively recently. It has evolved since contact with Europeans and Euro-Americans where the ideologies of race become tangled with the American Indian policies set forth by the United States government.

The race ideology accompanied Europeans to the new world based upon the notion of racial superiority, which they believed was governed by God. Later, this ideology was cemented using science. In a quest to prove the racial superiority of Europeans, science constructed theories derived to support the racial hegemony that existed and promote the preservation of "whiteness". The evolution of the race ideology and scientific racism is usually discussed in terms of African Americans, as it is widely used for validating slavery. However, it can also be used to analyze the genocide and subsequent ethnocide of American Indians. From contact forward, policies were established based upon race that

furthered the cause for ethnocide. It is my goal in this chapter to establish the construction of a blood based racialized American Indian using federal policy founded on the principles of race and scientific racism. I will demonstrate historically how a dominate society's view of American Indians and race was used to justify and construct federal Indian policies for the goal of termination of American Indians by the removal of their lands and resources and promoting the end of native lifestyles and cultural practices by forcing them to mirror the lifestyles of Euro-Americans. George Tennert writes, "We sometimes fail to realize that the formulation of all Indian policies in American history, even the most just, has been based on certain attitudes that could be best described as racial" (Tennert 1975:1).

The Construction of the "Indian"

In her book, *Race in North America*, Audrey Smedley (1993) discusses what she terms antecedents to a racial worldview. She notes that the English had developed a concept of "savage" in their relationship with the Irish. To the English, those qualities that made the Irish savage were inherent and were located in Irish blood passed from generation to generation. After contact, the construction of the "Indian" began as these principles were applied to the indigenous population of America.

The native peoples in the Americas were diverse linguistically and culturally who utilized a whole host of strategies for subsistence. They never conceived of themselves as one group of people or a single race. Smedley (1993) successfully demonstrates how this preexisting English cultural image of

“savage” from the Irish allowed for American Indians to be lumped together and thought of collectively. During the 1700s and early 1800s, American Indians as savages or, sometimes, noble savages were described both biologically and culturally (Berkhofer 1979). For example Comte de Buffon describes Indians as degenerates compared to Europeans:

...the organs of generation are small and feeble. He has no hair, no beard, and no ardour for the female. Though nimbler than the European, because more accustomed to running, his strength is not so great. His sensations are less acute; and yet, he is more cowardly and timid. Their love to parents and children is extremely weak. The bonds of the most intimate of all societies, that of the same family, are feeble; and one family has no attachment to another. (Berkhofer, 1979:43)

It was with this mindset the groundwork and foundation for all American Indian policy from genocide to self-determination derives. It lays the ideological base in which American Indian people became the racialized “other” in North America devoid of unique tribal histories and customs. They became a race conceived with a melding of cultural and biological traits that were inborn, connected, and coursing through each and every American Indian person’s blood. Racial formation theory can best describe the process in which the category of American Indian and those who occupy it came about and changed meaning over time as well as understanding forces responsible for the change and the redistribution of resources which resulted.

Theory of Racial Formation and Racial Projects

Michael Omi and Howard Winant (1994:55) define racial formation as “the sociohistorical process by which racial categories are created, inhabited,

transformed, and destroyed.” This means that racial formation is a process in which social practices and beliefs are articulated into a racial ideology. Then this ideology is enforced by racial subjection through both institutions and individuals. Later new instabilities and contradictions come forth and the process begins all over (Omi and Winant 1983). It is clear that soon after contact the racial category of American Indian was already created and those inhabiting it were defined as savages, incapable of making their own decisions, and using their land and resources inefficiently (Berkhofer 1979).

Today the category of American Indian has changed, and it is through the theory put forth by Omi and Winant (1994) that I will discuss the socialhistorical process of this change, and how this continual process of identity formation, along with the qualities that accompany the identification, set the conceptual framework for the reallocation of resources. According to their theory, the process of racial formation occurs as racial projects. Through the use of racial project theory, race is a matter of social structure and cultural representation. They define a racial project as “simultaneously an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines”(Omi and Winant, 1994:56). In other words, a racial project would seek to identify and define a race, then reorganize and redistribute resources along those defined lines. The resources do not have to be tangible and could include culture and intellectual property. For American Indians, many of the racial projects are actual government policies such as the establishment of reservations and the 1887 *Dawes Act*. Racial

projects must be viewed in their totality, as they are a socialhistorical process. They also create our worldview regarding our own social standing and those around us. We are born into a world with a long history of racial projects; therefore, the hegemonic relationships within our society are viewed as a normal part of life, we live within the images the racial projects have created making the hegemony naturalized (Omi and Winant 1983). American Indians are not independent of this process and it is my goal to demonstrate how racial projects have successfully created the image of who and what is an American Indian not just to dominate society, but to Native Americans themselves. Unfortunately, American Indians are now creating racial projects which will ultimately have the same effect as those created for them—extermination.

Historical Background leading to the Creation of Reservations

The first racial project I am going to discuss is the creation of Reservations; however, it is important to present a summary of events leading up to that point in history. Lewis and Clark had explored the Louisiana Purchase and the fur trade was already established in the west. The gold rush had led settlers out to California and neighboring areas along the Oregon Trail. From the onset of colonialism, American Indians had continued to be viewed as an obstacle to progress by Euro-Americans. There were differing approaches to overcoming these obstacles from the attempts to barter for indigenous land with small trinkets to outright battles and genocide. The American Indian population had been severely decimated by disease. American Indians had also been subjected to the conflicts between the European nations who were colonizing the

New World (Jennings 1975). Intertribal conflict had greatly increased with population pressure from the east, the introduction of the gun and horse, and smallpox epidemics that had reached the west long before the early settlers did. One of the first definitions and categorization of the American Indians existed at the colonial level. Jack Forbes (2000) states that in 1705, the colony of Virginia adopted laws denying American Indians rights. The American Indian category included the child of an Indian (later on known as half-blood) in their law. Other colonies followed suit, some making the definition of Indian even more complicated. Alabama's code, for example, defined American Indians to include all those with one ancestor through the third generation (Forbes 2000). The majority concept of American Indians had ranged from noble savage to downright savage. This image was reflected in literature from the widely popular captive stories to newspaper articles (Berkhofer 1979). Even the battle of the noble savage lost out in the end. All American Indians, even those deemed as good, were to go by the wayside as they were in direct conflict with what it meant to be an American and what civilization meant from the European point of view.

By the time reservations were being established in the west, American Indians in the east had been subject to an onslaught of racial projects. The taking of indigenous occupied land had been an act ordained by God for the Puritans, as well as similarly ordaining the westward expansion of settlers. The American Indians in the east had faced removal to Oklahoma or "Indian Territory". Case law such as *Cherokee Nation vs. Georgia* had defined Indians as "dependent domestic nations" (Deloria, Jr 1975). The English had a long history of

establishing that the greatest good anyone could do with land was to use it for agriculture, so it was long believed that American Indians did not make proper use of their land. The Europeans held the notion that all American Indian tribes were nomadic, although some tribes practiced varied agricultural techniques. This idea allowed for Euro-Americans to move onto a stretch of land permanently and claim ownership of that land. The American Indians had no place left to go. It was only natural that governmental authorities would attempt to establish treaties that provided a lawful claim to American Indian land.

On the scientific front, in 1839 Samuel Morton had published *Crania Americana* in which he set out to prove Indians to be racially inferior using scientific means. His methods were dishonest at best, but he provided “proof” that American Indians were inferior to Europeans. Morton measured the cranial capacity of skulls he had collected from different races of people. He then created a table of the average cranial capacity for each race. From his data, he made a chart that identified Europeans as having the greatest mental capacity. Along with his charts, he published essential characteristics of each race of people. For American Indians he said, “...Their mental faculties from infancy to old age, present a continued childhood.” (Gould 1996:88) The quest for land, coupled with the belief regarding land use, the savage nature of American Indians, and the justification for their ill treatment based upon actual science gave way to reservations and subsequent federal policies that attempted to erode away the American Indians biologically and culturally.

Racial Project 1: Reservations

Given the history from contact forward, the establishment of treaties in the Western territories was logical. From 1853 to 1856, 52 treaties were negotiated with tribes, which allowed the United States to gain about 174 million acres of land (Tyler 1973). Reservation experiments were conducted in California and then began being used in other western territories. The American Indians who had previously occupied the land were placed on small islands of land usually within their old territories. The goal of the reservations was to allow the settlers to live in areas previously occupied by the American Indians and to maintain segregation de facto (Tyler 1973). The landmark Fort Laramie treaty was signed in 1851 and its mirror image was signed among tribes in the southern plains in 1853. In Montana State, The Hell Gate Treaty was signed with the Salish and Kootenai in 1855. These treaties defined reservation boundaries and most established treaty rights that effectively obliged the United States government to supply certain goods and services to the American Indian people in return for the ceded land. The government has tried repeatedly to distance themselves from carrying out these economic obligations. It can be argued that treaty resources are the main reason for the establishment and maintenance of blood quantum membership criteria, and the economic motivations became subsumed in an ideological struggle in a nature versus nurture argument. Soon after the establishment of reservations began, one of the most influential scientific works was published.

Darwin published his *Origins of Species* in 1859. Soon evolutionary theory was applied to human races and cultures. Scientific racism placed cultures on scales of evolution, passing through stages of development. Europeans were subject to their own cultural and biological evolution that placed them as superior. Their cultural practices were the pinnacle of cultural evolution against which all other cultures were measured. All other races had their own evolutionary history, which always fell short of Europeans (Campbell 1998). Smedley (1993) points out, however, race for Americans had already assumed a dimension of differing species without the evolutionary terminology. It was during this time in history that the cultural construction of race became institutionalized as a worldview. Race had achieved a systematic autonomy and uniqueness as a mechanism for the hierarchical structuring of society and as a rationalization for imposed inequalities. By the late nineteenth century race ideology consisted of the following elements: exclusive group categories, hereditary inequality, the linkage of biology and behavior, and the notions of permanence and immutability (Smedley 1993).

The wedding of science to racism had grave implications for American Indian policy. Although American Indians were viewed inferior, it was believed that all hope was not lost for them evolutionarily. Learning the culture of the Euro-Americans, adopting Euro-American's beliefs, and leaving their savage religions behind, could advance the American Indians evolutionarily. All tribes had to learn to embrace agriculture as a dominant subsistence method, and

begin to view the world more in terms of individuality rather than tribally. It was through these changes that Indians could be “saved” (Stefon 1987).

