

## **Unacknowledged Tribes, Dangerous Knowledge The Muwekma Ohlone and How Indian Identities Are “Known”**

*Les W. Field (with the Muwekma Ohlone Tribe)*

In this article, I will outline the analysis I have been developing to investigate a very specific case study: the history of the Ohlone peoples of the San Francisco Bay Area and their petition for federal recognition as the Muwekma Ohlone Tribe. Because I am a cultural anthropologist and I work as tribal ethnologist for the Muwekma Ohlone Tribe, the approach I have taken in much of my work has been to show the role played by anthropologists and anthropological knowledge in Ohlone history. Early in the twentieth century, the work of anthropologists helped to legitimate the disenfranchisement of Ohlone peoples; in the early twenty-first century, I use anthropology instead to support the Muwekma Ohlones' current acknowledgment petition. Consequently, my treatment of these histories is directed toward both Ohlones and anthropologists, their past and present intersections, and their future trajectory.

In the post–World War II era, it is a commonplace that anthropology has been and remains the child of imperialism. Most anthropologists have acknowledged that anthropological knowledge production about indigenous peoples (in particular) has been historically linked to the bureaucratic systems nation-states developed and deployed in order to at least control and sometimes destroy indigenous cultures and societies. Many times, however, such linkages have been asserted more than substantiated, and in my work I am increasingly concerned

to rigorously demonstrate the relationships between anthropology and nation-states in the knowledge/power systems that control indigenous peoples. In general, I think the United States is an ideal location to undertake such research because (1) the state system has been and continues to be overtly and continuously engaged in defining and policing Indian identities for the public record, and (2) anthropologists have been actively employed by both the state and the tribes to use knowledge to defend a variety of different identity positionings. The particular histories of unacknowledged tribes such as the Ohlone and their contemporary struggles for federal recognition demand more precise descriptions of the power that anthropology has (and has not) had with respect to indigenous peoples in this country.

I propose that anthropology's power with respect to native peoples of the United States should be understood as a series of relationships between, on the one hand, the "official anthropology" elaborated and promoted by the government bureaucracies charged with developing U.S. policies toward native peoples, and, on the other hand, the work of academic anthropologists in universities. Official anthropology is an outcome of the ways that the U.S. nation-state has used classificatory and categorizing schemes derived from academic anthropology as well as other sources to demarcate native identities.<sup>1</sup> In making this statement, I am updating previous positions I have taken with respect to an overall complicity between anthropology and bureaucratic systems of power (see Field 1999), in favor of an approach that focuses on explicitly official anthropologies as the loci where anthropological knowledge is harnessed to systems of power. This relationship has been made especially evident to me in comparing the work I do with the Ohlone and other unacknowledged peoples in California with the work I have done with native communities in Latin America. Making this comparison, I conclude that anthropologists working with North American indigenous communities operate under relatively restrictive constraints because of the relationship between their work and official anthropology. I would make the argument that anthropological analyses of native people in the United States far more directly support or endanger indigenous peoples' identities and communities than anthropological analyses of such communities in Latin America. For example, while forms of *mestizaje* that are in many ways like Latin American *mestizaje* exist here in the United States, it is a risky subject for anthropologists to engage because of the ways such research could directly threaten the rights of particular native groups in the United States. Indeed, I would argue that these risks circumscribe the ways and degree to which indigenous peoples are willing or are even able to work with anthropologists in the United States. Anthropology's historical and contemporary relationship with Native Americans, therefore, has been and still is intertwined with anthropology's

relationship with the U.S. state—regardless of whether anthropologists work for the state or for the tribes (see Field 2002 for an elaboration of the comparison between Latin Americanist and Native Americanist anthropologies).

In this article, I first discuss the development of official anthropology in the United States in the early twentieth century, specifically the work of the Smithsonian Institution's Bureau of American Ethnology (BAE). I propose that as far as unacknowledged tribes and their petitions for federal recognition are concerned, the official anthropology pioneered by the BAE is currently manifested in the Bureau of Indian Affairs' Branch of Acknowledgment Research (BAR). Then, in the following section, I illustrate this contention with specific interactions between the BAR and the Muwekma Ohlone Tribe that reflect contemporary deployment of official anthropology, and the anthropological knowledge on which it draws, in the United States.

