

## READING 4

## Real Indians: Identity and the Survival of Native America

Eva Marie Garroutte

The most common tribal requirement for determining citizenship concerns “blood quantum,” or degree of Indian ancestry. . . . About two-thirds of all federally recognized tribes of the coterminous United States specify a minimum blood quantum in their legal citizenship criteria, with one-quarter blood degree being the most frequent minimum requirement.<sup>1</sup> (In the simplest instance, an individual has a one-quarter blood quantum if any one of her four grandparents is of exclusively Indian ancestry and the other three are non-Indian.) The remaining one-third of Indian tribes specify *no* minimum blood quantum. They often simply require that any new enrollee be a lineal (direct) descendant of another tribal member. . . .

Legal definitions of tribal membership regulate the rights to vote in tribal elections, to hold tribal office, and generally to participate in the political, and sometimes also the cultural, life of the tribe. One’s ability to satisfy legal definitions of identification may also determine one’s right to share in certain tribal revenues (such as income generated by tribally controlled businesses). Perhaps most significantly, it may determine the right to live on a reservation or to inherit land interests there.

The tribes’ power to determine citizenship allows them to delimit the distribution of certain important resources, such as reservation land, tribal monies, and political privileges. But this is hardly the end of the story of legal definitions of identity. The federal government has many purposes for which it, too, must distinguish Indians from non-Indians, and it uses its own, separate legal definition for doing so. More precisely, it uses a whole

array of legal definitions. Since the U.S. Constitution uses the word “Indian” in two places but defines it nowhere, Congress has made its own definitions on an ad hoc basis.<sup>2</sup> A 1978 congressional survey discovered no less than *thirty-three* separate definitions of Indians in use in different pieces of federal legislation.<sup>3</sup> These may or may not correspond with those any given tribe uses to determine its citizenship.

Most federal legal definitions of Indian identity specify a minimum blood quantum—frequently one-quarter but sometimes one-half—but others do not. Some require or accept tribal citizenship as a criterion of federal identification, and others do not. Some require reservation residency, or ownership of land held in trust by the government, and others do not. Other laws affecting Indians specify *no* definition of identity, such that the courts must determine to whom the laws apply.<sup>4</sup> Because of these wide variations in legal identity definitions and their frequent departure from the various tribal ones, many individuals who are recognized by their tribes as citizens are nevertheless considered non-Indian for some or all federal purposes. The converse can be true as well.<sup>5</sup>

There are a variety of contexts in which one or more federal legal definitions of identity become important. The matter of economic resource distribution—access to various social services, monetary awards, and opportunities—probably comes immediately to the minds of many readers. The legal situation of Indian people, and its attendant opportunities and responsibilities, are the result of historic negotiations between tribes and the federal government. In these, the government agreed to compensate tribes in various ways for the large amounts of land and other resources that the tribes had surrendered, often by force.<sup>6</sup> Benefits available to those who can satisfy federal definitions of Indian identity are administered through a variety of agencies, including the Bureau of Indian Affairs, the Indian Health Service, the Department of Agriculture, the Office of Elementary and Secondary Education, and the Department of Labor, to name a few.<sup>7</sup>

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Legal definitions also affect specific economic rights deriving from treaties or agreements that some (not all) tribes made with the federal government. These may include such rights as the use of particular geographic areas for hunting, harvesting, fishing, or trapping. Those legally defined as Indians are also sometimes exempted from certain requirements related to state licensure and state (but not federal) income and property taxation.<sup>8</sup> . . .

**"IF HE GETS A NOSEBLEED, HE'LL  
TURN INTO A WHITE MAN"**

North American Indians who successfully negotiate the rigors of legal definitions of identity at the federal level can achieve what some consider the dubious distinction of being a "card-carrying Indian." That is, their federal government can issue them a laminated document (in the United States, a CDIB; in Canada an Indian status card) that certifies them as possessing a certain "degree of Indian blood."

. . . Canadian-born country music singer Shania Twain has what it takes to be a card-carrying Indian: she is formally recognized as an Anishnabe (Ojibwe) Indian with band membership in the Temagami Bear Island First Nation (Ontario, Canada). More specifically, she is legally on record as possessing one-half degree Indian blood. Given this information, one might conclude that Twain's identity as an Indian person is more or less unsailable. It's not.

Controversy has engulfed this celebrity because of an anonymous phone call to a Canadian newspaper a few years ago that led to the disclosure of another name by which Shania was once known: Eileen Regina Edwards. Eileen/Shania was adopted by a stepfather in early childhood and took the surname of Twain at that time. So far well and good—except for one thing. Both sides of her *biological* family describe themselves not as Indian but as white. It is only Jerry Twain, her late stepfather, who was Indian.

