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Author(s): Kimberly TallBear

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## **DNA, Blood, and Racializing the Tribe**

*Kimberly TallBear*

### **RACE: BIOLOGY VERSUS IDEOLOGY**

I saw American broadcaster Larry King interview African-American comedian Chris Rock in February 2001 on CNN International. King asked Rock how he felt about recent developments related to mapping the human genome. When Chris Rock appeared puzzled and responded more or less that he didn't feel qualified to address the topic, King elaborated that such scientific inquiry might be used to make black people white and didn't Mr. Rock have an opinion about this? Recognizing King's unfamiliarity with the psychology of race, Chris Rock seemed to see that this was one battle in which he didn't want to engage on international television. He responded graciously and with a smile, "It isn't like that."

Larry King is a long-standing commentator on U.S. American political life, and race has been called "the most explosive issue in American life."<sup>1</sup> King's comments illustrate that there is little societal familiarity with how race is constructed as ideology. It is thought to be biological fact. The progressive work of activists and scholars has shed much light on race as ideology—as a social construction that is "the product of specific historical and geographical forces, rather than [a] biologically given [idea] whose meaning is dictated by nature."<sup>2</sup> Although race as natural division in human populations has been widely discredited in science, it is so integral to the way that many people think

that it is still considered a natural and fixed human division. Such views of race have been much critiqued in studies of the invention of the white race and its systematic oppression of other races.<sup>3</sup>

The overall purpose of this essay is to discuss how the view of race as a fixed and natural division among people is perpetuated in the racialization of American Indian tribes and American Indian or Native American (whichever term the reader prefers) ethnicity more broadly.<sup>4</sup> Racial ideology is reflected in recent efforts to use biological tests (DNA analysis to test for certain genetic markers) to measure who is truly Indian. Such efforts are reminiscent of the nineteenth- and early twentieth-centuries' eugenics movement whereby social degeneration such as crime and slums were attributed primarily to biological causes. A contemporary and perhaps more sophisticated form of eugenics equates genetic markers with cultural continuity and seeks to use DNA to support or deny an individual or group claim to cultural and political rights.

DNA analysis is discussed in relation to two cases in which Native American cultural affiliation is at stake. In the first case, the Western Mohegan of New York desire to use DNA analysis to prove their right to the political and cultural jurisdiction of a federally recognized tribe.<sup>5</sup> The second case is that of the remains of the nine-thousand-year-old Kennewick Man found in Washington State in 1996.

Blood quantum for the purpose of determining tribal citizenship is also discussed. Specifically, the racial ideology that is the foundation of certain applications of DNA analysis is integral to (if not totally representative of) blood quantum. The "measuring" of blood is a much-debated and well-established tool for testing racial authenticity. It had its birth in the U.S. federal government's colonization of American Indians. There was "little sense of commonality . . . among diverse groups of people. . . . Gradually, however, the racially inspired policies of non-Indians began to reproduce in Indians the original European race-based conceptions," and such ideology was furthered by U.S. treaties with tribes and laws that promoted group Indian identity.<sup>6</sup> Blood quantum policies have been used to determine who is really an Indian in an official capacity (although not as sole criterion) by U.S. government agencies since the late 1800s. Blood quantum is used by many tribal governments today as a criterion for tribal membership, although the race politics of this are not always as straightforward as the terminology might indicate.<sup>7</sup> The contradictions in blood quantum politics as they play out among tribes will be discussed. Special attention will be paid to the language of some blood quantum critics that, though intended as antiracist, similarly racializes tribes.

This essay is intended to shed light on racialized ideas of "Indian-ness" and how such ideas actually undermine tribal political and cultural authority. Tribal people, our advocates, and scientists (despite unex-

amed assumptions about scientific objectivity) have not escaped the influence of racial ideology; the racialized perspective is represented as DNA (with the aura of technological finality) in a metaphor of blood or perpetuated in more insidious ways such as racialized and romanti-cized images of Indians.

## A NOTE ON THE TRIBAL NATION

The idea that tribes possessed political autonomy, or nationhood, before the arrival of newcomers from Europe is deeply entrenched among tribes and in federal government policy language.<sup>8</sup> The conflicts that arise in tribal enrollment are a result of tribes desiring to protect their cultural, geographic, and political authorities. Tribes consider such authorities to be at the heart of what determines their status as unique peoples or nations with the right to govern themselves.<sup>9</sup> The Bureau of Indian Affairs (BIA) describes "membership in an Indian tribe, band, or colony [is] different from membership in any . . . *voluntary association of people*. Membership in an Indian tribe, band or colony is like citizenship in a country."<sup>10</sup> Both tribes and the federal government view tribal membership as a fundamental exercise of tribal governance and signifier of tribal nationhood. Often, tribes assert nationhood in the face of what they view as disrespect for or misunderstanding of their *cultural and political* authority. Blood talk and, increasingly, talk of DNA have unfortunately infiltrated tribal political life and are used to help justify cultural and political authority. Such biological measures reaffirm racial definitions of the tribal nation and who rightly claims tribal citizenship. The following is a discussion of how such attempts to protect cultural authority actually undermine that authority.

## NATIVE AMERICAN DNA?

Before delving into a discussion of DNA analysis and native identity, it seems appropriate to briefly explain the science that is misused to support the political act of asserting or disputing such identity and attendant political and cultural claims. An informative briefing paper that explains and disputes genetic markers as a valid test of native identity was issued by the Nevada-based Indigenous Peoples Council on Biocolonialism (IPCB).<sup>11</sup> It summarizes for laypeople the theory used to support genetics as an indicator of Native American identity.<sup>12</sup> A brief passage conveys the basic science:

Scientists have found certain . . . "markers" in human genes that they call Native American markers because they believe all "original" Native Americans had these genetic traits. . . . The markers are principally analyzed in two locations in

people's genes—in their mitochondrial DNA and on the Y-chromosome. On the mitochondrial DNA, there are a total of five different "haplotypes" . . . which are increasingly called "Native American markers," and are believed to be a genetic signature of the founding ancestors. As for the Y-chromosome, there are two primary lineages or "haplogroups" that are seen in modern Native American groups. . . . It must be pointed out that none of these markers is exclusive to Native American populations—all can be found in other populations around the world. They simply occur with more frequency in Native American populations.<sup>13</sup>

The paper discusses the likelihood of an individual having such markers based on their "line of biological inheritance."<sup>14</sup> For example, both women and men inherit mitochondrial DNA from their mothers *only*. Similarly, only males inherit the Y-chromosome, from their fathers. Mitochondrial-DNA testing and Y-marker testing each shows only one line of ancestry while many lines are invisible.<sup>15</sup> However, regarding the issue of Native American identity, the main problem is not the fact that the genetic technology cannot reveal all lines of biological descent. Even if advances in genetic science, or the use of additional genetic tests for additional markers, were to enable greater certainty in determining a person's descent from "Native American" ancestors, the act of using science in that way is a technological manifestation of sociopolitical ideas of race.<sup>16</sup> Such ideas assert that cultural identity can be conclusively established in an individual's biology.<sup>17</sup> Science cannot prove an individual's identity as a member of a cultural entity such as a tribe; it can only reveal one individual's genetic inheritance or partial inheritance. The two are not synonymous.

Tribes, at least rhetorically, claim to organize themselves according to their inherent sovereignty and the idea of the tribal nation. If this is the goal, then racializing the tribe (naming that entity as only a biological entity) undermines both tribal cultural and political authorities. Although blood quantum, as it is practiced today, has some historical roots in other philosophies, tribal cultural and political self-determination is not well served by basing citizenship and cultural affiliation solely in narrow policies of biological kinship. Tribal ideas of kinship and community belonging are not synonymous with biology. If tribal political practice is not meaningfully informed by cultural practice and philosophy, it seems that tribes are abdicating self-determination. This is not to suggest that any tribe can or should revolutionize its citizenship practices overnight. A bit of history and a couple of stories that illustrate contemporary problems associated with basing tribal citizenship and cultural affiliation in DNA or blood quantum follow.