### OFFICIAL ANTHROPOLOGY

Tracing the development of the official anthropology of native peoples in the United States requires a careful historicism. George W. Stocking Jr. greatly advanced historical approaches to the development of anthropological ideas, distinguishing between analyses that are oriented exclusively toward the priorities and exigencies of contemporary anthropology as contrasted with approaches that aim to emplace ideas within their contemporaneous contexts. According to Geertz, Stocking's approach was quite cautious, "tracing real rather than merely plausible intellectual connections." But Stocking himself writes:

I tend to treat ideas as isolable units of thought, and to consider logical implications and relationships which may or not always have been present in the minds of the individual men who expressed these ideas. (1968, 43)

Stocking does not limit himself exclusively to the academic realm in assessing the intellectual import of anthropological work, and elaborates relationships between late nineteenth- and early twentieth-century anthropologists and the imperialist and racist societies in which they lived. Nevertheless, he remains primarily a historian of ideas and their complex interconnecting webs, whereas my project aims to look more closely at the bureaucratic implementation of such ideas. Recently, Lee Baker's historical rendering of the intertwined histories of anthropology and racism boldly asserts, "The budding discipline [anthropology] gained power and prestige because ethnologists articulated theory and research that resonated with the dominant discourse on race" (1998, 27). Baker strongly implies that American anthropology functioned to

consolidate the racial and social ideologies of the early to mid-twentieth century, and this idea, while difficult to completely substantiate, appeals to many critical thinkers in the discipline.

Curtis M. Hinsley Jr.'s analysis (1979, 1981) of the history of anthropological ideas and careers focuses on the BAE and is directly relevant to the issue at hand: anthropology's role in defining and policing Indian identities in the United States. Under the leadership of John Wesley Powell, the BAE was the dominant force in anthropological research in Indian Country during the late nineteenth and early twentieth centuries. The institution we now associate with anthropological research—the university department—had not yet been invented by Franz Boas during the time period in question. Hinsley finds both the development of public policy and individual scholarship as intrinsic forces motivating the BAE, and he argues that a concern for practicality and utility suffused the development of all the sciences in the United States and at the Smithsonian. It was taken for granted, Hinsley writes, that anthropology would offer tools to advance the process of “civilizing” the Indians, as well as “the promise of moral utility for the anthropologist's own culture” (1979, 17). Following the final military defeat of the Plains tribes, the annexation of the territories that compose the lower forty-eight states, the end of real frontiers for white expansion, and simultaneously of Euro-American constructions of *ne plus ultra* territories to which Indians could be relocated, consigned, or banished, the BAE's mission was research to support “the reservation system . . . based on intelligent principles and full knowledge for the peoples they served” (19). The full-scale effort to assemble that knowledge and analyze it simultaneously for the sake of scholarship and public policy was well underway in the last two decades of the nineteenth century, all under the aegis of the federal government, the ultimate boss of the Smithsonian and the BAE. All of the major figures in the ethnology of North American Indians during this period and the first thirty years of the twentieth century—from Boas, to Cushing, to Mooney, and many others—were associated with the BAE in a variety of ways. Their work was always seen as contributing to both scholarship and policy—perhaps it would be better not to see those two goals as in any sense separable during the period of BAE hegemony.

