DIVIDED NATIONS: POLICY, ACTIVISM AND INDIGENOUS IDENTIT Y ON THE U.S.-MEXICO BORDER

by

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ABSTRACT

This dissertation addresses native activism in response to United States and Mexico border enforcement policies on the U.S.-Mexico border among indigenous peoples whose communities are divided by the international line. Fieldwork for the dissertation was conducted in collaboration with an indigenous grassroots community organization with members in both the U.S. and Mexico who advocate for rights of border mobility among native border peoples. This work discusses the impacts of border enforcement policies on native community cultural maintenance, local interpretations and uses of international human rights tools, and the challenges faced by U.S.-Mexico border native activists in communicating their ideologies to a broader public. This work further addresses the complex identity construction of Native Americans with cultural ties to Mexico, and conflations of race and nationality that result in distinct forms of intra-community racism.
CHAPTER 1
INTRODUCTION

In recent years, the Sonoran desert border region of southern Arizona and Northern Sonora, Mexico has attracted national and international attention for the increased rate of migrant traffic through this border area, and for the related increasing rate of death among migrants attempting to cross the brutal environment of this desert region into the United States. A number of scholars, activists and concerned citizens have identified the current situation at the U.S.-Mexico border as a human rights crisis that is the result of misguided international trade and national border enforcement policies, combined with local anti-immigrant hysteria (Andreas 2001; Ganster & Lorey 2008; Payan 2006; Romero 2007; Staudt 2002). Among the public concerned about this situation are the indigenous peoples of this area. Yet, there has been surprisingly little national discourse on the impact of current border policies on the native peoples of the U.S. southern border region. These impacts include ecological destruction of native territories as the result of border wall construction and Border Patrol operations, threats to indigenous sacred areas, blocked access for indigenous peoples to traditional areas of indigenous spiritual and cultural practice, and impediments to movement across native territories. Of particular concern to many members of U.S.-Mexico border native communities is the impact of U.S. and Mexico border enforcement policies on the ability of their communities to maintain social and cultural relationships with community members across the international line.
In August 2006 a grassroots indigenous organization named the Alianza Indígena Sin Fronteras (Indigenous Alliance Without Borders), held a series of events in Tucson, Arizona to educate the public on indigenous border concerns, to join with other concerned members of southern border indigenous communities, and to strategize for united indigenous social action on the border. The first of these events was a press conference held in a Tucson public library. At this press conference, Yaqui ceremonial leaders spoke of ceremonial items being mishandled and confiscated by border officials. They spoke of the problems faced by ceremonial leaders and participants in crossing the border for ceremonial activities. Yaqui and O’odham community members spoke about the loss of language and ceremonial knowledge in communities on both sides of the international border, and the need to strengthen cultural and ceremonial ties across the international line. Dennis Manuel, a Tohono O’odham elder and community activist working to protect the O’odham sacred areas of Baboquivari peak, stated that Border Patrol stationed on O’odham lands were driving through O’odham sacred areas, causing damage to the land and cultural artifacts in these areas. In a workshop hosted by the Alianza Indígena on the following Saturday, executive director of the Kumeyaay Border Task Force in California, Louis Guassac, spoke against the Department of Homeland Security’s plans for border wall construction that would “plow through” Kumeyaay ancestral gravesites.

The Tucson border indigenous community events organized in August 2006 marked the beginning of a campaign launched by the Alianza Indígena Sin Fronteras to organize indigenous community action in support of national policy guidelines that
would protect indigenous peoples’ “rights of mobility and passage,” as well as indigenous environmental and cultural resources. Over two years later, border wall construction from California to Texas continues. The Secure Fence and Real I.D. Acts continue to allow the waiving of environmental and cultural protection laws for border wall construction and other “border security” measures. Over sixty-nine O’odham ancestral graves have been unearthed and cultural artifacts disturbed for border wall construction, and O’odham activist Dennis Manuel reports rumored plans for a new Secure Border spy tower to be constructed in the Baboquivari sacred area. Yet, the Alianza Indígena Sin Fronteras and its community partners continue to advocate for the rights of border indigenous peoples, and to speak against the current policies in place to enforce the international border line that divides their communities.

As border ethnography, this work explores how native community members on the U.S.-Mexico border construct their identities in reference to the international line. It explores grassroots indigenous perspectives on U.S. border enforcement policies and the impacts of these policies on the traditional practices of U.S.-Mexico border indigenous communities. While the native activists who voice their perspectives in this ethnography work for the maintenance of traditional ties across the U.S.-Mexico border, much of this ethnography focuses on division, and on how changing border policies and nationalist ideologies have presented various forms of division for indigenous communities whose traditional lands and peoples are bisected by international lines. As José Garcia, Lieutenant Governor of the O’odham in Mexico stated in August 2006, “When people on
this side speak of O’odham on the other side, they say ‘those people.’ It separates the O’odham, our culture, language. All of this is because of that imaginary line.”

In addition to the division of traditional indigenous communities by the U.S.-Mexico political and territorial border, this study also focuses on two other significant levels of division within nations as related to indigenous peoples. The second level of division is the division that exists between U.S. indigenous perspectives and mainstream U.S. perspectives regarding the border, as well as a variety of other political issues in the United States. This division, or the lack of exposure of mainstream America to the realities of indigenous peoples’ lives in the United States, is evident to many Native American activists. As will be discussed in further detail in the latter chapters of this ethnography, some native activists point to this communicative disconnect as a major stumbling block in acquiring public support for indigenous issues in the United States.

Much of the non-native U.S. population views Native Americans in relationship to reservations and tribal governments, often equating U.S. native cultures with the reservation systems and governments that represent their membership. Many assume that native government leadership is representative of cultural leadership in contemporary Native American communities. Yet, upon beginning work with the Native American activists in my study, it became evident fairly quickly that these individuals identified themselves as “traditional” people. It also became clear that the terms “traditional” and “grassroots” (civil, non-governmental) were particularly important and, often connected, terms that indigenous activists used in describing themselves and their advocacy work.
Discourse among native activists about themselves and the purposes of their work will tend to emphasize issues of indigenous identity. The “Native” as opposed to “White” identity construction is extremely significant in the political and cultural discourse of the native activists included in this study. Yet, in defining themselves as Native American as opposed to White American, native activists also construct a native self in opposition to non-traditional members of their respective communities. It is clear that in Native American communities there are perceived differences between “traditional” people and those who are viewed as more “Americanized”; in other words, acculturated native people who are not knowledgeable in, or concerned with, traditional teachings and practices. As Melissa K. Nelson states, “Within and without native communities, there exist real experiences and perceptions that some Native People are more in touch with their traditions than others” (2006: 100). Laurence A. French (2000) observes that in native communities, members tend to identify themselves and other community members in terms of an “authentic” local, native identity that is held by those who speak the traditional language fluently and who are highly knowledgeable in other pre-colonial community customs. Placed in opposition to “traditional Indians,” is the “white Indian” or “apple”—a pejorative term for native people who are “red on the outside and white on the inside” (French 2000: viii). Many members of native communities, however, are “marginal Indians” whose identities are shaped by local models for “traditional Indian” versus “apple,” and where clear social tensions exist between those who are labeled by these terms.
Several native activists in this study also draw a clear correlation between “traditional” identity and a grassroots, non-governmental approach to community practice, and a non-traditional identity with both state and tribal governments. In an interview posted on the O’odham Solidarity Project website, a grassroots O’odham community group site, Tohono O’odham activist Ofelia Rivas responds to the question, “Can you explain what is meant by ‘traditional’ O’odham as opposed to other more modern or assimilated O’odham?” with the following:

Tohono means desert and O’odham means people—desert people. The O’odham refer to themselves as O’odham. The tribal government system, the Tohono O’odham Nation, was mandated by the United States federal government system. This system was and is a foreign system of government to the O’odham. This system changed the society of the O’odham. The O’odham were forced to assimilate and live under the mandate to receive assistance. The children were forced into boarding schools thousands of miles from O’odham lands. Many O’odham were forced into relocation projects by the federal government. The people were confused and some got lost. Some O’odham wanted the American dream and forgot about their language and way of life, the Him’dag.

(Interviewed by Jeff Hendricks, 2006)

As the statement above indicates some “traditional” native activists view tribal government as an extension of “foreign,” federal governmental rule and, as a result, link tribal governmental leadership to non-traditional, “progressive” attitudes that interfere with the maintenance of traditional life ways. As another border native activist states, “Generally speaking . . . the priorities and concerns right now is more making money,
and that’s one of the things you see going on all over Indian Country. With the gaming issue and the survival of their tribal communities, they want to make money. At the same time it’s at the risk of losing, and at the expense of losing, the indigenous way. We are becoming more and more the melting pot. And so our ceremonies and language is secondary, and in some cases not important at all. Then again, that’s all due to the government policies that have been implemented. The assimilation, and all that, that was a government policy many years ago, that created that feeling and that thinking for a lot of the indigenous people at that time. But there is in Indian Country right now a movement to maintain our ways.” Native activists see this movement as led, and driven by, the traditional grassroots in Indian Country whose actions are not guided by “foreign” governmental structures in their communities.

Of course, the reality of a “traditional” versus “progressive” identity in Native American communities is much more complex than is suggested by the traditional/non-traditional dichotomy found in native activist discourses. While native activists may speak about non-traditional native people as Indians who are “educated in the White man’s way,” many of the native activists I worked with through this study would certainly be labeled by some traditional native people as “educated Indians.” Several of the native activists in this study have received university educations, work or have worked outside of their local reservation communities, and have worked as tribal government employees. A few of the native activists I have met and worked with have even sat on tribal councils, or are adamant about the need to work in respectful collaboration with tribal council members. This reality does not discount the position of
these native activists as traditional advocates looking out for the welfare of their communities. Having learned a good deal about tribal bureaucracy as government employees, some of these individuals have turned to advocacy work because they have lost trust in such bureaucracies to secure the social and cultural welfare of their communities. Some simply recognize that tribal governments are not structured to address all relevant social and cultural issues in their communities, and that governmental bureaucracies are limited in their actions. These latter individuals see themselves as working in collaboration with, but independent from, tribal government systems. It is certainly the case, as well, that traditional grassroots advocates have sometimes found allies among tribal council members and other tribal officials in speaking against federal government intrusions on the sovereignty and cultural life of their communities.

The native activists in this study feel strongly that the work they do is in the interest of protecting and promoting the traditional life ways of their communities. However, some recognize that the type of advocacy work they engage in is labeled by some members of their communities as “White” activity. When I first began work with the Alianza Indígena Sin Fronteras in 2006, the organization was just beginning to make an official split from the partner border rights organization with which it was housed. In the summer of 2006, following the Alianza’s public announcement of its new border indigenous community campaign, there was a high level of enthusiasm among Alianza members. Over the course of a year, the group’s members did a significant amount of organizational re-structuring work and public outreach. Accomplishments over the year included providing technical support to the Gila River Indian Community to help bring
over Pima relatives for a cultural gathering at the Gila River Reservation and co-
organizing a goodwill trip to Yaqui communities in Mexico with the Yoeme Commission
on Human Rights, an affiliate Yaqui community group. By the end of the following
summer, however, the slow process of building a new organizational infrastructure and
lack of apparent change to border conditions began to wear on Alianza membership.
Clearly concerned about dwindling participation, the Alianza’s project director shared a
perspective at a July 2007 meeting that he had also shared with me in a previous
conversation.

This conversation had taken place much earlier in November 2006, when
discussing the frustration of James, an Alianza member whose affiliated organization
worked on reservation labor issues. I had just returned from a Southern Human Rights
Network conference in Texas where I co-facilitated an indigenous issues workshop with
James. During our time together at the conference, James shared his frustration about the
advocacy work he and his fellow organizers were carrying out in the Pascua Yaqui
community. His frustration came from what he perceived as a lack of social action in his
community. As a part of his group’s outreach efforts, this native advocate regularly
spoke to community members about forms of unfair treatment to tribal government
employees and the tribe’s hiring of outside workers rather than tribal members for tribal
government projects. He noted that while there were many in the Pascua community
who had been affected or upset by unfair labor practices on the reservation, there were
few in the community willing to join together for concerted action. When I returned from the conference, I shared James’s frustration with José, the Alianza’s project director. He expressed having heard this complaint by James before and knowing very well the frustration that he felt. Having also worked in the Pascua community as well as others, sending out letters, knocking on doors, speaking alone at council meetings, and whatever else needed in attempting to get community support for indigenous rights issues, Jose said that it is very hard work. “Some people think you’re crazy. They ask, ‘Why do you bother doing this? The government is going to do whatever it wants to do. It doesn’t matter.’ And sometimes they say, ‘This is how white people do things, not how we do things.’ And sometimes I think maybe they’re right. But then I think, ‘No, we have to keep doing this work. If we don’t, nothing will ever change.’” In the July 2007 meeting, after the opening blessing and general introductions, José began the meeting by reiterating this statement almost word by word. I have heard versions of this statement reiterated by José in Alianza meetings several times since, as participation has fluctuated with high and low points over the past year and a half. In the most recent, as of this writing, and fortunately well-attended public consultation meeting held at a local library, José began the meeting by once again sharing this perspective on the hard work of indigenous advocacy. Again, he suggested that the organizing work of those gathered might be considered by some in the native community as “not traditional,” but he

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1 Since federal Indian law recognizes the sovereign right of Native American tribes to self-government, “the regulation by themselves of their own domestic affairs” (Ex Parte Crow Dog, 109 U.S. 556) much of federal labor law does not apply within reservation systems. For this reason, Native American tribal members sometimes face difficulties in successfully filing and pursuing complaints against tribal employers. Some point to the fairly recent development of tribal enterprises whose growth has outrun governmental structures for effectively dealing with emerging labor issues on reservations.
continued to emphasize that this is the work that has to be done in order to keep traditions in the community alive.

While the native activists in this study identify themselves and are identified by others in the native community as “traditional people”, they must nevertheless negotiate their native identities as they are assessed through local models for “whiteness” and native marginality. They must forge their identities through local models of the “traditional” native person despite the presence of characteristics that do not easily fit the stereotypical model for native authenticity. As the native scholar Louis Owens states, “For Native Americans, the term ‘Indian’ is a deeply contested space, where authenticity must somehow be forged out of resistance to the authentic representation” (1999: 13). Theresa O’Nell (1996) proposes an “empty center” model for native identity. In this model, the “Traditional Indian” is in the “bull’s-eye,” or center of every native person. O’Nell imagines this traditional bull’s-eye as surrounded by concentric circles of identity reaching out toward an “Acculturated Indian” periphery. Working with elders on the Fort Belknap reservation, Joseph Gone (2006) supports this “empty center” model of native identity in which all native people shift back and forth between identity circles based on social context. Describing the model proposed by both O’Nell and Gone, Nelson (2006: 101) states, “A sixty-five-year-old tribal member giving a ceremonial welcoming address at a sobriety powwow would be ‘traditional,’ but when in the roundhouse for a healing ceremony with everyone, except this person, speaking the old dialect of their mother tongue, they would be considered ‘acculturated.’”
U.S.-Mexico border indigenous activists articulate (Hall 1988) native identities as they shift back and forth in a dynamic model of native self, where issues of nationality as well as other aspects of social status shape ongoing articulations. Speaking in terms of the “politics of articulation,” James Clifford (2001) observes that the struggle over anthropological and native authority often obscures the processes of historical making and remaking of cultural forms, and the challenges faced by groups attempting to get both insiders and outsiders of a community to accept the authenticity of their proposed “we.” This ethnography explores the complex, discursive process involved in the articulation of traditional, national and ethnic identities by U.S.-Mexico border indigenous activists. It further explores the challenges faced by these activists in legitimizing these indigenous articulations within various communities.

**Data Collection**

My study has been conducted in close collaboration with the Alianza Indígena Sin Fronteras, a collaboration that began in February 2006. Based in Tucson, Arizona, this organization advocates for rights of mobility across the U.S.-Mexico border for indigenous peoples along the southern international line who have traditionally inhabited and crossed the border region for social, ceremonial and cultural purposes. They are also advocates of indigenous rights more broadly, including the right of indigenous peoples to define the membership of their own communities. Their banner slogan is “Somos una familia. No tenemos fronteras.”/ “We are one family. We have no borders.” Members of the Alianza Indígena include individual members of indigenous communities currently
divided by the U.S.-Mexico international boundary including the Yaqui (traditionally known as Yoeme) of southern Arizona and Sonora, Mexico, the Tohono O’odham of southern Arizona and Sonora, the Akimel O’odham (Gila River Indian Community) in southern Arizona, the Cocopah of Arizona related to the Cucapa of Northern Mexico, the Kickapoo of Texas, and the Lipan Apache community of southern Texas. This organization also works in partnership with other grassroots activist organizations in the U.S. and Mexico advocating for the rights of indigenous peoples to maintain their ties with community members across international borders. The Alianza has also worked on tribal cross-border cultural revitalization projects with the Yavapai Nation of Arizona and the Kumeyaay Nation of California, Yuman native communities in the U.S. that also strive to maintain ties with community relatives in Mexico.

In the Tucson area where fieldwork for this project has been conducted, the indigenous communities that have been most directly impacted by border protection policies are the O’odham and Yaqui communities. The recognized tribal nations in the U.S. who represent these communities include the Tohono O’odham Nation, the Gila River Indian Community, and the Pascua Yaqui Tribe. Interviews for this study were conducted with grassroots activists who are members of these nations, as well as other members of the Alianza Indígena Sin Fronteras and native activists in affiliated organizations. Contact with these activists was established through their affiliation with the Alianza Indígena Sin Fronteras organization or, more generally through their

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2 It is important to note that members of this organization do not consider themselves or, claim to be, representatives of their respective tribal governments in their role as Alianza members, but rather, concerned members of the grassroots within their respective communities.
membership in the indigenous activist community. Interview data is complemented by public statements delivered by native activists and other concerned native community members addressing indigenous border issues. Public statements used in this study were gathered from a variety of media sources including local newspapers, indigenous publications, indigenous radio programming, and indigenous blog sites. A significant amount of data for this study was also collected from participation in a variety of local, national and international indigenous rights events in which the Alianza Indígena Sin Fronteras participated to discuss and promote indigenous border rights.

The stated mission of the Alianza Indígena Sin Fronteras is to promote “respect and protection of Indigenous rights, including indigenous sovereignty and self-determination, rights of mobility and passage for indigenous members on both sides of the U.S.-Mexico border, indigenous workers’ rights and environmental protection of Native lands and sacred sites.” In an organizational Statement of Principles circulated within the group in November 2007, the organization states both its broad scope in promoting indigenous rights and the group’s key goals in gaining recognition of indigenous rights at the U.S.-Mexico border: “In the last ten years (1997) of existence the Alianza Indígena Sin Fronteras’ main lesson learned has been the need to move beyond all forms of rhetoric and assert our Self-Determination and connection to the human/civil rights and social justice movement. Paper rights cannot achieve human/civil rights and self-determination rights, nor can they state accountability to moral precepts and Indigenous Social Justice. Until we act in self-determination to achieve our rights, we will continue to voice our resistance to the public policy system, just as our ancestors so
eloquently did in the past.” The group continues with the following declarations regarding indigenous rights: 1) “Indigenous peoples urgently need protection against racism and racial discrimination,” 2) “U.S. Government officials must recognize that under U.S. and international law, Indigenous people have the right of self-determination,” 3) “The U.S. Government must stop militarization of the Southern Indigenous Borderlands and we demand recognition, respect and preservation of Southern Indigenous Nations’ unique languages, cultures, sovereignty, borderlands and spiritual sacred lands,” 4) “The UN Declaration on the Rights of Indigenous Peoples must be recognized and respected by the United States and Mexico,” 5) “The U.S. Government should establish guidelines, modifications, and amendments to U.S. Homeland Security - Immigration, Customs and Border Enforcement Policies to contain language that acknowledges and protects Southern Indigenous Border Nations’ rights of self-determination, to develop Indigenous rights of mobility and passage for our Mexican Indigenous relatives,” 6) The U.S. Government “should examine their constitution, laws, legal systems and policies to identify and eradicate both explicit and inherent racism or prejudice toward Indigenous Peoples,” 7) “We must strongly promote protection and preservation of our Indigenous languages, ceremonies, cultures, social values and traditional beliefs,” 8) the U.S. Government “must engage in meaningful consultations with Indigenous Ceremonial Leaders/Cultural keepers, Indigenous grassroots community and Tribal government officials regarding all immigration and border enforcement matters which may affect their physical security and culture,” 9) A human rights complaint process must be developed “to protect Indigenous rights and prevent abuse of
authority, violations of rights, and institutional racism against Indigenous Peoples,” and
10) “Recognition of sovereignty of Indigenous Nations must continue, with rights and borderlands protected to ensure public safety.”

The group’s broader concern with indigenous sovereignty and self-determination has resulted in the development of four primary project objectives encompassing cultural, environmental, border mobility and employment issues:

- **Protection of Indigenous Rights to Practice and Preserve our Cultural Beliefs**—Encompasses education and advocacy for the rights of border mobility for indigenous ceremonial participants and other indigenous community members on both sides of the U.S.-Mexico border for purposes of cultural preservation and exchange, and promoting revitalization of Indigenous languages, beliefs and practices.

- **Indigenous Grassroots Mobilization**—Promoting the organization of Indigenous peoples at the grassroots level, providing training in civic participation, leadership and capacity throughout the Southwest and northern Mexico to ensure that the Indigenous voice is heard by policy makers and decision-making entities on all levels of government; tribal, local, state, regional, national and international.

- **Environmental Protection of Native lands and Sacred Sites**—Involves identifying and collaborating with Indigenous and non-indigenous environmentally conscious groups to educate and bring attention to the environmental sensitivities of ecosystems on Indigenous lands and sacred sites along the U.S.-Mexico border.

- **Advocacy and Education Regarding Issues of Indigenous Workers’ Rights**—
Providing education and advocacy to address the unique issues of Indigenous workers working within tribal governments and enterprises, providing training in the Indian preference policy, Know Your Rights Workshops and assistance in filing employee grievances.

(Alianza Goals and Project Objectives Statement)

During the period in which I worked with the Alianza, the organization undertook a variety of projects under the four project objectives including networking with environmental and labor rights organizations, organizing an indigenous environmental forum, and providing assistance to tribal members in filing employee grievances. While I was closely involved with a number of such projects during the period of my research, the focus of my research and analysis is on the Alianza’s first and most central project objective, to protect the practice and preservation of indigenous cultural beliefs through education and advocacy for indigenous border mobility.

**Political Economy of U.S.-Mexico Border Tribal Communities**

In recent years, scholars in a variety of disciplines have explored the unique political and economic issues surrounding the U.S.-Mexico border. While the borders of nations have increasingly opened to international trade in the era of global capitalism, the southern border of the world’s wealthiest nation has increasingly closed to the flow of peoples negatively impacted by free trade policies (Andreas 2001; Ganster & Lorey 2008). Within the past few years, “the intersection of drug trafficking concerns, efforts to slow unauthorized migrants, and fear of use of the border by terrorists” has created a “political storm” around the national immigration debate (Ganster & Lorey 2008: 186).
As U.S. border enforcement increases, border researchers examine the correlating impacts on migrants, the borderlands environment, border economies, public health, and the general well-being of border communities and residents.