Racial Project 2: Creation of Indian Boarding Schools

In 1875, Captain Richard Henry Pratt, an ex-prison warden, established the first American Indian boarding school in Carlisle, Pennsylvania (Mann 2004). This racial project demanded that children be removed from their homes and relocated to the school. Pratt’s stated goal was to kill the Indian and save the man. Of course this was symbolic in that his meaning was truly one of ethnocide. Young children were often forcibly removed from their homes and under Pratt’s care, given new European names, forced to learn English, required to wear only European clothing, and had their hair cut into European styles. Pratt taught them his brand of Christian values, which, in that time period, were very conservative. Children were also taught some basics education such as math and reading. In the afternoon, the children were used as domestics and laborers so that might learn a “trade” (Churchill 1998). Francis Prucha (1975) states that in 1884, the Lake Mohonk Conferences of Friends of the Indian set down a series of resolutions that included education. These resolutions helped shape federal Indian policies for decades. Regarding education, it was thought that an industrial education, which included moral and religious teachings, should be located on or near reservations. This education was thought of as essential to “civilizing” American Indians. Their recommendation was that, in addition to the off reservation boarding schools, day schools should be founded for American Indian children. More boarding schools were established around the nation and

Congress authorized their funding (Prucha 1975). The ultimate goal of the schools was assimilation or as Pratt stated, “killing the Indian”.

Racial Project 3: *General Allotment Act*

States, such as Virginia in 1866, defined American Indians as those who had one-fourth Indian blood; the first major racial project at the Federal level, which brought about a racial definition of Indian, was the 1887 *General Allotment Act*. This act, also known as the *Dawes Act*, allocated individual land plots to tribal members. Eva Marie Garrouette sums up the *Dawes Act* as such:

The effort, in a nutshell, was to destroy indigenous cultures by destroying their foundation—their collective ownership of land—and to integrate the Indians thus “liberated” into the dominant American culture. It was to allow for Indians to be remade into individual private owners of small farms who would quickly become independent of government attention and expenditures. (Garrouette 2001:6)

The act called for the reservations to be surveyed and plots to be chosen by the head of the households or appointed by the reservation agents. Surplus land after the allotments was opened for Euro-American settlement (Strum 1998).

The history of this process on individual reservations is full of stories of corruption. Land that was marginal was given to the American Indians while the best land was held aside for Euro-American settlers and business interests (Jaimes 1992). It is with this act, blood quantum record keeping began.

Gregory Campbell states, “One of the most insidious expressions of late nineteenth century scientific racism carried out as reservation assimilation policy was the establishment of blood quantum” (Campbell 1998:13).

As part of the record keeping tasks for the allotment act, agents created

rolls listed tribal members. The *Dawes Act* legally defined who was American Indian and attached certain criteria to their land holdings based upon their blood quantum. Those American Indians identified as full-blooded were deeded land with “trust patents” which meant that the federal government exercised complete control over the land for a minimum of twenty-five years. Mixed bloods were deeded patents in simple fee that meant they had control over their land; however, with the land, came mandatory citizenship of the United States (Jaimes 1992). From that point in time, many tribes calculate American Indian blood based upon those ancestors who were enrolled under the *General Allotment Act* at the time each reservation was parceled. With this act, American Indian land base was reduced from 138 million acres in 1887 to only 48 million acres by 1934 (Jaimes 1992). This racial project had clearly defined who was American Indian on the basis of blood quantum, a biological basis only. These rolls became the way in which the Bureau of Indian Affairs could determine heirship of land. Subsequently, the federal government adopted minimum blood quantum standards for eligibility to receive federal services and even per capita payments. It was a crafty method for decreasing the number of people the United States government was obligated to provide with treaty rights. In 1924, The *Indian Citizenship Act* was passed as a way to “clean up” after the *Dawes Act*. Thus, those American Indians who had not been made citizens under the *Dawes Act* were granted citizenship in the United States under the *Indian Citizenship Act*.

Racial Project 4: Indian Reorganization Act

In 1928, The Brookings Institute had published the *Meriam Report*. This

report had presented all the economic and social issues of the American Indians with a list of recommendations for solving the problems. The report discussed the failure of the Indian education programs. Along with dealing with health issues such as tuberculosis, it recommended that food allowances be increased. According to Prucha (1975), the *Meriam Report* was used to guide Federal Indian policy for the next twenty years. While the *Meriam Report* was heralded as a landmark guide in recognizing the needs of American Indian people, it is interesting that the goal was essentially the same as previous policy in that it called for American Indians to be absorbed into civilization or become fit to live in the presence of civilization—assimilation. The *Meriam Report* had pointed out issues facing American Indians; it would lie in the hands of the United States government to attempt to change policy to reflect the recommendations.

In 1933, President Franklin Roosevelt chose Harold Ickes to be the Secretary of Interior that handled the Bureau of Indian Affairs. Ickes was known as a compassionate person, who cared about the plight of the American Indians. In an article he wrote, Ickes had recognized that the treatment of American Indians had been “one of the worst aspects of American history.”(Philip 1977:115). Ickes appointed John Collier for the position of Indian Commissioner. Collier had led earlier fights for Native Americans to practice their native ways and was especially concerned about the Pueblo Indians. With these appointments, the idea of the Indian New Deal began.

It was under Collier’s watch in 1934 that another significant racial project was passed—*The Indian Reorganization Act*. Collier had ideas to roll back the

Dawes Act and allow for more tribal ownership of resources. He sent questionnaires out to individual agents, in which he proposed that tribes should organize themselves as chartered municipal corporations like a county. In setting up tribal councils, his goal was Indian self-government and a return to tribally and independently held resources on the reservations. Collier was met with negative responses from the local Indian agents. Some agents wrote that the Indians were happy with the individual ownership of land, others said that Collier's plan could cause problems resulting from inner tribal conflicts that had been growing between full bloods and mixed blood people. Since the *Dawes Act*, tribal infighting had increased and there was a growing tension between full bloods and mixed bloods on reservations.

Paul Rosier (1999) used the Blackfeet as a case study for the tension that had developed. While each tribe had a unique history in their relationship with the dominant culture and suffered differing demographic declines, there was an emerging trend throughout Indian country of mixed blood versus full bloods brought on by the intermarriage between Euro-Americans and American Indians. With the population decimated by diseases, the number of mixed bloods increased while the number of full bloods decreased. The Blackfeet also faced the Starvation Winter of 1883-1884, which killed nearly one in four people. Residential boarding schools and deliberate policies of assimilation had worked on the Blackfeet. The tribal elders, who were mainly full blood, had not been carted off to government boarding schools and watched as their tribal ways were whittled away and the younger generation adopted more "white ways." The

mixed blood Blackfeet had managed to become shrewd business leaders and had gained greater control over the reservation resources. They became the first tribal council members. Rosier (1999) remarks that by 1915, the Blackfeet full bloods were living in economically deplorable conditions and were at the mercy of the mixed bloods who had aligned themselves with Euro-American congressmen and Euro-American business leaders to try to sell off more and more of the Blackfeet territory. Although it was only a hand full of mixed bloods attempting to coerce land sales, all mixed bloods were lumped together by tribal elders. The reservation soon divided geographically with the full bloods residing on the north side and the mixed bloods residing to the south. Agent Campbell created the Five Year Industrial Plan in which he encouraged full bloods to grow gardens, plant small plots of wheat, build a flourmill and sawmill, and own sheep to become more like Euro-Americans. This furthered the schism between the two factions. Issues such as per capita payments, leasing land to developers, and control over Blackfeet decision-making were vital issues to both factions.

The conflicts continued through the passage of the *Indian Reorganization Act* and, I argue, continue today. In this case study the actual members of the full bloods and mixed bloods were not divided by blood quantum, rather they were divided between traditionalists and more assimilated Indians. The traditionalists were falsely labeled as “full bloods” and the more assimilated Indians mislabeled as “mixed bloods.” (Rosier 1999). As this case study illustrates, it is evident that the American Indians were evolving a concept of cultural preservation connected to blood quantum. In other words, the degree of

Indian blood had become directly correlated to an individual's cultural competence.

In spite of all the tensions and problems, Collier continued to push for the *Indian Reorganization Act*. Eventually Collier had won his argument and *The Indian Reorganization Act* was passed through Congress. In the act, an Indian was defined as an individual who has one-half or more Indian blood. Some tribes, like the above-mentioned Blackfeet, adopted the act and wrote a constitution with no reference to blood quantum. The *Indian Reorganization Act* changed the tribal governance system from traditional ones such as chiefs to an elected business council. Across Indian Country, concerns over mixed bloods and full bloods surfaced. The Lakota, like the Blackfeet, were divided along mixed and full blood lines and the full bloods were pessimistic that the newly formed business councils would treat them fairly (Philip 1977). In the April-June 1944 *American Anthropologist*, Dr. Scudder Mekeel had criticized Collier, pointing out the divide that was occurring on reservations as a result of the *Indian Reorganization Act*. Mekeel especially thought that there was an inequity in the way in which the newly created loan provisions were being awarded. In his reply, Collier acknowledged the problem especially on the Blackfeet and Lakota Reservations. But, he dismissed the criticism made by Mekeel that mixed bloods were best able to capitalize on the loan provisions set up in the act (Collier 1944).

While the *Indian Reorganization Act* created business councils as governing bodies, its newly adopted constitutions also gave each tribe the ability to set their own legal criteria for their citizenship. Collier pushed for American

Indian sovereignty and self-governance, but the constitutions were worded in such a way that the Bureau of Indian Affairs ultimately retained the paternalistic power over whether or not to approve the decisions made by the tribal councils.

Since the adoption of the *Indian Reorganization Act*, the criteria for who is a tribal member has changed for individual tribes and varies throughout the United States. About two-thirds of all federally recognized tribes have adopted a minimum blood degree requirement, with the most common being one-quarter (Garrouette 2001).

Racial Project 5: House Concurrent Resolution 108 or “Termination”

Following Collier’s *Indian Reorganization Act* that profoundly affected American Indians was *House Concurrent Resolution 108* and Indian Relocation Program passed in 1953. This resolution is commonly called Termination. Conceived by the Republican dominated Congress and pushed for by Utah Senator Arthur Watkins, this act’s sole purpose was to end the United States trust responsibility with the American Indian nations. Therefore, it would have ended the United States government’s financial responsibility for American Indians. It would also eliminate tribal land holdings, as tribes would no longer be federally recognized entities. Political rhetoric validated termination in that it was to give American Indians greater autonomy and self-governance. Tribes who were thought to be sufficiently assimilated were to be cut lose from federal supervision. These motives are stated directly in the resolution:

Whereas it is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States,

to end their status as wards of the United states, and to grant them all the rights and prerogatives pertaining to American citizenship. (Prucha 1975:234)

The Commissioner of Indian Affairs at that time, Dillon Meyer, was given the task of carrying out the resolution. Meyer's previous job was supervisor of the Japanese American internment camps during World War II. Termination was met with opposition from the tribes. It violated both the legal standing of treaties as supreme law and the trust relationship established between tribal nations and the United States government (Mann 2004). A few tribes such as the Menominee in Wisconsin were terminated under the resolution. Tribes in California, Minnesota, Nebraska and Oregon were put under the jurisdiction of their states (Giago 1998). The Salish, who were slated for termination, were spared. *House Concurrent Resolution 108* included the Indian Relocation Program.