Hinsley is quite direct about the relationship between anthropological paradigms guiding BAE research and the political/cultural ideologies saturating U.S. society in the late nineteenth and early twentieth centuries. “Social evolutionism,” he writes, “was one way of dealing with discrete, unequal human fates. Evolutionary modes of thought imbued the economically inevitable with a veneer of moral grace as Americans turned to science to assure the rightness and acceptance of current trends” (1981, 146–47). Powell was less of a racial determinist in the mold of Spencer, and sided much more with the kind of stage

theory evolutionism of Tylor and Morgan. For Powell, "American Indians must be understood not as a racial category but as a savage stage of human culture" (quoted in *ibid.*, 150), which could be analyzed both historically and via systems of cataloging and classification. In using the work of BAE researchers to develop policy toward native tribes, Powell rejected panaceas for Indians and also argued against unplanned white expansion and settlement and the efforts of missionaries to quickly Christianize the Indians. In general, Hinsley argues, "Powell and his associates [in the BAE] worked not to question the outcome of history, but to demonstrate why it had to be so, and possibly to ameliorate the process through science" (181).

The work of Powell's BAE and its application took place at the very end of the Indian wars, a period in which the heterogeneous character of native peoples was taken for granted and the U.S. government signed treaties with native peoples who were thought of as "domestic and dependent" yet also still semi-sovereign nations. The end of the Indian wars shaped the BAE's work in assembling data about Indian identities toward an explicitly assimilationist agenda. Evolutionist stage theory, as interpreted by Powell and his associates, meant that Indians could potentially become "civilized" and find a place in the U.S. nation. But assimilation did not occur in the manner Powell or the Bureau of Indian Affairs had expected. Native peoples indeed took up new technologies and occupations, but tribal identities were simultaneously reaffirmed, notwithstanding enormous adjustments to subaltern economic, political, and social status. The failure of assimilationist policy, and the official anthropology that was its counterpart, conditioned a transformation in federal-Indian relations that produced a new official anthropology.

The Indian Reorganization Act (IRA) of 1934 transformed federal attempts to simply de-Indianize Indian tribes and individuals. By establishing a new framework for tribal sovereignty and relationships between the United States and tribal governments, the federal government explicitly accepted the open-ended existence of people called Indians; later in the century that acceptance would be repeatedly undermined by resurgent assimilationist policies, such as relocation and termination. Nevertheless, the IRA erected a scaffolding on which particular versions of Indian tribal sovereignty could be unfolded, elaborated, and defended. Indian peoples who had signed treaties with the U.S. state in the eighteenth and nineteenth centuries, or who otherwise had held onto at least parts of reservations established for them, were the immediate candidates for this new relationship. But the IRA also opened the door for procedures whereby Indian peoples that had not entered into treaties or received reservations might newly establish a relationship with the U.S. state—i.e., become "federally recognized."

The significance of the newly legislated Indian sovereignty in

the United States became clear in the following decades: federally recognized Indian peoples held onto a sharply circumscribed but nevertheless always potentially valuable set of properties that included lands and resources, as well as both collective and individualized claims on various parts of the U.S. federal bureaucracy. Even Indians who do not currently live or were not born on reservations but are members of federally recognized tribes can return to those reservations and make claims to resources. By the same token, Indian individuals belonging to recognized tribes who do not reside on reservations and do not intend to return there are still able to make claims on certain resources from the federal government, such as those having to do with education and health. These resources are generally acknowledged as quite substandard, but they are nevertheless significant. While the U.S. state has since 1934 occasionally tried to renege on the sovereignty arrangements initiated by the IRA, as alluded above, these arrangements have been maintained into the twenty-first century, and Indian peoples are currently engaged in an often contradictory struggle to achieve both economic viability and revitalize their cultural identities on the remnant resources left to them on reservations. For these reasons, being an Indian in the United States has become an identity that is closely policed, in no small part through the legitimation and delegitimation of knowledge about Indian identities.

Since 1978, the federal acknowledgment process (FAP) has been the charge of the BAR in which capacity it receives and passes judgment on unrecognized Indian tribes' acknowledgment petitions. The BAR has the power to decide what constitutes proof of Indian identities and, more profoundly, what is legitimate knowledge about Indians.<sup>2</sup> BAR's regulations (revised in 1994 and partly again in 1997) specify "procedures for establishing that an American Indian group exists as an Indian Tribe." Regulations 83.7a, b, and c require that petitioning groups "be identified as an American Indian entity on a substantially continuous basis since 1900," "comprise a distinct community [that has] existed from historical times until the present," and demonstrate that "political influence and authority over its members as an autonomous entity [have been maintained] from historical times until the present," respectively (BAR 1997). Concepts such as "entity," "community," and "political influence and authority" are all highly subjective and malleable, and given BAR's historical origins, deeply imprinted by the historical wake of the IRA and the consequent efforts by Indian peoples whose existence was not affirmed by treaties or other arrangements with the federal government to obtain such recognition.