According to Ganster and Lorey, “Native Americans on both sides of the border are among the poorest residents of the region.” Their communities are “characterized by low incomes, low levels of education, substandard housing and services, social problems, and health problems” (2008: 197). Residents of U.S. Native American reservations tend to experience extreme poverty at much higher rates than the rest of country, living at less than 75 percent of the poverty level and doing so at twice the rate of the total U.S. population (GMAC 2008). Though some border tribal communities in the U.S. have been more successful than others in their economic development efforts, this general pattern holds true for U.S. tribal members in the southern border region (Faulkner & Kourous 1999). Census data in 2000 indicates that approximately 24 percent of Tohono O’odham families live below the poverty line (Vanegas-Funqueon 2007). Between 2001 and 2004, Tohono O’odham area employment rose by about 3 percent, yet there was no significant change in local employment percentage relative to state and national averages (ADC 2008). In 2007, the unemployment rate for the Pascua Yaqui Tribe was 13.2 percent and unemployment on the Cocopah reservation stood at 18.3 percent (ADC 2008b; 2008c). While border tribal economies have benefitted from gaming, tribal governments nevertheless struggle to increase the overall financial stability of their members.
South of the U.S.-Mexico border, indigenous economies have been severely impacted by free trade and neoliberal reforms. Indigenous peoples of northern Mexico have lost, and continue to lose, large portions of their traditional lands to non-indigenous ranchers and large-scale agribusiness (Erickson 2008; Faulkner & Kourous 1999; Sheridan 1996). Erickson observes that in the Yaqui Valley of Sonora, neoliberal reforms of the 1980’s and the North American Free Trade Agreement (NAFTA) of 1992 have exacerbated an already existing economic gap between Yaqui and commercial farmers (2008: 6-8). This gap began to form in the early fifties when construction of the Álvaro Obregón Dam diverted substantial amounts of river water to the south, outside of Yaqui territory (Erickson 2008; Hewitt de Alcantara 1976; McGuire 1986). Now forced to purchase irrigation water and mechanize their farms, Yaqui farmers became increasingly indebted to Mexico’s Banco Nacional de Credito Ejidal (National Cooperative Credit Bank, BNCE). “Many Yaqui farmers, no longer able to obtain credit from the bank, found themselves forced to work as wage laborers on their own land, now rented out to non-Yaqui farmers who could afford the substantial capital input required for modernized agriculture” (Erickson 2008: 39-40). It is estimated that over 90 percent of Yaqui land is now being rented by non-Yaqui farmers (Erickson: 40). With few occupational options outside of farming, the Yaqui of Sonora struggle with high unemployment and poor living conditions, forcing increasing numbers of young people in Sonora Yaqui communities to seek work in urban areas far from home. Damming of river water, industrial agriculture and urban growth have also severely impacted indigenous fishing communities like the Cucapa of northern Mexico. The once rich
Colorado River Delta environment that the Cucapa inhabit is now dry, with river water reduced to an intermittent and polluted stream (Clifford 2008). To survive, Cucapa have been forced to leave their traditional lands or pursue illegal fishing in marine reserve waters (Bacher 2007; Clifford 2008; Rivas & Romero-Davis 2006).\(^3\)

While indigenous communities on the northern side of the border struggle economically, the economic gap between indigenous communities in Mexico and the U.S. is evident to tribal members on both sides of the border. Differences in impacts of acculturation to the nation-state culture on either side of the border are also evident. As Faulkner and Kourous state, “In general it can be said that groups north of the border have enjoyed the benefits of economic development at the cost of a more rapid process of acculturation by the dominant society, while groups south of the border have maintained much of their traditional culture—use of the indigenous language, gathering of wild plant foods and medicines, practice of pottery and basketry manufacture and so on—but remain economically and geographically marginalized” (1999: 15). Recognizing these different, yet equally troubling, forms of loss on either side of the border, many border indigenous community leaders have emphasized cross-border community exchange for cultural revitalization. The need to develop the economies of indigenous relatives in Mexico as a central aspect of preserving cultural knowledge has been recognized by several leaders and cross-border exchange projects. The Kumeyaay Border Task Force in California have taken a lead in this type of effort, both exploring the possibility of work

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\(^3\) A treaty signed between the U.S. and Mexico allots Mexico approximately 10 percent of the Colorado River’s annual flow. The U.S.’s capture of the majority of the river’s estimated annual flow and its surplus flows must certainly be blamed for the Cucapa’s meager access to river water. The Mexican government has also received blame, however, for the current water crisis in Mexico as rapid urban growth has outstripped water pipes (Clifford 2008).
visas for community members in Mexico to work in the U.S. tribe’s casinos (Gaynor 2008) and economic development projects based in Baja California. A conflict exists, however, for U.S. border tribal communities between economic development on the U.S. side and cultural revitalization that involves economic development in Mexico.

It is clear that anti-immigrant sentiments in the United States and the push for increased enforcement of the southern border are closely tied to the economic concerns of U.S. citizens, particularly during periods of national economic downturn (Cohen 2004). As both U.S. citizens and members of tribal nations often struggling with economic development, many individuals within U.S. border native communities may develop anti-immigrant sentiments tied to economic fears. Such sentiments may significantly shape tribal policy development, impacting decisions on bi-national tribal membership proposals as well as approaches to cross-border cultural revitalization. Yet, heightened focus on border security has begun to create an atmosphere of discrimination toward peoples of Latin American ancestry that increasingly impacts U.S. tribal members on the border. As Fernando Romero (2008) observes, the creation of Homeland Security and the U.S. government’s new fight against terrorism has elevated existing anti-immigrant fervor on the southern border. Increased suspicion toward so-called “aliens” has seriously impacted the treatment of not only indigenous peoples of Mexico, but also U.S. indigenous peoples as they attempt to inhabit areas of the U.S.-Mexico borderlands in traditional ways.
The “Invisible” and Complex Ethnographic Community

This work presents itself as an untraditional study of Native American community life, since ethnographic analysis in this work does not focus on a particular tribal nation or cultural community in the United States. However, this work might be considered an ethnographic study of the grassroots indigenous community, both within the southern border region and a larger national network. Work with the Alianza Indígena Sin Fronteras has necessarily resulted in contact with a broad network of indigenous activists throughout the United States. It has also resulted in some contact with indigenous organizers throughout the Americas. Through participation in various indigenous networking and outreach events over the course of this study, what has become clear is that while the indigenous movement in the Americas is indeed broad, the world of indigenous activism in the U.S. is, nevertheless, very small. The “small world” aspect of U.S. indigenous activism becomes evident when one realizes how unsurprising it is to meet the same native activists that one first meets in an indigenous conference in Guatemala, time and again, at the various indigenous events that take place in and around one’s own home city in the United States. Despite vast distances between homes and base of organizing operations, the native activist is likely to regularly reunite with old and new friends at the next United Nations Permanent Forum on Indigenous Issues, U.S. Social Forum, indigenous network affiliate gathering, or local indigenous consultation meeting.

4 It should be noted that Native Americans make up less than 1 percent of the U.S. population, and most indigenous communities in the U.S. are relatively small, so population size alone may account for the small number of Native Americans in the U.S. actively involved in the indigenous rights movement.
However, the indigenous grassroots movement in the U.S. is growing. Encountering a new set of administrative and organizing challenges, this movement is still influenced and in many ways guided by the indigenous activist pioneers whose work began in the sixties and seventies. The current movement now includes a new generation of indigenous activists who benefit from the experience and knowledge of their elders. The recent state of indigenous organizing is exciting for many within the movement who have observed a significant shift in indigenous organizing events within recent years, from the participation of mainly non-indigenous activists assisting the efforts of Native American leaders to the primary participation and leadership of indigenous peoples. These native activists have formed strong organizational networks across the U.S., as well as internationally.

One of the toughest challenges that today’s indigenous activists face, however, is the common resistance to grassroots social activism within Native American communities. It is not uncommon to hear Native American activists lament the recurring sense that they are alone in their struggles, of having to continually justify why they oppose certain tribal or U.S. government policies to relatives and neighbors who are either government employees or who feel fortunate for having benefited from certain government policies. There is also resistance to activism by those in native communities.

5 While a number of publications are available on Native American activism in the sixties and seventies, the autobiography of American Indian Movement (AIM) leader Russell Means (1995) provides a particularly useful personal account of this period in U.S. Native activism that addresses the relevance of this history to the contemporary movement. An oral history of the Native American rights movement and an ethnographic study of its current organizing principles would be a valuable contribution to the study of Native American cultures and community development. It is my hope that the current study of grassroots indigenous organizing on the Southern border and its connection to a much larger indigenous organizing network will serve as a first step to a much broader study of this nature.
who simply don’t see the point of actively opposing a government that never listens. This is the attitude expressed in the Alianza project director’s statement about community reaction to indigenous rights advocacy noted previously. In a 2006 interview, O’odham activist Ofelia Rivas stated that “O’odham are apathetic to their condition. They don’t vote because they know conditions will not change for them.” Such laments may sound all too familiar to non-native activists confronting the conservative or complacent majority in the United States. However, the laments of native activists also speak to the loss of cultural and spiritual ties that have traditionally defined their communities. They speak to the feared loss of cultural and spiritual values that have traditionally defined who they are in relationship to their community and to their conceptual worlds.

The need to fight against assimilation and/or complacence among native people is a common theme in native activist discourse. More than reflecting a predictable “decolonization” philosophy among Native American activists, this rhetorical theme reflects recognition of the growing divide between members of native communities labeled as “traditional” and those who may view themselves as “progressive.” Yet, community leaders associated with either label see themselves as working for the good of their communities. Within Native American “progressive” discourse the term, “traditional people” is often, and unfortunately, used as a sort of polite euphemism for radical Indians who do not abide by the established tribal government system. Such radicalism poses a dilemma for tribal officials and employees who may imagine that the

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6 In May 2007, the Tohono O’odham elected a new tribal chair, Ned Norris Jr., a candidate who appears to have been supported by the O’odham traditional grassroots. Since his election, Norris has publicly spoken against federal border wall construction on O’odham lands in the media and in congressional hearings.
U.S. tribal government system is the only system that offers their communities practical salvation from cultural and economic deterioration. Like the “traditional” activists in their communities, these “progressive” native leaders believe that they are fighting the good fight, the fight for economic and cultural survival. However, in this fight, “those traditional people” have become a sort of enemy by questioning and putting that system into jeopardy. In turn, the protectors of this system have also become a sort of enemy to the grassroots community. Primarily concerned with the cultural survival of their communities, traditional activists refuse to depend on a tribal system modeled on colonial governments.

Complicating this divide within the native community on the southern border is the issue of immigration and border policy. In southern Arizona, this divide is particularly salient in the Tohono O’odham Nation where reservation lands lie directly along the U.S.-Mexico border. In this community, the threats posed by illegal immigration and trafficking are as much of a concern to community members as the threats posed by Border Patrol in attempting to police such activity. Such policing consistently threatens community members’ privacy and rights of mobility on Tohono O’odham territory. Community members have also voiced opposition to the environmental and human destruction associated with border enforcement policies, including border wall construction and Homeland Security-Immigration and Customs Enforcement (ICE) surveillance/search practices. Here, the desire of many Tohono O’odham for community protection through increased border surveillance contends with
a strong desire to demilitarize a border that increasingly limits O’odham movement, separates O’odham relatives, and threatens O’odham traditional lifeways.

A political divide is also present, however, in indigenous border communities whose federally recognized lands do not lie directly along the international border. In these communities, the southern border, nevertheless, poses a barrier to familial and ceremonial ties. In such communities, the desire of traditional community leaders to gain tribal government support in easing traditional border mobility for community members in Mexico contends with “progressive” attitudes on cultural and economic development on the U.S. side. Often, such progressive development attitudes do not place priority on maintaining ties with “those people” on the Mexican side. Given this situation, it is clear that indigenous identity on the southern border, involving varied representations of indigenous community beliefs and attitudes regarding the border, is a complex issue.

**Overview of Following Chapters**

In the next chapter, we will review approaches to identity in mainstream border studies, as well as the postmodern conceptualization of “border identity” as applied in transnational scholarship. We will then address two discourse-centered approaches to the study of culture and identity that inform the analysis of indigenous southern border identities in this study. The first of these approaches borrows from previous work on the construction of identity through narrative to examine the complexity of Mexican and Mexican-American identities on the southern border. The second is a contemporary
cognitive anthropology approach to the study of identity, with a particular focus on the significance of political discourse.

My interest in southern indigenous border activism, an interest that eventually grew into this study, began with initial research on binationalism and cultural revitalization in the Yaqui community. In certain respects, the development of a grassroots network to address indigenous southern border crossing issues emerged from the concerns of Yaqui ceremonial leaders in regards to cultural preservation and the desire to maintain Yaqui ties across the international border. The third chapter of this ethnography addresses the history of the Yaqui people as a binational community and the emergence of Pascua Yaqui ceremonial leaders as “border crossing facilitators,” Yaqui community members in the U.S. responsible for maintaining contact with Yaqui ceremonial leaders in Mexico and ensuring their ability to cross into the U.S. for ceremonial activities. Written documentation of Yaqui history is complemented in this chapter by the life history of the Alianza Indígena Sin Fronteras Project Director, Jose Matus. As a member of the Pascua Yaqui Nation and ceremonial leader in the Barrio Anita Yaqui community of South Tucson, Matus has worked as a border crossing facilitator for Yaqui ceremonial leaders in Río Yaqui, Sonora since the seventies. Matus’ inherited role as a traditional leader in the Yaqui community has also guided his work as a social activist for the past thirty years.

Chapter 4 provides a brief introduction to other indigenous communities on the southern border historically divided by the “imaginary line.” A focus is placed, however,

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7 Río Yaqui “Yaqui River” is often used by Yaqui (Yoeme) on both sides of the border to describe Sonoran Yaqui communities that lie along the Yaqui River.
on the O’odham community. Past legislative attempts to recognize O’odham rights of passage across the international border that directly bisects Tohono O’odham traditional lands will be reviewed. This chapter will also describe the founding of the Alianza Indígena as an indigenous intercommunity alliance in a gathering held on the Tohono O’odham Nation in 1997. We will discuss the nongovernmental, “bottom-up” development approach to indigenous border policy issues proposed at the time as a solution to the lack of tribal government support for border policy reformation. This approach has been necessarily reconfigured over time by Alianza members due to the nature of indigenous rights in the U.S. that rest on the trust relationship between the U.S. government and tribal nations.

Providing a brief overview of state and international policies regarding the traditional border crossings of Native Americans, Chapter 5 provides a background in changing immigration and border protection policies to better illustrate the impact of these policies on native community members on the U.S.-Mexico border. This chapter, therefore, addresses how Native American issues fit into the broader national debate on the protection of U.S. borders. We will also discuss an ongoing community campaign initiated by the Alianza Indígena in response to the Government’s recent decision to allow certain tribal nation members to use tribal identification as an alternative travel document. This campaign seeks to support the sovereignty rights of U.S. tribal governments who wish to participate in the rulemaking process on international travel as it applies to Native American nations, while encouraging further recognition of border crossing rights for members of related indigenous communities in Mexico. By
referencing the recently adopted United Nations Declaration on the Rights of Indigenous Peoples, as well as existing national policies for the protection of indigenous languages and cultures, this campaign attempts to frame a Native American domestic sovereignty discourse within a broader sovereignty framework as defined in an emerging international indigenous rights discourse.

Chapter 6 considers the structure of indigenous border activist discourse through the analysis of key metaphors and themes in the interviews and public statements of the indigenous border activists involved in this study. This marginalized discourse is compared to both governmental and popular discourse on the border and border policy found in public statements in mainstream media. Chapter 7 addresses the complexities of indigenous identity and representation as revealed in an analysis of indigenous discourses. Chapter 8 concludes by discussing the general public response to indigenous border activism and how it relates to mainstream public exposure to Native American issues. A brief analysis of how native activist issues are presented in mainstream media reveals a general communicative disconnect between Native and non-Native Americans. This communicative and ideological disconnect is directly related to the censorship and invisibility of indigenous issues in the U.S. media, both mainstream and special interest. As will be discussed, this general disconnect also limits the ability of the larger U.S. activist community to understand and support the goals of Native American activists. This discussion is significantly linked to native scholarship and theory on the social invisibility of Native Americans in the United States.
CHAPTER 2
THE PROBLEM OF IDENTITY

Issues of identity among indigenous peoples of the U.S.-Mexico border region are varied and complex. For southern border indigenous peoples, the U.S.-Mexico border itself impacts perceptions of self and other as shifting beliefs and attitudes regarding the border shape identity construction among indigenous border residents. In the following chapter we will address approaches to identity in border studies, and the limits of certain border studies approaches in treating southern border indigenous identity construction. We will begin by reviewing the subjective and transnational orientation in border studies over the past two decades. We will then address two discourse-centered approaches to the study of culture and identity whose development may provide a useful paradigm for the analysis of border identities. Finally, this chapter will address issues of subjectivity and objectivity for the anthropologist in the study of border indigenous activism.

The Problem of Identity in Border Studies

“It is one thing to write about the metaphor, but quite another to cross it daily.”

Pablo Vila, Ethnography at the Border

In the late 1980’s and early 90’s U.S.-Mexico border related research in the social sciences underwent a paradigm shift from a traditional empirical focus to an emphasis on subjectivity. This theoretical and methodological turn in border studies was highly
influenced by both Gloria Anzaldúa’s groundbreaking work, *Borderlands/La Frontera* (1987) and Renato Rosaldo’s *Culture and Truth* (1989), both of which attempted to apply methods in literary criticism to the study of cultures, as well as highlight the importance of subjective experience in sociocultural analysis. Anzaldúa’s work blended historical analysis with literary technique, including the use of poetry, myth and narrative. This work offered a novel, personalized framework for considering the social impacts of literal, national borders and the socially constructed ideological borders that define cultural, racial, and sexual identities. Rosaldo’s work contributed to the emerging postmodern critique of ethnographic “authority” and coined the term “border zones” to describe the ambiguity and complexity of identity in any cultural community. Making use of Chicano literary sources in addition to ethnographic accounts in various cultural communities, Rosaldo emphasized the important role that narrative plays in the individual’s construction of identity and notions of culture. Drawing from postmodernist perspectives on linguistic structure and deconstruction emerging in literary theory, Rosaldo also critically addresses problems of “cultural translation” in ethnography. As a Latin American literary theorist, the work of D. Emily Hicks in the early nineties was also highly influential in U.S.-Mexico border studies in regard to issues of cultural translation.

In his anthropological critique of border studies, Josiah Heyman (1994) identifies two general trends in border studies literature. The first focuses on policy-related issues on the border, in particular immigration policy and the political debate surrounding Mexico to U.S. migration. The second conceptualizes the border as a metaphor for a
variety of theoretical assertions. In the first approach to border study, Heyman notes that a focus on state-organized action and policy recommendation ignores the interaction between State and civil society that takes place in border communities. On the other hand, the focus on border as metaphor tends to erase the economic and political realities of the border as a geographic space altogether. Both approaches to border study seem to regard “border” as “a buzzword for theories of power, struggle, and connection” (Heyman 1994: 43).

Since the literary turn in the late eighties and early nineties, the guiding metaphor in border studies has been the border as image of “hybridization,” the embodiment of cultural crossings and blending that signifies a variety of social ambiguities. Following Heyman, Pablo Vila (2003) identifies some points of criticism from several border ethnographers in response to this metaphorical approach. A first point of criticism comes from the perspective of Mexican national scholars who point out that such an approach does not describe border life as experienced on the “other side” of the literal fence. Much of mainstream border theory has focused on the experience of the American cultural “hybrid,” the Mexican-American or Chicano whose ties to Mexico may be more “imagined” (Anderson 1983) in terms of heritage than experienced through social interaction with Mexican nationals in Mexico. This connects to a second point of criticism regarding the tendency of border theorists to essentialize border cultures as similar in character, and a particular tendency to exclude border life experiences that do not reflect the experiences of the essentialized Chicano. The Chicano as metaphorical “border crosser” or cultural hybrid is constituted in mainstream border theory as a
“privileged subject of history” (Vila 2003: 307) with special authority in representing border culture and experience.

Along the same lines, border ethnographers such as Vila further critique the tendency of mainstream border theorists to assume that the sharing of a culture results in the sharing of identity. Studying representations of Mexican and Mexican-American identities on the Ciudad Juárez-El Paso border (2000, 2003b), Vila illustrates that it is possible to “share aspects of the same culture while developing different narrative identities, to the point, in some instances, where the ‘other kind of Mexican’ is constructed as the abject ‘other’” (2003b: 308). Consider, for example, the Mexican American Border Patrol agent quoted by an informant in Vila’s study who argues that she is not really Mexican (2000: 121). In this instance, a distinction must be made between ethnic and national affiliation and how cultural identity articulates with the latter in the lives of individuals. Vila points to a failure in mainstream border studies to recognize that the “fragmentation of experience” among individuals living in border regions often leads “to the reinforcement of borders instead of an invitation to cross them” (2003b: 307).

However, a preference for “border crossing” imagery in mainstream border studies has further influenced a postmodern conceptualization of a “border identity” among transnational theorists. As Vila states, “Borderlands and border crossing seem to have become ubiquitous terms to represent the experience of (some) people in a postmodern world described as fragmented and continually producing new borders that must again and again be crossed” (2003: 308). As Eduardo Barrera (1995) suggests, both “borders” and migrants as “border crossers” are often reduced to figurative tropes in
transnational scholarship to illustrate processes of “detrimentalization” in the age of globalization. The writings of Mexican artist Guillermo Gómez-Peña (1988; 1991) and the construction of Gómez-Peña as representative of the immigrant “border crosser” by Homi Bhabha (1994) are exemplary of this type of scholarship. Postmodern scholarship that stresses “detrimentalization,” cultural and intercultural connectivity beyond geographic borders and identities in flux among individuals who increasingly move across territories (Appadurai 1990, 1996; Gupta and Ferguson 1992) is reflected in a similar conceptualization of the immigrant in the ethnographic study of Mexican migration by anthropologist Roger Rouse (1991). In his review of anthropological work on the U.S.-Mexico border, Robert R. Alvarez Jr. (1995) labels scholars who take the metaphorical approach to the borderlands as “a-literalists.” Alvarez argues that such scholars “focus on social boundaries on the geopolitical border and also on all behavior in general that involves contradictions, conflict and the shifting of identity” (449).

It is clear that metaphorical approaches to the “border crosser” as detrimentalized culture bearer in global flux, embodiment of social contradiction, or the Chicano as privileged cultural “hybrid,” erase the experiences of various ethnic communities on the border. Therefore, in the mainstream border theoretical framework, there cannot be recognition of the unique political and cultural struggles faced by indigenous community members in relationship to the U.S.-Mexico border. Yet, Alvarez further argues that the a-literalists and “literalists” who focus on the “actual problems” of the border, such as migration, racism, policy, and healthcare, have dialectally influenced each other. In addition, both have been influenced by an early anthropological perspective in
borderlands research that viewed the literal political border as a boundary for separating cultures and defining cultural boundaries. This perspective necessarily required an avoidance of issues surrounding the U.S.-Mexico border as a political boundary in describing cultures along or overlapping the border. Alvarez points out that even, “the classic work, *Cycles of Conquest*, which in 1962 reviewed Spanish, Mexican and American influence on Indians of the Southwest, does not consider the political border as a meaningful variable” (1995: 453). It is not surprising then, that Edward Spicer’s early and still influential works on Yaqui culture, and more contemporary Yaqui ethnography tend to emphasize the “transnational” aspects of Yaqui culture. There is a general interest in cultural patterns shared across the U.S.-Mexico border, as well as differences between American and Mexican Yaqui communities, but no regard for the influence of the U.S.-Mexico border itself on Yaqui sociocultural and political identities.

One of the more promising, and less recognized, approaches in analyzing the multiplicity of identities on the border is the narrative discourse approach taken by Vila (2000) in his study of ethnic identity in the El Paso-Ciudad Juárez, Chihuahua border region. In his study, Vila recruits interviewees of varied ethnic and class background, including those who identify as Mexican, Mexican-American, Chicano, African-American, Jewish-American, and Anglo/White. Vila’s goal is to not only explore the unique character of ethnic identities typically ignored in mainstream border studies, but also to explore how various border residents construct their identities in reference to the political border. Vila elicits border resident statements on perceptions of Mexican and American life by asking interviewees to identify various locations in the U.S. and Mexico
sides of the El Paso-Ciudad Juárez border in displayed photos, followed by detailed interview. In his analysis of interviewee statements, Vila identifies several key themes in the narratives that border residents on both sides of the border create to construct their particular identities in reference to the ever-present and highly visible border in this particular border region. On the U.S. side of the border, Vila points to a theme of Mexican poverty and a general First World vs. Third World trope that is shared among interviewees across ethnic boundaries. Vila views such themes as organizing “nodes” for constructing border identities in reference to the U.S.-Mexico political border with apparent strong economic significations for U.S. border residents. In contrast to much of mainstream border research, Vila’s analysis reveals the strong presence of “border reinforcers,” those southern border residents who construct narratives that reinforce imagined borders between themselves and the Mexican Other to the South.

This narrative approach to the analysis of border resident interviews allows Vila to reveal the multiple and multilayered identities of border residents, particularly Mexican-American border residents who must struggle with multiple and conflicting themes of ethnic and national origin that circulate in U.S. public discourse. This discourse approach, with its focus on the organizing features of individual narratives is aligned with certain cognitive linguistic approaches in anthropology, particularly those focused on political discourse. Such research evaluates how disparate “cultural schemas” are discursively organized and internalized by individual members of society, as well as how popular metaphors in public discourse frame certain political perspectives. The present study attempts to apply a similar narrative discourse approach to the analysis of
interviewee statements and media discourse regarding native activism and native identity on the U.S.-Mexico border. This analysis will, therefore, build on existing discourse-centered approaches to sociocultural anthropology (Farnell & Graham 1996; Silverstein & Urban 1996). It will also contribute to a more nuanced understanding of the multiple ethnic and national identities on the southern border that have been ignored or erased in mainstream border studies.

This study is also significantly influenced by the concept of “self” developed in postmodern anthropology (Kondo 1990) in considering the construction of indigenous selves in relationship to political borders. It is argued that the conceptualization of multiple, shifting selves as developed in postmodern scholarship is particularly relevant in the study of indigenous identity on the southern U.S. border, where shifting border policies and political perspectives require a constant refiguring of one’s individual relationship to the border. It is also argued that a postmodernist analysis of U.S. indigenous identity is necessary to increase the presence of varied indigenous voices in contemporary ethnography. Since much previous ethnography on Native Americans has focused on community identities through a focus on traditional community practices or belief systems within a traditionally defined cultural community, there has been an ethnographic tendency to generalize about the varied, changing, and sometimes conflicting notions of self that are present within Native American communities. By focusing on shifting sociopolitical perspectives that impact sociocultural identity on a
personal, individualized level, the current ethnography seeks to excavate\textsuperscript{8} such heterogeneous and complex notions of Native American self. This ethnographic goal requires a discourse-centered approach that carefully considers individual political and identity discourses in relationship to broader discursive patterns in a given society.

\textbf{The Individual Subject in Cognitive Anthropology}

The classic definition of culture among early cognitive anthropology theorists is reflected in the work of one of this theoretical school’s key figures, Ward Goodenough (1981: 51):

A society’s culture consists of whatever it is one has to know or believe in order to operate in a manner acceptable to its members . . . Culture is not a material phenomenon, it does not consist of things, peoples, behavior, or emotions. It is rather an organization of these things. It is the form of things that people have in mind, their models for perceiving, reacting and otherwise interpreting them.