Meyers believed that individual American Indians should be relocated to cities where they could secure employment. According to Donna Hightower Langston (2003), the program offered a one-way bus ticket to the city with a promise of help finding jobs, training, and housing. She states the program usually targeted younger tribal members who had some employable skills. The consequences of this policy were that the American Indians tended to be relocated to the ghettos and slums within the city, became impoverished, and faced discrimination and segregation once they were in the cities (Campbell 1998). Relocation caused a major shift in population demographics. Among these new city dwellers, intermarriage greatly increased. Termination went into

remission under President John F. Kennedy and was renounced by both Presidents Lyndon Johnson and Richard Nixon. However, the damage was already done in Indian country. By the 1970s, approximately one-half of all American Indians resided in urban areas (Manuelito 1996). It was the experiences of the urbanized American Indian with dominant society such as police brutality that sparked the Indian civil rights movement in the early 1970s.

Although American Indian people have the right to define their own tribal membership, Congress, for several purposes, has continued to define American Indians. As Garoutte (2001) points out, in 1978 Congress had approximately thirty-three separate definitions of Indian in use for differing legislation. Some may or may not correspond to the individual tribal definitions. The government continues to define American Indians by the use of blood quantum and many tribes use a one-quarter-blood degree minimum standard for membership (Tsosie 2002). In some cases the federal government's definitions differ from the individual tribe's in such a way that individuals may qualify as Indian for their tribe but not under the federal definition or vice versa. In 2002, the Bureau of Indian Affairs proposed a policy, which puts them back into the business of defining who is an Indian. First they have proposed a uniform one-quarter degree standard for all tribal nations. Secondly, they propose that the one-quarter-blood degree is only calculated using federally recognized tribal blood (65 FR 20775-20787). It would eliminate American Indian people who can now qualify for governmental programs but would not if their blood degree were recalculated. It is especially worrisome for those California Indians who were subjected to termination.

American Indians have been, and continue to be, subjected to a whole host of racial projects, many of which were official government policy. These racial projects culminated in the current identities of who is an American Indian and who is not. In most instances, a biological standard is employed which, for many, is coupled at least ideologically with the retention of traditional culture. Currently, American Indians are responsible for setting the limits of their tribal membership and they continue to uphold the racial categories that were thrust upon them throughout history. These were the same definitions that helped to construct the ideological environment that justified the continued seizure and redistribution of indigenous resources.

CHAPTER III

INTERMARRIAGE AND DEMOGRAPHICS

A number of times I heard a professor of mine say, "when people meet they marry." While what constitutes marriage is culturally based, it remains true that offspring are produced and genes are exchanged. This was true for American Indians and Europeans in the New World. Intermarriage has taken place despite the racism and hegemony that existed between Indians and Euro-Americans from the very beginning. The belief that American Indians were savage, or less than human, was overcome given enough economic incentive. The tolerance for American Indian and Euro-Americans intermarriage increased and decreased depending upon the heritage of the Euro-American person, the economic climate in the United States, and the state of the evolution of race ideology concerning American Indians.

The idea that there are, or ever have been, pure races is false. Anthropology has officially denied that our biological notions of race exist let alone the idea that any race can be conceived of as pure. Blood quantum is based on the concept of a pure race. To determine tribal membership, a minimum blood quantum from one tribal nation has been required in many tribes since blood quantum standards were established. Many tribes require a one-

quarter degree of tribal blood while some require up to one-half degree tribal blood and a few tribes require members to prove their lineage to an ancestor on an official tribal roll (Tsosie 2002). Having a minimum blood quantum requirement forces American Indian people to carry out tribally endogamous marriage patterns to maintain the membership status of their children. In other words, tribal members must have children with people within their tribe to ensure their children will have tribal member status. Given the history of federal Indian policy, and the unique relationship between American Indians and Euro-Americans since colonization of the United States, endogamous tribal marriages and liaisons are becoming more rare. More American Indians reside in urban environments and the reservation populations, it seems, are more related to each other. With these trends, it is obvious that the number of Indians who meet racial blood quantum standards would decrease over time. Some could argue this was the government's intention from the beginning. In this section, I will look at the history of intermarriage between American Indians and Euro-Americans as well as the current demographic information regarding mixed bloods and marriage patterns.

History of Intermarriage

According to Audrey Smedley (1993), each European colonizing nation had different views on intermarriage between American Indians and the newly arrived Europeans. The Spanish prohibited the practice on paper, but later allowed it to legitimize the births of the mixed raced children. In Canada, the French had encouraged intermarriage with Native women. They viewed the

intermarriage in a very practical way, as there were few French women to marry. However, over time the Jesuits began discouraging the practice. From the moment of contact, English settlers had stricter intermarriage boundaries than both the Spanish and the French. Smedley (1993) argues that the English had already perfected their compartmentalized thinking on the Irish, who they had been forbidden from marrying even before they colonized the United States. Much of their concepts about the Irish as being savage beasts were redirected at the Native Americans they encountered (Smedley 1993).

But the boundaries could be broken and they were. One of the most famous couples from early American history was Pocahontas and John Rolfe whose marriage took place in April 1614. Despite whatever precedent this marriage could have set, by 1691 Virginia had passed laws regulating intermarriage, and violating the ban would cause banishment from Virginia (Kaplan 1990).

Most barriers were broken down due to economic incentives even though religion and emerging concepts of race discouraged intermarriage. Early on, in Nova Scotia, the British provided economic incentives for British subjects to intermarry with American Indians. The offer to both British men and women was ten pounds of sterling and fifty acres of land. In 1784, Patrick Henry introduced a bill that would have paid Europeans to marry American Indians. The amount of the award would rise with the birth of children and there was a promise to educate the male offspring. As an extra incentive, the bill would have allowed these mixed blooded offspring the same legal rights as the Euro-Americans.

This would have helped to establish relationships between Indians and Whites especially in the frontier area. Intermarriage was seen as a method for staving off conflicts (Kaplan 1990).

At that same time, laws were passed in various colonies that denied marriages and privileges to individuals based upon blood quantum. Jack Forbes (2000) states that the category of Indian that was created included all persons who had mixed blood to the third generation or one-quarter. The definition of who was American Indian was much less stringent than for those who were deemed African American. To be categorized as African American, only one African American ancestor was required regardless of the number of Euro-American ancestors.

In 1815, William Crawford, Secretary of War (the department in which Indian Affairs was located), proposed that the Indian problem might be handled by encouraging intermarriage between Indians and Whites. He thought intermarriage was a way in which Indians could become civilized. Crawford published a report regarding the treatment of American Indians, which included his ideas on intermarriage. His proposal was met with scorn and when Crawford attempted to run for president a pamphlet was published entitled *Strictures Addressed to James Madison on the Celebrated Report of William H. Crawford Recommending the Intermarriage of Americans with Indian Tribes*. One of the points made in the pamphlet was "...You can no more convert an Indian into a civilized man than you can convert a negro into a white man. The animal configurations and propensities are different" (Kaplan 1990:130).

During this time, the fur trade had become more active in the west. French, British, and American fur traders went westward where they resided with and near Native American tribes. Although fur trading men and Indian women usually did not “officially” get married through the church, their unions were mostly conducted using traditional Indian marriage ceremonies. Because of the fur trade and intermarriage, Canada became the site of an ethnogenesis of mixed race people called the Metis. The offspring of the traders, and the Cree or Ojibwa women were the seeds of the Metis. This new group emerged as a whole new people, neither European nor American Indian culturally, but an admixture of both. The fur traders quickly learned that these marriages cemented the much-desired trading relationships between the tribes and the fur trading companies, and they brought great economic benefit to the fur traders (Western Report 1993).

Intermarriage between fur traders or mountain men with Indian women occurred all over the west. The children born of these marriages tended to live with the mother and had little contact with their father’s world. Aside from the Metis, mixed children were most often raised as tribal members (Smedley, 1993). These children acted as translators and cultural brokers and became important members of the tribe. Some became famous in their tribes such as nineteenth century Cherokee leader, John Ross, whose blood quantum was one-quarter.

Robert Beider (1980) argues that up until the 1820 and 1830s when clashes between the Native Americans and the settlers began to increase, the solution to American Indian assimilation was intermarriage. It was believed that

half bloods were smarter than full bloods because of their European ancestry. They were also seen as grasping on to European habits and participating in agriculture and Christianity. However, by the 1830s this attitude no longer existed. Beider (1980) notes that as more Euro-Americans moved westward, the attitude against intermarriage, especially with English Americans, was more apparent. It was decided that intermarriage was not the answer to “civilizing” the American Indian.

Although the marriage of an American Indian woman to a Euro-American man was viewed disapprovingly by society, the racist eye was turned away for the most part. Aside from epithets such as “squaw man” frequently spoken, little else was said or done to discourage the practice. The union was seen as inevitable, fulfilling the needs of the bachelor away from the rest of society. The American Indian bride became a default wife. However, American Indian men marrying Euro-American women were seen with a different eye. A brief discussion of gender relationships is important to convey the context of the scorn. Euro-American women, at this time period, were viewed as the economic, social, and sexual possessions of Euro-American men (Jacobs 2002). When a Euro-American woman married an American Indian man, this upset both the racial and patriarchal order that existed. According to Margaret Jacobs (2002), it was assumed that if a liaison took place between an American Indian man and a Euro-American woman, the woman was always coerced. Beider (1980) states that intermarriage between American Indian men and Euro-American women was viewed as revolting and unnatural. There are few narratives available from

Euro-American women who married American Indian men, as it was a rare occurrence during that period, unlike today where intermarriage between American Indians and Euro-Americans between both genders is almost equal.

Soon after reservations were established, federal government policies were created which eroded the segregation de facto provided by the reservations and increased the encounters between American Indians and Euro-Americans. The boarding school policy allowed for greater interaction between Native Americans and Euro-Americans. Boarding schools were created to hasten the “civilization” process of American Indians. In 1879, Carlisle, the first boarding school, was opened under the direction of Richard Henry Pratt (Mann 2004). Pratt’s goal was to provide a strict environment in which American Indian children would live, work and eventually be able to be assimilated into American society. American Indian children had encounters with Euro-Americans as they were placed in Euro-American homes as domestics and laborers (Stefon 1987). Additionally, when the *Dawes Act* was passed in 1887, it opened reservations to settlers. On some reservations, American Indian women frequently married Euro-American settlers who wanted to lease tribal lands (Manuelito 1996). Daniel Wilson (1879) noted the increase in Euro-American and Native American marriage throughout the United States. Wilson (1879) states that some tribal population had begun to increase in 1877, for example, the Mohawk had 833 tribal members although only two were recognized as “pure” Indian blood.