**DNA AND NATIVE AMERICAN IDENTITY:  
THE VERMONT MOHEGAN CASE**

To my knowledge and despite Larry King's imaginings, genetic manipulation has not been seriously proposed in the quest to make a black person white. However, there has been at least one proposal that DNA be used to determine the identity of Native Americans. DNA analysis was the impetus for a bill proposed in the General Assembly of the State of Vermont. A state representative sponsored the bill to establish standards and procedures for DNA testing to determine the identity of an individual as Native American at the request and expense of the individual.<sup>18</sup> The Western Mohegan Tribe had already contracted for analysis of their DNA. With magnanimous intent, they initiated the legislation to help other Indian people who lacked adequate genealogical and historical documentation to prove tribal ancestry to the satisfaction of the U.S. government. Because they had never signed a treaty with the U.S. government and because of the lack of genealogical documentation, this group has encountered trouble trying to document lineal descendancy from Mohegan ancestors in order to gain state and federal recognition. They have also been accused by other tribes in the state and by state officials of falsifying genealogical records. In answer to the accusations, Mohegan members underwent DNA-HLA testing to prove their genetic link to related tribes, at least one of which is a federally recognized tribe in Wisconsin. They successfully demonstrated a genetic connection.<sup>19</sup>

The controversy didn't end there, however. The state representative initiated the legislation as a vaguely worded document in anticipation of legislature committee politics. However, the ambiguity of the legislation resulted in misinterpretations that the legislation was meant to *require* DNA analysis for an individual to prove tribal affiliation. The representative had intended only that the legislation secure rule-making authority for the Vermont Department of Health to develop testing standards for individuals who chose to do such testing.

Nonetheless, other tribes in the state accused the representative of enabling "genocide." The representative's reasons for backing the legislation included the relatively benign intent of antagonizing Vermont's governor, who was against tribal recognition in any form in Vermont (due to fears of gaming) and who is a political rival. However, the representative did not consider the possibility that his legislation, if enacted, might increase public acceptance of such measures and therefore increase the likelihood of subsequent laws requiring such testing, thereby bringing to fruition the discrimination feared by his detractors.

There are also indications in the representative's commentary, despite his generous intent, that he does not distinguish between individuals being biologically descended from tribal people and the importance

of cultural and political continuity and self-determination that is at the heart of what it is to be a tribe or a tribal nation: “[DNA-HLA] Markers would be the last word on saying you’re an Indian. You wouldn’t be perpetrating fraud.”

The chief of the Western Mohegan and Representative Maslack both referred to “identity” as being a matter of either having the appropriate paperwork or having done conclusive DNA testing, and the proposed legislation was concerned with proving biological authenticity of the Mohegan. The Western Mohegan do not have a reservation although they claim a historical land base and physical and cultural continuity within the area of that land base. However, the politics of federal recognition are exclusionary and often based on economic considerations such as natural resource development, gaming proceeds, treaty and land claim settlements, and educational and health funds, which all make demands on tribal or federal resources. Perhaps economics had something to do with why the federal government and other area tribes were not convinced of the validity of the Mohegan claim.

While it seemed sincerely intended to benefit Indian people, the bill and the commentary of the representative and the chief make clear that they accept the notion that biology can determine who rightly claims political and cultural authority. The legislation was killed in legislative session. Nonetheless, it may be a forewarning of future laws and policies based on assumptions that a person’s or a people’s political rights and cultural identity are biologically determined.

### **DNA TO DETERMINE KENNEWICK MAN'S CULTURAL AFFILIATION**

DNA analysis has also been undertaken by the U.S. Department of the Interior (DOI) in an unsuccessful effort to prove cultural affiliation of ancient human remains.<sup>20</sup> Nine-thousand-year-old remains, often referred to as “Kennewick Man,” were found in 1996 in the shallows of the Columbia River in Washington State and within the historical land base of tribes including the Confederated Tribes of the Umatilla Indian Reservation, the Colville Confederated Tribes, the Wanapum Band, the Yakama Nation, and the Nez Perce Tribe. Since the unearthing of Kennewick Man, these tribes have opposed the study of the remains and have sought jurisdiction over his bones for immediate reburial consistent with their spiritual beliefs.

However, eight prominent anthropologists filed a lawsuit in federal court for the right to study the bones. The press widely misinterpreted scientists’ comments and reported that Kennewick Man was of “European descent.” The scientists’ observations were instead that his craniofacial features were dissimilar to those of American Indians, were “European-like,” and speculated that he might be linked to populations

from Polynesia and southern Asia.<sup>21</sup> However, designating remains as belonging to categories such as "Caucasoid" or "Mongoloid" is notoriously unreliable science. There is too much biological variation within groups, and "Caucasoid-like" crania are not unheard of in Native American remains.<sup>22</sup> Some scientists hope that research on his bones could advance previous theories about where some of the ancestors of U.S. tribal people originated.

Detailed discussion of the Bering Strait theory and other scientific theories about the population of the modern-day Americas is beyond the scope of this essay. However, it should be noted that Indian people have expressed suspicion that DNA analysis is a tool that scientists will use to support theories about the origins of tribal people that contradict tribal oral histories and origin stories.<sup>23</sup> Perhaps more important, the alternative origin stories of scientists are seen as intending to weaken tribal land and other legal claims (and even diminish a history of colonialism?) that are supported in U.S. federal and tribal law.<sup>24</sup> As genetic evidence has already been used to resolve land conflicts in Asian and Eastern European countries, this is not an unfounded fear.<sup>25</sup>

Consistent with the Native American Graves Protection and Repatriation Act (NAGPRA), the U.S. Department of the Interior conducted studies to determine the cultural affiliation of the bones and tribal authority over the remains. Geographical, archaeological, anthropological, linguistic, oral, and other historical information were examined. DNA analysis was subsequently ordered because physical examination failed to produce evidence of cultural affiliation with tribes living today. While analysis was unsuccessful in that scientists were unable to extract DNA from the bones due to their age and mineralization, conducting the tests resulted in the destruction of not inconsequential amounts of bone, and this offended the tribes. Secretary of the Interior Bruce Babbitt explained that "when dealing with human remains of [the antiquity of the Kennewick Man], concrete evidence is often scanty, and the analysis of the data can yield ambiguous, inconclusive or even contradictory results."<sup>26</sup> Therefore, the DOI resorted to DNA analysis as a possible alternative to prove cultural affiliation. This act implied that culture could be genetically detected in the DNA of human remains. Even if DNA analysis had been viable and we could say with confidence that Kennewick Man shared genetic markers with individuals or peoples living today (Indian or not), the results would tell us nothing about Kennewick Man's social and cultural affiliations.

Neither archaeological evidence nor written history support the presence of European peoples before 1492 in what is today North America. Certainly, there is archaeological evidence that individuals or small groups of people spent time here. They left artifacts and other evidence reflecting cultural practice that is similar to that which existed in what is today modern Europe. But this is hardly the same as saying

Europeans constituted a political, social, and cultural presence in North America that rivaled the presence of tribal peoples. Comments about the European origin of Kennewick Man are nonsensical.<sup>27</sup> They are certainly no basis for Euro-American scientific claims to those remains in light of NAGPRA, which was designed to protect the tribal rights violated historically through grave robbery and other desecration of human remains for the purpose of archaeology, anthropology, museum collections, and medical science.<sup>28</sup>

Some Indians involved in this debate have demonstrated a complex understanding that DNA would be no indicator of Kennewick Man's cultural affiliation.<sup>29</sup> They admit not knowing conclusively if he is a "blood" ancestor, but they are sure that Euro-American scientists cannot prove that he was not a cultural ancestor. Because of the egregious history of violated Indian remains, tribes advocate a far-reaching interpretation of NAGPRA. The history of American racism is inseparable from tribal views of NAGPRA and the debate about the fate of Kennewick Man. Invoking this history is not an irrational act, despite the ideological stance of some scientists that history has nothing to do with science.<sup>30</sup> As the importance and legacy of that history is diminished (and simultaneously perpetuated), and tribes fear that their cultural and land rights will again be threatened, they face yet another disincentive to negotiate the terms of NAGPRA. They claim Kennewick Man as their own based on an assumed cultural affiliation that in their eyes is more valid than genetics.

### **THE POLITICS OF BLOOD QUANTUM**

If the use of DNA analysis to determine cultural affiliation is troubling because of its racial implications, the use by tribes of blood quantum to determine eligibility for citizenship cannot be ignored. It seems clear that DNA analysis for such a purpose is not a new political concept, but simply reinforces a historical practice of both the U.S. government and federally recognized tribes.