This cognitive approach to culture looks beyond the symbolic anthropological definition of culture as a system of public meaning communicated through symbols (Geertz 1973) in order to conceptualize culture as a “system of knowledge” (Foley 1997: 18). In this approach to culture as systematized knowledge, the role of the individual in society as “cultural learner” is stressed. As Goodenough states, “people learn as individuals.

\textsuperscript{8} The use of the term “exvacate” points to Foucault’s use of archaeology as a metaphor for the methodological uncovering of the multiple, sometimes radical discourses of a particular historical period that are buried and forgotten by competing, and ultimately dominant discourses that are eventually accepted in a given period as “truth.” For a critical application of Foucault’s genealogical framework to indigenous research, see Smith (1999).
Therefore, if culture is learned, its ultimate locus must be individuals rather than groups” (1981: 54).

The role of the individual remains significant for many cognitive anthropologists in the analysis of sociocultural attitudes and identities. However, Goodenough’s original conceptualization of culture as distinct from “material phenomena,” a view that guided much of the early work among cognitive anthropologists, clearly required reformulation given the insights of materialist and social constructionist theories that transformed contemporary anthropological methodology. It is not surprising then that there is contemporary anthropological skepticism toward cognitive approaches to culture. Strauss and Quinn (1997) address broad anthropological resistance to culture and mind approaches in anthropology since the shift to materialist and constructionist approaches in the seventies. In reformulating the concept of culture in regards to cognitive modeling, Strauss and Quinn provide a useful critique of the various strains of anthropological theory in an attempt to merge social constructionist approaches with a more nuanced cognitive approach.

Of particular interest in the present study, is Strauss and Quinn’s critique of Pierre Bourdieu’s theory of practice and social reproduction. Strauss and Quinn note that while Bourdieu’s focus on the relationship between habitual practice and cultural learning is similar to long-standing cognitive anthropological views on the learning of cultural models, Bourdieu’s focus on the “centripetal” forces of reproduction does not encourage a careful analysis of the individual’s relationship to the “centrifugal” forces (Bourdieu 1977) that work against social reproduction in a given environment. Through a close
analysis of interview data, both Strauss and Quinn develop the cognitive notion of “cultural schema” as a discursive form in an attempt to demonstrate how individuals not only reproduce conventionalized texts through the integration of these shared cultural texts in their discourse, but additionally integrate these conventionalized texts in ways that may work against the conventionalized notions behind them. Strauss and Quinn demonstrate that while individual speakers habitually draw on social discourses in expressing their own thoughts and opinions, the unique integration of these shared discourses by the individual, based on personal experience, will result in unique, sometimes conflicting discourses on the self in relationship to society.

**Cultural Schemas and Individual Selves**

Strauss and Quinn (1997) stress that internalization is the key to both social reproduction and social change. Since internalized cultural knowledge consists of flexible, adaptive understandings of the world, rather than strict rules for interpretation and behavior, social life should be viewed as a process of interaction between varied, private understandings and public objects or events. This view is similar to Bourdieu’s “dialectic of objectification and embodiment” (1977: 87-95). However, Strauss and Quinn emphasize the importance of an individual’s “motivational state” in determining what aspects of the *habitus* “stick” and what aspects do not (ibid). One’s experiences, position and related motivations in a society will necessarily impact which learned schemas are most salient in the mind of the individual, and therefore, which schemas will be drawn on in particular contexts by particular agents. Strauss and Quinn, therefore,
attempt to advance cognitive theory from the realm of abstract modeling, and ground this theory in ethnographic and discursive analysis that evaluates individual motivations and the discursive application of available cultural schemas.

The term *cultural schema* refers to the notion of schemas as culturally shaped, and capable of transmitting certain cultural ideologies. Roy D’Andrade (1992: 29) uses the example of the American “achievement” schema, a particular bundle of ideas surrounding the American notion of achievement that provide a model for one’s aspirations and goals, to describe the motivational force of certain conventionalized representations within a particular culture. Following D’Andrade’s argument, Claudia Strauss (1992a) states that schemas “not only label and describe the world but also set forth goals (both conscious and unconscious) and elicit or include desires” (1992: 3). However, Strauss adds that differences in background and experience result in differences among individuals in terms of which schemas are more or less motivating, and differences in the kinds of directive force that certain schemas provide.

In an analysis of talk about “getting ahead” by five Rhode Island blue-collar males, Strauss (1992b) identifies three different types of cognitive representations for the American “breadwinner” model that result in differing beliefs and values associated with the notion of “success” expressed among these five individuals. A follow-up study by Strauss that incorporates interview material from individuals of differing social backgrounds (1997a), further demonstrates the unique ways in which individuals integrate heterogeneous schemas that exist in modern U. S. capitalist culture based on personal experience. Strauss’ analysis of cultural schema integration within the working
class, as well as among individuals across social groups, reveals how individual life histories can have a tremendous impact on the way that individuals both frame experiences and integrate disparate conceptual frames into a unified whole. This personalized integration of available cultural schemas allows individuals to continually establish a sense of place and identity in contemporary U. S. culture despite a growing sense of cultural fragmentation.\footnote{Strauss’ 1997 article is a critical response to Jameson’s postmodern assessment of late capitalism (1991) as a cultural environment resulting in the fragmentation of identities among subjects in large-scale capitalist societies.}

Strauss (1997b) identifies several types of schemas to demonstrate how schemas may co-exist within the individual mind at differing levels of consciousness and salience based on personal life histories. Horizontally compartmentalized schemas are schemas that derive from conflicting social representations. Such schemas are equal in terms of access, but activated in different contexts. Vertically compartmentalized schemas also derive from conflicting social representations and are activated in different contexts, however, with one of two conflicting schemas more available or salient to individuals than the other. Integrated schemas derive from conflicting social representations as well, but are interlinked in a person’s cognitive network. For example, a Feeling Responsible for Others schema that is interlinked with a Can’t Fight the System schema in an individual’s personalized discourse (Strauss 1997b: 223-225). Strauss argues that there is an emotional salience of particular schemas for individuals that will likely result in an individual’s partial integration of such schemas within certain discourses, despite their foundation in conflicting representations of reality. Naomi Quinn’s study of conflict
within individual conceptualizations of marriage (1992; 1996) in the U.S., additionally demonstrates how personal life histories result in varied interpretations of culturally shared models for love and relationships, as well as the importance of emotional motivations in adhering to such models despite apparent contradictions in a lived reality.

Strauss and Quinn (1997) note an additional possibility in the individual’s expression of conflicting cultural schemas that is offered by Alexei Yurchak (1997). Yurchak uses the phrase “divided awareness” to refer to a common discursive practice among members of the Soviet Union in the 1970’s and 1980s, whereby individuals expressed allegiance to the official social order in certain public settings while expressing cynicism toward the established order among friends in more private settings. While the expression of such conflicting social attitudes in official vs. private settings might be interpreted as a conscious strategy on the part of individuals to present an inauthentic, yet socially acceptable face in one of the two settings and to express true feelings and attitudes in the other, Yurchak argues that a majority of the population during this historical period genuinely struggled with conflicting notions of patriotism and social progress that resulted in genuine expressions of both allegiance and cynicism within different contexts. In the case of divided awareness as described by Yurchak, there is at least a “subliminal awareness” (Strauss & Quinn 1997: 41) of the conflict expressed by these speakers that may result in “psychic discomfort.”

A similar divided awareness is noted among several of the native activists in this study, in describing ideological conflicts with tribal government policies, as well as in describing one’s ambiguously co-existing identities as federally recognized tribal
member, grassroots political activist in opposition to certain tribal government attitudes, and traditional member of an indigenous community whose traditional boundaries defy federally recognized border lines. In some cases, based on personal history and the particular issue at stake, such conflicts are, in fact, subliminal. In other cases, there is a high level of metapragmatic awareness in describing such conflicts. During the course of my fieldwork, for example, one Alianza member noted the need for native activists to be careful when publicly criticizing tribal governments. As he explained, it is important that Native Americans do not place the sovereignty of tribal governments in jeopardy by appearing to question the ability of Native Americans to make good governmental decisions.

In such a scenario, the native activist must carefully align her/himself with a federally recognized tribal government, while simultaneously challenging tribal government leadership. Given the tenuous state of Native American sovereignty in the U.S. and a history of Native American loss associated with shifting U.S. mainstream attitudes and related policies concerning the United States-Native American trust relationship, there is certainly a practical component to this discursive strategy. Yet, one could note a potential emotional component, as well, that motivates such strategies in activist discourse. Despite the, in some cases, strong native activist opposition to the basic structures and decision-making strategies of non-traditional tribal government frameworks, there is, nevertheless, a collective “we” at play for many U.S. native activists in describing Native American experiences within a dominantly non-Native American society. Due to a shared history of racism toward Native Americans in the
United States, and the shared knowledge of potentially lingering racist assumptions about Native Americans by the non-native majority, Native American activists have a personal, emotional stake in protecting other Native Americans from criticism and potential stereotyping. Exposing any Native American to such criticisms and stereotyping potentially risks exposing all Native Americans, including one’s self, to humiliating forms of racialization. For this reason, and others to be discussed through the course of this work, Native American activists must contend with a variety of conflicting cultural schemas concerning indigenous identity, a process which results in complex, shifting conceptualizations of indigeneity evident in individual native activist discourses.

The Problem of Identity for the “Native” Anthropologist

My father’s father passed away when I was four. My limited memory of my paternal grandfather from my earliest years reveals that he was a big, warm man who adored me and whom I adored. When he sneezed he would say “ute’sia,” and would often fake sneezing to make me laugh at his vocalized nose spasm. This is my only personal connection to my Yoeme (Yaqui) heritage, if one does not count the occasional statements by relatives on how my grandfather’s parents were Yaqui. Strangely, it was my grandfather’s parents and not my grandfather who was Yaqui. My father’s father was Mexican-American “like the rest of us.” My grandfather’s elders, on the other hand, came from “somewhere in Sonora,” from a sort of vague, mythologized land in Mexico where “real” Yaqui Indians live.
In the Yoeme language *utte’esia* is an adverb meaning “strongly.” It is commonly used in expressions such as *Dios enchi hiokoe utte’esia* (“Thank you”), with a rough literal translation of, “God pity or have compassion for you strongly.” I suspect that my grandfather knew little, if any, Yoeme. He learned both Spanish and English as a child raised in sharecropping, working long hours each day alongside Mexican immigrants and Mexican-Americans whose common language was Spanish. My grandfather’s playful use of *utte’esia* likely reflects his own childhood memory of his parents’ or grandparents’ interpretation of the English expression, “God bless you.” Of course, this is something that I would not realize until I was an adult, a student researcher attempting to merge my interest in linguistic anthropology with my interest in a Yaqui heritage that I was constantly reminded of, but about which I knew little. Having learned something of the Yoeme language and its importance to Yoeme cultural life, the final discovery of the linguistic meaning behind my grandfather’s beloved sneezing gag, while humorous, was also somewhat sobering. The revelation behind my grandfather’s mysterious use of “utte’esia,” a mystery even to his own children, forced me to consider how much linguistic and cultural knowledge had been lost in a single generation of my family, and how large the cultural gap between myself and my grandfather’s elders who fled the horror of ethnic persecution in Sonora, Mexico and into the forces of assimilation in the United States.

I am a Chicana anthropologist studying indigenous border issues, but as a Chicana of Yaqui descent and a volunteer organizer for an indigenous grassroots organization, I also now identify as “indigenous activist.” However, this self-designation is problematic
and one which I continue to negotiate for myself in light of my continuing interactions with the indigenous activists I work with, both locally and in the broader indigenous activist network. The question of my indigenous identity is constant and most directly encountered in such interactions with the simple question, “Where are you from?” This question may be recognized by some ethnicity and race scholars to describe the extent to which non-White, ethnicized Americans are consistently marked by White Americans as “foreign.”

The complexity of Native American identities on the border and the multiple and fine distinctions made among Native peoples on the border between who and what is indigenous, and who and what is not, will be more fully addressed in Chapters 7 and 8. However, for now, it will suffice to say that while this question in the context of indigenous activism continues to carry some of the same implications regarding racial and ethnic classification, both the history of the U.S. Native American reservation system that attempted to place geographic boundaries on Native life, and the continued importance of “homeland” to indigenous peoples in the U.S. necessarily affect the implications of this question when posed by a native activist encountering a new person on the native activist scene. In this context, the question, “Where are you from?” may imply “What reservation or Nation are you from?” but necessarily embeds the questions, “Who are you?” “What is your history?” “How can I identify with you?” and “What is your intent here?” All of which are highly intimidating questions for an anthropologist.

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10 Trimble & Medicine (1993) refer to this as part of a common practice among American Indians in assessing the extent to which one may relate to a newly introduced individual on the basis of shared racial or ethnic backgrounds and related experiences.
when posed by a potential informant. From a different perspective, these questions are
doubly intimidating for a self-proclaimed indigenous activist who is not yet ready to
claim an “indigenous nation.”

My responses to these embedded questions are never easy. They vary according
to the context of each interaction including my sense of how my questioner will interpret
my response. They also vary according to, simply, how much of myself and my history I
wish to share at any particular moment with a relative stranger. Sometimes, in a panic, I
reveal the full details of my genealogy and self-identification. This is often met with
responses such as, “Well, you’re still Indian to me,” or “That’s okay.” Sometimes, and
more recently, I have simply responded by saying that I am from Tucson and I work with
the Indigenous Alliance Without Borders. This response is often met with a simple, “Oh,
okay.” Once, I was kind-heartedly told, “Good for you.” However, always, the result of
my response to this all too frequently occurring question, “Where are you from?” is that I
feel that I have not divulged enough even when I have divulged too much, and that it is
possible that I have misrepresented myself. This is the case, even with my most detailed
and carefully rehearsed response describing how I honestly see myself in terms of my
indigenous identity, my role as an activist, and how I understand the nature of my
research. In the end, I always feel like an “outsider” anthropologist trying desperately to
be an “insider” so as not to intimidate my “subjects.” In the end, this question, my
response, and the native activist’s reaction to my response force me to rethink both my
identity and how I am positioned in my research, as well as in role as an activist.
In this sense I do not and cannot see myself as a “native anthropologist,” a concept that has been critiqued by Kirin Narayan (1993) in asking, “How Native is the ‘Native’ Anthropologist?” However, as a volunteer organizer for the indigenous activist group that has provided the focus for my research, and an anthropologist who has invested both emotional energy and time to the cause of indigenous social and cultural rights, it is impossible for me to claim a high degree of outsider objectivity in regards to the political statements of my informants. My close involvement and work with this group came first and foremost as a result of my personal sense that what this organization fought for was morally just. In this sense, I happily give myself over to the camp of engaged anthropologists who refuse to make a choice between ethnography and activism, and who recognize that moral conviction does not necessarily conflict with social scientific objectivity (Manz 2004: 249n12). As Marvin Harris notes, “. . . there is strong empirical support for the position that morality in the form of culturally constructed values and preferences influences the definition and selection of researchable projects. What we choose to study or not to study in the name of anthropology is a politico-moral decision” (1995: 423).

There is no doubt that my moral conviction regarding indigenous border activism was intellectually and emotionally guided by my personal history. The reduction of my Yoeme heritage to a playful sneezing gag is a constant reminder of how easily a wealth of cultural knowledge can be lost. Though I realize it is difficult for many to understand the notion of shame associated with such loss for ethnic Americans, personal experience has confirmed that shame as a reality for many. My knowledge of such shame influences the
extreme value I place on the fight against such loss, as does my respect for the traditional cultural systems that the indigenous activists I have worked with seek to preserve. Ultimately, many of my research informants are my friends and allies in a shared cause. However, I am constantly reminded that my informants who live and work in their native communities, tied to lived homelands rather than mythologized ones, are more critically invested in this cause than myself. I have learned that the question of where I am from is important to the recognition of the shifting roles I play in relationship to my informants, as well as the politico-moral lens through which I view my research.

In the following chapter we will explore how the preservation of Yaqui traditions has required the maintenance of binational ties across the U.S.-Mexico border. As will be shown, the responsibility of Yaqui ceremonial leaders to maintain traditional ceremonial life in the U.S. has required some ceremonial leaders to become both community and border advocates. The Yaqui’s experience in rebuilding and maintaining ceremonial practices in the U.S. has necessarily resulted in knowledge among Yaqui ceremonial leaders about border crossing procedures. This knowledge has become important to other border indigenous communities in their efforts to strengthen cross-border ties in their communities.
CHAPTER 3

THE BINATIONAL YOEME (YAQUI) NATION:
SONORA AND ARIZONA YAQUI COMMUNITIES

The roots of the Yoeme (Yaqui) Nation lie in the Sonoran Yaqui Valley of Northern Mexico, where the lands of the hiakim, the Yoeme (Yaqui) homeland, are located. At the turn of the 20th century, Porfiriato\textsuperscript{11} policies for treating the “Indian problem” in Mexico (Batalla 1996; Hatfield 1998; Powell 1968) resulted in forced deportation of Yoeme to southern Mexican plantations in Oaxaca, Yucatan and Quintana Roo, and the forced migration of Yoeme north into the United States as Yoeme fled continued persecution in Northern Mexico. Many of the Yoeme who migrated to the U.S. settled together as communities in southern Arizona. The Yoeme people of southern Arizona who settled permanently in the United States would eventually gain federal recognition as a U.S. tribal community.

The history of the Yoeme Nation, a binational indigenous community of the Sonoran Desert region, serves as an example of how shifting governmental policies and nationalist ideologies can result in the division of indigenous nations. When Yoeme in Mexico fled in families and groups to the United States to escape the violence of the Porfiriato in the late eighteenth and early nineteenth centuries, they left with the intent of returning to their homelands when the Yoeme could regain control of their traditional

\textsuperscript{11} “Porfiriato” refers to the Mexican historical period, 1876-1911 in which Porfirio Diaz maintained power as President of Mexico. Centralizing the government, Diaz instituted a land reform program that focused on privatization and included policies on indigenous “extermination” in cases of indigenous resistance.
territories. These Yoeme migrants to the U.S. were eventually accepted by the United States Government as political refugees, though they were never officially designated as such. As Glaser states, “Although never officially granted political asylum, state and federal officials supported the position that Yaqui Indians could remain in Arizona so long as they did not become public charges” (1996: 341). Various shifts in U.S. policies regarding Native Americans then resulted in shifting political statuses for Yoeme communities in the United States.

In the present chapter, we will explore the history of the Yoeme nation as a binational indigenous community. Yet, this exploration of Yaqui binationalism will address significant shifts in Yoeme political status in the United States that have led to a re-imagining of a U.S. Yaqui identity that is distinct from notions of Yoeme identity in the Mexican homeland. We will briefly review the history of Yoeme in Mexico as well as the political and economic developments that constructed Yoeme in the United States as “Native Americans,” with a political identity linked to the United States notion of “limited sovereignty.” As will be shown, the Pascua Yaqui Tribe of Arizona is an historical construction that is the result of both outsider articulations of Arizona Yaqui “Indianness” (Castile 2002; McGuire 1986) and local articulations of a Yaqui indigenous identity in the United States. Ultimately the shift in political status for the Arizona Yaqui from “immigrants from the Mexican state of Sonora” (Spicer 1940: 4) to a U.S. tribal nation resulted in a significant shift in Arizona Yaqui community identity and practice as

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12 Pascua Yaqui is the official tribal name of the Yoeme people of southern Arizona. *Pascua* is Spanish for “Easter,” and the term’s inclusion in the tribal name references the importance of Yoeme Easter ceremonies that “synthesize” (Spicer 1954) Christian and Yaqui pre-Conquest religious themes.
tribal leaders focused on the development of their tribal infrastructure and as community
members re-imagined themselves as a U.S. tribal nation.

In this chapter, the history of the Pascua Yaqui Tribe in Arizona is partially drawn
from life history and border crossing policy interviews with José Matus, an enrolled
member of the Pascua Yaqui Tribe and ceremonial leader in the Yaqui community of
Barrio Libre. José was told by his elders at a young age that he would have the
responsibility of passing on and protecting Yoeme knowledge. José Matus was born in
1951 and witnessed the transition of the Arizona Yaqui community to federal tribal status
in 1979. As both a ceremonial leader and political activist in this period of transition,
José was particularly invested in the community and tribal politics that guided this
transition and its impacts on the spiritual and ceremonial life of the Yaqui community.

Over time, I have come to know José as an activist, community advocate, mentor, and
friend, as well as a trusted research informant.

My work with José began in early 2006. At the time, I was interested in the
process involved in bringing over Yaqui curanderas (healers) from Sonora to assist in
Pascua Yaqui health programs in Arizona. My research at this point was focused on
contemporary Yaqui binational projects, and I was beginning to investigate the use of
Sonora Yaqui curanderas as a wellness resource for members of the Pascua Yaqui Tribe
undergoing treatment for addiction. When I met José, he was director of both the
Coalición de Derechos Humanos (Human Rights Coalition) and the Alianza Indígena Sin
Fronteras, both non-profit border rights organizations that were jointly housed at the time.
José was heavily involved in the founding of each organization. While I was certainly
interested in meeting a ceremonial leader in the Yaqui community, I primarily sought out José Matus for his expertise on border crossing procedures for Sonora Yaqui when entering the U.S. for tribal projects. I soon learned that José’s knowledge of border policy and procedure was necessarily tied to his role as a ceremonial leader. In addition, his dedication to border rights activism and border reform was critically tied to José’s ceremonial responsibility to preserve and strengthen Yaqui traditional knowledge.

Much of the historical and anthropological scholarship on the Yaqui has focused on the Yaqui as a “persistent people” (Castile and Kushner 1981; Spicer 1971). Spicer’s extensive and foundational works on the Yaqui people focuses on the Yaqui’s synthesizing of Yaqui and European practices. Spicer and many other scholars to follow have described Yaqui indigenization of Christian rituals and other local adaptations of European introduced practices as contributing to the miraculous survival of the Yaqui as a people. As these scholars argue, these Yaqui adaptations have served to strengthen, rather than weaken, Yaqui political and cultural solidarity. This solidarity would be critical for the Yaqui in the face of forced assimilation and extreme extermination policies by foreign forces over the course of four centuries.

When I first began working with José and other native activists in the border region in 2006, my familiarity with this literature on Yaqui resistance certainly guided my perceptions of Yaqui culture. It also shaped many of the beliefs I held regarding indigenous cultural change. It was not until the spring of 2007 that I began to question the representation of Yaqui historical change and survival in previous scholarship. Following an Alianza gathering held at a Tucson library in late April of that year, I drove
with an Akimel O’odham activist from this gathering to another gathering of the Black Alliance for Just Immigration (BAJI) held at the Pascua Yaqui Reservation. My role at that gathering was to record the event for the Alianza since one of the Alianza’s Yaqui members would be presenting to BAJI on border crossing issues. On our way to the BAJI gathering, Whitney, the O’odham activist I was accompanying asked me what I thought about the Yaqui and Christianity. I wasn’t immediately sure what he meant. He continued, “Well, I think the fact that they are called the Pascua Yaqui Tribe says something. Don’t you think?” Since Pascua is the Spanish word for Easter, Whitney seemed to be questioning whether the Yaqui could reconcile themselves as a native people when their culture at present was so influenced by a European Christianity.

Unlike the Tohono O’odham who were greatly influenced by Catholic mission life in the Spanish colonial period and are now primarily Catholic, the Akimel O’odham did not integrate aspects of Catholicism into their local religious belief system as a result of Spanish missions in their territories. As Trudy Griffin-Pierce states, “In contrast to the Tohono O’odham, the Akimel O’odham never experienced sustained interaction through the establishment of a Spanish or Mexican community on the Gila River” (2000: 170). While the Akimel O’odham were influenced by Sonoran O’odham who would live among them (Ezell 1983: 153), and there are now many Akimel O’odham who identify as Christians, there was never a process of community indigenization for Christian rituals as there was among the Tohono O’odham and the Yaqui. Christianization among the Akimel O’odham would occur in a much later period in the form of Presbyterian missionary conversion that would result in the decline of traditional ceremonies and
associated spiritual beliefs (Padget 2007: 252-253). It should not be surprising then that traditional Akimel O’odham would have a very different, and oppositional, view towards Christianity and its impacts than traditionalists in communities like the Yaqui. It was certainly the perspective of this traditional Akimel O’odham that Christianity may have a troubling influence on any indigenous community. I do not believe that Whitney’s comments about Christianity among the Yaqui were meant to suggest that the Yaqui were no longer truly native because of their Christian beliefs. In our continued conversation, however, he certainly expressed concern that traditional native worldviews could never be truly reconciled with a Christian worldview. As an anthropologist extremely familiar with the scholarly literature focused on the Yaqui as an “enduring people” with a “persistent identity system” (Spicer 1971, 1980), I responded to Whitney by discussing the concepts of indigenization and compartmentalization. I briefly reviewed the particular historical circumstances behind the development of Yaqui Catholicism. I discussed Yaqui synthesizing of native and Spanish religious beliefs as a significant form of resistance that has ensured Yaqui cultural survival. Whitney certainly seemed interested in this perspective though, perhaps, not entirely convinced.

