



Ideology, Agency, and the Federal Acknowledgment Process

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By conceptualizing the state in conjunction with theories of ideology and agency, this paper discursively analyzes a series of letters submitted to the Assistant Secretary of Indian Affairs as part of recent efforts to reform the U.S. Federal Acknowledgment Process (FAP). The letters, composed by members of three unacknowledged Native American tribes from California, are examined with special attention paid to historical narratives. With this approach, I make the overarching claim that within the system of federal recognition, state ideology is incomplete, dialectical, and contested. This main point is illustrated through three interrelated arguments. First, the FAP is an inherently contradictory ideological project of the state that produces a paradoxical narrative of indigenous history. Second, the historical narratives within these letters mirror an incomplete and contested process of interpellation that seeks to reify state power through the reproduction of hegemonic ideas. Third, these historical discourses reflect the different political strategies of representation that unacknowledged peoples formulate to contest the process of interpellation as they confront and navigate a paradoxical state ideology.

Introduction

In June of 2013, the Assistant Secretary-Indian Affairs (AS-IA) at the United States Department of the Interior, Kevin Washburn, began holding tribal consultations in an attempt to reform the Federal Acknowledgment Process (FAP) with the input of recognized and unrecognized indigenous peoples. Between June and September of 2013, unacknowledged Californian Indian groups, including the Amah Mustun Tribal Band of Ohlone/Costanoan Indians (Amah Mutsun), the Ohlone/Costanoan Esselen Nation (Esselen), and the Muwekma Ohlone Indian Tribe (Muwekma) submitted separate letters in an attempt to voice their concerns and recommendations. This situation offers a useful case study for anthropologists attempting to study the role of ideology within the context of federal recognition.

Using Phil Abrams's (1988 [1977]) theorization of the state as a historically determined and processual formation in conjunction with Louis Althusser's (1971) discussion of ideology and Sherry Ortner's (1995, 2006) conceptualization of agency, I discursively analyze each comment letter with special attention paid to discourses of history. With this approach, I make an overarching claim: within the system of federal recognition, state ideology is incomplete, dialectical, and contested. This main point is illustrated through three interrelated arguments. First, the FAP is an inherently contradictory ideological project of the state that produces a paradoxical narrative of indigenous history. Second, the historical narratives within these letters reflect an incomplete and contested process of interpellation that seeks to reify state power through the reproduction of hegemonic

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Theory: The State, Ideology, and Agency

In order to discuss the nature of the FAP and the significance of these letters, I combine the work of Abrams, Althusser, and Ortner to construct a dialectical view of the process by which unacknowledged peoples engage the state via letter writing. Abrams argues that the state is a historically constructed, ongoing process that is disseminated throughout and constituted in society as a series of interrelated practices, institutions, and ideas (Abrams, 1988[1977]). This approach builds upon Marxist frameworks that denaturalize imaginings of the state as a concrete entity existing outside or above society (1972[1884], p. 208). Most useful for this study is Abrams' development of the concept of the "the state-idea"—an ideological project that runs through political and civil society and is responsible for concealing illegitimate, unacceptable domination (1988[1977], p. 76). The notion of a state-idea ushers in a larger discussion of how the state is forged through the production ideas that run through the minds and lives of social actors.

Althusser refers to this process as interpellation, a concept that I will revisit and complicate throughout this study. Like Abrams, Althusser sees state power as a mixture of interdependent institutions and ideas. However, the ideological dimensions of the state do not just conceal domination as Abrams suggest. Instead, as systems of ideas act on the minds of individuals when they encounter one of the many "apparatuses" of the state (from the family to the army), human beings are hailed or "interpellated" as subjects of the state (Althusser, 1971, p. 160). Thus, constellations of ideas flowing through both political and civil society do not just conceal domination; they create state-subjects that enable the perpetuation of such power.