Laws began to reflect a growing concern over access to American Indian resources by Euro-Americans. Within a year of the *Dawes Act* 1887, the

Marriage between White Men and Indian Women law was passed August 9, 1888 (Prucha 1975). This law prohibited Euro-American men from acquiring tribal property and resources, and from being eligible to receive any entitlements due tribal members. The new law granted the American Indian women full citizenship status because prior to 1888, Indian women, upon marrying Euro-American men could not become naturalized citizens of the United States and their children; therefore, remained citizens of tribal nations. (Prucha 1975). This act had implications for these children, they suddenly became citizens of the United States and it was then questioned if they would be able to share in the tribal per capita payments. An application of law and policy was subjective to the enforcing Indian agents. In the *Report of the Secretary of Interior* in 1894, agent Penney of the Lakota Reservation would not allow mixed children to receive a per capita payment. The children of interracial married woman lost their tribal rights to any assets they would have if their mothers were not married to Euro-Americans. They were not to be thought of as official members of the tribe; therefore, they could not inherit land from their mother, and the land was diverted back to tribal ownership. These same instructions were given to the allotting agent in June 1894 (*Report of the Secretary of Interior* 1894).

By 1910, intermarriages between indigenous people and Euro-Americans occurred frequently enough for the Census Bureau to conclude that forty percent of the Indian population was mixed race. When the Bureau of Indian Affairs took a special census in 1950, it was found that only one half of all Indians were full bloods (Snipp 1997). It was in the 1950s that the Relocation Program began and

effectively moved the American Indians into urban areas. During the 1930s, only about ten percent of all American Indians lived in urban areas, and by 1980 over half of all Native Americans lived in cities. Intermarriage between American Indians and Euro-Americans increased greatly, and intermarriage in the urban environment still outpaces intermarriage among American Indians living on the reservation.

Modern Intermarriage Trends

American Indians continue to be the race most likely to intermarry. In fact, by 1990, only 33 percent of all Indians were marrying other American Indians. Also, American Indian population figures continue to rise. Due to rising intermarriage rates and population rates for American Indians according to the United States census, a critical assessment of the data and how it is calculated is in order as it conflicts with tribal enrollment data.

Since 1960, the United States Census Bureau has allowed respondents to self identify their race. Matthew Snipp (2002) asserts that the number of self-identified American Indians increased the population of American Indians beyond what was expected. However, when the count was revised, the numbers did not match those who were enrolled members or even those who were eligible to be tribal members regardless of blood quantum (Snipp 2002). Racial self-identification continued and the number of people self-identifying as American Indian increased 73 percent between 1970 and 1980, and 45 percent between 1980 and 1990. Snipp (2002) attributes this to better census coverage as well as people appearing to change their race from one year to another. If this is the

case, comparative data using the census is difficult. Also, there is evidence that when some people marry they change their ancestry to match that of their spouse, and they also tend to report only one racial category when they grow older (Waters 2000).

The 2000 Census allowed for a new category of person, the self-identified multi racial person. It was found that American Indians are the ethnic group most likely to self identify as mixed race. Waters (2000) notes, as did Snipp (2002), that the number of people who were once identifying themselves as Euro-American are now identifying themselves ethnically as American Indian or mixed race. When asked to identify themselves racially or ancestrally as American Indian, those who self-identified themselves racially tended to be concentrated on reservations, and dramatically fell lower on the economic scale than those who claimed American Indian identity ancestrally. This may skew the economic statistics supplied to the government. For the state of Montana, the number of residents who identified themselves as American Indian was 66,320 with 10,252 of them reporting being a combination of race. Therefore, only about 15 percent reported themselves as being a combination of races. I believe this number is contradictory with the enrollment statistics for full bloods in the state of Montana.

Table 1 breaks down the number of all people who self-identified as American Indian in the United States of a single or mixed race, and by gender. The census shows that about 39 percent of all American Indians report themselves to be mixed race.

Table 1. 2000 Self Reported Single or Mixed Race American Indian, by Gender

	<i>N</i>	American Indian Alone	American Indian in Combination with other race
Males	2,033,242	1,233,982	799,260
Females	2,086,059	1,241,974	844,085
Total	4,119,301	2,475,956	1,643,345

The number of American Indian children between 1980 and 1990 grew by about 25 percent; however, the number is not consistent throughout time. For example, the number of American Indian children ages five to nine in 1980 was 147,000. By the time those children were counted again ten years later as 15 to 19 year olds, their number had increased to 181,000. This may also indicate a growing number of people who have switched their race. Snipp (2002) found that people who reported more than one race were more likely to be under the age of 18.

It has been predicted that the number of Native Americans with under one-quarter-blood degree will increase. By the year 2080, it is thought that 59 percent of all American Indians will have less than one-quarter blood degree (Churchill 1998). In 1915, it was predicted by the Census Bureau that full bloods would eventually disappear. They continue to have a presence, but their numbers are dwindling. It is also predicted that those American Indians with one-half degree blood quantum will remain constant (Snipp 1997).

Along with increasing numbers over the past 30 years, the 1990 census showed that almost 80 percent of American Indians were of mixed race, and about 80 percent resided off the reservation. Especially since WWII and the subsequent Relocation Program, American Indians have been relocating to urban environments, which have affected their rate of intermarriage. The boundaries between American Indians and Euro-Americans have not been as strictly maintained as with other races especially since the 1960s. American Indians have the highest rate of racial outmarriage among all ethnic minorities. By the 1970s, about 33 percent of Native American men were married Euro-American spouses and about 35 percent of American Indian women were married to Euro-American spouses. Between the genders, intermarriage is about split. This is a change from the historical intermarriage that happened primarily between American Indian women and Euro-American men. Within ten years, that number had jumped and about 53 percent of all American Indian marriages are to nonIndians. This contrasts with only one percent of European Americans and two percent of African Americans married to members of other racial groups (Manuelito, 1996). About 16 percent of all American Indians are in unmarried partnerships. American Indians have the highest rate of unmarried partnerships so I felt it was important to include the data on their partner choice. The data shows that about half of the unmarried partnerships are with Euro-Americans, which is just slightly under the percentage of interracial marriage. This holds true regardless of the gender of the American Indian person.

The number of interracial marriages has grown steadily in the Native American community. Table 2 indicates the percentage of Native Americans who married other Native Americans in 1970, 1980, and 1990 (Sandefur and Liebler 1996). The table demonstrates that racial outmarriage for American Indians is increasing.

Table 2: Percentage of American Indian Marriages in 1970, 1980, and 1990 to Other American Indians, by Gender

	1970 (%)	1980 (%)	1990 (%)
Married Men	64.2	47.6	41.2
Married Women	61	46.3	39.8

While there is no comparative data for women, Table 3 indicates the races of the wives of American Indian men who on the 2000 Census designated their race as American Indian only. It appears from the chart that American Indian men are marrying Euro-American women more than American Indian women. This may not be the case, however, as it is impossible to ascertain if the category “two or more races” includes American Indian women who selected their race as mixed. However, controlling for that possibility, the chart indicates that American Indian men are choosing racially exogamous marriage at about the same rate as they were in 1990.

Table 3: Races of Wives Married to Men Who Identified Themselves as American Indian Only on 2000 Census

Race of Wife	<i>N</i>
White	131,256
Black African American	3,751
American Indian/Alaskan Native	127,086
Asian, Hawaiian or Pacific Islander	2,590
Other	279
Two or More Races	5,807
Total	271,057

Intermarriage between Euro-Americans and American Indians began in colonial times and carried on throughout history. There were times when it was discouraged for racist reasons; however, there were many times when it was either encouraged or overlooked for economic benefit, practicality, or as a method for assimilation. Men from the fur trade, army, and BIA came out west, where they met and married American Indian women. Interracial marriage was typically between an American Indian woman and a Euro-American man, as it did not upset the gender hierarchy that existed historically. Today, the rate of intermarriage is about the same for both genders. Intermarriage continues to happen and has grown especially since federal assimilations policies such as the Relocation Program have transplanted American Indians to urban settings, which increase the chances of encounters with different races. The rate of racial

outmarriage is about 65 percent of all American Indian marriages. As a result, there are an increasing number of mixed race people. The highest growing segment of American Indians is those who possess one-quarter or less blood degree. In the next section, I will address the implication these population trends have on tribal membership and American Indian identity within the Indian community

CHAPTER IV

CURRENT ISSUES AND DEBATES

After understanding the history behind blood quantum and the demographic trends among Native Americans, the possible outcome of maintaining it as a source of Indian identity and tribal membership is extinction. Why is there such an outcry among American Indians when enrollment standards are challenged? Currently it is the most divisive issue in Indian country. In this section, I am going to examine some of the current discourse regarding blood quantum coming from Indian Country.

According to population data, the number of American Indians in the United States has increased exponentially. To reiterate that increase, from 1970 to 1980 it increased by 73 percent; between 1980 and 1990, it increased by about 45 percent. As of 2000, the United States Census indicated there were about 4.4 million people identifying themselves as Native American (United States Census 2000). There are several reasons for this increase. First, the census takers are doing a better job of locating people. Second, since the 1960s, race is self-identified in the census. In the past, the person taking the census determined the race of the interviewee. Third, the numbers could include those whose ancestors had left the reservations and passed as Euro-American

and are now coming to terms with their ethnicity in a less racist environment. Matthew Snipp (1997) argues that the barriers between Euro-Americans and American Indians are less prominent and that Indians do not receive the type of scorn that African Americans have continued to receive. He states that in recent years racial discrimination against Indians has lessened and as a result the stigma once attached to being an American Indian has diminished. Additionally, Native Americans who are not recognized by the federal government could be turning up on the census. Tribes that were terminated, such as many in California, or not recognized, such as the Lumbee or the Mashpee, may be stepping forward to assume their American Indian identity. The Bureau of Indian Affairs would not have a count for those who are members of tribes not federally recognized. Ward Churchill (1998) notes that the actual number of American Indians calculated by Jack Forbes was closer to 15 million than the 4.1 million reported by the Census Bureau in 1980. This number would include American Indian mixed individuals of both African American and Euro-American descent. What is clear from the evidence is that people who were previously marked as another race on the census are marking themselves as Native American now.

Self Identification

Is it a mere perception that the number of American Indians has increased and that many Euro-Americans are just claiming an Indian identity, or has the number been underrepresented all along? I argue that for Indian people it does not matter where these new people are coming from, they are viewed with suspicion and as threatening. For good reason, there is a concern about the way

in which the census information could be used to create government programs. One of the subtleties found in the census is the difference between American Indian as a race and American Indian ancestry or ethnic origin. Those who identified themselves as racially American Indian were much more likely to be living on reservations and from lower economic circumstances (Snipp 2002). They were also more likely to identify themselves as one race only. Those who marked themselves as having American Indian ancestry were concentrated in the urban areas with a higher economic status. They were more likely to identify themselves as multiracial (Waters 2000). This type of split could skew the economic data for American Indians and make them appear to be doing better than they are, especially for government officials who tend to want to save money by diminishing their trust responsibilities to American Indians. I have learned from experience that American Indians living on reservations are always mindful of the government and its intention to lower their budgets and eliminate treaty programs. Providing skewed statistics would be a convenient method for doing such.