Talking with José after a community meeting the following month, conversation somehow turned to my discussion on Yaqui Christianity with Whitney. After sharing my response to Whitney’s concerns, José said something I had not expected. After a pause, José said, “Well, he’s right about one thing. We have lost a lot. And we’re losing a lot.” José went on to say that although the Yaqui had been able to hold on to a lot through the years, there was also knowledge that had been lost because of Yaqui struggles. He talked
about the loss of Yaqui language in the communities today and the difficulties he faced as a ceremonial leader in passing on ceremonial knowledge without being able to communicate this knowledge to Yaqui youth in the traditional language. In an interview the following year, José would share his fear that one day soon the Yaqui ceremonies would “be a thing of the past.” While he has no doubt that the performance of ceremonies will continue in the Yaqui communities, he fears that one day ceremonial groups would be,

…like actors going through the process in our community centers. “And this is what the elders used to do.” You know? “This is the Deer Dancer and this is the Chapayeka.” Just to show how the Yaquis celebrated and had ceremonies. . .

And it’ll be sad. It’ll be sad if that happens, if I’m right. I hope I’m wrong. But I think that that’s where we’re headed to.

José pointed, once again, to the loss of Yaqui language among youth in his community as a significant threat to Yaqui ceremonies.

The Yaqui have been remarkably successful in gaining political recognition as a people in both Mexico and the United States. Compared to many indigenous communities of the Greater Southwest, the Yaqui certainly stand out for having retained so much of their original territories, their native language and customs through colonial rule and the development of the Mexican nation-state. There is no doubt that the Yaqui are a persistent people. Yet, a focus on Yaqui political and cultural persistence risks essentialization of the Yaqui people, whereby persistence is perceived as an essential Yaqui social trait. It is therefore easy to miss the tremendous identity work done by Yaquis (Erickson 2008), as well as the level of political organization necessary to
maintain Yaqui cultural persistence. Given the Yaqui’s successful adaptation to and resistance against the various imperial and state policies designed to marginalize Yaqui society, it is also easy to underestimate the extent to which certain contemporary state policies limit Yaqui sociopolitical organization. At present, the political solidarity and strict ceremonial structure of the Yaquis that have secured Yaqui cultural persistence through history (Hu-Dehart 1984; Spicer 1971, 1980) are significantly threatened by current border enforcement policies. With the strictest set of policies for U.S.-Mexico border enforcement in the history of U.S.-Mexico relations, the Yaquis face an unprecedented challenge in sharing ceremonial resources and maintaining political solidarity across territories. In addition, the challenges faced by the Yaqui are not just a matter of what happens at the border or the limitations on Yaqui border crossing, but also how the enforced border itself impacts Yaqui perceptions of group identity—perceptions of who are and are not really Yaqui—and what constitutes group survival. The Yaqui have held on to a great deal. Nevertheless, among those who hold the responsibility of preserving Yaqui ceremonies and ceremonial knowledge, there is an extreme consciousness of real and potential loss. It is clear to Yaqui ceremonial leaders that border reform is needed to prevent this loss and preserve Yaqui knowledge on both sides of the border.

Among many Yoeme, the vision of a single Yaqui Nation that extends across the U.S.-Mexico border with its homeland in Mexico is still strong. The shared Yoeme language, ceremonial practices, and continued contact between Yoeme relatives in Mexico and the U.S. help to maintain significant transnational ties between the Yoeme
people. One important factor in maintaining ties between the Sonoran and Arizona Yoeme communities is the relationship between ceremonial leaders in Sonoran Yaqui and Arizona Yaqui communities. With some support from the Pascua Yaqui Tribe in Arizona, Yoeme ceremonial leaders, traditional healers, and other Yoeme cultural specialists of the Sonoran Yaqui Valley maintain a presence within the Arizona Yaqui communities today. However, much of the work involved in securing the presence of Río Yaqui ceremonial leaders and participants is carried out by Yoeme ceremonial leaders in the U.S., in constant communication with ceremonial leaders in Río Yaqui.

In his late teens, José Matus was “given the task of going to Río Yaqui to invite ceremonial participants” for Yaqui ceremonies held in Arizona. As a ceremonial leader, José works to “preserve the spiritual, cultural, and religious ceremonies, as well as our social values known as I’tom Yoemem Ania,” or Our Yaqui World. As José explains, preserving the I’tom Yoemem Ania requires Yoeme in the U.S. to maintain contact with Yoeme in the Sonora homelands. The felt need for connection between members on either side of the border comes not only from a desire to maintain transnational unity, but from a fear of rapid linguistic and cultural loss among Yaqui in the United States. There is also a real fear of linguistic and cultural loss in Mexico, and an expressed need for Yaqui in the U.S. to provide economic support to Yaqui communities in Sonora, as youth rapidly leave rural Sonora Yaqui communities in search of better economic opportunities. As Matus states, when he first began the task of communicating with Río Yaqui ceremonial participants in the late sixties and early seventies, and bringing them to the U.S. for ceremonial events, there seemed to be,
more support and interest in maintaining our ties with our relatives in Mexico, our Yaqui relatives, where today, the Yaquis are- I don’t know what the word is. We have a different breed of Yaqui, more educated in the white man’s way, more educated in what America has to offer. And to a degree, there are some Yaquis that don’t really care about our ceremonies as much as our elders did back then in the early seventies. They know they’re there, but they really don’t know the purpose. And why we do certain things the way we do them. There are some that do respect the ceremonies, and then there are some that don’t respect them, you know. And that is a concern that I have. And that is one of the biggest things that I am promoting. We need the people from Río Yaqui. We need to be able to work with them and bring them down, and help maintain our language. And the sad thing about it, too, is that in Río Yaqui, there’s a lot of people that, of our relatives, there are young people there, also, that are getting educated, you know, highly educated, and they’re on a career track that might take them away from their community… But, unfortunately, they’ll come back, not with the intent of continuing the ceremonies, or even the language. They’ll come back with economic opportunities in their heads. And that is sad. We’re going to lose a lot, you know, during the process. They’re going to lose a lot. We’re all at risk now. The ceremonies and the language. Totally at risk now.

Below, we review the history of the Yoeme Nation and how it came to be a binational community, split by national boundaries that define these differing factors of potential cultural loss that the Yoeme face on each side of the political border.
History of the Yoeme Nation in Mexico

The traditional homelands of the Yoeme Nation are in the State of Sonora, in Northern Mexico with approximately 40,000 Sonora Yaqui residents currently residing in the Yaqui Zona Indígena, a federally recognized indigenous land reserve. Yoeme social and cultural life still thrives, as well, in several Yoeme barrio communities in the nearby cities of Hermosillo and Ciudad Obregón. As Evelyn Hu-DeHart states, “The Yaquis stand out for having waged the most determined, enduring, and successful war against involuntary absorption into the dominant culture or integration with the larger society. . . They have held on tenaciously to their land, community, and culture, guarantees of their autonomy” (1981: 2). However, this successful campaign for autonomy has come at considerable costs for the Yoeme people, and it is a campaign that continues as the Yoeme grapple with economic development and cultural maintenance challenges.

Prior to Spanish contact, the Yaqui of southern Sonora organized social and economic life within small, temporary communities, shifting settlement locations according to the availability of arable land. Each community seems to have been an autonomous economic and political unit. Each temporary community assigned its own elders as spokesmen who would deliberate on community matters in open council. Hu-DeHart observes that war with neighboring communities appears to be the only reason for consistent contact and joint decision making between the disparate Yoeme communities (1981: 12).

The Yoeme first made contact with the Spanish in the early sixteenth century. According to an anonymous Spanish report, the Spaniards who arrived at the Yaqui River
in 1533 were met by warriors “assembled in a large field of one-and-a-half leagues” (Hu-DeHart 1981: 15). Upon meeting the Spaniards, the Yoeme “leader,” an elder distinguished by his dress, “drew a line on the ground as a demarcation, threatening death to any intruder who dared cross it.” This moment recorded in Spanish history is also recounted in Yaqui oral histories as well, and could be described as the initial “act of inscription” (Evers & Molina 1992: 3) acted out by the Yoeme in response to Spanish intrusion. This particular moment in Yaqui history is also significant, not only in linking inscription to resistance, but also in linking inscription to successful resistance. After crossing the established boundary line, the conquistador Nuño de Guzman and his party were caught up in a battle that they had not been prepared for and were forced to retreat. Whether by result of impressive Yaqui performance in battle or Spanish exaggeration, the “Yaqui,” as named by the Spanish for their proximity to a river the Yoeme called hiak vatwe and the Yoeme name for their homelands (hiakim), were labeled as “the fiercest fighters in the New World” (Hu-DeHart 1981: 15). The Yoeme community was not approached by the Spanish again for over a decade. However, due to the Spanish Crown’s general economic interest in the Northwestern territories of New Spain and rumors of “Yaqui wealth,” Spanish plans for settlement in the Yaqui Valley continued.

Spanish plans were met by disappointment. The Spaniards’ attempt to colonize Yaqui territories fit a general pattern of failure in the goal of colonizing the northwestern frontier. Spaniards were not able to make use of the same “operational methods” which they had made use of in the sedentary civilizations of central Mexico. As Hu-DeHart (1981: 21) states, “Finally aware of their own deficient human and material resources,
Spaniards turned to missionaries for assistance in opening up this frontier.” The Jesuits began making contact with the indigenous peoples of the region, and were ultimately successful in establishing relationships with indigenous communities that allowed for mission settlement in the Northwestern frontier. The Yoeme’s acceptance of Jesuit missionary settlement on Yaqui lands followed soon after Jesuit missionaries began to work among the Mayo, “cousin” community to the Yoeme. In 1617, the Jesuits were asked to reside on Yaqui lands by Yaqui invitation and remained until their eventual expulsion from the New World in 1767 (Spicer 1984). During this period, the Jesuits initiated changes in Yaqui social organization and material culture. The Yaquis were moved from their small, scattered “rancherias” (ranches) and settled into 8 corporate communities: Potam, Vicam, Torim, Bacum, Cocorit, Huirivis, Belem and Rahum. The Yaqui would eventually refer to these corporate communities as *wohnaiki pwebplum*, or the eight sacred pueblos (towns). A mission church was established at the center of each community. Each pueblo was appointed a Yaqui governor and “new forms of civil rule were introduced” (Giddings 1959).

It is clear from written historical records that Jesuit settlement on Yoeme lands resulted in drastic changes to the Yoeme’s existing political, religious, cultural and economic practices. Yoeme oral history, however, tends to identify this settlement period as one of peaceful acculturation, stressing pre-existing similarities between the Yaqui and Jesuit Christian belief systems, such as the Yoeme belief in a paternal sun spirit represented by a cross symbol coinciding with the Jesuits’ belief in a heavenly father represented by the Christian Jesuit cross (Padilla 1998). The Jesuits remained among the
Yoeme for over a century and the relationship established between the Yoeme and the Jesuits is generally regarded as a beneficial relationship that allowed for the isolation of Yaqui lands from Spanish colonial settlement and redistribution policies. Yet, this period of acculturation was not free of struggle. The Jesuits proceeded to take over all aspects of economic life in the pueblos, treating the Yaqui as “immature wards needy of their close protection and constant guidance” (Hu-DeHart 1981: 59).

The Yaqui, however, sought to re-establish the economic and cultural autonomy that they had previously known. The Yaqui “sans Jesuits maintained a vigorous cultural life and economic self-sufficiency. Furthermore, by accommodating themselves voluntarily as wage laborers to the expanding mining economy outside the mission, they forestalled implementation of other reforms designed for their total integration into secular Spanish life. . . Yaquis successfully protected their distinct cultural identity and retained a cohesive political unity” (Hu-DeHart 1981: 59). Nevertheless, by the 1730’s, Jesuit missionaries had taken full control of Yaqui surplus, blocked Spanish mine owners from claiming laborers in the Yaqui communities, had begun to appropriate communal lands claimed by Yaquis for church use, and had stopped paying Yaquis consistently for their agricultural work. Jesuits’ strict control of Yaqui labor and economy at this time was largely a response to competing Spanish secular interests in the region.

Caught between Spanish secular economic interests and opposed Jesuit goals, the Yaquis attempted to accommodate the interests of both until conditions made such negotiation untenable (Hu-DeHart 1981). Increasing Spanish usurpation of Yaqui lands combined with increasing Jesuit defensive control over Yaqui resources would eventually
result in a series of indigenous raids during a period of famine, followed by a full-scale rebellion in 1740. The rebellion primarily targeted Spanish secular settlements, but the indigenous movement also marked the loss of strong Jesuit missionary control over the Yaqui and other native communities of the region. Due to a faltering Jesuit control, the Spaniards’ need to focus on Seri attacks outside of Yaqui territories, and the Jesuits’ eventual expulsion from New Spain, the Yaqui experienced a period of relative autonomy from Spanish control in the years following the rebellion through Mexico’s War of Independence (Griffen-Pierce 2000: 213).

In 1821, the Yoeme became citizens of the Mexican Republic, now required to be called upon for Mexican military service, pay taxes and to contribute in other ways to the new nation. In 1824, the Yoeme formed an organized resistance against land surveyors who began to enter the Yaqui Valley with the intent to tax inhabitants and claim lands for the state. Following his arrest for his role in this resistance, Yaqui leader Juan Banderas attempted to form a pan-Indian resistance to Mexican settlement in the region. Banderas raised an army of 2,000 that temporarily drove out Mexican inhabitants for more than two years, and inspired a six year rebellion. Banderas was executed along with 12 other indigenous rebels in 1833.

In 1850, Yaqui lands were subject to the Mexican Laws of Reform which authorized the Mexican government to seize and redistribute communally held lands. The Yoeme formed an armed resistance to the implementation of these laws. Armed conflict between the Yoeme and the Mexican government continued into the late nineteenth century. At the turn of the twentieth century, the Mexican government under
Porfirio Diaz implemented forced deportation and “extermination” policies against the Yoeme as “a final solution” to Yoeme resistance (Hu-DeHart 1984; Sheridan 1996). This period was marked by intermittent guerrilla warfare as many Yoeme fled to the nearby mountains to escape the Mexican military and continue their resistance, while others crossed the Mexico-United States border to escape execution and mass deportation as Yoeme were sent as slave labor to sugar plantations in the Valle Nacional. As Spicer observes,

By 1910... There were still at least 15,000 Yaquis in the world, but they were nowhere in command of anything that they would have been willing to call their own local communities. Thousands of their families had been forced apart, so that they were living as individuals or in broken parts of families in Mexican or North American communities. They had become the most widely scattered native people of North America, extending, as a result of forced dispersal, from the henequen plantations of lowland Yucatan among the Maya Indians to the barrios of southern California among the urbanite Anglo-Americans of Los Angeles. (Spicer 1980)

Yaqui migration to the U.S. began in the 1880’s, but the first large wave of Yaqui migration came after 1900 when Yaqui fled north to escape deportation. As Spicer states, “From 1900 to 1910 perhaps 60% of all Yaquis who ever came to the United States entered. . . those who came about 1907 and about 1917 constituted a nucleus who settled permanently and founded the Arizona Yaqui communities” (1980: 236-237).

Yaqui members who had secured their safety in the United States began persistent efforts to communicate with Yaqui members who managed to maintain a foothold in
Sonora. Fearing the loss of both the Yaqui homelands and Yaqui knowledge, a Yaqui general in Arizona sent a message to Yaqui in Sonora, requesting that the Yaqui elders record the oral histories and traditions for safekeeping in Arizona. These writings were initially sent north through the mail, and then later sent by runner after encountering Mexican interference. Texts were typed into the lining of shirts and runners were sent periodically to Tucson on secret trails (Evers & Molina 1992; Holden 1936). Despite creation of the Border Patrol in 1924, and the increasingly restrictive U.S. immigration legislation after 1900, “Mexican immigrants initially were not subject to most of these restrictions” (Gutierrez 1995: 52). Both the relative openness of the U.S.-Mexico border during this period and the existence of a Yaqui vernacular text would greatly contribute to the Yaquis’ efforts to maintain their homelands in Mexico, as well the Yaqui elders’ continued transfer of cultural knowledge among the Yaqui in Arizona.  

In the 1930’s, Mexican President Lazaro Cárdenas implemented agrarian reforms that allowed the formation of communally held lands in the form of ejidos held in trust by

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13 In the seventeenth century, the Jesuit missionaries implemented a program of church-based literacy. Evers and Molina (1992) point out that the introduction of literacy into the Yaqui communities had the potential of creating divisions among the Yaqui, as an elite literate group linked to European religious practice and language was forged. While a Yaqui maestro (teacher, lay priest) society did form and would play a leading role in Yaqui church and ceremonial life, the maehtom (lay priests) would take their place in a larger ceremonial complex composed of various ceremonial societies and forms of ceremonial leadership. The creation of a Yaqui vernacular writing also allowed for the incorporation of the Yaqui language into maehtom literacy practices. In contemporary Yaqui priestly literacy, there is a necessary understanding and use of Spanish, Latin, and Yaqui. As is understood by the Yaqui, each language encapsulates particular spiritual meanings which are important to Yaqui spiritual life and a maestro would be deficient without an adequate knowledge of each language (Painter 1986).
the Mexican government. In 1937, Cárdenas responded to Yoeme claims on communally
held lands in the Yaqui Valley with the establishment of the Yaqui Zona Indígena. This
allowed for the return of many Yaqui to a portion of their homelands and for the
reconstruction of the traditional Yaqui social structure and agricultural economy.
Traditional Yoeme leaders immediately began the process of re-settling communities and
reestablishing the authority of the “Eight Sacred Pueblos.” During this period of
resettlement, in the early 1940’s, Edward and Rosamund Spicer recorded a number of
Yaqui “land myths,” Yaqui narratives explaining Yaqui historical ties to their homelands
(Evers & Molina 1992; Sheridan 1996). A document drafted by the Yaqui and known as
the Testamento began to circulate in the 1950’s when the Yaqui experienced renewed
threats of Mexican land encroachment. This document drew upon the traditional Yaqui
land myths and it served an important role in continued cultural revitalization during this
period and beyond.

As Sonora Yaqui reconstructed their communities in the Yaqui Valley, Yoeme
who had migrated to southern Arizona established new communities. Fearing
deportation in compliance with Mexican government requests, Yoeme in Arizona at first
practiced traditional ceremonies in secret and spoke their language only in their small,
covertly formed communities. Gradually, the Yaqui in Arizona began to reconstruct a
public ceremonial life, and would eventually establish their identities as a native
population of the U.S. Southwest.
The Yaqui Nation in Arizona

The Pascua Yaqui Reservation is located in southern Arizona adjacent to the City of Tucson. Several Yaqui communities formed in southern Arizona at the turn of the twentieth century including Pascua Pueblo in central Tucson, Barrio Libre in South Tucson, Yoem Pueblo in Marana and Guadalupe in Phoenix. Guadalupe is the oldest of the existing Arizona Yaqui communities, having formed around 1890 (Trujillo 1998). In the 1960’s community leaders formed the Pascua Yaqui Association, a group of community leaders seeking to improve economic conditions for their community members. In 1964, the Pascua Yaqui Association was successful in obtaining a little over 202 acres of deeded land from the federal government. The newly formed community on these lands would be called New Pascua and its leaders would work to gain recognition of their community as a tribal community in the United States. In 1978, the Yaqui of Pascua gained federal recognition as a Tribe by vote of Congress and the New Pascua Yaqui Reservation was created. The process of obtaining full federal recognition as a tribal community in the United States involved the demonstration of enduring traditional practices and a long history of migration over the Sonora-Arizona border. Today, although each Yaqui pueblo or town considers itself an autonomous polity, Yaqui pueblos on each side of the U.S.-Mexico border including Arizona Yaqui communities outside of the federally recognized reservation lands share ceremonies, patterns of ritual, and a traditional spatial organization (Dedrick & Casad 1999). There are currently over 16,000 enrolled members of the Pascua Yaqui Tribe with about 4,000 enrolled members residing on the Reservation.
When the Yaqui in Arizona gained U.S. federal recognition as a Native American people in 1978, they were classified by the Bureau of Indian Affairs (BIA) as a “created” tribe, viewed by BIA as a Native American community that demonstrated knowledge and practice of native traditions within the U.S., but with no historical ties to lands in the United States. Over the course of several years, the Pascua Yaqui Tribe, with assistance from the University of Arizona College of Law, sought to demonstrate the Yaqui’s historical presence in the U.S. Southwest. In the 1993 Congressional hearing held to clarify the status of the Pascua Yaqui Tribe, Yaqui representatives and supporters emphasized a Yaqui history of migration and periodic settlement in the U.S. Southwest, prior to the 1848 Treaty of Guadalupe Hidalgo that established the U.S.-Mexico border. Ceremonial leader Anselmo Valencia stated the following in his Affidavit submitted to the Subcommittee on Native American Affairs:

> It is told by my Ancestors that the Yaqui Indians, among other Tribes, existed on this continent from the beginning of time. We were given this garden to live in and protect. Our garden was of great distance and we roamed freely over its full extent. The aboriginal boundaries of the Yoem People (presently known as Yaqui Indians) stretched from north as far as Durango, Colorado; west as far as Yuma, Arizona and some parts of California; east through New Mexico and Arizona and south as far as the southern tip of Sonora, Mexico.

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14 Pascua Yaqui Status Clarification Act Hearing before the Subcommittee on Native American Affairs of the Committee on Natural Resources, House of Representatives, One Hundred Third Congress, first session, on H.R. 734, to amend the act entitled "An Act to Provide for the Extension of Certain Federal Benefits, Services, and Assistance to the Pascua Yaqui Indians of Arizona, and for Other Purposes"; hearing held in Washington, DC, April 30, 1993.
For the last hundreds of years, before this area became Spanish, Mexican or American property, the Yaqui Indians had permanent settlements around what is now known as Tumacacuri, Arizona, Va-Gojorid, N.W. of Tucson, for a long time known as Alaguna, today known as Jaynes, Arizona. Also, Toltec, Arizona and Siva Koviku, close to Somerton, Arizona. There are many other known settlements that can be documented to this date.

. . . It is true that there was an influx into the northern base land locations during the Mexican-Spanish attempted genocide of the Yaqui People. These Yaqui People were not refugees and did not travel to avoid conflict or seek shelter. They traveled to other established Yaqui land base settlements, away from the war, in order to work and buy ammunition, food, and needed supplies to further the cause of the Yaqui people being persecuted in the waning area. They traveled frequently back and forth from community to community during these many warring years.

Valencia’s insistence that the Yaquis were “not refugees” is important as it counters the BIA officials’ repeated reference to Yaquis entering the United States as “political refugees” in statements to the Subcommittee. Insisting that the Yaqui were recent Indian immigrants to the U.S., the BIA opposed recognition of the Pascua Yaqui as an historic tribe.

Issues of both sovereignty and Congressional power were central to the congressional hearings held to clarify Pascua Yaqui tribal status. As Chairman of the Subcommittee on Native Affairs, Bill Richardson stated, “At the heart of this inquiry is
the concept of tribal sovereignty. This concept is the heart and soul of the Federal tribal relationship. Sovereignty is something this committee takes extremely seriously. Tribal sovereignty is inherent, and it is the task of the Congress to acknowledge the existing sovereignty Tribes retain, not to delegate these powers.” As a “created,” non-historic tribe the Pascua Yaqui’s “self-governing powers” were limited to those delegated by the Secretary of the Interior. Without powers of “inherent sovereignty,” the Pascua Yaqui could not regulate inheritance through the self-determination of their group’s membership nor could they benefit from the full range of services offered to historic tribes, such as those offered by Indian Health Services. Throughout the congressional hearings on the Pascua Yaqui Clarification Act, the Subcommittee consistently challenged the BIA’s “authority to make a determination as to how much sovereignty a Tribe has” (Richardson, April 30, 1993 Congressional Hearing on H.R. 734). In his review of the Pascua Yaqui recognition process, Castile argues that a claim to Toltec descent was used by the Yaqui to prove historical ties to lands in the U.S. despite the absence of archaeological evidence for this claim. As Castille states, “Congress appears to have accepted, without any critical inquiry, the propositions that the Yaqui were descendents of the Toltec and that the Toltec were indigenous to the United States” (2002: 415). While the statements of some Congressional members indicates acceptance of the Toltec theme, it is clear that Congress’s assertion of its plenary power to expand or limit tribal government powers made irrelevant the Department of Interior’s criteria for the designation of “historic” status. As Congressman Craig Thomas stated in the Congressional Record, “Given the plenary authority of Congress over all facets of Indian Affairs, it seems to me on those
rare occasions when we legislatively recognize a tribe—as we did with the Yaqui—we mean that acknowledgement to be full recognition unless we expressly provide otherwise” (103rd Congress, August 2, 1993). The Pascua Yaqui gained recognition as an historic tribe through federal legislation in 1994.