Ortner's conceptualization of agency disrupts the totalizing tendency of interpellation to show how the structures of power that Abrams and Althusser study are always rife with resistance. For Ortner, agency is first and foremost never a thing of which one can have more or less; it is always a part of the process of structuration whereby larger social and cultural formations are made and remade (Ortner, 2006, p. 134). Furthermore, agency is deeply dialectical in that it is always a matter of two intertwined modalities: the intentionally constituted projects of social actors and the systems of power they inhabit (Ortner, 2006, pp. 134, 143-144). This dynamic conceptualization of agency, as a process of structuration that concerns both the reproduction of structures and the intentionally constituted projects of social actors within those structures, introduces the possibility of resistance to processes like interpellation. According to Ortner, acts of resistance are rarely clear-cut. Instead, they emerge as creative, transformative, fragmented, and ambiguous projects that social agents mount in the process of structuration (Ortner, 1995, pp. 188, 191). By seeing the state as something that is also caught up in the process of structuration, Ortner's work offers an important intervention. While the state does function as a process of interconnected practices, institutions, and ideas that seek to produce and reproduce power asymmetries and submissive subjects, this process is always intertwined with ambiguous projects of resistance.

Thus, by placing these scholars into conversation with each other, anthropologists can begin to see how ideological state projects, which seek to make subordinate subjects, are part of an ongoing process. Furthermore, the dialectical nature of these projects means that resistance to ideologies is always present in one form or another as social actors mount their own projects. As I will argue, this resistance to ideology is manifested ambiguously in the discursive strategies of the Amah Mutsun, Esselen, and Muwekma letters. With this understanding of the theoretical tools that I will employ throughout this analysis, I now attempt to illustrate how ideology

is embedded in federal recognition regulations and imaginings of tribal history.

FAP: A Paradoxical Maelstrom

The majority of applicants encounter the FAP as a contradictory ideological project, which necessitates a paradoxical view of Native American history as it negates the legacies of colonialism and settler colonialism. Established in 1978, the FAP is one of the means by which indigenous groups gain federal recognition and the benefits associated with that status, such as access to Indians Health Services and the ability to mount land claims with the support of federal law. In order to achieve this position, native groups must be able to meet certain mandatory criteria to establish that a Native American group exists as an Indian tribe. Parts a, b, and c of the mandatory regulations require that an Indian tribe be “identified as an American Indian entity on a substantially continuous basis since 1900,” “comprise a distinct community and has existed from historical times until the present,” and be a group that “has maintained political influence or authority over its members as an autonomous entity from historical times until the present” (Office of Federal Acknowledgement, 1997, pp. 273-274). These requirements perpetuate the idea that legitimate, authentic Indian tribes have an uninterrupted history of bounded “distinction” that can be substantiated through a documentary record. Such a requirement omits the aspects of Native American experiences that have driven groups to the FAP in the first place, namely a history of colonialism and settler colonialism – an especially disastrous process in the case of California (Almaguer, 1994; Hurtado, 1988). This is most evident in the definition of vague and highly subjective terms like ‘continuously’ and ‘continuous’ created by the Office of Federal Acknowledgement, the entity within the Department of the Interior that processes and evaluates acknowledgement applications. According to the Office, “*continuously* or *continuous* means extending from first sustained contact with non-Indians throughout the group’s history to the present substantially without

interruption” (OFA, 1997, p. 273). While the federal government’s definition of these terms implies that the defining feature of continuity is the arrival of non-Indians – a veiled way of saying colonists – the evidence that is permitted for establishing “continuous” recognition or the existence of a “distinct community” are limited to federal documents, kinship relations, and poorly-defined concepts like “cultural patterns” (OFA, 1997, p. 273). There is no room for an explicit discussion of colonialism in the OFA’s ideological conception of tribal history. Thus, this state ideology favors a narrative of Indian tribal history that emphasizes continuity and obfuscates colonization.