Furthering the confusion is the growing number of wannabes. These people, known to American Indians as “wannabes”, seek an Indian identity. They search data banks and family trees for a possible American Indian ancestor. During my research, I performed a search on the Internet and found thousands of sites inviting people to search for their long lost Native American ancestors. There were even DNA testing sites that, for a few hundred dollars, could provide the proper paperwork for an American Identity. I noticed immediately that they

mention the possible economic benefits a person of indigenous descent could receive. However, none of the sites I browsed had information about specific tribal membership. Race is a social construct and not biological, it is impossible to determine race with DNA information. It is also impossible to determine tribal membership using DNA. Wannabes have been around for a very long time in Indian country. There is a group calling themselves the Western Cherokee Nation of Arkansas and Missouri and for \$30.00 they were issuing tribal membership cards. When questioned, the group stated, "we are working on the federal acknowledgement benefit package" (*Native American Times* 4/15/2003). One of the members is responsible for issuing membership cards and keeping track of blood quantum. This same member refused to comment on the rumor that her "tribe" is attempting to run a riverboat casino. The April 15, 2003 *Native American Times* reports that there are three recognized Cherokee tribes currently, and about 200 groups attempting to gain recognition as Cherokee. The Cherokee are constantly under ridicule from other nations regarding their membership. The Cherokee have adopted a lineal descent membership criterion, which has allowed their population to be the largest among all tribal nations in the United States. According to the 2000 Census the number of self-identified Cherokee is just over one million. Because other tribes hold tight to their blood quantum standards, the Cherokee are viewed with suspicion. This, coupled with the "Cherokee Princess Syndrome" from the wannabes, has left the Cherokee in a strange relationship to other tribes. Snipp (1997) points out that people are enamored with their Cherokee ancestors and tribal identity long after

they have been acculturated. He notes that the number of people with some American Indian ancestry is above five times larger than the group normally regarded as American Indians. To reconcile this, Snipp states:

Conventional thinking about race and ethnicity assumes a strong connection between ethnic ancestry, cultural identification and ethnic affiliation. For example, a person who is one-eighth American Indian will neither identify himself or herself as American Indian nor adopt American Indian cultural practices. However, ancestry and identity have become decoupled because multiracial persons have a variety of options when choosing an ethnic affiliation. This is clearly the case for persons with a mixed American Indian ancestry. (Snipp 1997:678)

For Snipp (1997) this is especially true for those who are claiming Cherokee descent. In Snipp's view, conventional thinking about race and ethnicity has blood quantum boundaries. Wannabes, Cherokee princesses, and even tribes who opt for a lineal descent membership rather than the biologically driven minimum blood quantum enrollment standard threaten many American Indians.

I have concluded there are two reasons: economic and ethnic identity formation and preservation. Like the example mentioned above, it is viewed that wannabes are trying to cash in on their newfound American Indian identity. Tribal resources are very limited and the government has been reluctant to live up to the treaty rights that were negotiated. From reading a collection of articles from various newspapers, it is obvious that many American Indian people worry about their resources being stretched too thin. I can attest there are already long waits to use the Indian Health Service hospital and, with inadequate government funds, the resources simply cannot meet the needs of the people already using them. This makes these concerns well founded. However, I believe that many

American Indian people are not aware that their funds are tied to their population. The Cherokee nation with their large population has more resources and more political clout than other nations. Resources for urban American Indians are also scarce although Urban Indian Centers have emerged to try to meet the need such as medical treatment and addiction counseling.

Ethnic and Racial Boundary Maintenance

Maintaining ethnic boundaries is another reason why wannabes and other people who newly claim their Indian identity threaten traditional American Indians. Native Americans have been in a state of ethnic transformation, especially since they have been concentrating more into urban areas. According to Robert Javenpa (1985) from American Indian shared experiences in dominant society a new pan-Indian identity has emerged. American Indian ethnicity is in a state of duality between that of traditional tribal boundaries and pan-Indian collective boundaries. In other words, tribal members share a common sense of history, land, cultural traits which serve as boundaries to non-tribal members. Since the 1960s, pan-Indianism has emerged in urban areas. The shared experiences of all Indians, such as racism, give rise to the internal definition of who is an Indian (Javenpa 1985). All American Indians share the history of victimization through government imposed racial projects such as: treaties that were made, and then broken as well as the creation of reservations. They share a common experience of modern racial projects such as housing discrimination or police brutality. The Red Power movement emerged out of this pan-Indian ethnic identity. It is these shared experiences that upholds the boundaries of

American Indian ethnicity. The definition of Indian from a racial perspective with the use of phenotype or blood quantum was historically an outsider-imposed boundary. The Native Americans have adopted this imposed boundary or social categorization as an internal boundary for group identification (Jenkins 1997). Wannabes attempt to crash through the boundaries. They do not share the unique relationship of oppression with the majority population and do not fit the internalized racial category for membership within the ethnic group. Perhaps the Cherokee are met with such anger because, by allowing lineal descent criteria for tribal membership, they have caused a rift in the boundaries that are upheld by phenotypical Indian traits. In other words, they are allowing membership to the blonde-haired, blue-eyed Indians that defy preconceived notions of what an American Indian person should look like. According to Omi and Winant:

One of the first things we notice about people when we meet them (along with their sex) is their race. We utilize race to provide clues about *who* a person is. This fact is made painfully obvious when we encounter someone whom we cannot conveniently racially categorize—someone who is, for example, racially “mixed” or of an ethnic/racial group we are not familiar with. Such an encounter becomes a source of discomfort and momentarily a crisis of racial meaning. (Omi and Winant 1994:59)

Ethnic boundaries are also seen as specifically cultural and historical along with the racial. Tribally specific cultural competence has become connected inherently to blood quantum and phenotypical qualities for those who support a minimum standard of blood quantum for tribal membership. Whereas specific cultural traits and a shared tribal history are part of ethnic boundary maintenance for tribal ethnicity, a shared common experience with dominant society in an

urban setting and political activism are part of a pan-Indian boundary maintenance. Both tribal and urban ethnic communities share the internalized blood quantum and thus phenotypical boundary maintenance between themselves and Euro-Americans and, in the case of tribal groups, other Indians.

Another issue facing Indians is the rise of the New Age movement and environmental activism (Churchill 1994). They romanticize American Indian spirituality and uphold a common misconception that Native Americans are more in touch with the environment and more in tune with their spirituality. This cultural knowledge is what the New Agers and environmentalists crave. Indians have always been a sufferer of the “noble” savage stereotype. While I was a member of The University of Montana’s Kyi-Yo Indian Club, every year the club was approached to dance and sing in honor of Earth Day. In this way, Indians are viewed as a tourist attraction, members of a society long lost, and as historical artifacts (Weaver 2001). The New Agers and environmentalists are trying to capture American Indian spirituality and American Indian views of the natural world. It is their image of “Indianness” that constitutes their reality (Peroff 1997). They have encountered this image within movies such as *Dances With Wolves* and commercials in which Iron Eyes Cody (who, ironically, was Italian) was crying over hamburger wrappers polluting the highway. I have gone down by the walking bridge near the University of Montana and have seen groups of people with bongo drums playing tapes of tribal drum groups and attempting to copy them. Traditional American Indian spiritual beliefs are, and were, intimately connected to their natural world. However, given the history of United States

government assimilation policy, it should not come as a surprise that many Indians are Christianized. Being Indian and being Christian are not mutually exclusive. However, it is the romanticized view of American Indians that Euro-Americans most want to see, not the reality. That is why stereotypes will continue to persist. This has also led to cultural appropriation especially with regard to native religious practices. For American Indians, imitation is not the sincerest form of flattery. In his article *Spiritual Hucksterism: The Rise of Plastic Medicine Men*, Ward Churchill (1992) addresses the issue of new age spirituality and the usurping of native traditions. He discusses the selling of American Indian religious ceremonies by those who have proclaimed themselves indigenous. One man, Sun Bear, has gone so far as to create a tribe in which he was the leader. American Indians, such as Churchill, view this as one more example of colonialism. First, Indians were denied their religious freedoms, and now, their traditional and sacred ceremonies, which escaped ethnocide, are being bought and sold. The American Indian Movement has stepped up and denounced these practices. When these individuals with minimal to no Native American heritage attempt to assert themselves as American Indian to broker spirituality, Native Americans immediately meet them with disapproval, viewing this as just "one more thing" that is being taken away.

Another type of wannabe exploitation was the selling of American Indians arts and crafts. Economic conditions among Indians are some of the worst in the United States, and the way in which some Indians make a living is through the sale of their arts and crafts. The exchange value of a work of art or a craft is in

the artisan. Buyers are willing to pay more money for objects made by “real” Indians. However, much of the art was erroneously or fraudulently labeled Indian-made, which was reducing the money that could be made by Indian artists. In 1990, the *Indian Arts and Crafts Act* passed. This act stated that an artist who is not a member of a federally recognized tribe could not market their work as American Indian made. As a response to the act, people referred to as “identity monitors, identity police, and purity police” by Ward Churchill and others, were out scouting museums and galleries in search of the pedigrees of the artists (Churchill 1998). Robert DesJarlait, (1999) in his article in *The Circle* (8/31/1999), discusses how members of tribes that use lineal descent such as the Cherokee and Choctaw have allowed a loophole for artists to “slide” under the detection of the *Indian Arts and Crafts Act*. DesJarlait claims that these artisans with only one-thirty second Indian are allowed to cash in on their tribal status to sell their art. However, he sees the “spiritual essence” of their art lacking. For DesJarlait, being an American Indian and being able to produce American Indian art is directly correlated to minimum blood degree standards. The enrollment questioning quickly spread to other facets including writers, members of academia, and journalists. Churchill himself was the subject of such inquisitions. I have read several articles on the Internet questioning his claim to being American Indian. Churchill attacked Susan Harjo, famous Indian activist and writer, for being part of the “purity police.” However an article written by Harjo condemns the use of blood quantum as a measure for tribal membership. She called blood quantum a “vampire policy” (*Indian Country Today* 2/14/2001).

Perhaps some of the feuds over blood quantum within the realm of renown American Indians are personal.