Regardless of BIA officials’ initial assertion that the Pascua Yaqui was not an historic tribe due to the Yaquis’ relatively recent establishment of permanent communities in the U.S., Congress’s decision to recognize the Pascua Yaqui as a historic tribe should not be challenged. Firstly, there is in fact no language in the criteria used by BIA for determining “historic” status specifying that native communities must prove pre-colonial ties to lands in the United States. In the 1991 statement by Acting Director of Tribal Services sent to the Pascua Yaqui Tribal Chair, opposing proposed changes to the tribal constitution regarding membership, an historic tribe is simply defined as one “that has existed since time immemorial.” This definition of historic tribe is contrasted to that of the created tribe which designates a community of “adult Indians” that has formed as a tribe after having “resided together on trust land.” In other words, a created or non-historic tribe is one that has formed due to the federal government’s assignment of

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15 The 1978 BIA issued “procedures for establishing that an American Indian group exists as an Indian tribe” does state that the procedure and policy for acknowledging the existence of tribes is “intended to cover only those American Indian groups indigenous to the continental United States which are ethnically and culturally identifiable, but which are not currently acknowledged as Indian tribes by the Department” (cited in Prucha 2000). When the 1978 congressional bill acknowledging the Pascua Yaqui as a tribe reached President Carter for signature, the Office of Management and Budget (OMB) advised the President that the Pascua Yaqui did not fit this criteria, but apparently recommended approval of the bill regardless (Castille 2002). Provided that Congress found the Pascua Yaqui fulfilled other criteria for recognition as an Indian tribe in the U.S. and that the decision did not set “adverse legal precedent applicable to Indian claims cases” (Eizenstat and Fletcher to President Carter, September 15, 1978), White House domestic policy staff saw no reason to recommend veto. When Congress and the President acknowledged the Pascua Yaqui as a tribe in 1978, there was nothing written in BIA acknowledgement procedures to indicate a distinction between historic and created tribes nor what criteria would be used to create such distinctions.
individual native people on designated reservation lands, a collection of individual adult Indians who may organize for self-government but who do not share traditional forms of sociopolitical organization. Therefore, the BIA categories of “created” vs. “historic” to designate tribal status were never sufficient to describe the unique situation of the Yaqui as an indigenous population in the United States. The Pascua Yaqui were never a “created” tribe as the term was applied to groups of Native Americans residing together on trust lands but with no sense of traditional sociopolitical unity. The Yaquis in Arizona were most certainly a native community with shared traditions in existence since time immemorial and a history of self-government prior to their organization on trust land. They most certainly held established ties to a shared homeland where these traditions and history of self-government originated. It was simply the case that they chose to reorganize themselves on U.S. provided trust land when a return to the Yaqui homelands in Mexico seemed the less viable solution to their current hardships.\textsuperscript{16} Yaqui in Arizona also feel a deep sense of spiritual and cultural attachment to the Sonoran desertlands. This is the case regardless of what side of the border those desertlands are inhabited. The BIA’s initial designation of the Pascua Yaqui as a “created” tribe was an interpretation of this unique situation based on a relatively new set of criteria established in 1978. Congress, with plenary authority over Indian affairs, interpreted the situation differently. Tribal recognition in 1978 and expansion to full tribal sovereignty rights in 1994 contributed greatly to the Yaqui’s ability to survive both economically and

\textsuperscript{16} For a more detailed discussion on the poor economic conditions faced by Yaqui in Arizona and the need for federal funds to support continued survival of the Yaqui as a cultural community in the U.S., see Miller (2004) in his review of the Yaqui federal recognition process.
culturally within the United States. Enrolled Pascua Yaqui members residing on the Reservation, as well as those residing in Arizona Yaqui communities such as Guadalupe in Phoenix and Barrio Libre in South Tucson would benefit from federally supported tribal services. Funds for Yaqui cultural revitalization projects and the extension of tribal services to non-reservation Yaqui communities has certainly assisted in both the maintenance of Yaqui cultural knowledge in the U.S. and a sense of Yaqui community beyond reservation lands. Yet, tribal recognition would also result in significant changes to sociopolitical organization and identity formation among Yaqui in the United States.

From Mexican Indian to Native American: Becoming Pascua Yaqui

José Matus has witnessed many changes in the Arizona Yaqui community over the past 50 years. Growing up in Barrio Libre (Free Neighborhood) in the 1950’s, Jose remembers a large community populated with indigenous peoples including Yaqui, O’odham as well as Chicano families. He describes it as a “good community” during this period because of the presence of “a lot of people” and “a lot of activity”, where pockets of traditional indigenous communities were established. Construction of a new highway system in the late sixties resulted in eminent domain removal of neighborhood households and a reduction of indigenous population size within Barrio Libre. As José states, “A lot of people were displaced . . . And so the Yaqui community where I used to live was reduced in size.” José and his family remained in the Yaqui community of Barrio Libre, and it is there that José would develop into the roles of ceremonial participant, ceremonial leader and community advocate.
José began participating in ceremonies when he was eight years old. In the Yaqui tradition, individuals are assigned to serve in a particular ceremonial society through a *manda*, or vow. Children are typically promised to a ceremonial society during a period of extreme illness when parents or guardians seek assistance from Jesus or Mary in curing (Painter 1986). José was promised to ceremonial service through a vow made by his grandmother. José’s service would be life-long “to thank the Creator for getting well.”

At the age of around seventeen, José was serving as a *pascola*17 musician when he was asked by the ceremonial elders of Barrio Libre to help them in bringing in ceremonial participants from Río Yaqui, Mexico. José was very familiar with the Río Yaqui region. Having grown up with his grandmother, he would often go with her to visit with relatives in Potam pueblo where he would stay for weeks and sometimes months. When he was asked by the elders to go to Río Yaqui, José says, “My thoughts were helping my elders bring in people that we needed for ceremonies, and that was my calling and my task and my service to the ceremonial society that I belonged to, and that was something that was required of me. So I just did it.” Nevertheless, José recalls feeling a bit “intimidated” by this new responsibility he was being asked to take on as a part of his ceremonial service:

> They said, “We want you to do this.” You know, “Go get some of the participants in Río Yaqui. We need a deer dancer and we need a violin player, so you go seek them out.” I said, “Well, how am I going to do that?” You know?

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17 *Pascola*, or *pahko’ola* means “old man of the ceremony”. The pascola dancer is believed to be of Pre-hispanic origin. His ceremonial dance is accompanied by musicians including the *tampaleo* (ceremonial flute and drum player), violinist and harp player.
And they said, “Well, just go down there and bring us one.” And to me, I had never done that before, and I was just wondering, “How am I going to do that?” So, I said, “Well, okay. I’ll see what I can do.” And so I was able to start figuring it out. I had to really think about it. “How am I going to do that?” But I was able to do that. I was able to bring in the people that we needed. And the other issue was that I didn’t know that these people needed a passport to cross the border. And I didn’t know that they had to apply in order to get a passport and that they had to pay money to obtain one. So all that was new, and I had to learn that fast, how to deal with all that. And to me, that was the biggest responsibility of my life. I was young and I had to grow up real fast, to be able to be a mature person to be able to figure out these things. Anyway, I was able to do that.

José describes a “long learning process” involved in taking on this new ceremonial role that began with his first trip to Río Yaqui to find and bring over ceremonial participants. José was driven to Nogales where he caught a bus to Potam pueblo. Arriving alone in Potam, early morning, José says that he was not sure where to go from there. He had relatives in Potam and some ideas about where to go, but there would be no transportation until later in the morning. He decided, then, to walk over to a little restaurant nearby to have some coffee. While sitting and drinking his coffee he noticed “an elder gentleman” sitting about three or four tables across from him who was watching him. Remembering this, José says, “That kind of made me nervous, because I didn’t know why he was looking at me. He was staring at me actually. So, finally I saw him get up and he came over, and he started talking to me. We engaged in conversation and all that. Then finally he asked me what I was doing. He knew I wasn’t from around
here, and he asked me, ‘Where are you from?’ I told him, ‘I’m from Tucson.’ And he said, ‘Well, what are you doing here? Are you with somebody else? Or are you by yourself?’

‘Well, I’m here by myself, and I’m here to get some pascolas and a deer dancer and take them to Tucson,’ I said. He said, ‘Oh yeah? Who are you going to get?’ And I said, ‘Well, I don’t know yet. I’m not sure who, or where to go, actually.’ And he says, ‘Well, there’s one guy, he’s a pascola dancer. He’s an elder. He lives right across the street from here. I can take you to him . . . So, basically, that’s how I was able to recruit people. He took me to this guy, and that guy took me to another guy, and we spent the whole day going around talking to people.’

José asked the elder pascola to speak on his behalf when making contact with the other Río Yaqui ceremonial participants. As José says, he asked the elder pascola “to be the advocate for me. And he did. Because of my Yaqui. My problem was that my Yaqui was not good enough, you know, to be able to speak to them in Yaqui. And so I asked that elder to help me out. And he says, ‘Yeah, okay. I’ll do that.’ And so I started learning the formalities, what’s actually done, what I have to do through this elder there in Río Yaqui. So we were able to bring in what we needed.”

José still faced challenges when crossing the border into the United States with the ceremonial participants that were recruited from Río Yaqui:

There was about ten of them that I brought to the border. And that’s where the problems began. Number one, the border officials did not want to let them through because they didn’t have identification. So I had to debate them and
explain to them why they needed to cross the border. And so when I started to
talking to the first border official, I said, “Well, is there anyone else I could talk
to?”

“Well, you can talk to my supervisor.” So I talked to the supervisor, and he says,
“Nooo. They need to have their passport. They can’t just be crossing without a
passport, so you’re going to have to get them one. And they need to go back
home until they get their passports.” And blah blah blah blah blah. So I said,
“Well, is there anyone else I can talk to?” So I talked to the co-director. And the
co-director said, “No.” So I was telling him, “It’s important for us to have these
people cross the border for these ceremonies.” Then I was explaining to them
what they did and what each person’s calling was, and the type of dancer he was.
You know? So after a long discussion with them, they took a look and then said,
“Okay, this is what we’re going to do. We’re going to parole them in.” And that
was something that I’d never heard of, “parole them in,” other than they were in
prison, and they were let go and paroled after leaving the prison, like they just
got out of jail. So I said, “Well, what do you mean ‘parole’? They’re not coming
from prison.” He said, “No, no, that’s what we call it. ‘Parole’ them in. That
means you’re going to have to sign for them.”

“Me? You want me to sign for them? How am I going to sign for them?”
“Well, we have a form here that you promise that they’ll come back and that
they’re going to ceremony and that they’ll come back on so and so date.” And I
said, “Okay.”

“But it’s going to cost you ninety dollars per application, per applicant.” And I
said, “Well, I don’t have 900 hundred dollars. I don’t even have a hundred
dollars. I just spent all the money getting them down to Nogales on the bus,” I
said. So, again, he said, “Well, that’s the only way I can do it.” So, I started
negotiating with him again. So, he said, “Well, I’ll waive the fee. We’ll get ‘em
through, ‘cuz I know you’ve been here for a long time waiting to cross the border
with your people. So, we’ll just let it go this time, but next time this is what you
need to do. Okay?” He explained to me the process and he explained to me
there is a policy within their regulations to be able to allow people to do that, but
he said, “That is something that we do not advertise, and its’ something that we
don’t encourage. But, I’m telling you right now, if you’re going to be bringing in
people from Mexico, then I’m just helping you out,” he said. So that’s where I
learned how to bring in people without documents, about the whole process here.

After his ordeal at the border, José recalls being a bit upset by the response of the
ceremonial elders upon his return to Barrio Libre:

When I got back the elders did not recognize- Well, maybe they did, but they
didn’t say, “Well, you did a good job.” They didn’t say anything. They figured
that I was going to be able to do it anyway, you know, it seemed to me, like I’d
been doing it for so long that they didn’t need to give me that recognition that I
was able to accomplish something that was very difficult to do. ‘Cuz they didn’t
even pat me on the back and say, “Hey, good job.” Nothing. That’s what I was waiting for. I was young, and you know—[laughing] And I told my mother, “They didn’t even appreciate me going.”

“No, they did appreciate it, but they’re not going to tell you.” I said, “Why not?!?” You know? “Why shouldn’t they tell me?”

“No, they’re not going to tell you. They know you did a good job. They had confidence in you. They knew that you were going to be able to go over there and do what they asked you to do. And you were able to figure it out.”

About a year later, the ceremonial elders spoke to José about joining the ceremonial leadership. At the time, José believed that he was too young to take on the responsibilities of a ceremonial leader and that his calling was that of ceremonial participant rather than leader. As he says, “I didn’t have confidence in me, in José Matus being able to do what’s required of me as a ceremonial leader.” So he spoke with his elders, his mother, and his uncles who also participated in ceremonies and told them that he didn’t “want any part of this large responsibility” because he didn’t know if he was “going to be able to handle it.” But they said, ‘Well, that’s why you have the ceremonial leaders right now. And that’s why they want to start training you, so that you know what to do. All you have to do is observe, listen and ask questions, and that way you can learn.’ So they did not let me back out on that. They said, ‘They want you. And you’re going to stay here whether you want to or not.’ I really didn’t have a choice. You know? So I said, ‘Well, fine. I’ll do whatever I can.’”
José accepted his new calling and entered the ceremonial leadership in his late teens, despite some trepidation. He says, “I was young, and there was some criticism here and there from other people, but that didn’t bother me as much as being named as one of the leaders in the ceremonies.” Some of the criticism directed at José in his new role was due to his youth, but some in the community were also critical due to José’s education. At the time that he was named as ceremonial leader, José was attending the University of Arizona. He says, “They thought because of that, that the ceremonial elders had made the decision to put me as a leader, because I was educated. [laughing] And they weren’t happy about that. I said, ‘That has nothing to do with the ceremonies here.’ I mean maybe it had something to do with the reason why they selected me to go to Mexico, because of my education, but not as a leader.”

Yaqui ceremonial leaders of Barrio Libre began bringing in ceremonial participants from Rio Yaqui around the 1930’s, and possibly as early as the 1920’s. This was part of the process of reconstructing ceremonial life in this small Yaqui community. At this time, Barrio Libre had a deer dancer and a tampaleo, but the Yaqui of Barrio Libre needed additional pascolas, ceremonial dancers and musicians, to hold their traditional ceremonies in what they now saw as their own pueblo in Arizona.

Sustained contact between Yaqui in Sonora and Arizona, and the relative openness of the

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18 Each of the major Arizona Yaqui settlements began publicly staging the Yaqui Waehma (Lent) ceremonies in the 1920’s (Miller 2004). José Matus estimates the 1930’s as the time period in which recruitment of Rio Yaqui ceremonial participants began. This estimate coincides with the return of Sonora Yaqui to their homelands which would have made contact between ceremonial participants easier and increased the ability of Yaqui ceremonial participants to cross into the U.S. safely.

19 The deer dancer, saila maso (little brother deer) is central to Yaqui ceremonial life. Of pre-hispanic origin, deer songs and deer dances are associated with the sea anía or seyewailo (flower world), the aspect of Yaqui cosmology associated with the Yaquis’ most ancient ancestors (Evers & Molina 1987).
U.S.-Mexico border in this early period secured the success of this type of transborder ceremonial organizing. In the late sixties when José was given the task of bringing in ceremonial participants from Mexico, there had been no dramatic changes to immigration policy impacting border crossing. By this point, however, the Border Patrol had grown administratively and there was increasing attention to border crossing procedure. While José’s role as a devoted Barrio Libre ceremonial participant made him an appropriate choice to facilitate the crossing of Río Yaqui ceremonial participants into the U.S., it is very possible that ceremonial elders chose him for this task due his status as an “educated” Yaqui. Given the perception of José as a good student in the U.S. public school system, someone familiar with the language of U.S. institutions, elder ceremonial leaders may have seen José as a good candidate to deal with the increasing bureaucracy of the border. Regardless of criticism, José’s demonstrated devotion to his ceremonial duties, and his proven ability to carry out a task necessary to the continuance of Barrio Libre ceremonies, surely made ceremonial elders confident in his ability to serve as a leader in the ceremonial life of the community.

To ensure passage for Río Yaqui ceremonial participants, José would establish communication with the Director of the State Department and the Embassy director in Hermosillo, Sonora, ensuring that officials on both sides of the U.S.-Mexico border were aware of the movement of Yaqui ceremonial participants across the border. He also solicited the help of elected officials who could support the position that Yaqui ceremonies were a real and important part of cultural life in Arizona. When José began facilitating border crossing for Río Yaqui ceremonial participants, Yaqui in Arizona had
not yet gained federal recognition as a tribe. The Pascua Yaqui Association (PYA), however, had already formed, and its board had already secured the New Pascua trust lands with assistance from non-Yaqui community supporters (Castille 2002; Miller 2004). Ceremonial leader Anselmo Valencia, who played a leading role in PYA organizing and emerged as a Pascua Yaqui community representative, supported Barrio Libre’s efforts to bring in Río Yaqui ceremonial participants. Valencia provided José with a “letter of recognition” stating José’s identity as a Yaqui of Barrio Libre and someone recognized by the PYA as responsible for bringing in Río Yaqui people for Yaqui ceremonies in Tucson.

Barrio Libre ceremonial elders also assigned José to work with Valencia on the PYA’s petition for tribal recognition. As Mark E. Miller states, the Yaquis “had never defined their community by residency or geographical factors. They continued to base membership on ceremonial participation, and thus Yaquis from South Tucson, Barrio Libre, Adelanto, Marana, and to a certain extent Guadalupe near Phoenix maintained cultural and participatory exchanges with the Pascua Yaquis” (2004: 103). While the individual Arizona Yaqui communities saw themselves as autonomous, some forming their own associations and councils, PYA actively involved all of the Arizona Yaqui communities in the tribal recognition process. In this way, José became involved with issues of native rights, and to perceive his efforts as an assertion of Yaqui rights. In the late sixties and early seventies, as an American Indian rights movement emerged from the
ashes of U.S. Termination policies,\textsuperscript{20} Yaquis were certainly “influenced by the Indian rights struggles and rhetoric of the day” (Miller 2004: 104). As Jose states, “Without me knowing it, I became a community advocate . . . I guess that was my training, in being a community advocate, a Yaqui advocate.”

José would continue to work with other ceremonial leaders, both in Barrio Libre and the other Arizona Yaqui communities, to bring Río Yaqui ceremonial participants into the United States. The basic process involved in facilitating transborder ceremonial organizing did not change following federal recognition of the Yaqui as an American Indian Tribe. José observes that there were no immediate or major changes to life in the Yaqui community following recognition in 1978. People in the community “were excited and interested in what kinds of benefits the government would provide for the Yaqui people. That was something new, other than the land that was given to them. But other than that, no real major changes.” José would not observe a major shift in transborder ceremonial organizing until the 1990’s. This shift would come with both increased U.S. border enforcement and changing perceptions of Yaqui authority.

**The Divided Yaqui Nation**

The passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigration Responsibility Act in 1996 resulted in a massive increase in U.S. border

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\textsuperscript{20} Indian Termination, passed by Senate in 1953, terminated all treaty obligations of the federal government to native peoples of the U.S. including termination of reservations, tribal self-government, and healthcare obligations. Designed to “assimilate” native people into the U.S. economy and social life, the policy resulted in the termination of 109 tribes and the relocation of approximately 200,000 native people to urban areas where poor housing and limited job training resulted in widespread urban Indian poverty (Johnson 2006).
enforcement. In the early nineties, Border Patrol strategies such as Operation Gatekeeper in San Diego, California, Operation Hold the Line in El Paso, Texas and Operation Safeguard in Nogales, Arizona focused on deterring illegal entrance at U.S.-Mexico urban ports of entry. Such strategies funneled the movement of illegal traffic through rural entry points and the late nineties saw an increased focus on Border Patrol manpower, surveillance and barrier construction along the entire stretch of the U.S.-Mexico border. At this time, José was still able to bring in Río Yaqui ceremonial participants, working through the same channels and procedures he had been following since the early seventies. The ceremonial groups, however, faced increased questioning by border officials, delays and denials of entry when crossing the Nogales port of entry for ceremonies.

In 1997, José began to involve the Pascua Yaqui Tribal Council in the process of facilitating border crossing for Sonora Yaqui ceremonial participants. As José states:

I figured that it was going to be easier for me to involve the council in this process because of that mandate that the tribal government had with the federal government. I think it was a mistake for me to do that, because I did have the authority to bring in people. Well, you see, traditionally, you should have that authority, but more so, being autonomous from the tribal council, and I should have never involved them in this process. But my concern was that then the federal government was getting tougher and tougher on immigration, that at some point they were going to try to put a stop to it, because we’re not part of the government. The Yaqui community where I’m from is not on the reservation. So, they would say, “Well, we cannot help you anymore with bringing in people
without documents. We’re going to have to have a letter from your tribal council or have your tribal council do this.”

While José believes that it was “premature” for him to have sought the support of Tribal Council, since Border Patrol had not yet expressed the need for tribal government approvals, Tribal Council involvement seems to have been inevitable.

In 1997, José began working with the Yoemem Tekia Foundation, a non-profit Yaqui cultural heritage organization located on the Pascua Yaqui Reservation. At the time, José was helping New Pascua ceremonial leaders bring in community members from Río Yaqui. While negotiating on conditions of crossing with the Embassy in Hermosillo, José suggested that Yoemem Tekia be acknowledged as the lead organization for the Yaqui community in bringing Yaqui from Mexico into the U.S., “with the approval of the ceremonial leaders.” Since Yoemem Tekia is a grassroots cultural organization located on tribal lands, they seemed the logical choice as lead organization for Yaqui border crossing, if issues of tribal representation were to arise. Yoemem Tekia took the lead in facilitating border crossing for the next few years, but by 2000, the Pascua Yaqui Tribal Council had expressed concern about the grassroots group handling Yaqui affairs at the border. José states:

. . . that’s when the tribal council says, “Well, you know, we’ll do all the paperwork. We’ll do all this, and we’ll do all the negotiating for you guys. And we’ll involve you guys.” And they did in the beginning, and now they just do things on their own. They don’t even invite us anymore. And when I mean “we” I mean they don’t invite the ceremonial leaders anymore. They just do their own
thing, and then they tell us, “Well, this is what the government wants.” You know? So that’s how it got out of our hands.

While it was hoped that Tribal Council involvement would better secure passage of Río Yaqui ceremonial participants, José believes that it “led to more trouble.” As he says, “That’s the trouble where we’re at right now, because now the tribal council says, ‘We have the authority and you don’t.’” Following the 9-11 attacks and the creation of the Department of Homeland Security (DHS), the federal government would insist that tribal governments alone had the authority to negotiate the crossing of non-U.S. citizen ceremonial participants into the United States.

In 2003, Immigration and Naturalization Services (INS) was replaced by the Department of Homeland Security’s Immigration and Customs Enforcement (ICE) and Citizenship and Immigration Services (CIS). As a result, Border Patrol, along with the INS and U.S. Customs inspection divisions, was absorbed by a new DHS agency called Customs and Border Protection (CBP). When this change occurred, José faced difficulties in obtaining a meeting with new DHS agency officials in order to discuss any new procedures for border crossing that ceremonial leaders would need to be aware of when crossing the border with Mexican ceremonial participants. Eventually, DHS officials would arrange for a meeting with Yaqui tribal officials to discuss Yaqui border crossing issues, but ceremonial leaders were excluded from this meeting.

In a 2008 interview, José describes an incident at the border that demonstrates the heightened suspicions and power to deny entry among CBP officials, as well as confusion among border officials regarding tribal authority. When crossing the border with a Yaqui
ceremonial group, one of the ceremonial participants was red-flagged when his name was entered in the CBP system during the permit application process. When crossing the border on a previous visit, this individual was found with a pay stub indicating that he had worked in Arizona during one of his visits. When the pay stub was discovered, this individual was prohibited from re-entering the U.S. for the period of one year. In accordance with this suspension, this individual did not participate in Arizona Yaqui ceremonies nor attempt to re-enter the U.S. individually for over a year. Despite expiration of the suspension, however, border officials were reluctant to allow this individual to enter the U.S. for ceremonies due to his previous offense.

Knowing that this individual was needed for the upcoming Barrio Libre ceremonies, José attempted to negotiate the terms of this ceremonial participant’s stay in the U.S. However, CBP officials insisted that José would “have to get the okay” from his “ceremonial elder.” Confused, José who is now a ceremonial elder and the eldest ceremonial leader of Barrio Libre responsible for bringing in ceremonial participants, responded, “What ceremonial elder? I’m the ceremonial leader here. I have no ceremonial elder.” The CBP agent clarified that he was referring to the Pascua Yaqui Tribal Council representative who was listed as the Yaqui tribal authority in their system.

After speaking with this tribal authority, the border official reported to José: “He says you have no authority to bring in people.” Understandably upset, José contacted the tribal authority directly. Assuming that the tribal official did not understand the situation, José attempted to explain why the red-flagged ceremonial participant was not being allowed entry and why it was necessary to negotiate his stay in Barrio Libre for
ceremonies. In initial response, the tribal council member said, “José, these people are dirty.” José found this statement both unreasonable and hurtful. It was clear to José from their conversation, that the council member believed that the red-flagged ceremonial participant was “dirty” because of his past offense. Yet, José was deeply disturbed to hear a Yaqui refer to another Yaqui as “dirty,” primarily because the term was clearly being used to describe Mexican Yaqui in the plural. If it was not enough that this tribal official passed judgment on a ceremonial participant’s status based solely on information received from border officials and without consulting the ceremonial elder present for additional information, this official was also passing judgment on “these people” as “dirty.” José could not help but be offended by the statement, observing that “dirty” was a term used by some Anglos in the earlier years of his youth to describe Yaqui, both as “dirty Indians” and “dirty Mexicans,” and now the term was being used by an American Yaqui community leader to describe not just one but many Mexican Yaquis.

José believes that such statements, revealing a White or Western view of “Mexicans” among Arizona Yaqui, further indicates a divide in the Arizona Yaqui community between traditional and non-traditional (Western) ways of understanding Yaqui practices and people:

Well, you have the traditional Yaquis and the non-traditional Yaquis. And that’s where the dividing line comes, where you have the traditional people who know and recognize their relatives in Mexico, and their concern is keeping contact with them, or being able to cross the border, and have them come to visit them, especially now with this requirement that we all need to get a passport to cross. That’s still a big concern right now. Am I not going to be able to go visit my
aunt in Potam? Am I going to have problems coming back? Or are they not going to let me go across?