This discursive clashing of ideas about tribal history has an appropriate counterpart in Thomas Biolsi’s examination of Federal Indian law. Ingrained in the legal system is a tension between what Biolsi sees as “uniqueness” and “uniformity” in which the law simultaneously protects special provisions for Indian nations while also trying to eradicate such provisions and subsume native peoples under the non-indigenous nation-state (2007[2001], p. 14). This leads Biolsi to conclude that Indian law is “fundamentally contradictory,” for it “has the seeds of its dissolution within its own discursive terms” (2007[2001], p. 14). As I will argue, a similar fundamental contradiction lies at the heart of the FAP’s discourse in which Indian tribal history is paradoxically ‘continuous’ and ‘discontinuous.’ However, unlike the federal laws and policy Biolsi examines that oscillate between oppositional positions in distinct time periods like a pendulum (e.g., the 1930s being a period of uniqueness under the Indian Reorganization Act and the 1950s beginning a period of uniformity under termination policies), the FAP is always immersed in both oppositional positions of continuity and discontinuity. This is less of a pendulum that swings steadily back and forth with cunning precision and more of a paradoxical maelstrom of recognition in which both sides of the dialectic are in constant competition for dominance. While the state ideology imbedded in the FAP regulations seeks to conceal

discontinuity, the turbulent and confused nature of this system disrupts such an ideological project, creating gaps and spaces for creative contestation.

Before moving on to analyze each of the letters and their relationship to the processes of interpellation, agency, and resistance, it is important to emphasize a significant wrinkle in the FAP mandatory criteria. Under part 83.8 of the regulation, the FAP makes an important exception, which factors into the strategic representational projects that certain unacknowledged peoples in California utilize in their attempts to navigate the ideological contradiction that is the FAP. If a petitioner can document previous “unambiguous” federal acknowledgment, they will only be required to demonstrate “tribal character...to the date of the last such previous acknowledgment” (OFA, 1997, p. 275). To clarify this somewhat opaque language, groups that can provide evidence of pre-existing recognition by the federal government do not have to document their existence as a tribe before that period (whatever it might be). Evidence for documenting such a previous status include treaty relations with the U.S. government, denomination as a tribe by congress or executive order, and collective rights in tribal land or funds recognized by the federal government (OFA, 1997, p. 275). This clause creates a slight schism in the ideology of the state that some Californian Indians have incorporated into their recognition projects. As I will illustrate later, this schism manifests itself in the differential portrayal of indigenous history within these letters as part of larger strategic attempt to navigate recognition.

The Letters

In the following section I seek to illustrate two interrelated arguments. First, the historical discourses that the Amah Mutsun, Esselen, and Muwekma present in their letters are best understood as manifestations of a contested process of interpellation that takes place within the paradoxical ideology of the state. In other words, ideologies within the FAP regulations,

which value historical continuity and the erasure of coloniality in an attempt to nullify acknowledgment claims, act on the minds of unacknowledged peoples as they navigate federal recognition. Biolsi notes a similar occurrence on the Rosebud Reservation where Lakota people learn to view their own self-interest and to shape their actions in terms of individualizing discourses promoted by the state (Biolsi, 1995, p. 44). These ideologies are not, however, imposed on indigenous peoples in a vacuum devoid of agency and resistance. Because state ideologies are not closed systems of reproduction, they are inherently contested by social actors who attempt to highlight the horrors of colonization. Second, though these letters are drawn together by this contested interpellation, the historical narratives between tribes also diverge in subtle ways based on the different representational strategies that each group employs in their campaign for acknowledgement. These strategies refer to how each group uses previous recognition to document their history as an Indian tribal entity.

Amah Mutsun

I begin this discussion of contested interpellation with an exploration of the Amah Mutsun, an unacknowledged tribe of 600 members hailing from the regions of San Juan Bautista and Santa Cruz, and their letter, which was submitted to the AS-IA on September 24th, 2013¹. Composed by Valentin Lopez, the Tribal Chairman, the content of the letter is divided into three sections: Californian Indian history, considerations regarding federal recognition standards, and proposals for revised federal recognition standards². By juxtaposing cultural continuity and the traumas of colonialism, the historical discourse within the Amah Mutsun letter reflects the ongoing and contested nature of interpellation and reproduction of dominant state ideologies. In some sense, the Amah Mutsun letter interpellates this state ideology as it presents a survey of Californian Indian history covering each colonial and settler colonial period up to the present. Phrases that underscore the perpetuation of autonomous groups and cultural

practices after each colonial project (assuming that colonial projects ever truly end) are reflections of a state ideology that places a premium on continuity. The following excerpts reference such a discourse:

“...individual families, clans and small tribes maintained their autonomy and passed on their culture” (Lopez, 2013, p. 2).