This is very obvious in the way that BAR seeks to prove or disprove the tribal character of Indian peoples in order to affirm or deny recognition. After 1934, the vast majority of Indian groups in the United States reorganized the structure and functioning of their governance in

response to the model elucidated by the IRA, precisely in order to have their federally recognized status officialized (see GAO 2001).<sup>3</sup> BAR's contemporary utilization of the term "tribe," and BAR's analysis of whether Indian groups match a particular model of being a tribe, is therefore necessarily based on what Indian tribes have become for the majority of Native American groups in the wake of the IRA. It should be obvious that standards applied to post-IRA Indian tribes could not possibly have relevance to Indian groups before 1934, especially Indian groups that were systematically denied land and title, as is the case with unrecognized native groups. "Tribe" as a mode of governance mandated by the U.S. government is persistently conflated in BAR analyses with "tribe" as a descriptive term for Indian communities and with "tribe" used to designate Indian communities as places of physical residence.

BAR's function depends on its authority to categorize, classify, legitimate, and exclude as an arm of the policy-making machinery of U.S. Indian policy. Although the establishment of BAR and its authority over unrecognized tribes took place over a half-century after the heyday of the BAE, BAR seems to me to inherit the scope of power over knowledge production and legitimation of native identities that the BAE first carved out for anthropologists. The next section explores how BAR upholds the relationship of its parent to the accumulated scholarship and knowledge of the past, through an exposition of the acknowledgment petition of the Muwekma Ohlone Tribe.

### **THE OHLONE AND THE BAR**

California's Indian history differs markedly from Indian histories in the former British colonies of the East Coast, as well as from Indian histories in the enormous territories of the American Midwest and Plains regions. As I have explored elsewhere (Field 1999), late eighteenth-century Spanish missionization along two-thirds of California's coastline, followed by a period of Mexican rule in the early nineteenth century, and then by the intensive resource extraction economy of the Anglo period beginning in the mid-nineteenth century, together shaped particular Indian policies after statehood was achieved in 1851. An effort to sign treaties with California Indian peoples was thwarted by the state's congressional delegation. The few reservations that were created were never large, very seldom aimed at settling Indians on portions of their old homelands, and were established primarily on land directly controlled by the military (Phillips 1997); consequently, by the late nineteenth century, California featured large populations of so-called homeless Indians. The "solution" to this problem was the establishment of tiny homesteads, many less than one hundred acres, known as "rancherias," most of them situated north of the San Francisco Bay Area. Rancherias were titled to Indian groups between 1906 and 1928 simply

as sites on which to build homes, and their existence was not justified via a concept of aboriginal rights to land (Rawls 1984). Nevertheless, the establishment of a rancheria for a named Indian group signified official recognition of Indian identity by the federal government. Federal Indian agents were sent to California to conduct research on which to base recommendations for the purchase of rancherias for specific Indian groups. These groups were referred to as "bands," a term that, for the Indian agents as well as for academic anthropologists of the time, signified a coherent, sociocultural community featuring informal leadership, kinship-based internal organization, and a varying degree of collective ownership over (always dwindling) resources.