As the adopted child of an Anishnabe man, Shania Twain occupies an unusual status. Though the U.S. government allows for the assignment of blood

quantum only to biological descendants of Indian people, Canada allows for the naturalization of non-Native children through adoption.<sup>9</sup> Although Twain has stated that her white mother (now deceased) had told her, in childhood, that her biological father (also deceased) had some Indian heritage, his family denies the suggestion entirely. They say they are French and Irish. Ms. Twain explains: "I don't know how much Indian blood I actually have in me, but as the adopted daughter of my father Jerry, I became legally registered as 50-percent North American Indian. Being raised by a full-blooded Indian and being part of his family and their culture from such a young age is all I've ever known. That heritage is in my heart and my soul, and I'm proud of it."<sup>10</sup>

Twain has been sharply criticized, in both the United States and Canada, for not making the full details of her racial background clearer, especially to awards-granting agencies such as the First Americans in the Arts (FAITA), which honored her in February 1996 as a Native performer. FAITA itself has made no such complaint. The group states that it is satisfied that "Ms. Twain has not intentionally misrepresented herself." And more importantly, her adopted family defends her. An aunt observes: "She was raised by us. She was accepted by our band. If my brother were alive, he'd be very upset. He raised her as his own daughter. My parents, her grandparents, took her into the bush and taught her the [Native] traditions."<sup>11</sup>

Twain's case shows with uncommon clarity that legal and biological definitions are conceptually distinct. . . .

In their modern American construction, at least, biological definitions of identity assume the centrality of an individual's genetic relationship to other tribal members. Not just any degree of relationship will do, however. Typically, the degree of closeness is also important. And this is the starting point for much of the controversy that swirls around issues of biological Indianness. . . .

Sociologist Eugene Roosens summarizes such common conceptions about the importance of blood quantum for determining Indian identity:

There is . . . [a] the Indians are . . . dian blood . . . their ancestors . . . In addition, fi . . . than half-breed . . . to respect. The . . . integral.<sup>12</sup>

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There is . . . [a] principle about which the whites and the Indians are in agreement. . . . People with more Indian blood . . . also have more rights to inherit what their ancestors, the former Indians, have left behind. In addition, full blood Indians are more authentic than half-breeds. By *being* pure, they have more right to respect. They *are*, in all aspects of their being, more *integral*.<sup>12</sup>

Biological ancestry can take on such tremendous significance in tribal contexts that it overwhelms all other considerations of identity, especially when it is constructed as “pure.” As Cherokee legal scholar G. William Rice points out, “Most [people] would recognize the full-blood Indian who was enrolled in a federally recognized tribe as an Indian, even if the individual was adopted at birth by a non-Indian family and had never set foot in Indian country nor met another Indian.”<sup>13</sup> Mixed-race individuals, by contrast, find their identity claims considerably complicated. Even if such an individual can demonstrate conclusively that he has *some* Native ancestry, the question will still be raised: Is the *amount* of ancestry he possesses “enough”? Is his “Indian blood” sufficient to distinguish him from the mixed-blood individual spotlighted by an old quip: “If he got a nosebleed, he’d turn into a white man”?

Members of various tribes complain of factionalism between these two major groups—full bloods and mixed bloods—and they suggest that the division arose historically because of mixed bloods’ greater access to the social resources of the dominant society and their enhanced ability to impose values and ideas upon others.<sup>14</sup> As Julie M., a citizen of the United Keetowah Band of Cherokee Indians, says: “For the Cherokee people, there’s been this mixed blood/full blood kind of dynamic going from before the removal [in 1838, also known as the Trail of Tears]. . . . It’s kind of like us-and-them. . . . It’s almost been like a *war* in some cases. . . . It’s a ‘who’s-really-going-to-be-in-control-of-the-tribe?’ kind of thing.” Many historians have similarly found it logical that political allegiances would tend to shift for those Indian people who formed alliances, through intermarriage, with members of the dominant society, and

that this has made the division between full bloods and mixed bloods politically important.<sup>15</sup>

Modern biological definitions of identity, however, are much more complicated than this historical explanation can account for. This complexity did not originate in the ideas and experiences of Indian tribes. Instead, they closely reflect nineteenth- and early-twentieth-century theories of race introduced by Euro-Americans. These theories (of which there were a great many) viewed biology as definitive, but they did not distinguish it from culture. Thus, blood became quite literally the vehicle for the transmission of cultural characteristics. “Half-breeds’ by this logic could be expected to behave in ‘half-civilized,’ i.e., partially assimilated, ways while retaining one half of their traditional culture, accounting for their marginal status in both societies.”<sup>16</sup>