“Many natives that survived the missions remained together to form a native community of different tribes or attempted to return to their traditional tribal territory” (Lopez, 2013, p. 2).

These excerpts point towards a historical discourse that reproduces a state ideology and works to obfuscate the horrors of colonization in California (and the U.S. at large). As the above passages suggest, in order to claim continuity indigenous peoples must downplay the realities of settler invasion and occupation. Through this obfuscation, state ideology reproduces the asymmetrical power relationship between governmental institutions like the OFA and unacknowledged Indians who seek the benefits of recognition. The Amah Mutsun do not have the power to name the ramification of colonization when they are being compelled to demonstrate continuity.

However, because state power is reproduced in a dialectical nexus of social practice and structures of power, state ideologies are rife with gaps and spaces with which the Amah Mutsun strategically engage to bring attention to historical traumas. While the letter does enunciate a theme of cultural continuity and survival, this is done in relation to countless examples of the disruptive, violent, and socioculturally destructive nature of colonial campaigns. For the sake of brevity, I have included the bulk of these statements in the footnotes³. However, these sentiments are summarized quite nicely in the letter’s final reference to indigenous history. After having recounted the tragedies of Spanish missionization, the destruction of the land under Mexican era

cattle ranching, and state sponsored acts of murder under Anglo-Americans, the letter notes, “it is extremely difficult for [indigenous people] to pass down their knowledge regarding culture, traditions, ceremonies, etc. when they’re struggling just to survive. These are important factors to consider when one looks for fairness with the federal recognition process” (Lopez, 2013, p. 6). These competing statements highlight the lack of colonial history in the federal government’s obsession with tribal history. Rather than rejecting the interpellated ideology all together in an act of unbridled resistance, the Amah Mutsun creatively navigate within the state ideology in a manner that enables them to claim tribal continuity while still bringing attention to the terrors of invasion and occupation. Rather than viewing these competing discourses of continuity and discontinuous colonial trauma as a schizophrenic complex or a highly calculated, inauthentic performance, they are better seen as being part of a process of ideological production that is subject to subordination from state institutions and contestation from subaltern agents.

Political Strategies of Representation and Historical Narratives

The representational strategies that the Amah Mutsun use to establish previous recognition as they navigate a contradictory state ideology is also reflected in the style of their historical narratives. In the past, the Amah Mutsun have attempted to take advantage of part 83.8 in their bid for recognition. While the Esselen and Muwekma have been able to provide documents that tie the contemporary tribe to ancestral groups recognized by the state, the Amah Mutsun have not been as fortunate. As noted in their 1999 technical assistance letter from the Office of Tribal Services, lacking access to historical documents that could substantiate a connection between an ancestral tribe and the Amah Mutsun of today, the federal government argued that the Amah Mutsun “present documents that refer to...any group of Indians identified as ‘Costanoan’ regardless of location, without

showing that these citations refer to groups or individuals who are the petitioner's ancestors or directly related to the petitioner" (OTS, 1999, p. 6). In other words, because the historical record does not clearly support the existence of a continuous Amah Mutsun tribal entity, attempts to substantiate previous acknowledgement must refer to a more general Californian Indian tribal identity and history in which reference to one tribe codes for all tribes. Such a strategy created problems for the Amah Mutsun during the 1990s as other groups petitioning for previous recognition did not appreciate attempts to subsume their unique history under the banner of a generalized Californian Indian tribe or the Amah Mutsun tribe⁴.