The ethnonym "Ohlone" refers to a native group with a postcontact history shaped mainly by the demographic collapse caused by missionization and the subsequent regrouping during the Mexican period. Their ancestors spoke related languages and lived in villages all around the San Francisco Bay Area that were loosely affiliated with each other through intermarriage, trade, and annual ceremonial cycles. While throughout most of the twentieth century anthropologists referred to this group with the bizarre designation "Costanoan,"<sup>4</sup> in the East and South Bay Ohlone peoples have referred to themselves as "Ohlones" for at least a century (Muwekma Ohlone Indian Tribe 2002), and in the East Bay Ohlone communities, the term "Muwekma" was also used into the 1930s (Leventhal et. al. 1994). Following statehood (1851) and into the late nineteenth century, the surviving lineages whose ancestors had been missionized at Missions Dolores, San José, and Santa Clara found refuge within their ancestral homelands throughout the East Bay. These areas of refuge were owned principally by Hispanic Californio families, and also included land grants issued to several Ohlone families in the South and West Bay areas. In the years just prior to 1900, at least five major Ohlone communities still existed in the East Bay at San Lorenzo, Del Mocho (Livermore), Alisal (Pleasanton), Sunol, and El Molino (Niles).

In 1905, Northern California Indian Association secretary C. E. Kelsey was named special agent for the Indian Service Bureau. One of Kelsey's earliest tasks was to conduct a special Indian census listing all Indian heads of households throughout central and northern California. Kelsey completed most of his survey by 1906, and was able to make a partial census of those Ohlone families residing at the Alisal rancheria in Pleasanton and at the Niles community (Kelsey 1971). The process of land acquisition for tribal groups, and the federal recognition of those tribal groups for whom land was obtained, began in that same year. In 1909 Kelsey produced an "Indian Map of California" identifying all of the "Reservations, Boarding Schools, Lands Recently Purchased, and Indian Rancherias." Included on this map was the tribal group/rancheria in Alameda County identified as the Verona Band. In 1913, additional



appropriations were made to enable continued land purchases for such identifiable bands. In a report to the commissioner of Indian affairs issued on December 14, 1914, by special agent C. H. Asbury (assigned to the Reno Agency), he identified twenty-four tribal bands, including the Verona Band, that he considered candidates for the purchase of lands (Asbury 1914).

The Verona Band appeared again in the 1923 Reno Agency annual report (Reno Agency Annual Report 1923). On June 23, 1927, Sacramento superintendent L. A. Dorrington, in response to a request by the assistant commissioner of Indian affairs E. B. Merritt, produced a report for Congress. Merritt instructed Dorrington, "When presenting to Congress estimates for the appropriation bill for the fiscal year 1929, . . . give the approximate number of Indians still to be provided with land, and the probable cost to the Government" (Merritt 1927). In his report, Dorrington decided to evaluate the needs of each band without the benefit of on-site visitation. Dorrington wrote:

There is one band in Alameda County commonly known as the Verona Band, which consists of about thirty individuals, located near the town of Verona; these Indians were formerly those that resided in close proximity of the Mission San Jose.

It does not appear at the present time that there is need for the purchase of land for the establishment of their homes. (Dorrington 1927)

Dorrington's decision to administratively dismiss the eligibility of the Verona Band for any future land acquisitions meant the unilateral termination of the tribe's rights. Dorrington's report also unilaterally terminated the rights of approximately 135 other previously recognized tribal bands in California. These actions directly contradicted the general directives issued by Washington as well as the specific requests the assistant commissioner of Indian affairs had made of Dorrington. Notwithstanding the lost opportunity to receive title to their rancheria, between 1930 and 1932 all of the surviving East Bay Ohlone heads of household and families enrolled under the 1928 California Indian Jurisdictional Act; their enrollments were approved by the Bureau of Indian Affairs.

Thus the Ohlones' relationship with the federal government was thwarted mostly by the idiosyncratic decisions of one Indian agent rather than by their failure to conform to the federal regulations of the early twentieth century. Dorrington's decision in 1927 was matched by Alfred Kroeber's 1925 summation in which he declared that the Ohlone Indian peoples (whom he called "Costanoans," according to the academic convention of that time) were "for all practical purposes"