These turn-of-the-century theories of race found a very precise way to talk about *amount* of ancestry in the idea of blood quantum, or degree of blood. The notion of blood quantum as a standard of Indianness emerged with force in the nineteenth century. Its most significant early usage as a standard of identification was in the General Allotment (Dawes) Act of 1887, which led to the creation of the Dawes Rolls [the “base roll” or written record of tribal membership in a specific year]. It has been part of the popular—and legal and academic—lore about Indians ever since.

Given this standard of identification, full bloods tend to be seen as the “really real,” the quintessential Indians, while others are viewed as Indians in diminishing degrees. The original, stated intention of blood quantum distinctions was to determine the point at which the various responsibilities of the dominant society to Indian peoples ended. The ultimate and explicit federal intention was to use the blood quantum standard as a means to liquidate tribal lands and to eliminate government trust responsibility to tribes, along with entitlement programs, treaty rights, and reservations. Through intermarriage and application of a biological definition of identity Indians would eventually become citizens indistinguishable from all other citizens.<sup>17</sup>

Degree of blood is calculated, with reference to biological definitions, on the basis of the immediacy of one's genetic relationship to those whose bloodlines are (supposedly) unmixed. As in the case with legal definitions, the initial calculation for most tribes' biological definitions begins with a base roll, a listing of tribal membership and blood quanta in some particular year. These base rolls make possible very elaborate definitions of identity. For instance, they allow one to reckon that the offspring of, say, a full-blood Navajo mother and a white father is one-half Navajo. If that half-Navajo child, in turn, produces children with a Hopi person of one-quarter blood degree, those progeny will be judged one-quarter Navajo and one-eighth Hopi. Alternatively, they can be said to have three-eighths general Indian blood.

As even this rather simple example shows, over time such calculations can become infinitesimally precise, with people's ancestry being parsed into so many thirty-secondths, sixty-fourths, one-hundred-twenty-eighths, and so on. . . .

For those of us who have grown up and lived with the peculiar precision of calculating blood quantum, it sometimes requires a perspective less influenced by the vagaries of American history to remind us just how far from common sense the concepts underlying biological definitions of identity are. I recall responding to an inquiry from a Southeast Asian friend about what blood quantum was and how it was calculated. In mid-explanation, I noticed his expression of complete amazement. "That's the dumbest thing I ever heard," he burst out. "Who ever thought of *that*?"

The logic that underlies the biological definition of racial identity becomes even more curious and complicated when one considers the striking difference in the way that American definitions assign individuals to the racial category of "Indian," as opposed to the racial category "black." As a variety of researchers have observed, social attributions of black identity have focused (at least since the end of the Civil War) on the "one-drop rule," or rule of hypodescent.<sup>18</sup> . . .

Far from being held to a one-drop rule, Indians are generally required—both by law and by popular

opinion—to establish rather *high* blood quanta in order for their claims to racial identity to be accepted as meaningful, the individual's own opinion notwithstanding. Although people must have only the slightest trace of "black blood" to be *forced* into the category "African American," modern American Indians must (1) formally produce (2) strong evidence of (3) often rather substantial amounts of "Indian blood" to be *allowed* entry into the corresponding racial category. The regnant biological definitions applied to Indians are simply quite different than those that have applied (and continue to apply) to blacks. Modern Americans, as Native American Studies professor Jack Forbes (Powhatan/Lenape/Saponi) puts the matter, "are *always finding 'blacks'* (even if they look rather un-African), and . . . *are always losing 'Indians.'*"<sup>19</sup>

#### BIOLOGICAL DEFINITIONS: CONTEXTS AND CONSEQUENCES

Biological definitions of Indian identity operate, in short, in some curious and inconsistent ways. They are nevertheless significant in a variety of contexts. And they have clear relationships, both direct and indirect, to legal definitions. The federal government has historically used a minimum blood quantum standard to determine who was eligible to receive treaty rights, or to sell property and manage his or her own financial affairs.<sup>20</sup> Blood quantum is *one* of the criteria that determines eligibility for citizenship in many tribes; it therefore indirectly influences the claimant's relationship to the same kinds of rights, privileges, and responsibilities that legal definitions allow.<sup>21</sup>