With the non-traditional Yaquis, it’s, “I’m an American. They’re Mexicans. And they may be related, but I’m from here and they’re from there, so there’s no problem” . . . And then there’s another community, the educated ones. It doesn’t matter to them. They don’t see that as a big deal. “If the United States wants to fence up the entire southern border, let them do it. It’s not important to me.”

You know? So that’s the type of mentality we have to deal with oftentimes.

This non-traditional view among “educated” tribal council members is also reflected in limited tribal support for recognition of Mexican Yaquis as members of the Yaqui Nation and limited tribal support for Pascua Yaqui ceremonial leaders in bringing across “Mexicans” for ceremonial events. The Pascua Yaqui Tribe does, in fact, provide support for several transborder cultural projects, such as the inclusion of Río Yaqui traditional healers in the tribe’s Alternative Medicine Clinic and its annual community health fairs. The Tribe has also recently provided funds and transportation for Yaqui elders in Arizona to attend festivals in Río Yaqui. Partial funds have also been granted to grassroots initiated projects such as the Yoeme Commission’s annual goodwill trips to Río Yaqui, although grassroots groups are largely responsible for fundraising in and out of the Yaqui community to cover the majority of costs for such projects. Ceremonial leaders like José are provided tribal vehicles on request and some funds to help cover transportation and application fees for the entrance of Río Yaqui ceremonial participants, but provided funds typically do not cover the full costs of travel and fees.
The primary concern for ceremonial leaders like José, however, is that the tribal government has not provided them with true political support in their efforts to include Río Yaqui participants in maintaining community ceremonies. As the incident at the border described above demonstrates, Yaqui ceremonial leaders cannot necessarily count on the support of tribal government officials when making decisions at the border. The tribal council has also been reluctant to form resolutions that would establish an official tribal office or program for dealing with border crossing issues; an official designation that would grant recognized ceremonial leaders the “authority” to negotiate the entrance of Río Yaqui ceremonial participants at the border. In the end, José was not able to bring in the ceremonial participant under suspicion by both CBP and the tribal council member recognized as the authority in bringing in Mexican ceremonial participants. Fortunately, Barrio Libre was able to “borrow” someone to fulfill that participant’s role in the ceremonies from another local community, but this arrangement came at a cost and inconvenience for each Yaqui community involved. The time and resources spent in recruiting and bringing in the Río Yaqui participant who was denied entry were wasted, and the traditional relationship between community members in Río Yaqui and Arizona was undercut.

The lack of tribal government support in addressing border crossing problems for ceremonial participants may result from a combination of the non-traditional view of Mexican Yaquis and concern over tribal funding. José and some other Yaqui activists with whom I’ve worked have expressed suspicion that certain tribal leaders fear challenging the government’s existing border policies, or even being perceived as
challenging federal policies, since this might result in the federal government’s disfavor with the Tribe and loss of federal funding for certain tribal projects. While this belief cannot be verified, the tribal council has also been reluctant to accept proposals that push for the recognition of Yaqui binational citizenship or binational tribal membership in order to facilitate Yaqui cross-border ties. Objections to Yaqui binational citizenship within the Arizona Yaqui community mirror objections posed by other U.S. native groups to Yaqui tribal recognition in the seventies. Several U.S. native communities opposed the Yaqui petition for federal recognition, arguing that recognition of “Mexican Indians” would unfairly distribute funds reserved for tribes indigenous to the continental U.S. (Castille 2002). A similar argument is now present among Arizona Yaqui who fear that already limited tribal funding might be more thinly spread among a large Mexican Yaqui population. For traditional leaders like José, the fear is that a focus on economic development among Yaqui in the U.S., guided by the economic development goals of tribal government, is increasingly disrupting the traditional ceremonial life of the community:

That’s one thing that has happened, is that when the Yaquis became recognized as an American Indian Tribe that thinking started about how are we going to make money and how are we going to survive, instead of promoting the ceremonies and Yaqui ways, we were promoting being organized and educated in that way, dealing a lot with economic development. I’m not totally against economic development but I think that has disrupted a lot in the Yaqui community. It has disrupted the thinking of a lot of our elders, a lot of our youth, and changed their ways towards economics than cultural ceremonies. There has
to be a way that we can balance the economics over here and the culture over here. But right now, it’s like this [gesturing]—economics over here and culture at the bottom. It’s not balanced.

José believes that the inability to balance ceremonial life with economic development will lead to the substantial loss of Yaqui traditional knowledge and cultural life, unless traditional people are able to strengthen their connections and reach across the U.S.-Mexico divide:

. . . a lot of our people, traditional people, are slowly dying, you know, and we’re losing a lot. We’re losing a lot. Unless we’re able to maintain this connection. But with Homeland Security and all that, it’s getting very, very restrictive and very dangerous. And so I don’t know what’s going to happen, in the near future even. . .

In August 1997, fearing that the tribal government’s focus on economic development and its dependency on the federal government would never allow tribal government leaders to address significant problems in border policy impacting their traditional life ways, native activists from U.S.-Mexico border communities gathered at the Tohono O’odham Nation’s cultural center to discuss their concerns and organize for action. The Alianza Indígena Sin Fronteras was formed as a result of this gathering where native grassroots activists would envision a “bottom-up” approach to dealing with the many problems they faced as indigenous peoples in the border region.
CHAPTER 4
A SOUTHERN BORDER INDIGENOUS ALLIANCE

In 1997, José Matus was Director of the Coalición de Derechos Humanos (Human Rights Coalition), formerly known as the Arizona Border Rights Project. Formed in 1994, this grassroots project promoted immigrant rights and organized against militarization of the U.S.-Mexico border. At the time, their advocacy work included a human rights abuse hotline for the documentation of abuses at the border, community Know Your Rights workshops, and the organization of public events to bring attention to the impacts of increased border enforcement. As director of this coalition and a native activist, José worked with the Coalición to co-sponsor a community gathering focused on native border issues.

The Coalición co-sponsored event was held on the Tohono O’odham Nation on August 16th and 17th of 1997. By the late nineties it was not only José’s Yaqui community, but many other native border communities that were feeling the impacts of increased border enforcement measures. The Tohono O’odham Nation, whose reservation lands lay directly along the U.S.-Mexico boundary was, perhaps, the native community most significantly impacted by such measures. In 1937, Congress recognized Tohono O’odham tribal membership based on blood quantum alone, not limited by citizenship. All enrolled members, whether Mexican or U.S. citizen, are eligible for tribal services available in the United States. Heightened immigration laws in the mid-nineties, however, had resulted in the deportation of non-U.S. citizen O’odham living in
U.S. reservation lands. Tohono O’odham tribal members in Mexico had begun to experience increased questioning and alleged harassment when entering the U.S. to visit relatives or make use of tribal services. Enrolled Tohono O’odham tribal members on the U.S. side had also begun to feel increasingly insulted and intimidated by questioning at the border when attempting to re-enter the U.S. following visits to O’odham territories in Mexico.

At the 1997 gathering, border indigenous activists primarily from the Tohono O’odham and Yaqui communities of Mexico and the United States met with border, environmental and indigenous activists from throughout the Southwest. Grassroots activists were joined by concerned tribal officials of border nations including officials of the Cocopah and O’odham Nations. There were many concerns addressed at this indigenous gathering, and the various participating activists and citizens held varied agendas. The most significant end result of the gathering, however, was the formation of the Alianza Indígena Sin Fronteras, an alliance of indigenous activists dedicated to upholding indigenous civil and human rights at the U.S.-Mexico border.

There are twenty-six federally recognized U.S. tribes in the U.S.-Mexico border region (Ganster & Lorey 2008), and approximately eight indigenous groups in the U.S. with historical ties to Mexico—the Yaqui, the O’odham, the Cocopah, the Kumeyaay, the Yavapai, the Apaches, the Tiwa (Tigua) and the Kickapoo. The Yaqui and Tiwa each have one federally recognized tribe in the

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21 The Tohono O’odham Nation has approximately 1,800 enrolled members residing in Mexico.
United States. The Kumeyaay Nation of California has thirteen federally recognized bands in San Diego County. The O’odham have four federally recognized tribal communities: the Tohono O’odham Nation, the Gila River Indian Community, the Ak-Chin Indian Community, and the Salt River Pima-Maricopa Indian Community. There are three federally recognized Yavapai tribes: the Fort McDowell Yavapai, the Yavapai-Prescott and the Yavapai-Apache Nations of Arizona. There are nine federally recognized Apache tribes and two state-recognized tribes not recognized by the federal government. The Lipan Apache Tribe of Texas gained state recognition only recently in March 2009. Kickapoo are represented by three federally recognized tribes in the U.S., in the states of Kansas, Oklahoma and Texas.

Clearly, there are numerous U.S. native communities, recognized and unrecognized, impacted by immigration and customs policy at the U.S.-Mexico border. This chapter will provide a brief introduction to the seven indigenous communities, in addition to the Yaqui, whose issues I became the most familiar with through my work with the Alianza Indígena Sin Fronteras—the Tohono O’odham, the Akimel O’odham, the Kumeyaay, the Yavapai-Apache, the Kickapoo of Texas, the Cocopah and the Lipan Apache communities. The Alianza Indígena currently has members who belong to these communities, or work in collaboration with leaders in these communities for cross-border community projects. Following a brief introduction to these indigenous border communities, we will further discuss the development of the Alianza Indígena Sin Fronteras as an indigenous grassroots organization from 1997 to 2009. In the founding of
this grassroots indigenous alliance, Alianza Indígena members proposed a non-tribal governmental approach in treating border policy problems affecting indigenous peoples. We will conclude this chapter by discussing challenges for grassroots indigenous, non-tribal, advocacy efforts.

Seven Southern Border Communities

The Lipan Apache of Texas and Northern Mexico

Through the 1848 Treaty of Guadalupe Hidalgo, Apaches like other border native peoples in the newly attained U.S. territories fell under the jurisdiction of the United States. From the legal perspective of the U.S., Apache lands acquired through the Treaty were now open for settlement by U.S. citizens. As Shelley Hatfield states, “Apaches considered the border an artificial barrier because their land use area had always ranged on both sides of the boundary” (1998: 15). The Apaches, therefore, resisted both U.S. claims to their lands and limitations on their movement across the border into Mexico. Apache raiding of frontier settlements in the U.S. and across the border in Mexico became an increasing problem for federal authorities on both sides of the international border.

The Lipan Apaches who would settle in northern Texas in the late seventeenth century were continuously driven south of their Texas lands due to a history of warfare, disease, and foreign settlement on Lipan territories. In the early 1700’s, Comanche began challenging Lipan presence in the northern Texas buffalo plains, and they were eventually pushed southward by persistent Comanche hostility. They would inhabit the
San Antonio area by the mid-1700’s where the Lipan existed in hostile relations with the Spanish until an agreement of peace that would better protect the Lipan from continued Comanche hostility was established in 1749 (Chebahtah & Minor 2007; Minor 2009). Some Lipan groups, however, continued to move southward to the Nueces River shortly after due to an outbreak of smallpox.

By 1751, some Lipan had begun to move further south into Coahuila where Lipan had briefly resided previously at a mission site, this time to disassociate from the Spanish and establish traditional Lipan camps. Around this time, the Spanish began to establish a series of missions in both Coahuila and Texas dedicated to converting the Lipan, partly in hopes of ending Lipan raiding of Spanish settlements. All of these missions were short-lived, destroyed or abandoned by the mid-1760’s (Chebahtah & Minor 2007; Maestas 2003). Throughout the late 1700’s, the Lipan continued to raid Spanish settlements in Coahuila, Nuevo Leon and Texas.

The Lipan Apache fought for Mexican independence in the early 1800’s, then later supported Texas rebels in their fight for independence from Mexico. Nevertheless, by the 1840’s the Texas government had begun to limit Lipan Apache movement. Anglo settlers and governmental agencies like the Texas Indian Agency pressured the Lipan to distance themselves both from Anglo settlements and their own homelands in northern Texas. As a result, Lipan Apaches who had once found refuge among settler allies in northern Texas once again sought safe havens in traditionally occupied lands of southern Texas and northern Mexico.
In the mid-1800’s, Lipan Apache in Texas experienced yet another smallpox epidemic. Lipan leaders in council with community members decided that it was in the best interest of the community to separate into smaller groups and disperse, with plans to rejoin later at a designated location. These Lipan Apache groups migrated to New Mexico and northern Mexico. In the oral history passed on to Philemon Venego, this decision and its consequences are recounted in the story of Magoosh, a Lipan Apache chief (Chebahtah & Minor 2007: 14):

Their medicine men could do little or nothing for the victim of smallpox. But they realized that if the groups remained together there probably would be more deaths than if they separated. Magoosh held a council and it was decided that the Lipans would divide into small bands, each to be under the command of a leader or headman and composed of relatives. Venego [father of the storyteller, Philemon Venego] was placed in charge of one family group and told, when and if the sickness ceased, to reassemble at a place to be named by Magoosh.

Venego’s band went south to the Rio Grande, crossed it, and settled in the mountains near Zaragosa, a small Mexico village…. There they lived on relatively friendly terms with the natives. Though there was not much contact, there was no enmity…. During the years of their stay in Mexico, the Lipans acquired some of the habits and beliefs of their neighbors, especially in the field of witchcraft…. Many years later, [the Zaragosa group] learned that Magoosh had taken the few remaining members of his band to join the Mescaleros in southern New Mexico.

Around 1850, Lipan Apache were also asked to reside in Zaragosa in their own settlement, Hacienda Patiño. Except for fighting with Kickapoos who had also been invited to settle agricultural communities in the area as a solution to the “Indian problem” (Chebahtah & Minor 2007:20), the Lipan appear to have lived in peace with all other neighboring groups in Coahuila until the late 1860’s.
Like other Apache communities, however, the Lipan saw no reason to cease movement across the international line and continued to raid settlements across the border in Texas. By the late 1860’s, Texas citizens were urging the involvement of the U.S. military to put a stop to persistent raiding by Mexican Lipans. Attempts by the U.S. to persuade Mexican Lipan Apache to return to the U.S. and reside with other Apache bands on reservations failed. In the early 1870’s, U.S. troops began crossing the border into Mexico to attack Lipan Apache camps in Coahuila in the attempt to end raiding in Texas. By this time, Mexican Lipan Apaches in Zaragosa were no longer in good relations with the Mexican government. Many Mexican Lipan of Zaragosa had been driven out of their settlements by Mexican troops and had fled to the Mescalero Apache community in New Mexico. In the mid-1870’s, the U.S. and Mexican militaries formed joint campaigns to drive all remaining Lipan groups out of Coahuila.

In 1881, Mexican military forces under the Porfiriato appear to have finally driven all remaining Mexican Lipan out of Coahuila and into the state of Chihuahua. Some believe, however, that a small community of Lipan Apache managed to remain in the region (Maestas 2003). In 1903, a little over 30 Lipan Apache were apprehended in Chihuahua. These Lipans were eventually released and brought to New Mexico to reside on the Mescalero Apache reservation (Chebahtah & Minor 2007). Beginning in the late nineteenth century, the federal and state governments were determined to contain Native American groups in designated reservation lands. From the 1880’s through the turn of the twentieth
In the 19th century, apprehended Lipan Apache were forced to reside on Apache reservations in New Mexico and Oklahoma.

To avoid forced residence on reservations, many Lipan Apache in Texas hid their cultural identities. Living in discrete Apache communities in San Antonio and south Texas or blending in with the Hispanic population, Lipan Apache settled throughout the state (Minor 2009b; Zhou 2009). As Lipan Apache Tribal Chairman Bernard F. Barcena stated recently in a March 2009 news story, “They [Lipan] maintained the stories in their families but never said who they were in public because they were being hunted.” Until very recently, the Lipan Apache of Texas have been hesitant to rebuild a public ceremonialism or share Lipan oral histories and practices beyond the family group. After generations of hiding, and with a widely scattered population, it has been extremely difficult for Lipan Apache in Texas to revive their traditional life as a community.

For this reason, the Lipan Apache have never gained federal recognition as a U.S. native tribe and many in the U.S. have considered the Lipan Apache as either extinct or non-existing. This posed a problem for a small, Lipan Apache community in southern Texas when activist leaders of this community attempted to build public support for its land dispute case against the Department of Homeland Security. In the summer of 2007, Lipan Apache activists Eloisa Tamez and Margo Tamez co-founded the Lipan Apache Women Defense Project to bring attention to DHS actions against landowners in El Calaboz, Texas. They also sought to raise awareness of the impacts of border wall construction among Lipan Apache community members in El Calaboz.
In 2007, DHS approached El Calaboz community members about waivers to survey their lands for possible border wall construction. While Eloisa Tamez refused to sign the waiver, most El Calaboz landholders complied. Soon after the survey work was complete, DHS officials approached El Calaboz community members, including Eloisa, to negotiate sale of their land for wall construction. Eloisa and other community members refused to negotiate. In January 2008, the U.S. Army Corps of Engineers filed a lawsuit against Eloisa Tamez and other community members who refused to make their lands available for survey under eminent domain law. Survey work also entailed waivers of property rights by owners for six months. Tamez stood her ground, however, and filed a lawsuit against DHS Secretary Michael Chertoff and CBP’s Acting Executive Director of Asset Management the following month. The suit was jointly filed by another property owner, Benito Garcia. Like Tamez, Garcia’s family had held their lands in El Calaboz for generations, originally acquired through a Spanish land grant.

In the lawsuit, Tamez stated that the lands her family acquired through Spanish land grant and the surrounding lands also held cultural and spiritual significance for herself and other Apache people residing in the area, stating that these lands are known among the Apache as *tama ho’ lipam* (the place where the Lipan pray). By late 2007, Eloisa Tamez and her daughter, poet and activist Margo Tamez, had begun enlisting support from the activist indigenous community for what they saw as the primary issue at stake—their ancestral land rights as indigenous people of south Texas. In a December 2007 statement distributed through various indigenous activist listservs and electronic publications, Margo Tamez stated that in fighting for the land in El Calaboz, her mother
and the other Lipan Apache elders who supported her struggle were “fighting for the vestiges of our traditional lands.” Margo continued to state, “Our elder voices direct us in a huge role that Apache people will play in standing up against tyranny of the settler society. We cannot do this without the support and the solidarity of our indigenous sisters and brothers who are also at the forefront of the 21st century battles for our rights as indigenous people with ancient footprints on this land.”

In late January 2008, after the government had filed suit against Eloisa Tamez and other El Calaboz community members, Margo Tamez organized an indigenous conference call that included Yaqui and O’odham activists, representatives of both local and national indigenous organizations, and a representative from the Center for Human Rights and Constitutional Law. Members of the Alianza Indígena Sin Fronteras participated in the phone conference. I participated in the conference call from my home in Tucson, Arizona. The purpose of the call as stated in email invitations was to “hear all interested parties’ statements regarding the impacts of the wall building on our indigenous persons, lands, waters, airs, ecologies, social, cultural and political lives which would compel a legal argument of ‘permanent injury’ as a result of the forced surveys, and occupations of our places.” The Lipan Apache Women Defense sought feedback from indigenous activists similarly fighting against border wall construction, and “a possible coalition of unity and solidarity” among border indigenous activists in Arizona and Texas.

The relative obscurity of both the Lipan Apache community of Texas and the El Calaboz community, however, resulted in some hesitance among many of the indigenous
activists and organizational representatives participating in the conference. In this conference, there were many questions about who the Lipan Apache were and the exact nature of their land dispute in El Calaboz. An initial question posed by a few of the participants was how a legal decision regarding lands in El Calaboz might impact land policy on other U.S. native lands. Since decisions regarding policy on any federally recognized native territory can have widespread impacts on all federal tribal reservation systems, some participants sought information to practically weigh the risks of uniting with the Apache defense efforts in El Calaboz. Both I and another participant offered our opinion that since El Calaboz and the lands occupied by Apaches in El Calaboz were not federally recognized native territories, then decisions made regarding these lands were unlikely to impact federal Indian policy.

Once it was clarified that El Calaboz was not a federally recognized native territory, and further clarified that the Lipan Apache were not a federally recognized Indian tribe, more questions arose. Again, who were the Lipan Apache exactly? Was El Calaboz a Lipan Apache community? Exactly how many Lipan Apache resided in El Calaboz? Margo Tamez did her best to field these questions. Like many Lipan Apache families in south Texas, the Tamez’ only knew about their ancestral connections to the land through family stories and relationships with certain other Lipan Apache families in the area, so that Margo could not provide exact numbers on Lipan Apache population size in El Calaboz and the surrounding area. Sharing some of the history of the Lipan Apache that has caused Lipan Apache in Texas to conceal their cultural practices and limit such practices to family groupings, Margo emphasized that the Lipan Apache are a
real community with real ties to the land. She stated that there were elders and youth in the local community who wanted to revive traditional community practices, but that such movement was in the initial stages and under threat by government plans to remove community members from their traditional lands.

While participants in the conference expressed their desire to offer support and continue discussion, it was clear that most wanted more exact information that could confirm the status of El Calaboz as a native community. A few participants urged or suggested that the Apache Women Land Defense put together a detailed history of their community that could be made available to potential supporters. Even I suggested, probably inappropriately, that the Defense project might gather statements from community elders supporting the Apache Women Land Defense when it became evident that many of the indigenous activists from whom the Defense project sought support required “proof” of their legitimacy in the indigenous rights movement.

In January 2008, the Alianza Indígena Sin Fronteras released a statement in support of the Apache Women Land Defense:

The Alianza Indígena Sin Fronteras, in solidarity with other human rights, immigrant rights and community organizations of the southwest region, strongly oppose the U.S. Department of Homeland Security the seizure of Lipan Apache peoples land along the U.S. - Mexico Border.

Since 1990, Indigenous peoples on both sides of the U.S. Mexico Border have been profoundly affected by the U.S. on-going domestic “wars:” The War on the Poor, The War on undocumented immigration, The War on Drugs and now the
Terrorism. For the past 17 years, nationalism, xenophobia, and anti-immigrant hysteria have been on the rise. These attitudes promote and support built-in institutional racism, abuse of authority, and violation of rights . . . Our Indigenous ways, quality of life, culture, sacred cultural lands and borderlands have been disrupted…

We call upon all Indigenous people to unite and join the Alianza Indígena Sin Fronteras in supporting our Lipan Apache relatives in their struggle to protect their land and promote respect for Indigenous border justice!!

Some indigenous activists, however, chose to distance themselves from the Lipan Apache Women Defense project. One O’odham activist refused to support the project despite shared goals in halting border wall construction, stating that she would only lend support to “real, federally recognized” native communities like her own. While U.S. indigenous activists generally reject federal government authority over native affairs, many enrolled members of U.S. tribes still use federal tribal recognition as a measure for native authenticity in the United States.

Indigenous activists in the U.S. are necessarily cautious when approached by new indigenous projects. Most have seen their fair share of native “wannabes” or people seeking to exploit the indigenous movement for motivations other than the advancement of native rights. There could be, however, very little in the way of benefits for the Lipan Apache Women Defense other than their desire to gain recognition of ancestral land rights for Lipan Apache on the U.S.-Mexico border. Any monetary support they receive is quickly exhausted by their ongoing legal battle against the federal government and
travel expenses for participation in various gatherings to raise awareness about the impacts of the wall on the Lipan Apache. While some might argue that Eloisa Tamez’s legal battle is a personal one, a fight for her family’s land, she is joined by a dozen other property owners in El Calaboz. It is also clear that Tamez’s attachment to her family’s three acres in El Calaboz is greatly due to her Lipan Apache ancestors’ ties to the land as a traditional Lipan Apache territory. For such reasons, the Alianza Indígena Sin Fronteras continues to support the Lipan Apache Women Defense, accepting the group as a member organization and community partner.

The Lipan Apache Women Defense has been extremely active at the United Nations Permanent Forum on Indigenous Issues (UNPFII). They have filed U.N. shadow reports on human rights violations at the Texas-Coahuila border and have delivered joint statements on indigenous border concerns at the UNPFII in cooperation with other concerned indigenous organizations. Eloisa Tamez’s initial class action lawsuit against DHS and CBP officials was successful in halting survey work for border wall construction. Finding that Secretary Chertoff did not follow new consultation guidelines already in place when survey work first began in El Calaboz, DHS was required to begin its survey waiver process again, this time with appropriate community notice and a series of public consultation meetings. In December 2008, the Lipan Apache Women Defense sent a letter to newly elected President Barack Obama. With over eighty signatories, including members of various Apache, Yaqui and O’odham communities, the letter urged the Obama-Biden administration to carefully consider the indigenous perspective in its review of the border wall project to “ensure security, peace and prosperity for Indigenous
peoples of the Texas-Mexico border region, as well as all Indigenous communities of the southern border.” Despite faith in “the vast transformative influence” of the Obama administration, increased drug war violence in northern Mexico has facilitated support for ongoing “Secure Fence” construction, with no sign of a policy reversal in the near future. In April 2009, a federal judge decided that Eloisa Tamez and other property holders in El Calaboz would have to give up portions of their properties to DHS (Harman, April 17, 2009).