Since the late 1800s, blood quantum has been used by the U.S. Department of the Interior, the BIA, and many tribal governments to determine eligibility (although not always as a sole criterion) for tribal membership and benefits.<sup>31</sup> It has been reported that the inception of federal identification policies for American Indians based on racialized notions of blood were first instituted in treaties and subsequently reinforced or reaffirmed by the General Allotment Act of 1887 (the Dawes Act). Others have disputed how clearly such a practice was mandated and suggest that the Dawes Act did not explicitly require the measure of blood quantum. Rather, the Dawes Act required that tribal group members be defined for the purpose of allotting Indian

tribal property to individuals. And this requirement was interpreted by the Department of the Interior (home of the BIA) to support its existing ideology of using blood quantum as a determinant of tribal affiliation.<sup>32</sup>

[This] exposition of the law [the Dawes Act] went beyond the cryptic words of the act, which specified no implementing procedures and articulated no qualifications for allotted land other than "belonging" or "tribal relations." . . . Federal supremacy was the most fundamental of [the legal principles that the Indian Office felt entitled to apply whenever there was Indian tribal property to allocate]. . . . [T]he year before, the Supreme Court had asserted the federal government's sweeping power in a dispute about eligibility for land on another reservation. Construing an allotment plan for Wichita Indians, which did not stipulate a way to identify Wichitas, the court declared that the interior secretary had authority to make such identifications . . . because general statutes gave him responsibility for managing all Indian affairs.<sup>33</sup>

Although U.S. courts, since the 1905 precedent set by *Waldron v. United States*, have upheld tribal authority to determine their own enrollment policies, most federally recognized tribes retain a requirement that a certain level of blood quantum (ranging from full Indian blood to ½ Indian blood) must be demonstrated by potential members. The federal government does not force tribes to implement blood quantum criteria and clearly states tribal authority in enrollment. However, the BIA provides patronizing step-by-step process guidance on tribal enrollment, emphasizes federal review of tribal law, and even provides charts on how tribes should determine blood quantum. The BIA also acknowledges that it generated most of the records used in enrollment.<sup>34</sup> Finally, tribal powers to determine enrollment are limited by the federal requirement that the BIA certify due process of the enrollment ordinance.<sup>35</sup> In theory at least, tribes have control over substantive enrollment criteria. Nonetheless, it is understandable how critics familiar with BIA language and policy view their involvement in tribal enrollment as a heavy-handed and colonial intervention.

Many critics characterize blood quantum policies as solely representing Euro-American definitions of race imposed on native peoples by the U.S. government.<sup>36</sup> Ward Churchill, a vocal critic of blood quantum policies, has asserted that

virtually every indigenous nation within the United States had, by way of an unrelenting substitution of federal

definitions for their own, been stripped of the ability to determine for themselves in any meaningful way the internal composition of their polities.<sup>37</sup>

Churchill argues that tribes were forced to adopt racial codes that linked identity to quantities of Indian blood and that such ideology was “psychologically and intellectually internalized by Native America,” a self-imposed “sort of autogenocide by definitional and statistical extermination.”<sup>38</sup>

On the other hand, a handful of scholars have argued that the historical politics of blood quantum are more complex than is usually reported. Alexandra Harmon provides an insightful analysis that reveals the complexity of the politics involved in the Colville Reservation Indians’ symbolic, strategic, and contradictory use of blood quantum historically to help determine eligibility of individuals for tribal affiliation and allotment of lands:

Government agents apparently saw a need to teach Indians the basic qualifications for membership in a U.S.-supervised tribe. They announced ground rules for enrollment and overrode some Indian council decisions for failing to comport with those rules. They insisted that ancestry—metaphorically termed “Indian blood”—be one of those qualifications, and they argued on several occasions that excluding people with a low Indian “blood quantum” would protect the economic interests of Indians already on the roll. Some council members adopted this line.

However, the Coleville documents tell a more complex, ambiguous story than [some blood quantum critics and advocates] do. In the enrollment councils, federal agents did not brainwash or impose their will on Indians; neither did Indians resolve to draw an economically strategic, racially defined boundary around themselves. Rather, officials and Indians participated in a prolonged discourse that I would characterize as incomplete mutual education and accommodation.<sup>39</sup>

This scholar argues that “to provide a sounder foundation for conclusions about the influence of U.S. law and racial ideology on the composition of tribes, more historical studies [grounded in specific tribal membership histories] are essential.”<sup>40</sup> Without such historically grounded studies, she suggests that claims that tribes are ubiquitously forced or duped into acceptance of Euro-American racial ideology are conjecture. Harmon concludes that tribal enrollment efforts in the early

1900s prompted "an unprecedented conversation—one that would take place in many tribal communities and continue for decades—about what it meant to be Indian in the twentieth-century United States":

All tribal enrollment efforts obliged the descendants of Native people to think about where they fit in a white-dominated, racialized world. The government offered them a vocabulary to use in their analysis; but as they tried to employ that vocabulary, they influenced its practical connotation. Anyone who accepted an unsolicited plot of reservation land, applied for enrollment, provided information about an applicant, or attended an enrollment council learned something about the government's concept of tribal membership. In response, such people had to rethink their relationships, taking into account the momentous consequences of U.S. domination. Whether or not the government accepted their views on a particular individual's status, enrollment gave them occasion to articulate, debate, and revise their definitions of "Indian" and "tribe."<sup>41</sup>

Pauline Turner Strong and Barrik Van Winkle have similarly discussed the interplay in the works of certain tribal writers between literal and metaphorical interpretations of blood and "positive" uses of blood imagery, such as using it as "a vehicle of connection and integration . . . rather than one of calculation and differentiation":<sup>42</sup>

Dismantling the intricate edifice of racism embodied in "Indian blood" is not simply a matter of exposing its essentialism and discarding its associated policies, but a more delicate and complicated task: that is, acknowledging "Indian blood" as a discourse of conquest with manifold and contradictory effects, but without invalidating rights and resistances that have been couched in terms of that very discourse. . . . "Indian blood," dangerous and essentialist as it may be, is at present a tragically necessary condition for the continued survival and vitality of many individuals and communities.<sup>43</sup>

I disagree with the final statement that "Indian blood" is "tragically necessary." Perhaps "tragically strategic" would be a more appropriate characterization. Still, the above summary of the complex politics of Indian blood is eloquent and very helpful for our purposes.

Yet another scholar, Melissa L. Meyer, traces and summarizes the

meaning of "blood" in the English language since the Middle Ages in an attempt to convey the varying symbolic and physiological meanings of the term. The author argues that it is "incorrect to assume that the term 'blood' is and always has been simply a metaphoric reference to genetic composition." She argues that it is more likely that "the metaphorical connection of blood with lineage, descent, and ancestry preceded its literal physiological use" and that indigenous peoples' "notions of family lineage come closer to the origins of the term 'blood' than current physiological meanings." Meyer therefore credits tribes with some degree of agency in their use of blood or blood quantum terminology. She suggests that tribes attempted to describe with the metaphorical use of "blood" their understandings of kinship, genealogical lines of descent, and group membership.<sup>44</sup>

Later, U.S. policy makers set a precedent for measuring blood, especially for the purpose of determining which individuals were eligible for limited benefits and resources, but this precedent was not synonymous with how tribes demonstrated understandings of kinship and lineage.<sup>45</sup> While Meyer does not elaborate on the various means by which native peoples determined lineage, she argues that "family considerations, however construed, were paramount."<sup>46</sup>

Finally, Meyer brings attention to the interplay between idealized American longings and tangible economic benefits that prompt some individuals to seek out a tribal identity. She reveals the historical baggage that prompts some tribes to severely limit tribal enrollment through membership requirements such as blood quantum:

The Indians who populate the American popular imagination bear absolutely no relationship to real native people either in the past or in the present. The imagery allows Americans and people over the world to sustain highly romanticized notions of Indianness. It encourages people with little or no cultural affiliation to claim Indian identity. People yearn to document descent from some relative lost in the past to enhance their chances of acquiring educational funds and gaining admittance to prestigious universities. Native people know this better than anyone. Never-before-seen "relatives" emerge as claimants every time any tribal group receives a court settlement or royalties from economic development. Such exploitation pierces as a thorn in the side of legitimate tribal members.<sup>47</sup>