Other Indian scholars such as Vine Deloria, Jr advocate for a one-quarter-blood degree for the federal definition of an Indian. The *Native Voice* reported that at a lecture at Syracuse University in New York, Deloria noted the popularity of being Indian since the Alcatraz occupation in 1969, and that keeping the blood quantum at one-quarter would ensure that an individual would have had one blooded grandparent who could have taught them about culture (*The Native Voice* 10/19/2003). Deloria, as well as other American Indians, equates cultural knowledge to blood quantum. This implies that meeting the blood quantum automatically makes an American Indian more of an expert on being an Indian. However, this stance is not logical. If a person carrying all the phenotypical traits of an Indian were to be adopted by Euro-Americans at birth and had never stepped foot on a reservation or learned about American Indian culture, that person would still be thought of as American Indian by those who use blood quantum to measure cultural competence. One issue often overlooked by those like Deloria is that one-quarter degree minimum blood quantum usually applies to a single tribe. Some American Indians have ancestry from multiple tribes. Throughout history American Indians have taken in people from other tribes and married tribally exogamous. In urban areas, American Indians tend to concentrate together and form social bonds. This would increase the number of intertribal relationships. The result of these unions produce offspring that may have over a one-quarter degree blood quantum but do not qualify for enrollment

in any one tribe. Currently, tribes like the Confederate Salish and Kootenai are looking at possibly including blood quantum from all tribal nations to qualify more people for their rolls (*Char-Koosta News* 1/31/2002).

The onslaught of the New Age movement, the wannabes, along with modern day romanticizing of Native American peoples have created threats to American Indian ethnic identity and spirituality as well as economic pressure. As a defense to this stress, American Indians have asserted their need to maintain blood quantum as a way to authenticate themselves from those who are perpetuating ethnic and economic fraud. They have taken the government racial projects that were imposed upon them and adopted it for self-identification.

Current Issues Regarding Tribal Membership Policies

However, not all Indians' methods of authentication are a way to combat outside pressure. In 1998, congress passed the *Indian Gaming and Regulatory Act*. This act allowed for the following:

Indians tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not as a matter of criminal law and public policy, prohibit such gaming activity. (Prucha 1975:323)

After that act was passed, some states negotiated with Indian tribes living within their boundaries and Indian casinos were opened. Indian gaming has caused some of the biggest rifts among tribal members to date. Big battles have ensued within casino tribes over membership or enrollment policies to determine who is eligible to share in the proceeds from the casinos. Blood quantum regulation has been the central focus of the division. Different tribes provide evidence of this

behavior; one of these is the Saginaw Band of Chippewa in Michigan, owners of the Soaring Eagle Casino in Mount Pleasant, Michigan.

In April of 1996, 484 members were disenrolled from the tribe with another 500 slated for removal. Interestingly enough, the Saginaw Band was forced to open up their enrollment to descendants after they cut a deal with the federal government to take a tribal payout rather than individual per capita payments for a land settlement. This bumped up their tribal membership from 891 to 2,100. Apparently, the tribe has used three differing base rolls to determine descendancy for tribal membership. Tribal leadership called the move an act of cleaning up their tribal rolls and attempting to re-establish blood quantum standards for membership. Tribal members have questioned the timing of the removal. The act of disenrolling these 484 members saved the tribe \$18,000 per year in per capita payments. Critics of the tribal leadership, of course, blame greed for the council's actions (*Lakota Times* 1/11/1996).

In another case, The Shakopee Mdewakanton Dakota tribe has filed suit against their own tribal government and the Bureau of Indian Affairs over tribal membership. The per capita paid to the individual tribal members from casino revenues is about \$400,000 per year. In 1994, a group of tribal members brought the suit claiming that council members had been padding the membership with ineligible members to affect tribal politics. They stated that enrollment applications of "truly" qualified members have been postponed and the Bureau of Indian Affairs has chosen to look the other direction (*Lakota Times* 11/16/1994). These issues have split families on this reservation. The *Lakota*

Times (1/11/1996) published a story where a tribal member filed a suit in tribal court to stop the latest tribal elections. She claimed that 42 tribal members on the eligible voting list were ineligible because they did not meet the one-quarter degree blood quantum standard. Her list of the tribal members she wished to have disqualified included her grandson's name. When asked about her grandson, she stated, "I am afraid he is on the list for the same reason that most of the other constitutionally unqualified persons have sought membership, namely for the sake of the \$48,000 per month per capita distribution." (*Lakota Times* 1/11/1996). It is apparent that within this tribe, blood quantum, tribal enrollment standards, casino revenue per capita, and how it plays out in the tribal political arena are issues that are splitting families and the entire tribal community.

California tribal members are also facing issues over casino revenues and tribal membership. During termination, many of the California tribes lost their federal recognition and tribal members departed from their homelands. Therefore, today, many of the tribes are made up of very small numbers of mostly related individuals. In California there are 41 tribes who operate gaming casinos. These 41 tribes constitute about 18,000 American Indians. In the year 2000, the casinos generated about \$1.4 billion dollars in revenue. The *Lakota Times* (8/9/2000) reported that the casino revenues would continue to grow by about one billion dollars per year. Problems have arisen among tribes such as the Table Mountain as onslaughts of people are applying for tribal membership based on the 1933 rolls. Other tribal members have been disenrolled. The

League of Women Voters is overseeing the recall of five tribal council members. Narratives from California tribal members tell of political factions gaining in power and disenrolling or enrolling people to maintain their political control and the control of the casino revenues (*Lakota Times* 8/9/2000).

Editorials and articles in Indian newspapers across the nation are filled with stories in which tribal enrollment and political power have caused a fury among tribes, including those who do not have casino revenues. For example, the Shoshone-Bannock are considering changing their tribal enrollment criteria from lineal descent to one-quarter minimum blood quantum standard for enrollment. Some tribal members are concerned that changing to a one-quarter standard will eventually affect Indian land holdings as land passes out of trust status. When the land passes from trust status, it is subject to taxes. Both sides of the issue believe that termination is directly correlated with blood quantum. Leading the charge to reinstate the one-quarter degree blood quantum for the Shoshone-Bannock was a tribal judge who told *Sho-Ban News* (2/16/1995) that diluting tribal blood would result in the tribe self-terminating. Whereas, proponents of lineal descent state that tribal land is at stake as the number of eligible tribal members decreases.

Currently, The Navajo are examining their blood quantum standards for tribal membership. In the *Navajo Times* (4/29/04) it was reported that tribal officials are debating the prospects of lowering their minimum blood quantum standard from one-fourth degree to one-eighth. While one side of the debate wants to change the blood quantum because of their concern about future

generations being able to secure tribal leases or use the Navajo preference law, the other side sites a lack of resources on the reservation along with the argument that lowering the blood quantum standard decreases cultural practices and insults the ancestors. They also do not want to be viewed as the Cherokee who reduced their blood quantum and “now anyone can claim to be Cherokee.”

Other tribes are facing similar issues; the arguments for maintaining blood quantum include cultural retention and the lack of economic resources available currently to tribal members. There are families being torn apart by minimum blood quantum membership standards and there is a constant fear of losing the tribal land base. Tribal politics and political factions have been drawn along these lines.

As mentioned in Chapter II, tribes have been factionalized between mixed bloods and full bloods for a long time. This began as federal policies treated natives with mixed blood more favorably than those who were full blooded. Racial concepts equated being civilized directly to Indian blood quantum. The degree of civilization was inversely proportional to blood quantum. This created an effective way to drive a wedge into the Indian community.

As a consequence of colonialism, Indian people have come to internalize oppression (Weaver 2001). Common discourse among Native peoples surround the issue of “how much blood” an individual possess. Those of mixed heritage are viewed as “apples” (red on the outside and white on the inside) or having lost cultural knowledge. Full bloods are referred to as “big Indians” and viewed as backwards. Blood quantum and its relationship to tribal identity have become the

single most divisive issue among American Indian people. It is apparent that, given current marriage practices, as long as blood quantum standards remain at one-quarter, families will be divided; land will be lost from tribal ownership and tribal membership will dwindle. Tribal infighting will increase and solutions to the problem of decreasing enrollment will not be found.

CHAPTER V

SALISH AND KOOTENAI NATIONS: A CASE STUDY

In previous sections, I have discussed the history of racial projects regarding blood quantum, both government and self-imposed, applied to American Indians. Additionally, I discussed population demographics and trends as well as current debates about tribal membership, blood quantum enrollment policies, American Indian ethnic boundary maintenance and American Indian identity. I would like to demonstrate how these issues culminate in the experience of the Salish and Kootenai Nations on the Flathead Reservation.

The Flathead Reservation is one of seven reservations in the state of Montana. It is located in the Northwestern part of the state. According to the tribe's official website, the tribe's land base is 1.317 million acres today. However, before signing the 1855 Hell Gate Treaty, their original territory exceeded 20 million acres. The Confederated Salish Kootenai Tribes of the Flathead Reservation today are made up of three tribes: Bitterroot Salish, Kootenai, and Pend d'Oreilles. The Salish and Pend d'Oreilles both speak a Salishian language, while the Kootenai language is considered an isolated language, unrelated to other American Indian languages (Turney-High 1937).

Federal Policies and the Flathead Reservation

The Flathead Reservation was created with the 1855 Hell Gate Treaty. Since the Hell Gate Treaty, the Salish and Kootenai Nations have faced continued threats to their land base, in spite of the fact they have always maintained a friendly relationship with Euro-Americans.

The 1855 Hell Gate Treaty was the first official racial project laid down by the Federal Government regarding the Salish and Kootenai tribes. It set the boundaries they would eventually call home as a nation and was also used in their continued legal battles to maintain that home. The treaty was legally entered into between two sovereign nations whereas the people that came to be known as Salish and Kootenai ceded their territorial land to the United States Government. With the treaty, they were the officially defined “other”. According to Robert Bigart and Clarence Woodcock (1996) at the time of the treaty, the Salish people had suffered greatly from Blackfeet attacks. The Salish goal in entering into this treaty was to eliminate these attacks. In the Hell Gate treaty, goods and services were to be provided to the tribal members upon the discretion of the president. At that point in history, tribal members were not specifically defined. Membership within the tribe was inclusive, based upon whomever the leadership incorporated, which could consist of mixed-blood children and the Euro-Americans that were married to tribal members. Promises made in the treaty were soon broke. Article 11, which called for a survey of the Bitterroot Valley, the homeland of the Salish, and the possible inclusion of that

valley into the reservation boundaries was soon forgotten about. Eventually all the Salish were relocated northward to the southern boundary of the reservation. Article 6 of this treaty set the stage for a policy that would come to be the greatest blow to all American Indians falling under the policy. Article 6 states as follows:

The President may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as the permanent home, on the same terms and subject to the same regulations as are provided in the sixty article of the treaty with the Omahas, so far as the same may be applicable. (Bigart and Woodcock 1996:14)

The second attack on the Salish Kootenai land took place in the year 1910. On February 8, 1887, I believe the single most devastating piece of legislation and racial project was passed regarding American Indians. The *Dawes Act* or *General Allotment Act* was set into motion. This act and its subsequent amendments allowed for the Flathead Reservation to be surveyed and parceled out to individual tribal members. Although it is stated clearly in Article 2 of the treaty, no Euro-American person could reside within the borders of the reservation without the permission of the tribal leaders, the remaining land after allotment was opened up for Euro-American settlement (Prucha 1975). During this time period, scholars had created their cultural evolution models in which American Indians were expected to progress toward the cultural attributes of Europeans. Parceling the reservation and making American Indians individual

landowning agriculturalists was part of the civilization process (Campbell 1998). This was the ideology accompanying the land grab policy that allowed Euro-American to rush in and take the reserve land. Wrapped up in the ideology was blood quantum. In essence, the fewer full bloods there were, the more assimilated and civilized the Indians had become (Snipp 1997). Blood quantum became a convenient way in which to track American Indian land ownership, and those who were owed treaty obligations. The government collected the names of the allottees along with their blood degrees henceforth, many American Indians would trace their "Indianness" to those individuals first recorded.