But biological definitions of identity affect personal interactions as well as governmental decisions. Indian people with high blood quanta frequently have recognizable physical characteristics. As Cherokee Nation principal tribal chief Chad Smith observes, some people are easily recognizable as Indians because they pass "a brown paper bag test," meaning that their skin is "darker than a #10 paper sack." It is these individuals who are often most closely associated with negative racial stereotypes in the larger society. Native American Studies

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## NS: CONTEXTS

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professor Devon Mihesuah makes a point about In-  
 dian women that is really applicable to either gen-  
 der: "Appearance is the most visible aspect of one's  
 race; it determines how Indian women define them-  
 selves and how others define and treat them. Their  
 appearance, whether Caucasian, Indian, African, or  
 mixed, either limits or broadens Indian women's  
 choices of ethnic identity and ability to interact  
 with non-Indians and other Indians."<sup>22</sup>

Every day, identifiably Indian people are turned  
 away from restaurants, refused the use of public  
 rest rooms, ranked as unintelligent by the educa-  
 tion system, and categorized by the personnel of  
 medical, social service, and other vital public agen-  
 cies as "problems"—all strictly on the basis of their  
 appearance. As Keetoowah Band Cherokee full-  
 blood Donald G. notes, a recognizably Indian  
 appearance can be a serious detriment to one's  
 professional and personal aspirations: "It seems the  
 darker you are, the less important you are, in some  
 ways, to the employer. . . . To some, it would be dis-  
 couraging. But I am four-fourths [i.e., full-blood]  
 Cherokee, and it doesn't matter what someone says  
 about me. . . . I feel for the person who doesn't like  
 my skin color, you know?"

There are circumstances, however, in which it is  
 difficult for the victims of negative racial stereotyp-  
 ing to maintain an attitude as philosophical as this.  
 In one interview, a Mohawk friend, June L., illus-  
 trated the potential consequences of public judg-  
 ments based on skin color. She reminded me of a  
 terrifying episode that had once unfolded while I  
 was visiting at her house. Our conversation was in-  
 terrupted by a phone call informing this mother of  
 five that her college-student son, who had spent the  
 summer day working on a roof, had suddenly be-  
 come ill while driving home. Feeling faint, he had  
 pulled up to a local convenience store and made his  
 way inside, asking for a drink of water. The clerk re-  
 fused. Dangerously dehydrated, the young man col-  
 lapsed on the floor from sunstroke. "The worst thing  
 about it," June recalled, "was that I have to keep  
 wondering: What was the reason for that? Did that  
 clerk refuse to help my son because she was just a  
 mean person? Or was it because she saw him stum-  
 ble into the store and thought, 'Well, it's just some

drunken Indian?'" Anxiety about social judgments  
 of this kind are a fact of daily life for parents of chil-  
 dren whose physical appearance makes their Indian  
 ancestry clearly evident.

At the same time, June's remarks showed the op-  
 posite side to the coin of physical appearance. In  
 some contexts, not conforming to the usual notions  
 of "what Indians look like" can also be a liability:

My aunt was assistant dean at a large Ivy League uni-  
 versity. One day she called me on the phone. She had  
 one scholarship to give out to an Indian student. One  
 of the students being considered was blonde-haired  
 and blue-eyed. The other one was black-haired and  
 dark-skinned, and she looked Indian. The blonde  
 girl's grades were a little better. My aunt didn't know  
 what to do. She said to me, "Both these girls are tribal  
 members. Both of them are qualified [for the scholar-  
 ship]. They're sitting outside my office. What would  
 you do?" I told her that, as an Indian person, there was  
 only one thing I *could* say. Which was to give the  
 money to the one with the dark skin. As Indian peo-  
 ple, we *do* want to have Indian people that *look* like  
 they're Indian to represent us.

Readers may be surprised by such a candid state-  
 ment. But June's pragmatic reasoning takes account  
 of certain historical realities. As she explained fur-  
 ther, "We like people to *know* who's doing those ac-  
 complishments, like getting scholarships. We want  
 them to know this is an Indian person doing this.  
 Because I come from a background where if you  
 looked Indian, you were put in special education  
 because the schools said you couldn't learn. And it  
 wasn't true. We need Indian people today who look  
 Indian to show everyone the things we can do."