Meyer notes that "most tribes desire that enrollment reflect some sort of valid *cultural* affiliation." She credits tribes with understanding that blood doesn't guarantee cultural affiliation and that some people with "legitimate cultural ties will be eliminated," but they assume that high-

er degrees of Indian blood will increase the odds of true affiliation. Another writer also emphasizes the economic incentives for exclusive tribal enrollment criteria: "Propertied tribes have tended to be more exclusive, in part from fear of losing federal recognition and thus losing tribal property (as well as federal aid). Less propertied, and larger, tribes have tended to be more inclusive."<sup>48</sup>

These scholars attempt to do justice to the complexity of blood quantum politics among Indian peoples. Yet in the final analysis, Meyer zeros in on the implications for tribes of maintaining the practice of measurement and thus accepting the racial ideology (and its attendant economic benefits) implied in U.S. federal practice:

In their purest form, blood quantum requirements amount to a celebration of race. But turning the tables in this fashion, though it may have accorded to some degree with their own notions of "blood" and lineage, would not spare tribes or individuals from the destructive consequences of basing policies on racial criteria.<sup>49</sup>

**"BLOOD" UNDERMINES KINSHIP:  
GREAT-GRANDMOTHER'S ADOPTION  
INTO THE TRIBE**

There are potentially profound losses for communities as a result of imposing racialized standards for citizenship in tribal nations—whether those standards are imposed in keeping with restrictions posed by the U.S. government or whether they are the result of internal tribal dialogues and negotiations. While racial requirements are unofficial factors in the citizenship policies of some nations (i.e., as in discrimination in favor of certain types of immigrants and against others based on perceived racial characteristics), nonracial requirements are more often held to officially determine citizenship. Tribes also had nonracial requirements before European and Euro-American colonization. Some of these persisted officially into the twentieth century, and many persist unofficially. They include being born within the tribal community, marrying or being adopted into the community, long-term residence within the tribal community, and the assumption of cultural norms such as language, religion, and other practices.

My great-grandmother, Agnes Dauphine, was born in 1906 to Métis (French and Chippewa descent) parents in Saskatchewan, Canada. She married my great-grandfather, Felix Heminger, in the 1920s, and they moved to where some of his people were in Flandreau, South Dakota (today the Flandreau Santee Sioux Tribe Reservation). In 1941, she was adopted into the tribe.<sup>50</sup> My great-grandmother had studied the Dakota language in order to speak with her mother-in-law and

other relatives, and lived and worked in Flandreau for most of her adult life. With my great-grandfather she brought four children into the tribal community. They also had eleven grandchildren and twenty-plus great-grandchildren, most of whom live there and are tribal members. When my great-grandmother died in 1995, she was the eldest tribal member. While tribal enrollment records indicate that her "½ Chippewa Indian blood" was a factor in her enrollment in Flandreau, it is significant that the tribal enrollment ordinance in effect at the time provided for adoptions into the tribe of adopted children and spouses of tribal members, regardless of Flandreau Santee Sioux blood. This is no longer the case.

Like the Colville Tribe example, the Flandreau Santee Sioux in the first half of the twentieth century can be seen to have negotiated where the line fell between tribal ideas of kin and government ideas of blood measurement. However, contemporary enrollment standards require "¼ or more degree of Flandreau Santee Sioux blood" or "¼ or more total degree of Indian blood of a federally recognized Indian tribe *with an ancestral trace back to the [Flandreau Santee Sioux] Tribe's 1934 base roll*" (author's emphasis). By contemporary standards, my great-grandmother would not have been a tribal citizen.<sup>51</sup>

Possible reasons for such a change in tribal policy come immediately to mind. The tribal economy has changed greatly since 1941. Throughout the 1970s and 1980s, the tribe built a health, housing, and community infrastructure that would have amazed the Flandreau Indians of the early twentieth century. In the late 1980s, they opened a casino, small by some standards, but this venture offers more jobs than tribal members alone can fill. Per capita payments (monthly payments from casino revenues) are also paid to enrolled tribal members. Instituting the Flandreau Santee Sioux blood quantum criterion might have been a strategy for warding off exploitation by individuals interested solely in financial gain rather than the cultural and political life of the community, or it might indicate the further acceptance by tribal policy makers of race-based ideology, or both. Whatever the incentives, there is clearly a potential threat to broader kin relations. Nonetheless, as the Colville scholarship indicates, specific historical research needs to be done. Without it, my assessment, though certainly informed by having lived in the community, is incomplete.

There are undoubtedly similar examples of changes in enrollment policy among tribes all over the country. But Harmon points out that the historical and specific tribal research is scanty. More such research needs to be done to reveal the broader trends among tribes during the twentieth century as they moved between tribal cultural ideas of kin and community belonging and U.S. policy that sought to influence tribal citizenship with racial ideology.

**BLOOD UNDERMINES COMMUNITY  
AND NATION: THE BLACK SEMINOLES  
OF OKLAHOMA**

A sensationalized example of the consequences for community of using racial criteria as a basis for tribal citizenship is the bitter political battle taking place within the Seminole Nation of Oklahoma.<sup>52</sup> Blood Seminoles and Black Seminoles (or Seminole freedmen as they are sometimes called) have for two centuries or more lived in alliance and intermarried. Black Seminoles were displaced to Oklahoma with the Seminoles and have occupied positions of political authority within the Seminole Nation. They share a fascinating history of cooperation.<sup>53</sup>

In the 1990s, there were disputes with the BIA over the rights of Black Seminoles to receive benefits from compensation paid to the Seminoles for an 1823 land seizure. In the summer of 2000, a referendum was put to tribal membership that proposed revisions to tribal enrollment criteria. The Seminole voters essentially said that the historical relationship (and there are differing perceptions on the closeness or nature of that relationship) is not sufficient for determining rights to Seminole Nation citizenship,<sup>54</sup> and Seminole blood should be a requirement.<sup>55</sup> Previously, Black Seminoles demonstrated descendency from those Black Seminoles or Seminole freedmen who were recognized as members of the Seminole Nation in a treaty with the federal government in 1866.

It seems obvious that the intensification of already existing race politics within the Seminole Nation of Oklahoma are due in large part to the \$56 million (other reports say \$72 million) that Congress awarded the tribe in 1991 as compensation for the seizure of much of Florida.<sup>56</sup> When the tribal government began distributing benefits, only Seminoles who could prove descendency from blood Seminoles on the original tribal rolls (as opposed to descendency from Black Seminoles) were permitted to receive such benefits. Although the tribe made this decision, there is speculation that the Department of the Interior guided the decision. Other sources say that several months before the Black Seminoles were voted out of the tribe, the BIA "threaten[ed] to cut off all funds to the Seminoles."<sup>57</sup> In addition, in 1976 the Federal Indian Claims Commission concluded that since the government seized the land in 1823, Congress should make "a compensation payment to the Seminole Nation as it existed in 'Florida' in 1823."<sup>58</sup> But what does that mean when referring to a time when the demographic boundaries of a tribe were not documented through the enrollment of citizens as they are today? It seems clear that the U.S. federal government stands to benefit from and is helping to facilitate a racialized dialogue.

The tribe cannot be sued because it enjoys sovereign immunity.

The Black Seminoles instead have sued the DOI to assure that they are not discriminated against. The court case has hinged on the status of the Black Seminoles in 1823. Were they freedmen who owned land and lived closely with Seminoles, or were they, in fact, slaves of the Seminoles and not landowners at all? If they were not landowners, as the DOI and some Seminole tribal members have claimed, they are not entitled to the settlement.<sup>59</sup> While the DOI has not supported the disenrollment of the Black Seminoles, they have fought against the Black Seminole claim to federal funds.<sup>60</sup>

This political battle is characterized by many in racial terms, and I would agree with assessments that the tribal decision reflects voter acceptance of racial ideology. Seminole Chief Jerry G. Haney is quoted as describing the issue "as political rather than racial in nature."<sup>61</sup> Denying that such a blood quantum policy is racial, that it is solely political, is to perpetuate racial ideology. It is to accept that the blood of races are somehow fixed and divided, rather than being asserted as part of a political and ideological stance.