History of Blood Quantum and Tribal Membership

According to Ronald Trosper (1976) in his article *Native American Boundary Maintenance*, the Salish were friendly and receptive to intermarriage with both Euro-Americans and other tribal nations. By 1906, he states that 55 percent of the American Indians living within the reservation boundaries had mixed Indian and Euro-American blood. In 1903 the first official attempt at enrollment listed 1,656 persons. The second official enrollment attempt of 1905 found 2,133, which included 915 people classified as full bloods, 1,183 classified as mixed bloods, 25 adopted American Indians (from outside the Salish, Kootenai, or Pend'Orielle) and 10 adopted Euro-Americans. By 1910, 2,390 allotments were assigned.

Between the time of the 1855 treaty and the 1910, which was prior to the parceling out of the reservation, tribal leadership remained in the hands of the traditional chiefs. Membership within the tribe was governed by lineal descent.

The Salish had a long history of intermarriage with the Nez Perce, Shoshone, and even the Blackfeet. Membership within the tribe was governed by the desire to follow the rules and customs set down by the tribe and the individual bandleaders. The treaty of 1855 negotiations even included an Iroquois man and his mixed son. It was the Iroquois who had brought Christianity to the Salish (Bigart and Woodcock 1996).

The mixed bloods had changed the leadership system between the Confederated Salish and Kootenai peoples. Even before the *Indian Reorganization Act*, the leadership of the Flathead Reservation began to change. After the allotment of the reservation in 1910, the mixed-bloods began asserting their leadership. It was this newly formed tribal council that negotiated with the United States government and the *Indian Reorganization Act* constitution was established. When Dr. Scudder Mekeel, in the April-June 1944 issue of *American Anthropology*, criticized Secretary of Interior Collier for the factionalism erupting between the mixed bloods and the full bloods and the possible use of the *Indian Reorganization Act* for unequal distribution in tribal resources and control, Collier replied that the Flathead Reservation indeed had division, but it was not as disturbing as the Blackfeet or Sioux (Collier 1944). It was under the 1935 Salish and Kootenai Constitution that the membership of the tribe was adopted as follows:

All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes as of January 1, 1935 (and) all children born to any member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation who is a resident of the reservation at the time of the birth of the said children. (*Char-Koosta News* 12/19/2002)

When the constitution was established, the Flathead Nation had about 3,050 members. With the passage of this membership criterion, Salish and Kootenai who were born in the nearby city of Missoula, Montana, would not be considered a tribal member, regardless of their cultural or familial ties.

By 1946, the Confederated Salish and Kootenai tribe recognized that the birth criteria laid out in the constitution was not inclusive enough. The Solicitors of the Department of Interior outlined the differing ordinances in that office's 1958 opinion regarding tribal membership. On October 4, 1946, the council passed Ordinance 4A, which discontinued the use of birthplace as a membership criterion, but introduced a one-sixteenth blood quantum. The ordinance did not specify which tribal nation this blood quantum had to come from, Salish, Kootenai, or Pend' Oreille. The ordinance also gave the council the right to deny the membership of children born to tribal members who have not resided on the reservation for over 10 years. Overall the ordinance would have increased the number of members. In 1947, William Zimmerman, Jr., the Acting Commissioner of Indian Affairs, sent a letter to the tribal council asking them to rescind the new ordinance. The *Char Koosta News* (12/19/2002) reported that Zimmerman reminded the Flathead council that Congress was seeking procedures to reduce the number of American Indians rather than increase them. The tribal council also received a letter from Assistant Interior Secretary C. Girard Davidson. In this letter, Girard noted that he was concerned with the broadening of membership and wanted to see a provision included to relinquish membership.

The pressure was on to maintain tribal membership at the lowest possible number. In 1947, the tribal council passed Ordinance 5A which restored the names of all the adopted Euro-American women who had been given allotments. The Bureau of Indian Affairs rejected this ordinance because the women did not have Indian blood (*Char-Koosta News* 12/19/2002).

Up until 1960, differing ordinances were passed which included mention of blood quantum for membership. Ordinance 10A, passed on April 3, 1951, limited future enrollment to those with one-quarter Indian blood or more. According to the December 19, 2002 *Char Koosta News*, federal officials complemented this ordinance as a step in the right direction. It is obvious that the Federal Government has always maintained the position of reducing the number of American Indians enrolled. In 1953, the tribal council passed Ordinance 13A which called for a one-half degree of Indian blood, either Salish or Kootenai. The Bureau of Indian Affairs rejected this because the past ordinances did not specify Salish or Kootenai. The Superintendent, Forrest Stone, wrote in his rejection letter that the one-half ordinance would affect 2,648 persons out of the 4,200 persons enrolled. In 1953, the tribal council attempted to pass Ordinance 18A which would clean up the past ordinances and correct the tribal rolls. The Bureau of Indian Affairs officials shot down this ordinance also. The council was told they did not have the authority to correct tribal rolls (*Char Koosta News* 12/19/2002). The government nudged the tribal council to adopt a constitutional amendment for such purposes. In the 1958 Solicitor opinion, the Salish and

Kootenai were reminded that the action of the tribe is subject to the supervisory authority of the Secretary of Interior even regarding tribal membership.

In 1960, the Confederated Salish and Kootenai Nation voted for a constitutional amendment that would set their enrollment criteria for individuals based on a one-quarter minimum blood quantum from either Salish or Kootenai or both and being born to a member of the Confederated Tribes of the Flathead Indian Reservation. At this time, there were 4,930 tribal members. Over the next few years, other ordinances were passed regarding the specifics of tribal membership such as allowing the tribal council the right to approve the enrollment of adopted members. However, until recently, the one-quarter-blood degree requirement for membership went unchallenged.

Discourse Regarding Blood Quantum and Foundation of Divisions

In the spring of 2002, a group that called themselves the Split Family Group began gathering signatures to adopt a referendum that would base tribal membership upon lineal descendancy rather than blood quantum. The crux of their argument was that the current one-quarter-blood degree created a division among family members. Those born before 1960 were enrolled while those born after were excluded. Some family members receive treaty benefits while others, with the same blood degree, do not. They also brought up the point that keeping the blood degree of one-quarter would eventually exterminate the tribe. They pointed out that the federal funding for programs are based upon tribal enrollment, and increased enrollment would bring increased federal dollars.

The Split Family Group was immediately met with opposition from a group identified as traditionalists. The traditionalists staged demonstrations where they spoke to their followers. The traditionalists contended that their whole way of life was at stake. The *Missoulian* (10/05/2002), *Char-Koosta News* (6/2/2000), and *Indian Country Today* (1/14/2003) carried quotes from tribal members as they recalled historically where members of less than one-quarter blood quantum had led unsuccessful efforts to eliminate federal recognition and gain control of tribal assets. At stake for the traditionalists was per capita payments, hunting and fishing privileges, access to sacred sites, tax-free land, low-cost housing, and voting in tribal elections. Currently, tribal members get per capita payments totaling \$1,200 per year. The *Missoulian* (10/05/2002) quoted one protestor, Francis Auld, as equating the constitutional amendment to the September 11, 2001, terrorist attack on the United States. The group felt the issue at stake was tribal sovereignty. Other discussions centered on arguments that have continually been part of the debate, inner tribal discrimination. This was a common issue for many reservations and continues to be at the heart of the debate. As pointed out earlier, the tribal leadership of the Flathead Reservation began to change hands even before the 1934 *Indian Reorganization Act*. The people of mixed blood rose to power on the reservation. The traditionalists argued that the mixed bloods do not practice traditional ways or even “look” Indian. They are perceived by the traditionalists to use their educations, and accommodations within Euro-American society as a means to gain power over other tribal members.

The tribe hired a demographer to present enrollment data and possible outcomes for changing the status from one-quarter blood degree to lineal descent. They hired Deward E. Walker, Jr. from Walker Research Group. Walker delivered his final report on December 19, 2002 which was published in the December 21, 2002 *Missoulian*. With the vote set for January 18, 2003, the tribal council requested Walker calculate three case scenarios. The first was to project the membership if the lineal descent criteria passed, the second was to project tribal population if tribes included non-Salish or non-Kootenai blood quantum toward the one-quarter degree total, and the third was to project tribal enrollment if the tribe maintained the status quo. Walker stated that if lineal descent passed, the tribal population would most likely double to 14,000 immediately and increase to 20,000 within the next 20 years. If blood quantum was used from other tribal nations, Walker predicted that immediately the tribal membership would increase; however, it would eventually level off and begin to decrease. He predicted that the number of enrolled members would increase by at least 1,000 by 2005. According to Walker, if the one-quarter requirement were kept the same, enrollment would level off about 2010 and then begin steadily decreasing (*Missoulian* 12/21/2002).

Looking at the history of this reservation it is easy to see how such divisions between the groups have come to exist. Ronald Trosper (1976) notes that after 1910, tribal members found it difficult to hold onto their allotted lands. The Euro- Americans moved onto the reservation in full force, creating their own county governments, and gained power over the reservation with the full blessing

of the Indian Agent. By 1930, half the reservation land had passed ownership into Euro-American hands while the agent controlled the remaining half, often leasing it to Euro-Americans. There are countless examples and stories of American Indians bowing to the pressure of assimilation during this time. Those mixed bloods that could assimilate often did. There were attacks upon tribal resources from corporations, like Montana Power, attempting to obtain land with a secret deal with the Secretary of Interior (Trosper 1976). Who was and who was not an American Indian became more and more important. Assimilated Indians with low blood degrees threatened the land base of the Confederated Salish and Kootenai tribes. The tribes enacting the quarter blood degree standard simply recognized the fact that the Bureau of Indian Affairs, as well as the United States racial consciousness, rests on a well-defined racial designation. In other words, their attempt to maintain purity about their tribal membership was no doubt a reaction to attacks made on their land base and tribal sovereignty, and was an act of preservation. It is clear from racial attitudes at the time in the United States, blood carried cultural traits. Federal Indian policy had demanded that boundaries be created between who was American Indian and who was not. It is not unreasonable, given the circumstances the Confederated Salish and Kootenai tribes were living in, that blood quantum standards were adopted. Currently, Euro-Americans outnumber American Indians three to one on the reservation.