extinct (Kroeber 1925, 464). I have always assumed that the relationship between Kroeber's authoritative statement and Dorrington's decision was more than coincidental. Certainly, the attempts by the Verona Band's descendants to rectify Dorrington's oversight have been thwarted by the potent functioning of official anthropology and its use of anthropological knowledge produced by authoritative sources such as Kroeber. Denied a land base by Dorrington's negligence, Ohlone families continued to live in the East and South Bay area, continued to act as godparents for one another, provide spouses for one another, attend one another's weddings, baptisms, and funerals, bury their dead in the same cemeteries. A few individuals continued to speak the East Bay language, Chochenyo, as well as the Plains Miwok language, K'ik. Elderly individuals in the families took charge of enrolling their extended kin in the BIA Indian censuses in the 1930s and 1950s, and wrote letters to the BIA inquiring about the status of their people. In all these ways, the descendants of the Verona Band continued to behave like a band.

In the late 1960s, no doubt stimulated by the civil rights ferment percolating in the Bay Area, Ohlone families organized as the Ohlone Indian Tribe, Inc. The Ohlones organized themselves specifically to obtain rights over their most important historical burial ground, the Ohlone Cemetery located at Mission San José. While this organization suffered from ineffective and divisive leadership, the Ohlone Indian Tribe acted as a vehicle for the Ohlones to educate themselves about the growing national movement of unrecognized tribes to petition for federal acknowledgment. The Verona Band Ohlones once again reorganized themselves in 1984 as the Muwekma Ohlone Tribe, and set about structuring themselves in response to the BIA's regulations for tribal governance, even though those regulations did not correspond to the historic ways bands like the Ohlones had interacted and related to one another.

Like all native groups petitioning for acknowledgment, the Muwekma Ohlone invested tens of thousands of dollars in research and many years of many lives. Their effort bore real fruit in 1996, when the BAR conceded that the federal government had previously unambiguously recognized the Verona Band as an Indian group as late as 1927. This finding meant that the petitioners now had to prove a continuous historical relationship between the Verona Band and the Muwekma Ohlone Tribe, over which the Ohlones rejoiced. All of their members were direct descendants of the Verona Band, they had unsuccessfully tried to reorganize themselves as the Ohlone Indian Tribe in the 1960s and 1970s, and the same individuals and their children had reorganized as the Muwekma Ohlone Tribe in the 1980s. They could easily show how they had maintained the kin-structured band relationships for all of these years. Their case seemed plain and simple. Never-

theless, in June 2002, the BAR notified the Muwekma Ohlone Tribe of its intention to find negatively on their petition.

The document in which BAR elaborated its proposed finding hinged on several critical uses of anthropological knowledge. The BAR claimed that its researchers could not see the historical continuity between the Verona Band and the Muwekma Ohlone Tribe. To make this claim, the BAR first needed to demarcate legitimate knowledge about Indians, which facilitated the negation of much of the Muwekma's documentation. BAR dismissed two of the most important substantiating sources of information that document the historical cohesion and identity of the ancestors and organizers of the Muwekma Ohlone Tribe. First, BAR discarded the utility of the field notes of John P. Harrington, which document the lifeways and sociocultural identity of the Verona Band in the late 1920s and early 1930s, i.e., immediately following the date at which the BIA had granted previous unambiguous federal acknowledgment of this group, and into the period when the Ohlones were landless yet retained their band organization. Harrington's notes languished in a basement until put on microfilm in the 1980s; BAR's treatment of the Harrington materials is very interesting because Harrington's work was considered legitimate by the BAE, even though many in Washington, D.C., and elsewhere considered him eccentric. His work might be thought of as simultaneously marginalized and groundbreaking in the fields of both official and academic anthropology.<sup>5</sup> Second, the BAR discarded the records and publications of the American Indian Historical Society (AIHS), a scholarly and activist organization composed of both native and non-native individuals that documented and supported the initial attempts in the 1960s and early 1970s by the Ohlone families to organize themselves in accordance with federal law as the Ohlone Indian Tribe. This was a very important period in Ohlone history, and only by discarding the AIHS data could the BAR claim a period of historical discontinuity between the Verona Band and the Muwekma Ohlone Tribe. So far as I can tell, BAR's delegitimation of the AIHS appears to derive from dissatisfaction with the fact that the society's president, Rupert Costo, was himself a native person from California.