However, the situation has another layer of complexity. Haney offered the opinion that "modern blacks—unlike their ancestors, who had dressed as Indians and learned the Seminole language—had drifted away from cultural identification as Indians." Mr. Haney is not alone among tribal officials in voicing such concern. At the National Congress of American Indians (NCAI) 2000 annual convention, a roundtable discussion on Black Indians drew a large crowd. Some Black Indians criticized the Seminole disenrollment action for "denying [Black Seminoles] a right to discover who they are."<sup>62</sup> Many other tribal representatives responded that "feeling like an American Indian spiritually is not enough." Were the Black Seminoles attempting to "discover who they are" or simply asserting an identity as Black Seminoles that they felt they were already long in possession of?

The response of many NCAI tribal representatives is interesting. Much of their commentary supports the Seminole decision or simply opposes efforts by some to "discover who they are" by exploring ancestral ties among a people from whom they may have been long estranged. They express concern with cultural affiliation through cultural knowledge, practice, and familiarity. In this way they share common ground with the Colville enrollment commission of the early 1900s who "[made] an issue of cultural orientation, although their terms for it were 'blood,' 'breed,' 'white,' and 'Indian' rather than 'culture.'" What blood quantum advocates among them do not share with the early twentieth-century Colville enrollment commission is the opinion that "acting Indian [is] a better indication of affiliation than degree of ancestry."<sup>63</sup>

Haney's claim and the NCAI debate inform an understanding of tribal policies on blood and blood quantum that assert the blood meta-

phor for purposes of ascertaining cultural identification. Blood has been discussed as sometimes being a stand-in for cultural affiliation rather than referencing physiological aspects. And tribes face real difficulties in determining citizenship in a way that both asserts and commands respect for the cultural and political authority they claim as peoples or nations. Their strong reactions, which often lead to exclusive citizenship requirements, are evidenced in blood talk. However, tribal governments and tribal members are not alone in clouding with blood talk what it is to be Indian. Some African-American criticism of the Seminole action has also come in the form of racialized (although intended as antiracist) commentary that conflates blood or ancestry with cultural affiliation:

Although black Indians . . . have encountered some resistance from full-blooded Indians who sometimes consider them inauthentic, many still feel they have to embrace all the parts that make up their histories. . . . a growing number of blacks around the country are not only embracing their Indian heritage but also claiming it as a central part of their identity. Some black Indians feel that for too long, largely because of the one-drop rule—which mandated that anyone who had one drop of African blood was black—they have been compelled to identify solely with their African heritage and completely neglect their Native American bloodlines.

[Reverend Vernon Carter, a Boston pastor, commented] "All through my life, I've advocated that we recognize both our African and Native ancestries. . . . many African-Americans feel we should not emphasize anything but black but I . . . believe in biracial recognition because [otherwise] you leave the entire ancestry of one of your parents out of the equation. It is unfair. . . . Grandma never lies. And when your great-grandmother tells you that we're Indian people, you can pretty well believe the truth of that statement."<sup>64</sup>

There is an oft-told anecdote that whites, in particular, like to claim having a "Cherokee great-grandmother" and therefore being "part Indian."<sup>65</sup> Likewise, the speaker in the above passage does not categorize being Indian as anything more than having a great-grandmother who said she was Indian or had Indian blood. So while having "a drop of African blood" shouldn't compel one to identify only as black, having "a drop of Indian blood" might be used to establish one's tribal affiliation or Indianness? While being black and being Indian are by no means mutually exclusive (there are black Indians enrolled in tribes all

over the country), nowhere in this passage does the speaker focus on the importance of tribal cultural knowledge, life experience, and/or political affiliation.

This type of comment is a fundamental misunderstanding of what many Indian people believe fundamentally constitutes the unique tribal entity—its cultural and political authority. The entire passage is an argument that has racial assumptions at its core. Nowhere is it acknowledged that culture and governance are integral to what it means to be both black and tribal. It seems a bit of a stretch to use what one's great-grandmother said as the primary root of one's assertion of being an Indian. Such comments are no less based on racial ideology than are assertions by the federal government and tribes that blood quantum is a decent basis for determining tribal citizenship. And, it seems to me, they are not helpful for making the Black Seminoles' case.

### **THE IMPLICATIONS OF RACIALIZING THE TRIBE FOR TRIBAL SELF-DETERMINATION**

Racialized (often romanticized and pan-Indian) images are common in the writing of some Indian activists, poets, scholars, politicians, and our advocates—perhaps more common than images that reinforce *specific* tribal cultural practices and beliefs.<sup>66</sup> Such ideas are often intended to be flattering or sympathetic and helpful to the cause of tribes. But we should be gravely concerned that such images actually reinforce the role of blood in assertions of cultural and political authority. (Ironically, such romanticized images sometimes come from critics of blood quantum.) Romanticized, pan-Indian, and racialized approaches to tribal identity all de-emphasize specific tribal beliefs, histories, and place-based practices that are sometimes contradictory between tribes. This robs future generations of specifically applied cultural knowledge that can help guide tribes through the challenges they face.<sup>67</sup>

The Colville enrollment history has demonstrated the importance of historical research related to citizenship practices as they developed in the late 1800s and early 1900s, which might also include ideas of nation or people, kinship and community as these are reflected in tribal languages, and in both historical and contemporary cultural practices associated with specific tribes. Such research can help generate new citizenship strategies that aren't racialized as well as promote culturally informed and critical governance more generally. This is not to say that tribes should work in isolation from each other. Each tribe or group of related tribes must reckon with their own history and cultural practice in relation to citizenship. But their process models for doing so can be shared between tribes to make better use of intellectual and financial resources.

On the other hand, continuing to use blood quantum and DNA

analysis to claim individual or tribal cultural and political authority is a strategy that could be used against tribes to challenge such authorities. There are other strategies by which tribes might determine citizenship to better reflect tribal political authority, to encourage a thriving culture, economic investment, and social commitment to the tribal community. The specific historic practices of tribes may be a good source of ideas if they can be adapted, applied, and enforced within a contemporary sociopolitical context.<sup>68</sup>

As tribes seek to build the governing infrastructures and the educational, cultural, and economic institutions that will increase tribal capacity to govern, it seems that resistance to racial ideology is imperative. We have seen in war-torn nations all over the world the horrific results of clinging to racial and essentialist views of who is an authentic member of the nation and who, therefore, deserves political, cultural, and human rights. It will be a sad turn of events if such violations are perpetuated on a smaller scale within tribal communities.

#### N O T E S

This essay expands on earlier papers presented at the 2000 meeting of the International Congress of Ethnobiology, the 2001 United Nations Indigenous Peoples and Racism Conference, and the April 2001 meeting of the University of Colorado Working Group on the Ethical, Legal, and Social Implications of Genetic Research on Medical Conditions Affecting Indian and Native People. During that time, the author was employed with the International Institute for Indigenous Resource Management.

- 1 Cornel West, *Race Matters* (New York: Vintage Books, 1994).
- 2 Peter Jackson and Jan Penrose, *Constructions of Race, Place, and Nation* (Minneapolis: University of Minnesota Press, 1994). Also see Luigi Luca Cavalli-Sforza, "Race Differences: Genetic Evidence," in *Plain Talk about the Human Genome Project*, ed. Edward Smith and Walter Sapp (Tuskegee, Ala.: Tuskegee University, 1997); Alan Goodman, "The Resurrection of Race: The Concept of Race in Physical Anthropology in the 1990s," in *Race and Other Misadventures: Essays in Honor of Ashley Montagu in His Ninetieth Year*, ed. L. T. Reynolds and L. Lieberman (Dix Hills, N.Y.: General Hall Publishers, 1996); Eliot Marshall, "DNA Studies Challenge the Meaning of Race," *Science Magazine* 282, no. 4389 (October 23, 1998): 654–55; Ashley Montagu, *The Concept of Race* (New York: Free Press, 1967); Ashley Montagu, "The Concept of Race in the Human Species in the Light of Genetics," *Journal of Heredity* 32 (1941): 243–47; and Ashley Montagu, *Man's Most Dangerous Myth: The Fallacy of Race* (Walnut Creek, Calif.: AltaMira Press, 1997).
- 3 Theodore Allen, *The Invention of the White Race* (London and New York: Verso, 1997); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Noel Ignatiev and John Garvey, eds., *Race Traitor* (New York and London: Routledge, 1996); Matt Wray and Annalee Newitz, eds., *White Trash: Race and Class in America* (New York and London: Routledge, 1997).
- 4 While there is criticism of the term "Indian" to denote native peoples in North America, in my experience, this is a pervasive and

acceptable term in predominantly Indian communities in the United States—whether they be reservation or urban. “Native American” is more widely held to be a politically appropriate term. However, in my childhood experience of the 1970s and 1980s, growing up alternately on a South Dakota reservation and in the urban Indian community of Minneapolis and St. Paul, Minnesota, I did not hear this term often or learn to use it naturally. Particularly among reservation communities where affiliation with a particular tribe is more easily assumed, “tribe” or “tribal” might also be used. Depending on the context, I use each term in this essay where it seems most appropriate.