The Lipan Apache Women Defense and its supporters have been discouraged by the recent decision, but are not giving up, continuing to pursue all possible forms of legal recourse (personal correspondence). The year 2009 has brought blessings as well as challenges to the Lipan Apache of Texas. On March 18, 2009, the Texas State Senate adopted a resolution to recognize the Lipan Apache as a Native American tribe in the State of Texas. This has been a significant recognition of native identity for the over 2,000 Lipan Apaches residing in the state. In January 2009, members of the Lipan Apache Tribe of Texas were invited to the State of Coahuila for a cultural exchange event in their Mexican traditional lands, known among the Lipan Apache as Naa ci ka (Circular House) extending from Zaragosa to Muzquiz and into the Santa Rosa mountains (Minor 2009c). The tribe is now planning additional cultural exchange visits to Coahuila to further strengthen ties with friends in the region who have welcomed the Lipan Apache as “long lost relatives” in the lands where their “ancestors lived and worshipped” (Barcena 2009). State recognition of the Lipan Apache as a native community of Texas
will, perhaps, further strengthen the efforts of Lipan Apache families on the Texas-Coahuila border to maintain ties to their ancestral lands.

The Kickapoo of Texas and Northern Mexico

Like the Lipan Apache, the Kickapoo have migrated extensively in order to ensure their survival as a people. The Kickapoos inhabited the Great Lakes region when first encountered by the French in the seventeenth century (Luna-Firebaugh 2002). Due to conflicts with the Iroquois, the Kickapoo began migrating into Wisconsin. Under pressure from Anglo settlers in the eighteenth century, the Kickapoo dispersed into several groupings and began migrating through Wisconsin into Illinois, Kansas, and Oklahoma.

In the early nineteenth century, some Kickapoo settled briefly in Texas before moving on across the border to Mexico. Kickapoo had been invited by the Spanish to settle in Texas, in hopes that an Indian presence would discourage American settlement. American settlement in Texas, however, seemed inevitable. Following Texas independence from Mexico, violence erupted between native groups and Texas settlers when a land grant treaty offered to groups allied with Cherokee chief Bowl (Duwali) was revoked. As tensions increased in Texas, some Kickapoo crossed the border into the Mexican state of Coahuila. In Coahuila, Kickapoos who could offer Mexican community members protection from other raiding native groups were welcomed and offered lands for settlement. In 1883, the U.S. government established a reservation for Kickapoo still remaining in the United States. Inhabitants of the U.S. Kickapoo reservation in
Oklahoma maintained ties with tribal members in Mexico through constant communication, frequent visits to Mexican Kickapoo communities and kinship ties of marriage between communities.

In the early twentieth century, Mexican Kickapoo began migrating back north near Eagle Pass, Texas for seasonal agricultural work. Kickapoos established a seasonal migration pattern working Texas fields in the agricultural season and residing in their Mexican communities the rest of the year (LaTorre & LaTorre 1991). To support the demand for migrant Kickapoo farm work, INS began issuing renewable border passage cards to individual Kickapoos crossing the border into Texas during the agricultural season (Luna-Firebaugh 2002). The U.S. government established the Texas Band of Kickapoo Act in 1983 to further institutionalize the bi-national status of Kickapoos. The Texas Band of Kickapoo Act federally recognized the Kickapoo of Texas as a native community in the U.S. and further established that Mexican Kickapoo could use a special border passage card created to ensure Kickapoo passage into the United States. In Congressional findings for the Act, it was stated that “the Texas Band of Kickapoo Indians is a subgroup of the Kickapoo Tribe of Oklahoma; that many years ago, the Band was forced to migrate from its ancestral lands to what is now the State of Texas and the nation of Mexico; that, although many members of the band meet the requirements for United States citizenship, some of them cannot prove that they are United States citizens” (25 U.S.C. § 1300b-11).

The American Indian Card Form I-872 is now used by Mexican Kickapoo to enter the U.S. in lieu of travel documents required of Mexican nationals, i.e., a travel visa in
addition to a Mexican passport. All enrolled members of the Texas and Oklahoma Kickapoo bands residing in the U.S. may also use this card when traveling across land and sea ports of entry in lieu of a passport. The Act also permitted any member of the Kickapoo Band whose name appeared on a tribal roll to apply for U.S. citizenship within five years of the Act’s passage. Requests for citizenship by enrolled members of the Kickapoo Band would be automatically granted upon receipt of the application. The Act further specifies that “all members of the Band,” regardless of citizenship, “shall be entitled to freely pass and repass the borders of the United States and to live and work in the United States” (25 U.S.C. § 1300b-11).

While the title for form I-872, American Indian Card, suggests that the special border passage card is meant to be used by other qualified Native American border communities, the card is used exclusively by the Kickapoo. In the 2007 DHS-DOS Notice of Proposed Rulemaking on requirements for travel at land and sea ports of entry, a similar card for use by enrolled members of other U.S. tribes was proposed as one among several acceptable travel documents for Native Americans. In the end, the DHS Western Hemisphere Travel Initiative (WHTI) declared that while form I-872 was still an acceptable travel document for the Kickapoo, all other U.S. tribal communities would need to develop enhanced tribal identification cards that would be similar to U.S. passports. The Kickapoo remain unique in their recognition by the U.S. government as a binational U.S.-Mexican indigenous community whose enrolled members are secured relatively free passage across the U.S.-Mexico border, regardless of citizenship.
The Cocopah of Arizona and the Cucupá of Sonora

The Cocopah, or Cocopa, are a Yuman people who have traditionally occupied lands along the lower stretches of the Colorado River and the river’s delta. Cocopa have also occupied areas of southern California and northern Baja California, Mexico. The Cocopah Indian Tribe’s reservation is located about thirteen miles south of Yuma, Arizona and about fifteen miles north of San Luis, Mexico. The Cocopah of Mexico, known as the Cucupá, reside in Baja California.

The Cocopah of Arizona and Sonora were divided in 1853 by the Gadsden Purchase, through which the U.S. acquired Mexican territories consisting of portions of present day southern Arizona and southwestern New Mexico. These would be present U.S. Southwestern lands not previously acquired through the Treaty of Guadalupe Hidalgo. In a June 2006 special report of the Tucson Citizen, Cocopah tribal spokesperson, Liz Pratt, stated, “Since 1930, the Cocopah and Cucupá have been forced to end tribal unity. Although the two tribes interact today, it is difficult to have the relationship that once existed.” The costs of this separation for the Cocopah people are cultural, social and economic. While the Cocopah of Arizona reside on “prime, irrigated riverfront” property, much of which is leased to non-Cocopa farmers (Rivas & Romero-Davis 2006), the Cucupá of Mexico no longer have access to enough of the river’s waters to sustain their traditional fishing and agricultural economy as Mexico only receives 10 percent of the river’s allocation. Since the Cucupá are not eligible for enrollment in the federally recognized Cocopah tribe, they do not have access to tribal
resources in the U.S., and the Cocopah tribe is limited in its ability to provide resources for their relatives in Mexico.

The international division has had significant cultural impacts for the Cocopah in the United States as well. Vice-Chair of the Cocopah Nation Dale Phillips states, “To us, everything is a whole, it is one piece. That line has nothing to do with us. It has to do with two foreign countries who came in and divided [the Cocopa] in half. If it wasn't for that line, maybe we would have a lot of the elders be free to come here to tell the stories.” On August 10, 2008, Dale Phillips spoke at the International Day of the World’s Indigenous Peoples Celebration in Tucson, organized by the Alianza Indígena Sin Fronteras. A supporter of the Alianza’s efforts since its foundation in 1997, Dale Phillips reiterated the need to strengthen indigenous peoples’ international rights in order to strengthen ties between indigenous community members across international borders. As is the case in the Yaqui community, traditional people in the Cocopah community fear the loss of traditional knowledge as Cocopah elders in the U.S. who are able to share the Cocopa traditional stories decrease in number. Increased communication with Cucupá elders is viewed as a solution to potential Cocopa cultural loss in the United States.

The Kumeyaay of California and Baja California

The Kumeyaay, also a Yuman people, are indigenous to the San Diego, California and northern Baja California region. Some Kumeyaay in the San Diego area chose to move into Baja California after 1848 when the U.S. government began applying its federal Indian policies on Kumeyaay territories now in the United States. Kumeyaay
bands reside on both sides of the California-Baja California border today. There are 13 U.S. Kumeyaay reservations in San Diego County and four Mexican Kumeyaay (Kumiai) communities in Baja California.

Kumeyaay in San Diego have worked diligently to maintain ties with Kumiai relatives in Baja California. In the early nineties, when Operation Gatekeeper created problems for Mexican Kumeyaay who regularly crossed the border to visit relatives in the U.S., Kumeyaay leaders in San Diego worked with the federal government to secure appropriate travel visas for Mexican community members. The Kumeyaay Border Task Force was established in 1998. Consisting of members from the various federally recognized Kumeyaay bands and supported by their tribal governments, the Border Task Force is responsible for organizing a number of cross-border exchange projects and securing the appropriate paperwork for border passage.

In 1999, the Kumeyaay Border Task Force worked with INS to establish a “pass and repass” initiative that would facilitate Kumeyaay cross-border exchange. The initiative would assist Mexican Kumeyaay who might have difficulty acquiring required travel documentation in applying for short term travel visas. The Border Task Force sought to obtain laser visas for all of the 1,100 Kumiai members in Mexico. About a year after the 9/11 attacks, however, the initiative was terminated by INS (Arietta 2004). In 2002, Mexico’s indigenous affairs agency, Instituto Nacional Indigenista (INI), assisted Kumeyaay cross-border efforts by issuing photo identification cards to Mexican Kumeyaay (Barfield 2002). This would allow these community members to acquire

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22 Laser B1 and B2 visas
Mexican passports, an important first step in obtaining a U.S. laser visa. Through informal agreements with the Mexican Consulate in San Diego, Kumeyaay were able to obtain Mexican passports and laser visas for Kumeyaay in Mexico as well as members of another neighboring Yuman community, the Pai Pai. The Kumeyaay began transporting busloads of Mexican indigenous community members, 50 at a time, to the Mexican Consulate to obtain the necessary documents. By 2006, the Border Task Force had acquired laser visas for 680 Mexican Kumeyaay and Pai Pai, and about 1,000 laser visas by 2007.

The Kumeyaay have had many successes in their cross-border efforts. Since these efforts began, the Kumeyaay in California have seen a significant increase in ceremonial participation. Kumeyaay in California now make annual goodwill trips to their relatives’ communities in Baja California to aid their Mexican relatives during the most difficult economic period of the Kumiai year, November through March. Executive Director of the Kumeyaay Border Task Force, Louis Guassac, says that the food collected and delivered by Kumeyaay in San Diego “carries them [the Kumiai] through April.”

The Border Task force has also developed economic partnership plans for more sustainable assistance including a grape vineyard in the Guadalupe Valley of Baja California and a crafts store for Mexican indigenous artisans (Patringenaru 2007).

Kumeyaay in California also see the cultural and social benefits that come from the cross-border exchange. In addition to growth in ceremonial participation, the Kumeyaay Border Task Force believes that reuniting Kumeyaay across the U.S.-Mexico border is assisting in the revival of both Kumeyaay culture and language. It is hoped that
Kumeyaay unity across the border will eventually result in a traditional Kumeyaay cultural and linguistic unity. At a workshop hosted by the Alianza Indígena Sin Fronteras in August 2006, Guassac stated, “We have to think long-term. There is no short-term fix. We are looking at eight generations down the road.”

Despite their successes, the Kumeyaay still face many challenges in maintaining long-term cross-border unity. At the same indigenous border workshop in 2006, Guassac spoke of DHS plans for constructing a third layer to the already existing border wall that lies along Kumeyaay traditional lands. As he stated, “They can plow right through there without any consciousness of the human remains there. Would they take their grandmothers’ graves and bulldoze over them?” Kumeyaay have also been forced to protest Patriot Act regulations that would potentially alter and limit existing Kumeyaay laser visas.

**The Yavapai-Apache of Arizona and the Pai Pai of Baja California**

As mentioned above, the Pai Pai community is a Yuman group indigenous to Baja California, Mexico. The Pai Pai’s are related to the Yavapai of Arizona. As Yuman peoples, the Pai Pai, Yavapai, Kumeyaay and Cocopa all share a tradition of bird singing. In 1999, the Alianza Indígena Sin Fronteras was contacted by Yavapai-Apache Tribe cultural education staff seeking assistance in bringing Mexican Pai Pai into the United States for a cultural exchange event on the Yavapai-Apache reservation.

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23 There are three Kumeyaay languages, ‘Iipay Aa, Kumeyaay “proper,” (Miller 2001) and Tiipay. It appears that the Kumeyaay communities now participating in cross-border exchange speak mutually intelligible dialects of Kumeyaay proper.
The Alianza provided technical support for the event, first by providing information on the basic process involved in acquiring border crossing permits for the Pai Pai bird singers and also by providing aid to the Pai Pai singers as they entered the United States through the Tijuana-San Diego port of entry. The Pai Pai bird singers only ran into one problem when entering California. Apparently, when attempting to apply for the border crossing permit, one Pai Pai singer was denied entry because he did not have an identification card with a photo. Alianza project director José Matus provided assistance by simply taking the Pai Pai bird singer back into Tijuana to get a passport photo taken and attached to the man’s identification card. Since the Pai Pai singer had a birth certificate in addition to the newly acquired passport photo, he was allowed to cross the border into the United States. As José states, “It was something simple, something stupid like that. They just said, ‘No. You don’t have a picture. We can’t let you go.’” So José helped the bird singer get a picture.

It did not matter that the picture was attached to a non-photo identification document at a passport photo shop, since acquiring the cultural exchange short-term stay border permit does not necessarily require photo identification. Since Mexican indigenous community members may have difficulty acquiring this type of identification, letters written by community authorities and other forms of identification are typically used for permit application. However, the complication posed by Tijuana-San Diego border officials in this case was indicative of the heightened enforcement practices encouraged among border officials in the nineties. Border officials were now encouraged to use discretion when granting permits, and it was this kind of discretionary
practice that was making contact between Mexican and U.S. indigenous community members increasingly difficult. The Kumeyaay Border Task Force’s success and continued efforts to obtain laser visas for Baja California Pai Pai has undoubtedly assisted Yavapai and other Yuman bird singing communities in their continued cross-border exchanges.

The Akimel O’odham of Arizona and the Pima of Mexico

The Gila River Indian Community is a federally recognized Akimel O’odham community in southern Arizona. Akimel O’odham translates as “The River People.” The Akimel O’odham were named Pima by the Spanish. When Spanish first encountered Akimel O’odham, they asked the River People, “Who are you?” The Akimel O’odham responded, “Pi ma:c” (I don’t know what you’re saying”) and the Spanish assumed that the group referred to themselves as “Pima” (Zepeda 1999, cited in Griffin-Pierce 2000). The Akimel O’odham reservation lands lie just south of the City of Phoenix. They have traditionally occupied the Gila River and its tributaries (Griffin-Pierce 2000).

In recent years, the Gila River Indian Community has attempted to strengthen ties with related Piman communities in both northern Sonora and the State of Chihuahua. In 2004, the Alianza Indígena Sin Fronteras was contacted to offer assistance in this process. The Alianza worked with the community in organizing cross-border exchange events that would take place both in Sonora and the Gila River Indian Community. In 2006, the Gila River Indian Community brought 11 Pima community members from Chihuahua to their reservation in the United States. Working with contacts in El Paso,
Texas and the U.S. Consulate in Juarez, the tribe obtained the appropriate permits for
Pima community members to participate in the Akimel O’odham’s Mul-Chu-Tha fair in
Arizona. While the Akimel O’odham in Arizona continue to pursue cross-border
exchange, tribal delegates appointed to work with Pima in Chihuahua appear to have
faced a number of challenges in the past few years. The most recent challenge appears to
be the reports of escalating drug-related violence in Juarez, raising concerns that have
stalled tribal plans for continued work in northern Chihuahua.

Individual Akimel O’odham community members in Arizona, however, continue
to travel south of the border pursuing strengthened connections with their Pima relatives
He was invited by two members of the Salt River Community to visit the Maycoba and
Yecora Pima communities because he, as he states, “had the vehicle.” Marshall
accompanied the men as they delivered donations to the two Pima communities in
Sonora. Since, Marshall has made numerous trips to Pima communities in both Sonora
and Chihuahua. Talking about his experience with Pima relatives in Mexico, he says,
“When I go down, when I meet new people, new governors in traditional areas, the
question always came up was, ‘Why did you guys go that way? And the question we
asked from here was, ‘Why did you guys come this way?’” Marshall states that he
knows “of history that says we’ve always been where we’re at. That we’ve always
traveled back in forth, and that we always lived in these areas.”

Through his visits, Marshall has begun to create written and visual reports on
Pima culture in Mexico to share with community members in the Gila River Indian
Community. Marshall says, “One of the things that I constantly tell people when I do a report is that, ‘You need to go there yourself.’ They’re scared to go because they hear all this media about drug cartels.” He argues that it is difficult for many Akimel O’odham in the U.S. to understand their cultural connections to Pima in Mexico from a distance.

When asked why he thinks it is important to keep connections between Piman groups across the U.S.-Mexico border, he states, “Culture and tradition.” Marshall continues to state, “See we’ve lost our culture and traditions in our community. Nobody really knows how it’s supposed to be.” While a strong sense of Akimel O’odham culture and tradition still exists in the Gila River Indian Community, Marshall believes that there are important aspects of traditional O’odham life still present in Mexican Pima communities that have been forgotten in the United States. Marshall particularly points to the loss of traditional gender roles:

One time in my life, I asked my dad, you know, “Why is it that way where the women are over here and we’re over here.” And he told me, “That’s how it is, and then there’s a balance there someplace.” At the time he told me this, I was just a kid, about 8 or 10 years old. There’s a balance in life where women and men do have a responsibility in the family- family atmosphere where the men have their work to do and the women have their work to do. And then at the end it all works together. It comes together. And what he mentioned was that at the end of the day it all comes together. It comes together, which at night we would all sit together and watch TV, or talk, or just joke around…. And when I went with the Pimas in Mexico, that was the feeling that I got, and the feeling of being home, being young again, that all came back. So when I talked to the elders in
Mexico, the Pima elders, and they told me the same thing my dad told me when I was younger…. I strongly believe that maybe we- Our ancestors probably did that, but we lost that. And I, in me doing this, and keep moving on with this is that someday I would like to maybe not bring that back, but just show the Gila River Pimas that this is the way we used to do things. And this is how it used to be, especially the kids. And that’s how it’s done. Now it’s a very big problem in our community families. Who’s the boss? And yet there was really no boss. It was always a joint effort of bringing a family together which is the woman and the man.

Marshall also hopes that a better connection to Pima relatives in Mexico and Pima traditions will result in tribal policies and procedures that better ensure the survival of Akimel O’odham culture. He believes it is important for Akimel O’odham in Arizona to,

…understand, especially our officials, that they [Mexican Pima] are Pima.

Because a lot of our officials don’t see that, because they’ve never been with them, they’ve never heard ‘em, they’ve never talked to them, they’ve never just stayed with them, or never really anything…. It all has to do with this culture and tradition. And that’s all. And our way of living. And for some reason I also think that if these guys understand that, that they might look at our community and look at our policies and procedures to change it to where our culture and traditions are being met in those policies and procedures. See right now, it isn’t. Everything is done in a white man’s way….in our mission statements, they constantly say “preserve our culture and traditions,” and yet they’re not. They’re not doing it…. And, yet, in our actual tradition from a long time ago, and what they do over there [Mexico], is that any traditions, you have to go to the elderlies
and ask them. And we don’t do that. It’s like we’re doing everything like in a political government way where we have to go this procedure just to get the blessing of somebody to say, okay, that we can do something culturally. Yet it’s not the way we’re supposed to do it…. And if they would just step back and see how much our culture is a value to us as far as being Pimas, I think that’s the way we survive.

The Tohono O’odham Nation

The Tohono O’odham (Desert People) were formerly known in the U.S. as the Papago (bean eaters), a name given to them by the Spanish from the O’odham word for tepary bean (babawī or papawī), on which the Tohono O’odham greatly depended. The Nation officially designated itself as the Tohono O’odham Nation in 1986 (Juan 1994). The Tohono O’odham Nation reservation in southern Arizona is 2.8 million acres in size, comparable in size to the State of Connecticut. About 75 miles of the Nation’s lands lie directly along the U.S.-Mexico border (Tohono O’odham Nation Economic Development Authority). There are about 28,000 enrolled members residing in Arizona and over 1,000 enrolled members in Sonora, Mexico. The Tohono O’odham Nation is the only U.S. tribe that can grant tribal membership to non-U.S. citizens based on blood quantum. As previously discussed, enrolled Mexican Tohono O’odham members are entitled to tribal healthcare and other services offered by the tribe (Luna-Firebaugh 2005). For voting purposes, enrolled Mexican tribal members are assigned to Tohono O’odham districts in the U.S. where they may vote in tribal elections (Ellingwood 2000).
The Gadsden Purchase of 1858 split the Tohono O’odham’s traditional homelands. Now, approximately half of the Desert People’s traditional territories lie on each side of the international border. There are approximately nine Tohono O’odham communities in Sonora, Mexico that are located along the border of the Tohono O’odham reservation. Tohono O’odham activist and former council member Mike Flores estimates that about one-third of the Tohono O’odham’s actual population resides in northern Mexico (Norrell 2009).  

In the period just following the Gadsden Purchase, the Tohono O’odham continued to move relatively freely across their desert territories. Increased border enforcement over the course of the 20th century, however, increasingly restricted O’odham movement across their lands (Osburn 2000). In the 1980’s, a barbed wire fence was put up along stretches of the border on Tohono O’odham lands when border enforcement officials began focusing more on drug trafficking and movement of undocumented immigrants through the Nation (Gehrke 2001). During this period, increased border enforcement measures on the Nation particularly impacted Mexican Tohono O’odham. Tohono O’odham in northern Mexico lost access to much of their traditional lands, including important sacred areas (Luna-Firebaugh 2002).

The costs of recent border policies have been high for Tohono O’odham in the United States as well. Due to heightened enforcement measures at urban ports of entry, the flow of illegal border traffic was channeled through rural Arizona desert lands. In 2004, Border Patrol agents arrested an average of 1,600 illegal crossers daily in southern

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24 Flores’ estimate includes non-enrolled members of the Nation.
Arizona, about 52 percent of the 1.1 million Border Patrol arrests along the entire stretch of the international border (Carroll 2005). In 2002, Border Patrol estimated that 1,500 illegal immigrants crossed through the Tohono O’odham Nation daily (Jordan 2002).

It is estimated that the tribe has spent an average of $3.1 million annually in tribal police resources to assist the Border Patrol in dealing with illegal border activity, in tribal medical assistance offered to ailing migrants when recovered, and for expense to clean their lands of illegal crossing refuse (Kershaw 2006). Illegal crossers frequently leave behind belongings and trash as they make their way through Tohono O’odham lands and drug traffickers often abandon vehicles that the Nation must dispose of. In addition, many O’odham community members on the border have also become vulnerable to drug traffickers entering their lands.

The death toll on O’odham traditional lands is also difficult for many O’odham to reconcile with the O’odham Himdag, the traditional life ways and shared world view (Griffen-Pierce 2000) that guide O’odham as a people. Between 1995 and 2005, border related migrant deaths more than doubled, and more than three-fourths of recorded migrant deaths occurred in the Arizona Border Patrol sectors (Rubio-Goldsmit, et al., 2006). Between October 1 2007-September 30 2008, there were 183 recorded deaths in the Sonoran Desert that O’odham have called home since time immemorial.25

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25 Tucson Medical Examiner’s data posted by the Coalicion de Derechos Humanos (www.derechoshumanosaz.net) News, October 7, 2008: “The data, which are compiled from medical examiner reports from Pima, Yuma, and Cochise counties, are an attempt to give a more accurate reflection of the human cost of failed U.S. border and immigration policies. The final count includes 119 males, 45 females, and approximately 108, or 59% of unknown identity. Countries represented in the final count include México, Guatemala, Honduras, El Salvador, and Peru. While this figure is lower than last year's total of 237, factors do not clearly indicate that this is a total decline in the overall deaths on the border, particularly as the numbers of bodies recovered in neighboring states are not available.”
In 2002, then Tohono O’odham Vice-Chairman Henry Ramon stated, “We are very opposed to any kind of policy that would cause harm toward human beings.” He added, “Our people do not recognize this imaginary line that is an international boundary.” According to journalist Deborah Tedford (2002), “Ramon said the real danger is an immigration policy that forces the undocumented to choose between living in poverty and dying in the desert. The tribe is horrified their homeland has become a graveyard for restless spirits.” By 2002, many Tohono O’odham had dubbed the desert trail pursued by migrants through their homelands as the “Devil’s Path.” In an interview with Tedford, Ramon stated, “[The policy] stains our land with the blood of our neighbors, and pierces the hearts of our people.” In May 2007, I attended a community meeting with Jorge Bustamente, United Nations Special Rapporteur on Migrants’ Rights, on behalf of the Alianza Indígena Sin Fronteras. In that meeting, Tohono O’odham activist Ofelia Rivas also spoke of the blood on her lands that could not be cleaned until the ongoing death and violence that resulted from U.S. border policy came to an end. Rivas has been held in suspicion by Border Patrol and National Guard stationed on Tohono O’odham Nation borderlands as she takes pictures of the facility used by Border Patrol to detain apprehended migrants, referred to by some Tohono O’odham as “the cage”.