This project of trying to establish previous acknowledgement through a general Californian tribal history is reflected in the letter. Rather than making reference to the specific historical trajectory of the Amah Mutsun, the letter discusses the plight of "tribes," "natives," "Californian tribes," "Californian Indians," and "Indigenous Peoples" more broadly (Lopez, 2013, pp. 1-3). References to indigenous-state encounters either refer to these pan-indigenous entities or other groups such as the Esselen and Muwekma and their dealings with the federal government (Lopez, 2013, p. 5). Because the Amah Mutsun find it difficult to use 83.8 to establish a connection with an ancestral group documented in the historical record, their narrative is of a more general and inclusive nature. The relationship between representational strategies and historical discourses is a subtle reminder that the projects unacknowledged peoples carry out in the process of interpellation do not exist outside of systems of power. As Ortner (2006) reminds us, projects of resistance are always constructed within the process of structuration where social practice of agents and power structures meet and intertwine. Thus, the strategy of referencing a pan-indigenous history is not a calculated, fully counter-hegemonic act of free agency; it is an attempt to navigate a dominant ideology within a field of power.

Esselen

On July 25th, 2013, Louise Ramirez, the tribal Chairwoman of the Esselen, also submitted a letter to the AS-IA, which offers another perspective on contested interpellation. The Esselen recount a more localized narrative that emphasizes the indigenous history of the Monterey Bay Area. At times the letter seems to articulate the state ideology of continuity. Near the end of the letter, Ramirez notes, "for over ten thousand years, the Esselen, Monterey Costanoan, Carmeleno, Rumsen, Achastan, Guatcharron and Chalon Indians have lived in the Monterey Bay area without interruption" (Ramirez, 2013, p. 3). As previously noted, statements like this conform to the FAP ideology that marks interruption or discontinuity as a sign of inauthenticity. However, the juxtaposition of discourses of continuity and colonial disruption are more closely intertwined in comparison to the Amah Mutsun letter. The following two excerpts illustrate how this contradictory narrative is mediated via a theme of hiding and forced secrecy.

"The BIA's [sic] requires that a tribe have continuity, our ancestors continued contact through weddings, baptisms, funerals and other events but were forced from our homelands, hiding in the mountains or identifying at times as Mexican" (Ramirez, 2013, p. 2).

"Our people did not abandon our tribal relations as a tribe; we were forced to hide our relationships. During this time California paid \$2.5 million dollar for scalps of Californian Indians at \$5 dollars each, no wonder why our ancestors and other Indians hid their identity" (Ramirez, 2013, p. 2).

In both excerpts, the Chairwoman notes that Esselen ancestors managed to continue cultural practices and intratribal relationships, articulating the state ideology and discourse of continuous distinction and obscured coloniality. However, this historical continuity is couched in a theme of forced secrecy, in which colonial regimes pushed

indigenous cultural traditions into the shadows. While the Esselen may be interpellating aspects of the state ideology with references to a local history “without interruption” (OFA, 1997, p. 270), the discourse of forced hiding and secrecy enables them to creatively contest a recognition process that masks the traumas of Californian history. Once again, by understanding the contradictory nature of the state ideology that seeks to conceal coloniality so as to nullify indigenous claims to recognition, we can see that the Esselen historical narrative is involved in a highly contested process of ideological production. By highlighting colonial trauma and disruption, the Esselen assert their agency in relation to a subordinating system of power. The narrative of hidden continuity becomes a dynamic, discursive battlefield where unacknowledged peoples creatively formulate strategies of resistance within a process of structuration and interpellation. Thus, once again we see that the production of hegemonic ideas is an ongoing, incomplete, and highly contested process. However, the strategically constructed historical discourses that groups employ to contest a state ideology are not without their differences.

Political Strategies of Representation and Historical Narratives:

Because the Esselen have employed different representational strategies in the process of applying for federal recognition, aspects of their historical narrative differ from that of the Amah Mutsun who stress a more generalized and inclusive Californian Indian history. Like the Amah Mutsun, the Esselen have tried to take advantage of the previous acknowledgement clause in the FAP regulations (Lavery, 2003, 2010). However, unlike their neighbors, the Esselen have had slightly less trouble connecting the contemporary tribe to a previously recognized group in the federal government’s documentary record (although it is important to note that this has not yet materialized into a successful recognition campaign). This does not mean that the recognition process is any less fraught for the

Esselen; they are also forced to navigate the same paradoxical state ideology. If the case of the Muwekma, which I will discuss later, is any indication, it may be likely that the ancestral links that the Esselen are making may be deemed invalid by the OFA once a decision is made. However, because they have yet to come to the end of the FAP, the Esselen are currently counting on the likelihood that their claim to prior recognition will be validated. So while each unacknowledged tribe faces the same state ideological project, their unique ability to document previous recognition shapes strategies of representation.