A physical appearance that is judged insuffi-  
 ciently "Indian" can also act as a barrier to partici-  
 pation in certain cultural activities. Bill T., a Wichita  
 and Seneca minister in his midfifties, recalls that, in  
 his youth, he witnessed light-skinned individuals  
 who attempted to participate in powwow dances  
 being evicted from the arena. "That kind of thing is  
 still happening today," he added sadly, and other  
 respondents readily confirmed this observation. A  
 more unusual instance of the relevance of physical  
 appearance to cultural participation was volun-  
 teered by Frank D., a Hopi respondent. His tribe's

ceremonial dances feature the appearance of powerful spirit beings called kachinas, which are embodied by masked Hopi men. Ideally, the everyday human identity of the dancers remains unknown to observers. Frank commented on the subject of tribal members whose skin tone is noticeably either lighter or darker than the norm:

**Frank D.:** Say, for instance, if a Hopi marries a black person . . . [and] you get a male child . . . it's gonna be darker skinned. It might even be black. A black kachina just wouldn't fit out here [at Hopi]. You see, everybody'd know who it is. He'd be very visible [in the ceremonial dances]. . . . It'd be very hard on that individual. Kids don't work the other way, too—if they're real light. . . . Kachinas gotta be *brown*.

**Author:** So there are certain ceremonial roles that people could not fill because of their appearance?

**Frank D.:** Well, they *could*, but it would be awful tough. A lot of these [ceremonial] things are done with secrecy. No one knows who the kachinas are. Or at least, the kids don't. And then, say you get somebody who really stands out, then everybody knows who that [dancer] is, and it's not good. For the ceremony—because everybody knows who that person is. And so the kids will start asking questions—“How come that kachina's so dark, so black?” or “How come that kachina's white?” They start asking questions and it's really hard. So I think, if you're thinking about kids, it's really better if kachinas are brown.

Finally, the physical appearance borne by mixed bloods may not only create barriers to tribal cultural participation; it may also offer an occasion for outrightly shaming them. Cornelia S. remembers her days at the Eufala Indian School:

You *had* to be Indian to be [allowed admission] there. . . . But . . . if [certain students] . . . didn't look as Indian as we did, or if they looked like they were white, they were kind of looked down upon, like treated differently because [people would say] “oh, that's just a white person.” . . . They just [would] tease 'em and stuff. Say “oh, watcha doin' white boy” or “white girl!”—just stuff like that.

Nor is the social disapproval of light-skinned mixed bloods strictly the stuff of schoolyard teasing. The same respondent added that even adults confront questions of blood quantum with dead seriousness:

Us Indians, whenever we see someone else who is saying that they're Indian . . . or trying to be around us Indians, and act like us, and they don't look like they're Indian and we know that they're not as much Indian as *we* are, yeah, we look at them like they're not Indian and, ya know, don't really like why they're acting like that. . . . But you know, I'm not *that* far off . . . into judging other people and what color [they are].

The late author Michael Dorris, a member of the Modoc tribe (California), has written that humiliations related to his appearance were part of his daily experience. He describes (in his account of his family's struggle with his son's fetal alcohol syndrome, *The Broken Cord*) an encounter with a hospital admissions staff, to whom he had just identified himself and his son as Indians. “They surveyed my appearance with curiosity. It was an expression I recognized, a reaction, familiar to most people of mixed-blood ancestry, that said, ‘You don't *look* like an Indian.’ No matter how often it happened, no matter how frequently I was blamed by strangers for not resembling their image of some Hollywood Sitting Bull, I was still defensive and vulnerable. ‘I'm part Indian,’ I explained.”<sup>23</sup>

Even his tragic death has not safeguarded Dorris from insinuations about inadequate blood quantum. Shortly after his 1997 suicide, a story on his life and death in *New York* magazine reported that the author's fair complexion had always caused some observers to wonder about his racial identity and archly repeated a rumor: “It is said he . . . [eventually] discovered tanning booths.”<sup>24</sup>

In short, many Indian people, both individually and collectively, continue to embrace the assumption that close biological connections to other Indian people—and the distinctive physical appearance that may accompany those connections—imply a stronger claim on identity than do more distant ones. As Potawatomi scholar of Native American Studies Terry Wilson summarizes, “Few, if any, Native Americans,

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## DISCUSS

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pearances render their Indian identities suspect are  
subject to suspicious scrutiny until precise cultural ex-  
planations, especially blood quantum, are offered or  
discovered."<sup>25</sup>

### DISCUSSION QUESTIONS

1. As Garrouette describes them, what are the vari-  
ous ways that one might be defined as a "real"  
Indian? When might these different definitions  
of "Indianness" conflict?
2. Thinking about June's description of her son be-  
ing refused a drink of water and her advice about  
who should receive the Indian scholarship, do  
you see any consistencies or inconsistencies in  
her approach?
3. Garrouette notes that turn-of-the-century race  
theorists treated blood as the "vehicle for the  
transmission of cultural characteristics." Can  
you give some specific examples of what this  
might mean? Do you think contemporary Amer-  
ican social practices operate from the same  
premise?