- 5 Federally recognized tribes are acknowledged by the U.S. government as political entities with whom the U.S. has a government-to-government relationship. Historically, such tribes have signed treaties with the U.S. government and/or went through recognition processes in which they proved cultural and political continuity to the satisfaction of the U.S. Department of the Interior and the U.S. Congress. For some, federal recognition is a controversial designation. Some tribes have not proved to the satisfaction of the U.S. government their legitimacy and so do not receive federal recognition, funding, or benefits. Other tribes refuse to go through the recognition process on the grounds that they would compromise their inherent sovereignty by submitting to U.S. government recognition.
- 6 Carole Goldberg-Ambrose, “Of Native Americans and Tribal Members: The Impact of Law on Indian Group Life,” *Law and Society Review* 28, no. 5 (1994): 1123–48. See also Ward Churchill, “The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America,” *American Indian Culture and Research Journal* 23, no. 1 (1999): 29–67; and Scott L. Malcomson, “A New Kind of Disorder: A Cherokee Utopia and the Rise of Racial Separatism, 1730–1830,” in *One Drop of Blood: The American Misadventure of Race* (New York: Farrar Straus Giroux, 2000).
- 7 See Alexandra Harmon’s “Tribal Enrollment Councils: Lessons on Law and Indian Identity,” *Western Historical Quarterly* 32 (summer 2001): 175–200. This is an insightful and historically grounded analysis that reveals the complexity of the politics involved in one tribe’s (the Colville Reservation Indians) symbolic, practical, and contradictory use of blood quantum to help determine eligibility of individuals for tribal affiliation and allotment of lands. See also Melissa L. Meyer, “American Indian Blood Quantum Requirements: Blood Is Thicker than Family,” in *Over the Edge: Remapping the American West*, ed. Valerie J. Matsumoto and Blake Allmendinger (Berkeley and Los Angeles: University of California Press, 1998). This essay summarily traces the meaning of “blood” in the English language since the Middle Ages in an attempt to convey the varying symbolic and physiological meanings of the term. The author argues that the physiological meaning ascribed to the term did not precede the metaphorical meaning, but vice versa, and that indigenous peoples of the Americas could easily have related to this understanding.
- 8 Raymond D. Fogelson, “The Context of American Indian Political History,” in *The Struggle for Political Autonomy: Papers and Comments from the Second Newberry Library Conference on Themes in American Indian History* (Chicago: Newberry Library, 1989); Kirke Kickingbird et. al.,

- Indian Sovereignty* (Washington, D.C.: Institute for the Development of Indian Law, 1977).
- 9 Kickingbird et. al., *Indian Sovereignty*, 4.
  - 10 U.S. Department of the Interior, Bureau of Indian Affairs, *Tribal Enrollment Training Text* (Phoenix: Phoenix Area Office, 1984), 1. This statement may be a conflation of "nation" with "nation-state," which implies that each nation-state must consist of only one cultural nation. We have seen in war-torn countries all over the world the danger of conflating these two concepts. Despite talk of multiculturalism, there is much historical and contemporary evidence of U.S. government efforts to limit this country to one cultural nation. There is also evidence to suggest that "tribal nation" is often used in a way to suggest a sort of tribal mini-nation-state. I do not agree that this particular manifestation of the tribal nation is in the best interest of civil and human rights in Indian Country. A fuller discussion, however, is beyond the scope of this essay.
  - 11 Brett Lee Shelton and Jonathan Marks, "Genetic 'Markers'—Not a Valid Test of Native Identity," at <http://www.ipcb.org>, May 2001.
  - 12 See also Diego Hurtado de Mendoza and Ricardo Braginski, "Y Chromosomes Point to Native American Adam," *Science Magazine*, April 30, 1999; Virginia Morell, "Genes May Link Ancient Eurasians, Native Americans," *Science Magazine*, December 31, 1998.
  - 13 Shelton and Marks, "Genetic 'Markers,'" 1–2.
  - 14 It is difficult reading for most of us, but the reader might also see the following sources in order to get an idea of how mitochondrial-DNA and Y-chromosome testing has been used to trace founding ancestors of living indigenous peoples and remains of indigenous peoples in North America: Peter Forster et. al., "Origin and Evolution of Native American mtDNA Variation: A Reappraisal," *American Journal of Human Genetics* 59 (1996): 935–45; Frederika Kaestle and David Glenn Smith, "Ancient Mitochondrial DNA Evidence for Prehistoric Population Movement: The Numic Expansion," *American Journal of Physical Anthropology* 115 (2001): 1–12; Gabriel E. Novick et. al., "Polymorphic Alu Insertions and the Asian Origin of Native American Populations," *Human Biology* 70, no. 1 (February 1998): 23–39; O. Rickards et. al., "mtDNA History of the Cayapa Amerinds of Ecuador: Detection of Additional Founding Lineages for the Native American Populations," *American Journal of Human Genetics* 65 (1999): 519–30; Fabrico R. Santos, "The Central Siberian Origin for Native American Y Chromosomes," *American Journal of Human Genetics* 64 (1999): 619–28; and Antonio Torroni et. al., "Asian Affinities and Continental Radiation of the Four Founding Native American mtDNAs," *American Journal of Human Genetics* 53 (1993): 563–90.
  - 15 One can imagine scientists and government officials claiming that while DNA tests couldn't be used to *exclude* tribal members, they might be used to *include* them. This possibility is another example of why a critique of the technical limits of the science is not sufficient to ward off such uses of genetic technology.
  - 16 See Donna J. Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), for more on how "objective" scientific research is imbued with ideas about race. Stephen Jay Gould has also commented in *The Mismeasure of Man* (rev. and exp. ed., New York: Norton, 1996) that

some scientific investigation is "invested with enormous social importance but blessed with very little reliable information . . . a history of scientific attitudes may be little more than an oblique record of social change." See also Joseph L. Graves, *The Emperor's New Clothes: Biological Theories of Race at the Millennium* (New Brunswick, N.J.: Rutgers University Press, 2001); Jonathan Marks, *Human Biodiversity: Genes, Race, and History* (New York: Aldine de Gruyter, 1995); Jonathan Marks, *What It Means to Be 98% Chimpanzee: Apes, People, and Their Genes* (Berkeley and Los Angeles: University of California Press, 2002); Pat Shipman, *The Evolution of Racism: Human Differences and the Use and Abuse of Science* (New York: Simon & Schuster, 1994); Nancy Stepan, *The Idea of Race in Science: Great Britain 1800–1960* (London: Macmillan Press, 1982); and United Nations Educational, Scientific, and Cultural Organization, *Racism, Science, and Pseudo-Science: Proceedings of the Symposium to Examine Pseudo-Scientific Theories Invoked to Justify Racism and Racial Discrimination*, Athens, March 30 to April 3, 1981 (Paris: UNESCO, 1983).

17 Perhaps what I think is an obvious point—that culture and accompanying political dynamics are transmitted not through genes but through socialization—is not obvious to all. In this case, the reader might refer to literature on the transmission of culture in the fields of behavioral science, cultural anthropology, and evolutionary psychology.

18 General Assembly of the State of Vermont, *Bill H. 809: An Act Relating to DNA Testing and Native Americans* (2000); Fred Maslack, interview by author, Denver, Colorado, October 18, 2000; Ron Roberts and Tom Fredericks, interview by author, Denver, Colorado, October 19, 2000.