As a result of the differential strategy that the Esselen employ, their claim for previous recognized status traffics less in pan-indigenous references. Instead, they point to a series of documents that name specific indigenous entities of the past, which the contemporary Esselen claim as ancestors. While references are made to Californian Indians, as in the recounting of the horrors of Californian militias, the letter spends more time articulating a specifically Esselen history. For instance, the letter highlights the fact that the Esselen “[were] never legally terminated by any Act of Congress, Executive Order or Court Decision” (Ramirez, 2013, p. 1). It goes on to recount the specific documentary sources in which the Esselen have been identified as an Indian entity since 1883. This includes the work of various Indian Agents of the Office of Indian Affairs (later the Bureau of Indian Affairs) such as Helen Hunt Jackson and Charles E. Kelsey (Ramirez, 2013, p. 1). In contrast to the Amah Mutsun who reference the plight of other tribes like the Esselen and Muwekma to establish an inclusive and common Californian Indian history, the Esselen, invoking specific federal documents, explicitly distinguish themselves and their historical trajectory from other tribes.

“During the course of the 1928-1932 BIA enrollments our tribe specifically identified itself as a distinct political entity as the Mission Carmel Tribe; thus distinguishing our community from the other two historic

and previously recognized Costanoan tribal bands whom also distinguished themselves as the Mission San Juan Bautista Tribe (Amah-Mutsun) and the Mission San Jose Tribe (Muwekma)” (Ramirez, 2013, p. 2).

Rather than referencing other indigenous groups to articulate a shared history, the Esselen use such references to highlight their own prior recognition. However, it should be noted that this is not done in an attempt to nullify the claims of other indigenous groups. As the above passage indicates, the Esselen are attempting to simultaneously underscore their particular history of recognition and give credence to the distinct histories of their fellow Californian Indians. Therefore, the historical discourse present in this letter is shaped by a confluence of state ideologies and the specific representational strategy that the Esselen people have formulated for themselves. At the risk of overstating my point, differences in representational strategies between tribes are tied to differences in historical narratives.

Muwekma

Submitted to the AS-IA on September 24th, 2013, the letter from Muwekma Ohlone Indian Tribe offers another perspective on the contentious nature of interpellation within the system of federal recognition. In the opening of the letter, Rosemary Cambra, the Tribal Chairwoman, describes “the members of the Tribe [as] the descendants of native peoples who occupied the southern, eastern and western regions of the San Francisco Bay area from time immemorial” (Cambra, 2013, p. 1). This discursive connection between time immemorial and the present indexes the OFA’s imagining of a continuous tribe that has existed from “first sustained contact with non-Indians...to the present substantially without interruption” (OFA, 1997, p. 270). By building a smooth connection between these two periods, colonization falls out of view in accordance with the state ideology. However, the letter is quick to reinsert colonial history with all its tragic features, especially when discussing U.S. occupation.

“Californian’s official Indian policy, which was supported by the federal government, can only be described as a policy of subjugation and extermination...during the first two years under American jurisdiction, the Native population of California dropped from an estimated 148,000 to barely over 32,000” (Cambra, 2013, p. 2).

“While Indian tribes in all regions of the country have historically been subjected to harsh policies intended to destroy tribal communities and deprive them of their lands and culture, the history of Indian policies in California have had uniquely tragic effects” (Cambra, 2013, p. 4).

With these statements, the letter harnesses and underscores the obscured side of the contradictory state ideology–colonial discontinuity. Thus, as I have shown in the previous letters, the Muwekma historical narrative is a product of a dynamic process of interpellation in which state ideologies and the creatively constituted projects of unacknowledged social actors, who seek to shine a light on invasion and occupation, meet in what Anna Tsing refers to as a “zone of awkward engagements” (2005, xi).