Another federal policy that would influence the discourse surrounding membership today was termination. During the 1950s termination period, the

Flathead Reservation was slated for termination. Trosper (1976) reports that the Flathead successfully thwarted the government's termination efforts. Blood quantum was an issue in the testimony at the termination hearings. Republican Senator Author Watkins from Utah pushed for tribal termination based principally on the fact he did not "like" Indians not paying taxes on their land. He brought up blood quantum to state that mixed bloods should be classed as White for tax purposes. He asked about the number of full bloods on the tribal council and veiled his contempt for the tax codes within an argument of equality. In 1968, tribal members were interviewed regarding termination. Those in favor (34 percent) and those opposed (66 percent) to termination both cited economic reasons for their position. Those opposed to termination feared losing benefits and services provided to them by the reservation. Those who favored termination wanted to gain quick access to profits from the sale of tribal assets (Trosper 1976).

Being a legitimate Indian in the eyes of the Federal Government can insure certain rights and services. It behooves the Federal Government financially to supply fewer goods and services to American Indians, thus tribes were encouraged to create strict standards for membership to lessen the expenses. As mentioned previously, the tribe had received praise from the federal government for not passing an ordinance that would have increased the number of enrolled tribal members. The treaty rights that are still supplied by the government are often held tightly to as witnessed in the discourse surrounding the vote. On reservations, including the Flathead Reservation, American Indians

are living in very poor economic conditions. The right to have some health care, commodity food programs, or even the \$1,200 per year per capita becomes very meaningful. The funding for these programs is based upon formulas calculated by the number of tribal members. I assert that most American Indians are not cognizant of how these programs are funded. Also, history has shown that a tribal nation can be erased with the stroke of a pen such as the Menominee were during the termination period. Reestablishing federal recognition once a tribe has been terminated is a long and tedious process. It is a real fear in Indian country. These economic fears and inundation into the racial schemas of the United States, have given American Indian people a racial consciousness with which they legitimize their own people. Those with a great blood degree are seen as being born with cultural competence. Lowering the blood quantum standard is seen as creating more “white” Indians without cultural knowledge.

The Referendum

The January 19, 2003, *Missoulian* reported that the tribal referendum was defeated soundly. With 80 percent of all eligible voters casting their ballots, the referendum that would change their enrollment from one-quarter to lineal descent was voted down with 1,562 no votes to 368 yes votes. On the heels of the vote, tribal elders have proposed a system in which all degrees of blood, regardless of tribal affiliation, be counted toward a member’s required one-quarter degree. In an article from the *Leader* (10/03/2002) the tribal council also stated that they would not entertain a request from the Flathead Indian Reservation Defense Organization removing all those under one-quarter who were enrolled prior to the

establishment of this minimum blood quantum in 1960. Tribal leaders said the members needed time to heal old wounds before discussing the issue again.

From the demographer the tribe hired, the people of the Flathead Reservation have learned that their population has reached a critical stage. The number of enrolled members will continue to decline. Members of the Split Family Group equated the maintenance of a one-quarter degree blood quantum to termination. Members of the traditionalists likened the lack of a one-quarter degree blood quantum to termination. The threat of termination will always be an issue for the Salish and Kootenai on the Flathead Reservation. In an October 5, 2003 article in the *Missoulian*, it was noted that a woman carried a sign stating, "Assimilation is knocking on our door. Termination is brewing."

The Flathead Reservation has become home of a very vocal group who have attacked the notion of their governmental sovereignty under the guise of equality. This group, called CERA or Citizens Equal Rights Alliance, which has its seeds in various groups since the 1970s, do not recognize the Salish and Kootenai's rights to govern themselves and lobby to restrict the tribal government's powers on the reservation. The groups official website has several essays attacking the very notion of tribal sovereignty and post of their anti sovereignty activities on other reservations also. Members of this group have been very vocal in their attempt to stop the Salish and Kootenai from acquiring the right to manage the National Bison Range located on the Flathead Reservation. In March 2002, the Montana Human Rights Network issued a

report that traced the history of this movement and chronicles their attempt to work against the tribal government on the Flathead Reservation (Toole, 2000).

Despite attacks on their sovereignty, tribal groups conceive of themselves as nations with boundaries that are both inclusive and exclusive. Culture and ethnic ties are both ways in which the people of the Flathead Reservation have identified themselves as a nation. They have also borrowed the identification method of their oppressors—blood quantum—as a way in which they identify those who belong and those who do not belong. Because culture is something that can be practiced and shared, blood quantum provides a more concrete notion of inclusiveness and exclusiveness.

I propose that their reluctance to change the criteria from a one-quarter blood degree to self-identification or even ethnic identification is layered within their need to maintain national boundaries with Euro-Americans residing on their reservation. First, by retaining their one-quarter degree they have maintained their authenticity in the eyes of the United States government. The United States government has supported, through their adoption of federal policies, the termination of American Indians as both a race and ethnic group. Secondly, they maintain it to protect their land base. With the near devastation of their reservation through the *Dawes Act*, they are using blood quantum as a marker to denote American Indian land ownership. Thirdly, they retain it to continue with economic benefits such as a yearly per capita, medical care, and commodity food programs. Fourth, they see it as a source of maintaining their governing power such as regulating hunting and fishing within the boundaries of their own

reservation. They are always in power struggles with the governments set up by the Euro-Americans that entered their reservation during allotment such as the county and city governments. Currently, with CERA attacking their sovereignty, that boundary maintenance is even greater. The people of the Flathead Reservation have faced a unique history based on the application of Federal Indian policy to them. They are constantly threatened from outside power sources that attempt to undermine their legitimacy. They have chosen to uphold the marker of one-degree blood quantum to enforce their ethnic boundaries and maintain their identity. Unfortunately, given their population statistics, preserving this minimum blood degree quantum will inevitably lead to their much-feared termination.

CHAPTER VI

CONCLUSION

Historically, Native Americans traced their identity through their familial, band or clan ties. Membership was fluid and it is documented that American Indians took marriage partners from other tribes and bands. It was especially apparent during the times of smallpox epidemics, when including members of other tribes made up for the loss of tribal members, showing that American Indians were not wedded to the idea of exclusion (Churchill 2004). There is a wide range of evidence that even Europeans as well as African Americans were incorporated into tribes as a way of stabilizing a decreasing population.

Blood quantum was introduced to Native Americans as a means to control their population. Through a series of racial projects, American Indians have come to be defined and, using these definitions, the reallocation of their resources has been justified. From contact on, the goal of all United States government imposed racial projects has been the same—to identify and define American Indians and justify the continuation of redistribution of resources back into the hands of European Americans. Racial projects set up our social structure and our place within the racial hierarchy. They create our images of what people of a certain race should be and many of these images include phenotype and behaviors. Those who fall outside of these images cause us to

be uncomfortable (Omi and Winant 1983). Therefore, we are all acting with a preconceived idea of what an American Indian is and what he or she is not. Viewing a blonde-haired, blue-eyed Indian falls outside of what racial projects throughout history have defined as the Indian norm. Blood quantum standards are a result of a culmination of racial projects as well as being a racial project itself. Blood quantum serves as the ethnic boundary both from within and from outside the American Indian community. Maintaining a minimum standard is the way in which that boundary is upheld. However, it is based upon scientific racism, and assumes cultural knowledge and characteristics are determined by blood. The norms and identities established through racial projects like this created the way in which American Indians view themselves racially. Unfortunately, Indians have adopted the colonialist view of them as their own (Churchill 1998). This is evidenced by tribal policies that maintain minimum blood degree standards for tribal membership even after the passage of the *Indian Reorganization Act* in 1934, since American Indians have been allowed to set their own tribal membership criteria.

The passage of *Santa Clara Pueblo v. Martinez* in 1978 reaffirmed tribal authority over their membership criteria (Tsosie 2002). In recent years, individual tribal members have called upon the Bureau of Indian Affairs to step in when unfair political practices, or factions within the tribal governments have removed them from tribal rolls. With this in mind, the sovereign right to determine membership could be in jeopardy.

Changes in blood quantum standards are causing major disputes between tribal members on many reservations, for example, the Navajo and Confederated Salish and Kootenai Nations. It has been predicted that by the year 2080, well over half of all American Indians will be under one quarter (Churchill 1998). The enrollable indigenous population is down and tribes know it. Some tribes, like the Confederated Salish Kootenai, have visited their enrollment standards as a way to combat that issue. The Split Family Group on the Flathead Reservation lost their bid to have enrollment standards changed from one-quarter to a lineal descent. Recently, the elders of the Flathead Reservation have proposed including all American Indian blood including the blood quantum from other tribes to meet the one-quarter minimum standard (*Char-Koosta News* 1/31/2002). Many Native Americans worry about the loss of land, as heirs can no longer meet the definition of Indian for trust purposes. On the flip side, economic conditions are dire for many American Indian communities and the thought of having to spread what few resources there are to more people is unacceptable. This is especially true to those tribes who have casino revenue.

Those supporting minimum blood quantum standards often talk about cultural maintenance. Traditional Indians fear that as the blood quantum decreases so does cultural competency. American Indians have had a long history of being subjected to ethnocide and it is true that traditionalists have been the keepers of culture. Some American Indians have come to conceive of full bloods as the traditional Indians, while mixed bloods are the progressive Indians. The United States government has had a history of divisive policies based on

eugenic ideas between these two factions. It was demonstrated that these categories are not always accurate, at least in the case of the Blackfeet where traditionals and progressives alike contained full bloods and mixed bloods (Rosier 1999).

American Indian identity has faced attacks from wannabes and members of the New Age movement, some of who wish to capitalize on an indigenous identity. They have created phony tribes and offered up spiritual ceremonies for sale. They have sold themselves as "Indian" experts and have desperately tried to "one up" traditional American Indians. An answer to this cultural appropriation has been to reaffirm the use of blood quantum to establish authenticity. Ward Churchill (1994) has documented how this has led to the suffering of American Indian individuals who have come under suspicion from those he terms the "purity police" seeking to authenticate the American Indian ethnicity of various artists, writers, and scholars.

American Indians of the United States share a collective history of racist oppressive policies whose sole purpose was to solve the "Indian problem." Especially since the 1960s, American Indians have come to share a common pan-Indian identity and the boundaries of the ethnic group are reaffirmed with the experience American Indians have with dominant society. Native Americans have been viewed romantically, as a cultural artifact representative of a time when human beings were at one with nature. They have been treated as savages with a questionable humanity. They have been subjected to segregation de facto living on reservations apart from dominant society. What is

clear is that American Indians have come to see themselves through the racist gaze of dominant society. American Indians have internalized the images laid down before them within racial projects, the most divisive of which is blood quantum. Blood quantum has split nations and families, it has made people instant outcasts and orphans, at the same time it is viewed as the carrier of tradition and culture. American Indian people must reconcile this view. With the population demographics showing that more and more Native Americans continue to marry outside their cultural boundaries, a policy, which sanctions only a tribal endogamous relationship as valid, cannot work. American Indians have been barraged with genocide, then ethnocide. Since contact, maintaining an Indian identity has been challenging. As a result, they have adopted the one policy that will maintain their ethnic boundaries but eventually bring about their demise.

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