19 Some Indian people have spoken and written about our genetic inheritance as tribes or even as Indian people. While we, as individuals, all possess a genetic inheritance from our two biological parents, it is another matter entirely to speak of a people having a genetic inheritance. Even if one could define the parameters without dispute around a set number of individuals that would constitute a people, those individuals would not have identical genetic inheritances.

20 Associated Press, "Tribe Blasts DNA Tests: Umatilla Indians Call Genetic Analysis of Kennewick Man Unnecessary," at abcnews.go.com/sections/science, February 2, 2000; Associated Press, "U.S. Government Determines 'Kennewick Man' Skeleton Belongs to 5 American Indian Tribes," Kennewick Man Virtual Interpretive Center Web site, at www.Kennewick-man.com, September 25, 2000; U.S. Department of the Interior, "Interior Department Determines 'Kennewick Man' Remains to Go to Five Tribes: Determination by Interior Secretary Follows Two Years of Scientific Examination," Archeology and Ethnography Program press release, September 25, 2000; Mike Lee, "Recasting the Past: Day One. Politics of the Past," Kennewick Man Virtual Interpretive Center Web site, at www.Kennewick-man.com, December 26, 1999; Mike Lee, "Recasting the Past: Day Three. No Turning Back on the Kennewick Man," Kennewick Man Virtual Interpretive Center Web site, at www.Kennewick-man.com, December 28, 1999; Cate Montana, "Kennewick Man DNA Test Unsuccessful," *Indian Country Today*, August 16, 2000; Brian Stockes, "Interior Decision Favors Tribes in Kennewick Man," *Indian Country Today*, October 4, 2000.

- 21 Aviva L. Brandt, "Suit over Kennewick Man Revived," Seattle P-I.com Northwest Web site, at Seattlep-i.nwsource.com, October 26, 2000; Steve Coll, "The Body in Question," *Washington Post*, June 3, 2001; Mike Lee, "Recasting the Past: Day Three," Kennewick Man Virtual Interpretive Center Web site, at www.Kennewick-man.com, December 28, 1999; Mike Lee, "Politics of the Past," *Tri-City Herald*, December 26, 1999.
- 22 Alan Goodman, "Racializing Kennewick Man," *American Anthropology Association Newsletter* 38, no. 7 (October 1997): 3, 5.
- 23 Coll, "The Body in Question"; Marks, *What It Means to Be 98% Chimpanzee*.
- 24 Mike Lee, "New World Habitation Tricky Issue," *Tri-City Herald*, December 26, 1999; Mike Lee, "Politics of the Past."
- 25 See Debra Harry and Frank C. Dukepoo, "Indians, Genes, and Genetics: What Indians Should Know about the New Biotechnology" (Nixon, Nev.: Indigenous Peoples Coalition against Biopiracy, 1998).
- 26 U.S. Department of the Interior, "Interior Department Determines 'Kennewick Man' Remains to Go to Five Tribes."
- 27 See Coll, "The Body in Question," *Washington Post*, June 3, 2001, for an unusually complex treatment of the politics of race in general and in relation to Kennewick Man.
- 28 Marks, *What It Means to Be 98% Chimpanzee*.
- 29 Associated Press, "Tribe Blasts DNA Tests."
- 30 Coll, "The Body in Question"; Lee, "Politics of the Past." This is not to say that all scientists disregard the importance of that history. For example, see David Hurst Thomas, *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity* (New York: Basic Books, 2000).
- 31 Robert Desjarlait, "Blood Quantum vs. Lineal Descent: How Much Indian Are You? The Debate over How to Define Who Is Indian," *Circle* 22, no. 11 (November 2001); William Glaberson, "Who Is a Seminole and Who Gets to Decide?" *New York Times*, January 29, 2001; Harmon, "Tribal Enrollment Councils"; Malcomson, *One Drop of Blood: The American Misadventure of Race*; Meyer, "American Indian Blood Quantum Requirements."
- 32 Joanne Barker, "Indian-Made: Sovereignty and the Work of Identification" (Ph.D. diss., University of California, Santa Cruz, 2000); Churchill, "The Crucible of American Indian Identity"; Harmon, "Tribal Enrollment Councils."
- 33 Harmon, "Tribal Enrollment Councils," 183-84.
- 34 U.S. Department of the Interior, Bureau of Indian Affairs, *Tribal Enrollment Training Text* (Phoenix: BIA Phoenix Area Office, 1984).
- 35 U.S. Department of the Interior, Bureau of Indian Affairs, memorandum from the Acting Deputy Area Director for the Aberdeen (South Dakota) Area Office to the Area Director of the Aberdeen Area Office regarding "Flandreau Santee Sioux Tribe Title 11 Enrollment Ordinance under Tribal Resolution No. 98-06," May 23, 1998; Flandreau Santee Sioux Tribe (FSST) Enrollment Ordinance (Title 11 of the Tribal Code, Resolution 98-06), May 22, 1998; Jon C. Wade (former FSST Tribal Secretary), interview by author, Santa Cruz, California, December 28, 2000.
- 36 Churchill, "The Crucible of American Indian Identity"; also

see R. David Edmunds, "Native Americans, New Voices," *American Historical Review* 100 (June 1995): 733–34; M. Annette Jaimes, "Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America," in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. A. Jaimes (Boston: South End Press, 1992); and Sheba R. Wheeler, "Indian Lineage Rules Decried," *Denver Post*, March 25, 1999.

- 37 Churchill, "The Crucible of American Indian Identity," 50.
- 38 *Ibid.*, 56, 52.
- 39 Harmon, "Tribal Enrollment Councils," 179.
- 40 *Ibid.*, 177.
- 41 *Ibid.*, 200.
- 42 Pauline Turner Strong and Barrik Van Winkle, "'Indian Blood': Reflections on the Reckoning and Refiguring of Native North American Identity," *Cultural Anthropology* 11, no. 4 (1996): 547–76, 562. See their discussion on the use of "blood" or "mixed-blood/crossblood" metaphors in the writings of Kiowa writer N. Scott Momaday and Chippewa writer Gerald Vizenor.
- 43 *Ibid.*, 565.
- 44 Meyer, "American Indian Blood Quantum Requirements," 234, 236, 232. My personal experience with the use of "blood" in tribal communities is anecdotal evidence of Meyer's assertion that it often reflects indigenous notions of family lineage rather than physiological meanings. While I am officially (on paper)  $\frac{7}{16}$  Indian blood" ( $\frac{1}{2}$  Cheyenne and Arapaho and  $\frac{1}{16}$  Dakota), I have never been referred to as a mixed blood. I am an enrolled tribal member and have been since infancy. This is important to other enrolled

Indians, although it is certainly not the only or even chief marker of my authenticity when I am asked where I am from and who my grandparents are. I grew up between reservation and urban Indian communities. While I am enrolled Cheyenne and Arapaho, my cultural identification is actually Dakota, because I was raised among my Dakota, or Sioux, relatives. I lived most of the time until I was fourteen with my maternal great-grandmother and grandparents on the Flandreau Santee Sioux Reservation. I spent occasional periods with my mother in Minneapolis where she worked to develop urban Indian housing and education programs and was heavily involved in history and cultural activities with Dakota peoples in Minnesota. My white father and his family were almost totally absent from my upbringing. Because my cultural identification, sense of history, and home place were so strongly Dakota, it did not occur to anyone to call me mixed blood. And anyway, I have nearly always understood the social construction of race. My mother taught me this by example when she reprimanded, "Don't act white!" While my mother's idea of what it meant to act white may have been a generalization, she implied that whiteness constituted behavior that reflected cultural values. She would also refer to her white colleague, husband of a fellow Dakota, as "really an Indian," thereby reflecting the fact that he generally followed Indian ways (i.e., spoke the language, held the spiritual beliefs, and was a long-time accepted member of the community). Therefore, "mixed blood" and "full blood" are not terms to which I subscribe any truth—whether they are used negatively or positively. However, while I disagree with the use of such terms, which I believe perpetuates racial ideology, I do understand there are cultural