Political Strategies of Representation and Historical Narratives

The Muwekma’s history of using representational strategies provides another variation in the historical discourse that contests state ideologies and attempts to navigate recognition. Unlike the Amah Mutsun and the Esselen, the Muwekma are the only one of the three tribes that have gone through the FAP from beginning to end, which I argue is a major element (although not the only element) in their unique depiction of Californian indigenous history. As part of their attempt to establish previous recognition and continuity beginning in the early 1990s, the tribe drew upon the field notes of John Peabody Harrington⁵, a linguist and employee of the Bureau of American Ethnology (BAE) from 1915 to 1955, in addition to other

documentary sources (Field, Leventhal, Sanchez, & Cambra, 1992). As Robert Moore has shown, Harrington's ample notes (approximately 100,000 pages) have become a point of great hope and contention for indigenous and nonindigenous peoples who use them for language revitalization purposes and substantiating claims of recognition (Moore, 2006). The Muwekma attempted to demonstrate the ancestral connection between the Verona Band of Alameda County, which Harrington documented during the 1920s and 1930s, and the Muwekma descendants of today (Field, 2003, p. 89). In their petition, which was produced after an investment of tens of thousands of dollars and years of research, the Muwekma managed to "show how they had maintained the kin structured band relationships" from the time period in which they were recognized by Harrington as the Verona Band up to the present (Field, 2003, p. 88). Despite what appeared to be a solid case, the Muwekma were denied recognition in 2002 (see Field (2003) for a more detailed discussion of this decision). This official denial of recognition is unique to the Muwekma and shapes the way in which historical discourse is articulated.

Like the Esselen, the Muwekma portray a specific tribal history of prior recognition. The specificity of this history is announced by a subsection heading entitled "A Brief History of the Muwekma Ohlone Tribe" (Cambra, 2013, p. 1). This contrasts with the Amah Mutsun, whose subsection headings reference more general time periods, such as the "Mission and Early Rancho Period 1769-1834," "Mexican Period-1833-1848," and the "Early American Period-1848-1900" (Lopez, 2013, pp. 1-2). The section dealing with history also draws an explicit connection between the present day Muwekma and the Verona Band, which the tribe did in their actual petition (Cambra, 2013, p. 2). The letter then proceeds to specify federal documents that recognize the Muwekma in the past as the Verona Band. For example, the letter notes a 1905 census report compiled by Special Indian Agent Charles E. Kelsey that "documented the Muwekma

communities located at Niles and Pleasanton in Alameda County" (Cambra, 2013, p. 2).

However, the historical narrative still includes references to a more general Californian Indian history when discussing the oppression and violence of Spanish, Mexican, and American occupation (Cambra, 2013, p. 2). I contend that the juxtaposition of a specifically Muwekma history of prior recognition (like that of the Esselen) with a more pan-Californian Indian history of colonial domination (like that of the Amah Mutsun) is tied to the denial of the tribe's bid for recognition in 2002. The lack of explicit reference to Harrington's BAE field notes can be read as an effect of this denial. Using the rigid yet vague conception of a tribal entity detailed above, the Branch of Acknowledgment and Research (BAR)⁶ argued that Harrington's work did not clearly identify informants "as members of any Indian groups or entities" at the time of his fieldwork (Field, 2003, p. 89). The BIA managed to render the reorganization of the Muwekma inauthentic because the federal government used "an approach to the concept of the 'Indian tribe' that [was] both historically inapplicable and irrelevant to a landless, disenfranchised people" (Field, 2003, p. 90). Learning from this unfortunate experience, the omission of Harrington's data can be read as a strategic response to the tribe's 2002 denial. The inclusion of discourses of pan-Californian struggles may be an acknowledgment of the tenuous nature of trying to claim prior recognition. As the Muwekma learned in 2002, even when specific previous acknowledgment can be established and made to fit the state's imagining of historical continuity and rigid regulations, recognition is not guaranteed. The articulation of a more general Indian history may be an attempt to survive the disarray of recognition using more than one navigational technique. Thus, possessing hindsight on an experience that the other groups do not have, the blending of the two historical styles may be a reflection of the melding of representational strategies.