### NOTES

1. Thornton surveyed 302 of the 317 tribes in the lower  
forty-eight states that enjoyed federal acknowledgment  
in 1997. He found that 204 tribes had some minimum  
blood quantum requirement, while the remaining 98  
had none. Russell Thornton, "Tribal Membership Re-  
quirements and the Demography of 'Old' and 'New' Na-  
tive Americans," *Population Research and Policy Review*  
16 (1997): 37.
2. The two mentions of "Indians" in the Constitution ap-  
pear in passages regarding the regulation of commerce  
and the taking of a federal census. The word "tribe" also  
appears once in the Constitution, in the Commerce  
Clause.
3. Sharon O'Brien, "Tribes and Indians: With Whom Does  
the United States Maintain a Relationship?" *Notre Dame  
Law Review* 66 (1991): 1481.
4. One particularly important law that provides no defini-  
tion of "Indian" is the Major Crimes Act of 1885 (23  
Stat. 385, U.S.C. Sec. 1153). It subjects reservation Indi-

ans to federal prosecution for certain offenses for which  
non-Indians would face only state prosecution.

5. For a detailed discussion of legal cases bearing on the  
definition of "Indian," see Felix S. Cohen, *Handbook of  
Federal Indian Law* (Charlottesville, Va.: Michie/Bobbs-  
Merrill, 1982).
6. Wilcomb E. Washburn, *Red Man's Land/White Man's  
Law: A Study of the Past and Present Status of the Ameri-  
can Indian* (New York: Charles Scribner's Sons, 1971).
7. These agencies administer resources and programs in  
areas such as education, health, social services, tribal  
governance and administration, law enforcement, nutri-  
tion, resource management, tribal economic develop-  
ment, employment, and the like. The most recently  
published source describing various programs and the  
requirements for participation is Roger Walk, *Federal  
Assistance to Native Americans: A Report Prepared for the  
Senate Select Committee on Indian Affairs of the US Sen-  
ate* (Washington, D.C.: Government Printing Office,  
1991). In fiscal year 2001, recognized tribes and their  
members had access to approximately four billion dol-  
lars of federal funding for various social programs. U.S.  
Government Accounting Office, *Indian Issues: Improve-  
ments Needed in Tribal Recognition Process*, Report to  
Congressional Requesters, Washington D.C.: Govern-  
ment Printing Office, November 2001.
8. Non-Indian students in my classes sometimes tell me  
that Indians also regularly receive such windfalls as free  
cars and monthly checks from the government strictly  
because of their race. It is my sad duty to puncture this  
fantasy; there is no truth in it. The common belief that  
Indians receive "free money" from the government  
probably stems from the fact that the government holds  
land in trust for certain tribes. As part of its trust re-  
sponsibility, it may then lease that land, collect the re-  
venue, and distribute it to the tribal members. Thus,  
some Indians do receive government checks, but these  
do not represent some kind of manna from heaven; they  
are simply the profits derived from lands which they  
own. For details on the special, political-economic re-  
lationship of Indians to the federal government in re-  
lation to taxation and licensure, see Gary D. Sandefur,  
"Economic Development and Employment Opportuni-  
ties for American Indians," in *American Indians: Social  
Justice and Public Policy*, ed. Donald E. Green and  
Thomas V. Tonneson, Ethnicity and Public Policy Series,  
vol. 9 (Milwaukee: University of Wisconsin System In-  
stitute on Race and Ethnicity, 1991), 208-22.
9. Aside from the issue of adopted children, the legal re-  
quirements for establishing legal status as Indian in  
Canada have been even more complicated and peculiar  
than the U.S. ones, and the tensions related to them even  
more severe. Until 1985, a Canadian Indian woman who  
married a legally non-Indian man lost her legal status as

an Indian, and her children (who might have a blood quantum of one-half) could never be recognized as Indian under Canadian law. A non-Indian woman who married an Indian man, however, gained Indian status for herself and her children. Men could neither gain nor lose Indian status through marriage. When a 1985 bill amended the Indian Act, which governed such matters, the issue of "real Indianness" came to a head. Many Canadian Indian women and children sought and received Indian legal status, but when they attempted to return to the reservations, they often got a chilly welcome from Indian communities already overburdened with financial obligations to their existing population. Like their American counterparts, Canadian Indian bands continue to struggle with the issue of how to conceive the boundaries of their membership. For a good discussion of Canadian Indian identification policies, see Eugene Roosens, *Creating Ethnicity: The Process of Ethnogenesis* (Newbury Park, Calif.: Sage, 1989).