BAR argued that Harrington did not identify his informants "as members of any Indian group or entity at that time." Such a claim could only be asserted if an observer was looking for an Indian tribe with post-1934 characteristics. There can be no doubt that Harrington identified his informants as members of Alisal, an Indian community. This kind of community characterized the Indian entities of that time period in California, particularly in the areas where missionization had occurred. In the years when Harrington wrote about the Verona Band, Indian communities throughout the United States featured a tremendous variety of manners of governance. These were the conditions

underlying the imposition of a single model of tribal organization and governance by the IRA of 1934.

BAR's treatment of Harrington and other evidence fits into the larger framework of disjuncture in the BAR analysis of the Muwekma petition, a disjuncture based on the BIA's simultaneous concern that band-type organization does not resemble IRA-type tribes, and that bands that reorganize themselves in response to post-1934 BIA governance regulations are therefore artificial and contrived. The disjuncture is not within Ohlone history, which again and again features the same families and individuals involved in social organization and reorganization, but in the BIA's manner of analyzing knowledge. If the Verona Band operated as a band, and the descendants of the Verona Band inherited the same kind of loose social structure and informal leadership, then changes in the organization of the Ohlones, such as in the Muwekma Ohlone Tribe, are responses reflecting the new social and historical realities for Indian peoples as mandated by the BIA. The families that compose the Muwekma Ohlone Tribe were able to maintain enough cohesion under these circumstances to begin reassembling themselves as a more closely knit group in the mid-1960s, and then to respond to the structures of Indian tribal organization specified by both IRA and the federal acknowledgment process in the 1980s. The BIA is able to portray that reorganization as artificial because they begin with an approach to the concept of the "Indian tribe" that is both historically inapplicable (pre-1934) and historically irrelevant to a landless, disenfranchised people (post-1934). In effect the Bureau delegitimizes the Ohlone people for not having the kind of community they were deliberately denied, and then delegitimizes them again for organizing the Ohlone/Costanoan Muwekma Tribe in pursuit of such a community. This becomes possible through specific procedures for certifying, analyzing, and applying knowledge.

A similar outcome characterizes the BIA's analysis of Ohlone self-identification. BAR's regulations state that "[t]here is no requirement that the petitioner be identified by its formal name, only that an identification by any name or generic description refer to the petitioning group" (BAR 1997, 17). This is a very interesting specification, perhaps a concession of sorts, since one of the privileges of both academic and official anthropologies has been to name identities, to create ethnonyms. But the BAR review of the Muwekma petition does not actually discard this power and treats the tribe's use of the terms "Ohlone" and "Muwekma" with much skepticism. As I have already stated, the Verona Band people and other Bay Area aboriginal descendants have used the term "Ohlone" for over one hundred years. On the 1933 and later BIA censuses, ancestors of still living elders of the Muwekma Ohlone Tribe identified themselves as Ohlone Indians. BAR argues that this was merely "self-identification of an historical, not contemporary,

entity" (BAR 2001, 18), but such a claim is an assertion of knowledge without documentation to that effect. Verona Band descendants' use of the word "Muwekma" as an additional adjectival description was made to distinguish the descendants of the Verona Band from other Ohlone groups, reviving a term that their ancestors at Alisal used to describe themselves as substantiated by Harrington. But BAR, of course, argues that Harrington's information cannot be used.

BAR's analysis of Ohlone history results in many other disjunctures. A notable one is missing the presence of leaders appropriate to a band organization, both in the 1930s (toward the end of the period of Harrington's research) and in the succeeding decades leading to the establishment of the Muwekma Ohlone Tribe. Because BAR's regulations specifically direct petitioners to show how tribal leadership has functioned, BAR's analysis in this area is quite damaging. To miss the presence of leaders, the BAR document once again must discard many kinds of evidence and documentation, establishing a tightly controlled arena of legitimate knowledge over which the BAR alone has control.