- meanings in how other Indians might strategically use them.
- 45 Also see Harmon, "Tribal Enrollment Councils," for references to government documents and positions that went beyond metaphorical talk of Indian blood and used language of racial classification that suggested that Indian blood might be measured (i.e., whole or in part Indian blood). Also see Malcomson, *One Drop of Blood*, for reference to how "the language of blood was used to make sense of behavior" (67) and for how "blood had little to do with the red fluid universally recognized as blood." It had to do with (yes, "facial features and skin tone," but also) "dress, perhaps; language, maybe; family name . . . ; and the general tenor of a community," 110.
- 46 Meyer, "American Indian Blood Quantum Requirements," 232.
- 47 *Ibid.*, 241.
- 48 Malcomson, *One Drop of Blood*, 115.
- 49 Meyer, "American Indian Blood Quantum Requirements," 241.
- 50 Flandreau Santee Sioux Tribe, Certificate of Tribal Membership for Agnes Dauphine Heminger, Flandreau, South Dakota, April 7, 1986; U.S. Department of the Interior, Bureau of Indian Affairs, letter from Superintendent of the Turtle Mountain Agency, Belcourt, North Dakota, certifying Agnes Dauphine Heminger's degree of Chippewa Indian blood, October 7, 1982.
- 51 Flandreau Santee Sioux Tribe Enrollment Ordinance (Title 11 of the Tribal Code, Resolution 98-06), May 22, 1998.
- 52 Ron Daniels, "Black Seminoles of Oklahoma Deserve Justice," *Black World Today*, at [www.tbwt.com/views/rd/rd\\_april24.asp](http://www.tbwt.com/views/rd/rd_april24.asp), April 24, 2001; Charles Gardne, "Lawyer Advocates Rights of Seminole Tribe," *Dartmouth*, January 20, 2001; Claberson, "Who Is a Seminole and Who Gets to Decide?"; Tanu T. Henry, "Indian in the Family," at [www.africana.com/DailyArticles/index\\_2001110212.html](http://www.africana.com/DailyArticles/index_2001110212.html), February 12, 2001; *New York Times*, "Mineral-Rights Money and Political Realities," January 29, 2001; Seminole Nation of Oklahoma, press releases regarding "Proposed Amendment #6: Membership," "Proposed Amendment #7: Membership," and "Proposed Amendment #9: General Council," April 4, 2001.
- 53 Kenneth W. Porter, *The Black Seminoles* (Gainesville: University Press of Florida, 1996); Phillip Thomas Tucker, "John Horse: Forgotten African-American Leader of the Second Seminole War," *Journal of Negro History* 77, no. 2 (spring 1992): 74–83.
- 54 I extend a mea culpa in advance as I have not undertaken extensive research into Black Seminole history and so cannot do justice to the complexity of it. Nonetheless, this article demonstrates my position that whatever the history of relations between blood Seminoles and Black Seminoles, blood quantum is an unjust, racial solution to any debate about community belonging. For recent scholarship, see the publications of Melinda Micco, an Oklahoma Seminole and associate professor of ethnic studies at Mills College. I have not had the privilege of reading the following, which will no doubt provide much needed overviews of the complexity of Seminole history: Melinda Micco, "To Be or Not to Be Indian: Construction of Identity for Native and African Americans," in *African Americans and Native Americans: Explorations in Narrative, Place, and Identity*, ed. Joseph Jordan (Philadelphia: Temple University Press, forthcoming); Micco also has a book

in progress, "A Nation Divided: Black Seminoles in Oklahoma."

- 55 Gardne, "Lawyer Advocates Rights of Seminole Tribe"; and Glaberson, "Who Is a Seminole and Who Gets to Decide?"
- 56 Glaberson, "Who Is a Seminole and Who Gets to Decide?" Also see Henry, "Indian in the Family"; and Daniels, "Black Seminoles of Oklahoma Deserve Justice."
- 57 Gardne, "Lawyer Advocates Rights of Seminole Tribe."
- 58 Glaberson, "Who Is a Seminole and Who Gets to Decide?"; Daniels, "Black Seminoles of Oklahoma Deserve Justice."
- 59 This argument itself is unnerving. It seems to dehumanize today those people who were cruelly dehumanized two centuries ago. This argument infers that being a slave rather than a landowner somehow negates the stake of slaves and their descendants (who were displaced from Florida along with Seminoles and lived among them) in that history. It seems a blatant attempt to deny for the purpose of economic gain what would have been an inevitable commingling of peoples at some level for nearly two centuries. One Seminole tribal council member was quoted as saying that blacks should be paid for their hardship in the forced removal, but "they should not take it out of our money." The Department of the Interior has said that congressional money was meant to compensate for stolen lands and "the blacks were not land owners." Note that the DOI defines land ownership according to definitions of rights that slaves did not possess within the racist institution of slavery and assumes Seminoles shared that philosophy. Also note that, when convenient, U.S. government agencies and officials have quibbled over

definitions of ownership to deny tribes access to land. In addition, see Porter's historical research into Seminole ownership of slaves in the seventeenth century. This research indicates that Seminoles did not share the white practice of traditional plantation bondage that denied blacks nearly all autonomy over their lives. Also see Glaberson, "Who Is a Seminole and Who Gets to Decide?"

- 60 Glaberson, "Who Is a Seminole and Who Gets to Decide?"
- 61 Ibid.
- 62 David Melmer, "Dialogue Opens on Black Indians in Indian Country," *Indian Country Today*, November 29, 2000.
- 63 Harmon, "Tribal Enrollment Councils," 195.
- 64 Henry, "Indian in the Family."
- 65 See Malcomson, *One Drop of Blood* for discussion on the 1980 census and whites claiming Indian blood: "6,754,800 Americans said they had Indian ancestry. . . . Of these . . . the great majority (5,173,500 or 76.6 percent) listed their race as non-Hispanic white. . . . This disproportional representation of whites among those claiming Indian ancestry at least suggests that whites also make up a high proportion of those who, between 1970 and 1980, changed their race to Indian" (113).
- 66 See Philip Deloria, *Playing Indian* (New Haven, Conn.: Yale University Press 1998). Deloria has written extensively on the subject of how American society has invested in romanticized and racialized ideas of Indians in order to frame its history. Indians ourselves and our advocates have not escaped such influence. Idealized images are evident in the work and writing of many contemporary

American Indian writers and non-Indians writing about Indians. Native American literature and literary criticism abound with such images. See A. A. Hedge Coke, "Seeds," in *Speaking for the Generations: Native Writers on Writing*, ed. Simon J. Ortiz (Tucson: University of Arizona Press, 1998); Duane Niatum, ed., *Harper's Anthology of Twentieth Century Native American Poetry* (San Francisco: Harper San Francisco, 1988); J. J. Phillips et al., eds., *The Before Columbus Foundation Poetry Anthology: Selections from the American Book Awards 1980-1990* (New York and London: W. W. Norton, 1992); Brian Swann and Arnold Krupat, eds., *I Tell You Now: Autobiographical Essays by Native American Writers* (Lincoln: University of Nebraska Press, 1987). Also see the following environmental and environmental justice literature: R. Austin and M. Schill, "Black, Brown, Red, and Poisoned," in *Unequal Protection: Environmental Justice and Communities of Color*, ed. R. Bullard (San Francisco: Sierra Club Books, 1994), 53-76; Winona LaDuke, *All Our Relations: Native Struggles for Land and Life* (Boston: South End Press, 1999); Russell Means, foreword

to *Defending Mother Earth: Native American Perspectives on Environmental Justice*, ed. Jace Weaver (Maryknoll, N.Y.: Orbis Books, 1997); Bob Mims, "Different Views: For the Goshutes, a Test of Tradition," *Salt Lake City Tribune*, July 17, 2000; Andrew Szasz, *Ecopopulism: Toxic Waste and the Movement for Environmental Justice* (Minneapolis: University of Minnesota Press, 1994); Grace Thorpe, "Our Homes Are Not Dumps: Creating Nuclear-Free Zones," *Natural Resources Journal* 36 (1996): 715-23.

- 67 This is not to disregard the importance of tribal peoples (and indigenous peoples internationally) working together on artistic projects and in political alliances. But this might be done better by focusing on the common politics and histories of colonization.
- 68 Admittedly, developing alternatives is a difficult task within a colonial system in which tribes historically traded land for survival. Along with that came government oversight memorialized in law and dependence on federal budgets. But there is room for tribes to maneuver.