10. Shania Twain quoted in Jackie Bissley, "Country Star Shania Twain's Candor Is Challenged," *Indian Country Today*, 9–16 April 1996.
11. Quoted in Jackie Bissley, "Country Singer Says Stories Robbing Her of Her Native Roots," *Indian Country Today*, 16–23 April 1996. Even Twain's unusual situation does not exhaust the intricate aspects of the Canadian legal system as it struggles with matters of Indian identity. Roosens describes other fine points of Indian identity in force north of the border over a period of several decades:  

Since 1951, to be registered as an Indian one has to be the legitimate child of an Indian father. The ethnic origin of the mother is irrelevant. . . . Furthermore, if the grandmother on the Indian side of a mixed marriage (the father's mother) is a non-Indian by descent, then the grandchild loses his or her status at the age of 21. Thus, one can be officially born an Indian and lose this status at the age of maturity. (Roosens, *Creating Ethnicity*, 24)
12. Roosens, *Creating Ethnicity*, 41–42. Roosens is discussing the situation of Canadian Indians, but the same remarks apply to American Indians.
13. G. William Rice, "There and Back Again—An Indian Hobbit's Holiday: Indians Teaching Indian Law," *New Mexico Law Review* 26, no. 2 (1996): 176.
14. 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: University of California Press, 1999).
15. Historians such as Grace Steele Woodward and Marion Starkey have made this argument. But see also Julia Coates, "None of Us Is Supposed to Be Here" (Ph.D.

diss., University of New Mexico, 2002) for a revisionist understanding of Cherokee history.

16. C. Matthew Snipp, "Who Are American Indians? Some Observations about the Perils and Pitfalls of Data for Race and Ethnicity," *Population Research and Policy Review* 5 (1986): 249. For excellent and intriguing discussions of the evolution of ideas about blood relationships among European and Euro-American peoples over several centuries, and transference of these ideas into American Indian tribal populations, see Meyer, "Blood Quantum Requirements," and Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002). See further Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of 'Race' in Twentieth Century America," *Journal of American History* 83, no. 1 (June 1996): 44–69. For the processes by which some of these theories were rejected by scientists, see Elazar Barkan, *Retreat of Scientific Racism: Changing Concepts of Race in Britain and the United States between the World Wars* (Cambridge: Cambridge University Press, 1992).
17. Thomas Biolsi, "The Birth of the Reservation: Making the Modern Individual among the Lakota," *American Ethnologist* 22, no. 1 (February 1995): 28–49; Patrick Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1988).
18. Naomi Zack, "Mixed Black and White Race and Public Policy," *Hypatia* 10, 1 (1995): 120–32; Ariela J. Gross, "Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South," *Yale Law Journal* 108 (1998): 109–88.
19. Jack D. Forbes, "The Manipulation of Race, Caste, and Identity: Classifying AfroAmericans, Native Americans and Red-Black People," *Journal of Ethnic Studies* 17, no. 4 (1990): 24; original emphasis. Indians are "lost," in Forbes' sense, both to black and to white racial classifications, but at differing rates. Popular conventions of racial classification in America tend to prevent individuals with any discernible black ancestry from identifying themselves as Indians. As an interview respondent quoted by anthropologist Circe Sturm observes, "This is America, where being to any degree Black is the same thing as being to any degree pregnant." Sturm, *Blood Politics*, 188.  

By contrast, individuals with discernible white ancestry are *sometimes* allowed by others to identify as Indian. In their case the legitimacy of their assertion is likely to be evaluated with reference to the *amount* of white ancestry, and with beliefs about whether that amount is enough to merely *dilute* or to entirely *compromise* Indian identity. Other factors, such as culture and upbringing, may also be taken into account. People of partial white ancestry, in other words, are typically