### CONCLUDING STATEMENTS

Most of my research and analytic efforts at this point are focused on working with the Muwekma Ohlone Tribe to craft a response to the BAR's proposed negative finding. But describing the relationships between academic and official anthropologies in the bureaucratic power/knowledge system that has played such an important role in the lives of the natives of the United States is a broader, ongoing project. I would like to find out much more about the Indian agents of the 1920s and 1930s, most of whom were lawyers rather than academics, but who consulted standard anthropological texts of the time such as Kroeber, Powers, and Merriam. The nature of these Indian agents' training, if there was any to speak of, vis-à-vis the standards set by the BAE ethnographers of the previous decades, is still unclear. In the immediate future, I will seek to interview the anthropologists who work for the BAR at the current time, treating them as ethnographic informants rather than only as authors of authoritative texts, in an effort to better understand their worldview. Treating the BAR staff as the object of inquiry, as the "Indians" if you will, would in and of itself invert a classic power relationship and might for that reason alone be worthwhile.

### NOTES

This article was first presented as a paper at the "Indigenous Sovereignities/ Native Struggles" session at the 2001 annual meeting of the American Society for Ethnohistory. My thanks to Tom

Biolsi and Carole Blackburn for organizing this session and for their encouragement. David Wilkins was a superb discussant, and I thank him for his insightful and tremendously helpful

comments. A much shortened version of this paper was also presented at the 2001 annual meeting of the American Anthropological Association, and I thank Philip Laverty for organizing the session at which it was read. My gratitude is always first and foremost to the entire Muwekma Ohlone Tribe, Chair Rosemary Cambra and the Tribal Council, and to Alan Leventhal. Justice for the Ohlone will eventually prevail.

- 1 Official anthropologies have exercised even greater effect in the former USSR (see Grant 1995) and in China (see Schein 2000); García Canclini (1981) provides an excellent ethnographic case study of the effects and intentions of official anthropology in Mexico, and Ramos (1998) describes the complex relationship between Brazilian anthropology and Amazonian native peoples.
- 2 According to a recent report on the subject of the FAP by the General Accounting Office (GAO 2001, 24–25), thirty-one formerly unacknowledged tribes have been recognized by the BIA on behalf of the Department of the Interior. Fourteen were recognized through the BAR's regulatory process (25 CFR 83), and seventeen were recognized via administrative decisions outside of the FAP. Ten of the seventeen were recognized before the establishment of the FAP in 1978, while the final seven obtained recognition through a variety of decisions made by the assistant secretary of the interior. The same report also lists forty-seven tribes recognized by the Department of the Interior since 1960 (25–26); the additional sixteen were recognized by acts of Congress. Thus, it is apparent that the BAR's FAP process is not the only route to recognition; administrative decisions in the Department of the Interior, acts of Congress and of the president,

and lawsuits also may lead to recognition by themselves or by playing a shaping role over BAR's FAP.

- 3 The GAO's 2001 report states that "92 percent of the 561 currently recognized tribes either were part of the federal effort to reorganize and strengthen tribal governments in the 1930s or were part of a group of Alaskan tribes that were determined to have existing governmental relations with the United States when BIA's first list of recognized tribes appeared in 1979." Of the 561, 222 are these Alaskan tribes, and 47 have been recognized since 1960. Therefore, the federal recognition of 292 tribes is linked to the reorganization of tribal government mandated by the IRA in the 1930s. My claim is that the BAR's FAP has been profoundly shaped by the ways tribes have been organized since the advent of the IRA, and the GAO report would appear to substantiate the overwhelming importance of IRA in shaping tribal government in the lower forty-eight states.
- 4 "Costanoan" derives from the Spanish word *costeños*, which means simply "coastal people." Apparently misheard and then mispronounced by early Anglo settlers as "costanos," anthropologists transformed the term once again to the absurd "Costanoan," perhaps believing this sounded more "scientific."
- 5 My thanks to David Dinwoodie, Department of Anthropology, University of New Mexico, for pointing out to me how careful we must be in trying to assess Harrington's impact and importance vis-à-vis the BAE and the history of ethnographic research in Native America.

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