Conclusion

This discursive analysis points to a number of relevant conclusions concerning the role of ideology within the FAP and the strategies that unacknowledged Californian Indians create in their attempt to move through a contradictory system. First, the mandatory regulations for gaining recognition are part of a larger state ideology that seeks to obfuscate colonial history. This is represented in the very language of the regulations, which favors seamless continuity and culturally distinct communities and practices. This language and these regulations allow certain historical narratives to be articulated within the system of recognition (i.e., continuity and cultural distinction) while negating others (i.e., discontinuity and colonization). Thus, the ideology of continuity and colonial erasure that is woven into the language of the FAP regulations creates a paradoxical maelstrom of recognition in which indigenous peoples are forced to negate the colonial history that has rendered them landless and disenfranchised. Second, this ideological project acts on the minds of applicants in a process of interpellation, which seeks to make manageable state-subjects. However, this interpellation is an incomplete and contested process that is challenged by unacknowledged peoples who strategically and creatively attempt to navigate through state ideology. The historical discourses within these letters are the discursive manifestations of this contested process of interpellation. Third, the strategies of representation that unacknowledged peoples use to write their FAP applications also shape the nature of these historical discourses. Tribes, like the Amah Mutusun, that have difficulty establishing previous recognition under part 83.8 of the FAP regulations portray a pan-Californian Indian discourse of history that subsumes the difference between tribes under a common trauma of colonization. In contrast, tribes like the Esselen that are better able to document previous acknowledgement under the federal government's requirements present tribe-specific accounts of coloniality and encounters with the federal government. The Muwekma case suggests an in-between discourse that is shaped by the denial of

their attempt to seek recognition based on 83.8. Ultimately, these discursive strategies are not random games of chance or overtly calculated inventions of free agents; they are the creative projects of people who are trying to navigate a paradoxical, state-sponsored ideology.

Notes

¹ The Amah Mutusun also sent a follow up letter on September 25th, 2013, which the BIA later combined into one electronic form and placed online with the other letters.

² While the latter two sections are no doubt filled with vital and interesting information, for the purposes of this paper, I will be focusing on the former as it addresses issues of history and discourse about history.

³ "At the closing of the Missions, there was no single Tribe which could have continued openly intact, maintaining indigenous culture, knowledge and traditional ways" (Lopez, 2013, p. 1).

"Huge herds of horse, cattle, sheep, required that the landscape be changed to grazing grasses as did the planting of non-indigenous crops. This resulted in the flora and fauna to be eliminated or drastically reduced. This loss of these cultural resources had an adverse impact on the ecology of California and traditional cultural ways. This resulted in many indigenous people and tribes being unable to continue their traditional ways on their traditional territory" (Lopez, 2013, p. 2).

When recounting the terrors of U.S. occupation, the letter notes an oft cited and truly disturbing piece of Californian history. In 1851, "Governor Peter H. Burnett of California signed an executive order to exterminate all Indians in California. As a result of this order bounties were paid for the heads of dead Indians. In addition, the State of California, through its own and federal funding, paid over \$1,500,000 on military, militia, and volunteer expeditions to exterminate Indians" (Lopez, 2013, p. 2).

"1872 the US ceased to engage in treaties with any indigenous tribe. This severely impacted a tribe's ability to stay together as they had no land base" (Lopez, 2013, p. 3).

⁴ In their initial petition, the Amah Mutusun attempted to use the reaffirmation of the Muwekma as the Verona-

Sacramento Bands by the federal government as evidence of previous recognition for the Amah Mutsun. Given that the Muwekma occupy the region of the San Francisco Bay Area while the Amah Mutsun are from San Juan Bautista and Santa Cruz, this created problems for the Branch of Acknowledgment and Research and the Muwekma as well.

⁵ For a more in depth discussion of the politics and ideologies surround Harrington's work, see Robert Moore (2006) and Robert Heizer (1975).

⁶ The BAR was later reformulated as the Office of Federal Acknowledgment.

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