- somewhat more go to negotiate a legitimate partial black and Indian identity.
20. For further detail on quantum of blood, see Cohen's *Handbook of American Indian Studies* (Lanham, Md.: Rowman & Littlefield, 1996).
  21. For a listing of different tribes and their blood quantum requirements, see Lister, "Tribal Membership Requirements," unpublished table (Lincoln, Neb.: Service, 1987). A C. Matthew Snipp, *Indian Land* (New York: Basic Books, 1993), appendix.
  22. Devon A. Mihesuah, *Indian Academics: Resisting the Indian Stereotype* (Lincoln, Neb.: Nebraska Press, 1998), discussion of the contemporary C. Blood Politics, 108.
  23. Michael Dorris, *Suttree* (Perennial, 1990), 10.
  24. Eric Konigsberg, "The Indian in the White Man's Image," *New York Magazine*, 10 (1990), 10; see Jerry Reynolds and the Could Be, *Indian Country Today*, 10 (1996), 10.
  25. Terry P. Wilson, "Mixed Bloods," in *Indian Country Today*, 10 (1996), 10; see Maria P. P. Root (N

## READING 5

### Latinos and the Structure

Clara E. Rodríguez

According to definitions in the United States, I am a light-skinned person with features and hair texture that are typical of New York City; my first language is Spanish; I am today bilingual. I

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somewhat more free (although not entirely free) to negotiate a legitimate identity as Indian than are people of partial black ancestry.

20. For further details on the historical impact of blood quantum on individuals' legal rights, see Felix S. Cohen, *Cohen's Handbook of Federal Indian Law* (Charlottesville, Va.: Michie/Bobbs-Merrill, 1982).
21. For a listing of the blood quantum requirements that different tribes require for tribal citizenship, see Edgar Lister, "Tribal Membership Rates and Requirements," unpublished table (Washington, D.C.: Indian Health Service, 1987). An edited version of the table appears in C. Matthew Snipp, *American Indians: The First of This Land* (New York: Russell Sage Foundation, 1989), appendix.
22. Devon A. Mihesuah, "Commonality of Difference: American Indian Women and History," in *Natives and Academics: Researching and Writing about American Indians*, ed. Devon A. Mihesuah (Lincoln: University of Nebraska Press, 1998), 42. For a fascinating and detailed discussion of the significance of appearance among contemporary Cherokees in Oklahoma, see Sturm, *Blood Politics*, 108–15.
23. Michael Dorris, *The Broken Card* (New York: Harper Perennial, 1990), 22.
24. Eric Konigsberg, "Michael Dorris's Troubled Sleep," *New York Magazine*, 16 June 1997, 33. For a related article, see Jerry Reynolds, "Indian Writers: The Good, the Bad, and the Could Be, Part 2: Indian Writers: Real or Imagined," *Indian Country Today*, 15 September 1993.
25. Terry P. Wilson, "Blood Quantum: Native American Mixed Bloods," in *Racially Mixed People in America*, ed. Maria P. P. Root (Newbury Park, Calif.: Sage, 1992), 109.

## READING 5

### Latinos and the U.S. Race Structure

Clara E. Rodriguez

According to definitions common in the United States, I am a light-skinned Latina, with European features and hair texture. I was born and raised in New York City; my first language was Spanish, and I am today bilingual. I cannot remember when I first

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realized how the color of one's skin, the texture of one's hair, or the cast of one's features determined how one was treated in both my Spanish-language and English-language worlds. I do know that it was before I understood that accents, surnames, residence, class, and clothing also determined how one was treated.

Looking back on my childhood, I recall many instances when the lighter skin color and European features of some persons were admired and terms such as "pelo malo" (bad hair) were commonly used to refer to "tightly curled" hair. It was much later that I came to see that this Eurocentric bias, which favors European characteristics above all others, was part of our history and cultures. In both Americas and the Caribbean, we have inherited and continue to favor this Eurocentrism, which grew out of our history of indigenous conquest and slavery (Shohat and Stam 1994).

I also remember a richer, more complex sense of color than this simple color dichotomy of black and white would suggest, a genuine esthetic appreciation of people with some color and an equally genuine valuation of people as people, regardless of color. Also, people sometimes disagreed about an individual's color and "racial" classification, especially if the person in question was in the middle range, not just with regard to color, but also with regard to class or political position.<sup>1</sup>

As I grew older, I came to see that many of these cues or clues to status—skin color, physical features, accents, surnames, residence, and other class characteristics—changed according to place or situation. For example, a natural "tan" in my South Bronx neighborhood was attractive, whereas downtown, in the business area, it was "otherizing." I also recall that the same color was perceived differently in different areas. Even in Latino contexts, I saw some people as lighter or darker, depending on certain factors, such as their clothes, occupations, and families.<sup>2</sup> I suspect that others saw me similarly, so that in some contexts, I was very light, in others darker, and in still others about the same as everyone else. Even though my color stayed the same, the perception and sometimes its valuation changed.