Since 1994, when increased border enforcement at urban ports of entry began channeling migrant flow through desert areas, an increasing and record number of Border Patrol agents have been stationed on the Tohono O’odham Nation. According to Margo Cowan, the Tohono O’odham Nation’s General Counsel, the Nation has filed over a
hundred complaints on behalf of tribal members. Cowan states, “Some of them were rouged up – dragged out of their cars, spoken to with profanity, told they had to get documents or they would be arrested and deported. Some were arrested. Some were deported” (Arietta 2004). Cowan states that in 1997, a seven-year-old Tohono O'odham boy and his grandparents were wrongfully detained and deported while traveling to see a heart specialist at the Sells tribal clinic. Lavern Jose, a Tohono O’odham Health Services worker, states that in 2003 a Tohono O’odham woman was kept from prenatal care for lack of documentation. In 2004, tribal officials reported Border Patrol’s increased use of surveillance vehicles, helicopters and gunpoint questioning (Arietta 2004).

Joseph Joaquin, an O’odham elder and Tohono O’odham Nation cultural resources specialist, states, “We were brought into this world for a purpose, to be the caretakers of this land.” Due to present border enforcement policies and procedures, however, “ancestors' graves are unvisited; relatives go years without seeing family; and fiestas, wakes, and ceremonial offerings go unattended. Elders, hampered from crossing for a number of reasons, fail to share traditional stories, and to pass on knowledge about the past, about plants and animals, and about caring for their desert home…” (Arietta 2004). Current border enforcement, therefore, severely disrupts the Tohono O’odham’s ability to fulfill their purpose and sustain the vitality of their community.

Eileen Luna-Firebaugh (2005) argues that because border enforcement inhibits the right of O’odham people to move freely on Tohono O’odham traditional lands, “enhanced and restrictive border crossing procedures are an assault on indigenous
sovereignty” and violate native religious freedoms guaranteed under federal Indian law\textsuperscript{26} and advocated through international human rights law. Many O’odham make an annual pilgrimage to Magdalena de Kino in Sonora to honor St. Francis Xavier, an indigenous Catholic pilgrimage also carried out by the Yaqui. O’odham have also traditionally traveled to Baboquivari, the sacred mountain on O’odham lands north of the U.S.-Mexico border where I’toi, the O’odham Creator, resides. Such visits are now impossible for Mexican O’odham who lack travel documentation required by U.S. officials to cross the border into Arizona.

Any movement through the desert is also difficult for O’odham in the U.S. who are often approached by Border Patrol to prove their identities as U.S. citizens. Traditional medicine men on both sides of the border lacking required travel documents are limited in their ability to attend healing ceremonies (Norrell 2009). Even when O’odham medicine men do hold the appropriate paperwork, they must give over their medicinal bundles to Border Patrol for search, disrupting the healing ceremony, according to one Tohono O’odham traditional medicine man voicing his concerns at an Alianza meeting earlier this year. According to Tohono O’odham activist Mike Flores, O’odham ceremonies that require movement across the U.S.-Mexico border, like the O’odham deer hunting and salt gathering ceremonies, are constantly disrupted by border official questioning and detention. As Flores states, “To be detained for eight hours disrupts the whole ceremony.” Two members of the Baboquivari Defense Project, and

\begin{footnote}{26} In reference to the American Indian Religious Freedom Act of 1978.\end{footnote}
affiliated members of the Alianza Indígena, have also observed and spoken against Border Patrol presence in and damage to sacred areas of Baboquivari Peak.

The Tohono O’odham have applied a number of legislative approaches in attempting to solve the problems they face on the border. In 1987, U.S. Representative Morris Udall sponsored a bill that would “provide for establishment of a roll of the Tohono O’odham Indian people and clarify certain of their rights” (H.R. 2506, 100th Congress). These rights would include the rights of enrolled members in Mexico to pass freely across the U.S.-Mexico border, as well and to live and work in the United States. The bill was referred to the House Committee on Interior and Insular Affairs, and negotiations on certain details of the bill’s clauses between the Nation and the Reagan Administration began. Ultimately, the Tohono O’odham Nation voluntarily pulled the bill from consideration, refusing to compromise on the bill’s third clause recognizing the rights of Tohono O’odham to cross the border through traditional routes. The federal government insisted that the Tohono O’odham would only cross through official ports of entry, a condition that the Tohono O’odham viewed as an attack on both their traditional practices and their Nation’s sovereignty (Luna-Firebaugh 2005). In 1998, a second bill was introduced by Congressman Ed Pastor that would recognize O’odham rights of passage. This bill was also unsuccessful, with both the U.S. and Mexican governments refusing to support the bill over the issue of traditional ports of entry (Luna-Firebaugh 2005).

In 1999, the U.S. government agreed to help issue laser visas to Tohono O’odham on both sides of the border in order to facilitate cross-border travel between
O’odham communities. Visas were issued to 104 Tohono O’odham during a ten-week period from late November 2000 through January 2001. According to Cowan, however, many tribal members were not able to apply during that period, and many who did apply reported difficulties in obtaining the document (Arietta 2004). To apply, Mexican O’odham were still required to hold Mexican passports, but it appears that no assistance was provided in this process and about four hundred O’odham who attempted to apply for laser visas were unable to obtain a Mexican passport. On the U.S. side, many did not apply for the visas because they feared deportation, as there are still several hundred tribal members residing in Arizona who do not hold proof of U.S. citizenship (Arietta 2004). Many older Tohono O’odham have no birth certificate to prove their citizenship and acquire U.S. passports because they were born in their family homes with assistance from O’odham traditional midwives (Luna-Firebaugh 2002; 2005).

On June 27, 2001, U.S. Representative Ed Pastor introduced the Tohono O’odham Citizenship Act, a bill that would have amended the Immigration and Nationality Act of 1952 in order to make “a person who is listed on the official membership roll of the Tohono O’odham Nation . . . a citizen of the United States as of the date on which such listing occurs” (H.R. 2348, 107th Congress). Although the bill initially received strong Congressional and public support (Ozer 2002), the bill was abandoned in the wake of the September 11, 2001 terrorist attack on the World Trade Center in New York City (“9-11”). In 2003, two new Tohono O’odham bi-national citizenship bills were introduced. In February of that year, U.S. Representative Raúl Grijalva, along with 199 co-sponsors, introduced H.R. 731, a bill that would “render all
enrolled members of the Tohono O’odham Nation citizens of the United States as of the date of their enrollment” and “recognize the valid membership credential of the Tohono O’odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal purposes” (H.R. 731, 108th Congress). The following month, Representative Frank Pallone, Jr. introduced a similar Tohono O’odham citizenship bill, H.R. 1333. This bill, however, would require citizenship application for Tohono O’odham members within a limited, three-year period. H.R. 1333 was withdrawn on March 20, 2003. H.R. 731 never went past referral to the House Subcommittee on Immigration, Border Security, and Claims (Luna-Firebaugh 2005: 352-353).

Since 2007, the Tohono O’odham Nation has contended with DHS border wall construction. In August 2007, newly elected Tohono O’odham Nation Chairman Ned Norris, Jr. declared, “The Nation will always be against something like that,” when rumors about construction of a 15 to 20 foot permanent iron border fence on Tohono O’odham borderlands had surfaced (McCombs 2007). In a story released by the Arizona Daily Star, Norris stated, “Unfortunately, sometimes the mentality or attitude is ‘you’re a federal reserve, and we’re a federal government, and we’re going to do whatever we need to do.’ We are saying, ‘You can’t operate that way. We are not going to allow that here.’” By November 2007, however, border wall construction was well under way just south of the Tohono O’odham Nation’s capital at Sells.

A small delegation of Mohawk, Oneida, O’odham, Acoma Pueblo and Hopi activists attending the Indigenous Peoples Border Summit of the Americas held on the
Nation reported that one of the Nation’s district officials they met with supported wall construction and claimed that construction would not be happening if the voters in her district did not want it (earthcycles.net event webcast). On July 10, 2008, the grassroots organized O’odham Solidarity Project released a public call for mobilization against the border wall. The Solidarity Project’s press release stated, “The construction of this wall will destroy the Tohono O’odham way of life (their traditions and religious practices). . . Tohono O’odham elders and traditionalists maintain their legacy through oral history, conducting natural ceremonies that include offerings to the land and sea. They also use many plants and environmental resources of the region as a source of food and medicine. But, many of these sacred ceremonies take place in Mexico.” The press release quoted O’odham Voice Against the Wall activist Ofelia Rivas while speaking at the July 2008 People’s Walk in Washington, D.C.: “The Wall has militarized our entire lands . . . As original peoples of these lands we protest the violation of the thirty seven federal laws by the April 1, 2008 Waiver by Secretary Chertoff.”

The press release was posted on the International Cry blog site. One Tohono O’odham community member posted the following response on July 28, 2008:

I happen to be from the Tohono O’odham Reservation, born and raised. I know exactly what Mrs. Rivas is talking about I have also been harassed many times by the U.S Border Patrol not to mention racially discriminated against. The border was put up and cut right through the Tohono O’odham Nation and now we have part of our tribe living across the border known as the O’odham in Mexico, now we’re going to have a fence put up to keep them out? That’s ridiculous . . . I back Ofelia up all the way. She’s also right about the militarization of our lands, on
my way down from Phoenix to my home in Pisin mo’o, I can count 30+ Border Patrol vehicles on the drive down. Then while I’m there visiting it feels as though we’re in a Prison Camp, we can’t go for drives on our own land without getting pulled over and interrogated. Just hanging out in backyard, Border Patrols canvas the area multiple times, slowly driving by while staring and watching your every move…

Almost a year later, a Tohono O’odham community member posted the following on April 19, 2009:

I visited my grandmother’s house one weekend, we were sitting outside eating morning breakfast. I counted 28 border patrol vehicles passing by on the highway in 20 minutes at a high rate of speed. I don’t know where they were going since the border is a mere 10 more miles and they can’t go much further. We were getting ready to leave early the next day from my sister’s house a border patrol vehicle followed us into her yard and parked with the headlights shining on us. I walked towards the vehicle to let whoever know they weren’t welcomed into the gated fence. As I neared the vehicle they turned around and went out of the gate, when we left and got back on topawa road the vehicle was parked on the side of the road and moved behind us as we passed. If we made a sudden stop they would’ve rear ended us. We were followed all the way to sells but were never stopped . . . I could go on and on with border patrol, military stories that only the o’odham know, but this website isn’t built to house a book about these ungrateful people.

Border wall construction on Tohono O’odham reservation and ancestral lands continues. In 2007, 69 Tohono O’odham ancestral graves were unearthed
due to border wall construction near San Pedro, Arizona. The human remains were repatriated to the Tohono O’odham Nation (Morris 2009). In May 2007, three ancestral bodies were unearthed during wall construction on the Tohono O’odham reservation, southwest of Sells. In 2008, Tribal Chair Norris testified to the Congressional Subcommittee on Fisheries, Wildlife and Oceans and the Subcommittee on National Parks, Forests and Public Lands that during an October 2007 border construction site visit on O’odham ancestral lands between Naco and Douglas, “fragments of human remains were observed in the tire tracks of the heavy construction equipment” (April 28, 2008 Joint Oversight Hearing).

**From “Bottom Up” to “Ambivalent”**

When the Alianza Indígena Sin Fronteras formed in 1997, members of the group decided that a united grassroots indigenous political movement could be the solution to the problems faced by border indigenous peoples. Indian Country journalist Brenda Norrell, who was present at the founding indigenous border gathering held on Tohono O’odham lands, reported that the newly formed group spoke of the “possibility of a constitutional amendment” securing the rights of mobility for border indigenous peoples across the international line (Norrell 1997). Members hoped to lobby as a grassroots organization for such an amendment through local and state representatives. In order to provide backing for desired policy changes on the border the group also proposed conducting research on the impacts of the North American Free Trade Agreement (NAFTA) and binational enrollment registries.
The group, however, immediately ran into funding issues. The new members of the alliance began to meet regularly, but lacked funds for an official organizational space. Since one of the group’s founding members, José Matus, was director of the border rights organization that had co-hosted the founding border indigenous gathering, Matus approached the Board of the Coalición about the possibility of allowing the Alianza Indígena to be co-housed in their facility. The Board agreed, and José was appointed by Alianza members as project director for the new organization. For the next nine years, the Alianza remained linked to the Coalición.

The two groups kept separate organizational accounts and the Coalición’s Board of Directors was distanced from Alianza Indígena organizational meetings and affairs. Nevertheless, since the Alianza Indígena acquired very little grant money to sponsor public events or other projects, Alianza Indígena issues were often addressed at Coalición co-sponsored events where the two organizations were often linked as the Coalición de Derechos Humanos/Alianza Indígena Sin Fronteras. There was also some confusion for outsiders in distinguishing the two organizations given that José Matus served as director for both. Over time, Alianza members began pushing for a separation. Many felt that indigenous issues needed to be the focus of all Alianza events, rather than secondary to a general immigrant rights agenda.

By early 2006, some original Alianza members and supporters had become frustrated with the joint organizational arrangement and were no longer participating in group projects. It appears that the Coalición had also begun to express concerns about its relationship to the indigenous grassroots project and José’s split role between the two
groups. The Alianza Indígena Sin Fronteras made its official split from the Coalición in March 2006. José Matus was now dedicated solely to the business of the indigenous grassroots organization. Along with a few volunteer organizers, José took the lead in organizing a series of events that would renew the campaign for indigenous border rights, announcing the Alianza Indígena Sin Fronteras as a newly independent indigenous grassroots organization. In August 2006, the Alianza Indígena Sin Fronteras created a new Board of Directors that included old and new Alianza members and re-confirmed José’s role as organizational director. Since this time, the organization has begun to expand its project goals in the direction of native employment and environmental rights, in addition to rights of passage, making connections through an indigenous activist network and attempting to serve as an informational resource for other local indigenous activists and community members. In July 2007, the Alianza Indígena Sin Fronteras became an affiliate of the Seventh Generation Fund for Indian Development.

In recent years, the Alianza has explored approaches in advocating for border policy changes that will treat problems experienced by their members on the border. While several members have consistently pushed for a “bottom up,” grassroots focused approach that cannot be limited by tribal government decision-making, some indigenous community members have pointed to the need for tribal government cooperation in pushing through policy recommendations to higher governmental levels. At Alianza meetings, one O’odham activist who has worked on a variety of projects through his tribal council has consistently emphasized the inability to side-step tribal government and BIA channels when attempting to create any change that impacts policy on tribal lands.
When Homeland Security and the Department of State solicited public comments on its Notice of Proposed Rulemaking (NPRM) on procedures for land and sea ports of entry for Native Americans in June 2007, the Alianza Indígena Sin Fronteras along with other grassroots organizations submitted comments with policy recommendations. Due to the government-to-government relationship between federal and tribal governments, however, DHS and DOS would only give serious weight to comments submitted by tribal officials in the rulemaking process.

In a recent Alianza meeting, members again discussed the need to form a cooperative relationship with tribal governments. Some Alianza members envision, ideally, an alliance between border tribal governments with a united set of policy recommendations; or, at the least, an alliance of mutual support for individual tribal governments when pushing policy recommendations that will benefit cross-border relations. David Garcia, O’odham activist and former Tohono O’odham tribal council member who was present at the meeting, however, said that he could not imagine tribal governments working in unity with grassroots activists or pushing the types of recommendations they would make to resolve indigenous issues on the border. In August 2008, Garcia and O’odham humanitarian David Wilson were ordered by tribal officials to cease in setting up water tanks for dehydrated migrants on their Nation’s lands. Some O’odham activists have pointed to the O’odham practice of offering water to travelers as an aspect of the O’odham Himdag that is violated by the Nation’s removal of the water

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27 The federal government requires that certain federal governmental agencies distribute an NPRM when creating or making changes to rules that will affect the public. Public comments are solicited during a specific period of time, typically 60 days, for consideration by the relevant federal agencies. Presently, comments are posted online for public view.
tanks. O’odham activists like Garcia and Wilson have been disappointed by the tribal
government’s inability or disinterest in taking a stand against the criminalization of such
a basic O’odham life-sustaining practice as the giving of water.

Some Alianza members have also suggested the need to distance themselves from
the general immigrant rights movement in order to better gain the support of certain tribal
government council members who may hold anti-immigrant sentiments. The concern is
for individual council members who distinguish their own people on the Mexican side of
the border from “other Mexicans,” or who have never recognized significant connections
to Mexican community relatives to begin with. Alianza members like José are
ambivalent about such a strategy. José says that he is ambivalent about this because of
both a shared humanitarian ethic with the immigration rights movement and fear that the
Alianza will lose support from a significant portion of the grassroots community who
have provided moral and social networking support in the past.

In that first gathering at the Tohono O’odham Nation in 1997, current Alianza
member Fidelia Suarez of the Yaqui Bacum pueblo stated, “We feel we are one family.
We have no borders.”28 This statement has become the banner slogan for the indigenous
alliance. Despite the political and cultural divisions that exist within U.S. border tribal
communities, members of the Alianza Indígena feel that the statement applies to their
nations as a whole. They still hope for political, social and moral unity between their
individual Nation’s members on both sides of the international border.

28 Published translation of original statement in Spanish (Norrell 1997)
CHAPTER 5
POLICY ON INDIGENOUS MOBILITY, DOMESTIC AND INTERNATIONAL

**Domestic Law**

Under the Western Hemisphere Travel Initiative (WHTI), in effect since January 31, 2008, both U.S. tribal identification cards and Canadian Indian identification cards are acceptable international travel documents when crossing U.S. land and sea ports of entry. According to WHTI, enrolled Kickapoo members who hold an American Indian Card may continue to use this card when crossing the border. In June 2009, however, tribes who wish to use their tribal identification cards to travel across the border will be required to develop specially enhanced identification cards that will be similar in form to a U.S. passport and will provide the DHS access to information stored in tribal enrollment databases. WHTI also requires updating of the information available through enhanced tribal identifications as deemed necessary by Homeland Security. This is an unfunded federal mandate that both places a burden on tribal economies and threatens the sovereignty of tribal nations.

Currently, there are no established policies or written procedures specifically regarding Native Americans when crossing the U.S.-Mexico border for cultural, social or ceremonial purposes. While individual tribal groups may establish agreements for acquiring short-term border crossing permits for their members in Mexico, granting of such permits is still at the discretion of individual border officials. With no policy in
place for the protection of indigenous peoples when crossing the border, host U.S. tribal members who escort Mexican indigenous peoples across the border are also vulnerable to detention at ports of entry. Yaqui ceremonial leaders are often stalled at the Nogales port of entry, for example, when border officials declare that they need more time to decide whether a request for a temporary border crossing permit is valid. José Matus believes that he was unjustifiably detained, along with four Yaqui women and two children he was escorting across the border to attend ceremonies in Arizona, in March 2007. José says that during his detention, he was accused by a border official of comparing Border Patrol to “Gestapo” in the media. He believes that this is the only reason why border officials on duty detained him and the Yaqui ceremonial participants for four hours. They were only released after José was able to contact a friend at Representative Raul Grijalva’s office for support. Aside from the Kickapoo Band of Texas, the “rest of the border area and the indigenous nations of this region [southern borderlands] are without any guidelines set forth in treaties or legislation. The result is chaos, a patchwork of executive and administrative agreements, and failed legislation that is difficult to understand or resolve” (Luna-Firebaugh 2002: 163-164).

On October 12, 2000, the Department of Justice released an INS departmental memo concerning “The Immigration-Related Concerns of the Southern-Border Native American Indian Tribes.” The memo referred to an INS Office of General Counsel document of the same name addressing the special immigration concerns of southern border indigenous communities. The referenced General Counsel document was drafted by Eileen Luna-Firebaugh of the University of Arizona and the Alianza Indígena Sin
Fronteras. The document was presented to INS General Counsel to better inform border officials about indigenous border crossing issues. When the Alianza Indígena Sin Fronteras received a copy of the departmental memo with the Subject line, “Guidelines for the Inspection of Persons who are Members of, or Culturally Affiliated with, Southern-Border Native American Indians Tribes,” some hoped that its release would entail the outlining of procedures for better handling of indigenous border crossing, including procedures for search and handling of indigenous peoples and objects. The memo itself simply stated the need to cooperate with southern border indigenous nations to help “preserve indigenous languages and cultures,” and emphasized the need for INS officials to retain control of border crossing procedures in order to appropriately enforce the U.S. southern border. As the memo states, “the INS retains authority to request additional information or documents on a case-by-case basis, such as in instances where the inspector suspects fraudulent identity or intent.” José Matus believes, however, that the memo signaled a desire on the part of INS higher officials to establish more coherent border crossing procedures for southern border indigenous peoples.

Then the attacks of September 11, 2001 occurred. All communication with border officials stalled. INS was eliminated in the reorganization that established The Department of Homeland Security and its new departments that would incorporate the functions of INS. The local General Counsel was replaced by a D.C. official that appeared to be far less accessible than the previous INS counterpart. With the creation of the new DHS departments for handling border affairs, all previous procedures for negotiation and complaint procedure went out the window. To this day, Alianza
members are still not sure to whom they should file complaints when encountering problems with border officials.

The lack of official procedures for the search and handling of indigenous peoples and traditional objects such as ceremonial items has led to a number of problems at the border. Native border peoples have reported the inappropriate search of ceremonial, medicinal and prayer items, and the destruction or confiscation of such items. Alianza Indígena Sin Fronteras member Michael Paul Hill, a Nnee-Chiracahua Apache activist from San Carlos Apache Reservation, has been attending ceremonies with Apache community members in Mexico and working with the Lipan Apache in southern Texas for the past few years. In August 2007, at an International Day of the World’s Indigenous Peoples press conference organized by the Alianza, Michael shared his recent frustration at the Texas border. He described how the sacred drum and eagle feather used in Apache ceremonies were “manhandled” by border officials. When Michael attempted to explain that he was an Apache from Arizona and that the ceremonial items he carried needed to be handled with care, he was told by Texas border officials that he “might be able to get away with crossing the border in Arizona” without having his items searched, “but not in Texas.”

In 1994, a Yaqui deer head was destroyed by a border official through a “routine” drug search at the Nogales, Arizona port of entry. The deer head is central to the Yaqui deer dance and can only be handled by the deer dancer charged with its care. When the deer dancer refused to hand over the deer head for search by border officials, their suspicions were raised. The deer head was seized and torn apart. No drugs or other
illegal items were found. The deer dancer was visibly disturbed by the incident, and ultimately, could not participate in the Yaqui Barrio Libre ceremony. Barrio Libre Yaqui ceremonial leaders made arrangements to share a deer dancer with another local Yaqui community, but the sanctity of the deer dancing ceremony had been jeopardized. As Yaqui ceremonial elder José Matus states, “We believe it is an omen when something happens like that.” Shortly after, Tucson Yaqui ceremonial leaders organized a Yaqui cultural education workshop with INS officials to help prevent incidences of this kind.

In 2004, the Alianza Indígena assisted with the bringing over of Raramuri\textsuperscript{29} singers and dancers for a cultural exchange event in the United States. José Matus traveled to the Sierra Tarahumara in Chihuahua to meet with community members and escort the Raramuri participants into the Ciudad Juarez-El Paso port of entry. When the group arrived at the port of entry, the border official who conducted the interviews for border crossing permits, asked the Raramuri ceremonial people to “sing and dance” for him in order to prove their intent in crossing the border. Recalling the incident four years later, José stated, “They [the Raramuri singers] could have sung some Mexican cantina songs and this guy wouldn’t have known the difference”. Although joking about the incident several years later, José recalls being extremely upset and embarrassed for the Raramuri participants. His instinct was to tell the border official that he had no right to make such a request, but José held his tongue fearing that the border official would deny the participants entry. The Raramuri complied with the official’s request and were granted the border crossing permits. Following the incident, José attempted to file a

\textsuperscript{29} Also known as the Tarahumara, the Raramuri are an indigenous people of northern Mexico in the State of Chihuahua.
complaint with Customs and Border Protection officials but is not sure whether the complaint was ever processed. Given that individual CBP agents have so much discretionary power when conducting permit interviews, it is unlikely that anything resulted from the complaint.

Incidents at the border such as those discussed above undermine the rights of indigenous peoples to their cultural and ceremonial practices. They also discourage indigenous peoples of Mexico initially willing to participate in cross-border exchange events from continuing participation. Any experience of intimidation, humiliation or loss at the border may be enough for some Mexican indigenous community members to avoid travel to the United States even when invited and hosted by U.S. tribal relatives. Certainly, cultural education training for border officials is beneficial and can help to prevent inappropriate behavior on the part of border officials when interviewing Mexican indigenous peoples crossing the border for exchange events. Both the Kumeyaay and the Yaqui have worked with border officials to ensure this type of educational training. In their comments on the notice of proposed rulemaking for the WHTI, the Pascua Yaqui Tribe expresses the need “…to specially train border officials at the crossing points generally utilized by Pascua Yaqui tribal members in cultural understanding.” The Yaqui Tribe further expresses its commitment to “working cooperatively to implement practical solutions and initiatives to foster understanding between Pascua Yaqui tribal members and border and customs officials” (Pascua Yaqui Tribe Re: Docket # USCBP-2007-0061).

José Matus points out, however, that this type of cultural training can be difficult to arrange, taking a lot of work on the part of tribal officials and ceremonial leaders, and
it may not be done frequently enough to keep up with the high turnover rate of border officials and changes in administration. As Matus notes, “New people are always coming in.” About 30 percent of Border Patrol agents quit within 18 months of hire (Spagat 2008). The push to increase Border Patrol numbers coupled with the high turnover rate present a variety of problems for sustaining a well-trained Border Patrol. Richard Stana, the director of Homeland Security issues at the General Accountability Office states, “This has complications up and down the line. You’re constantly in a recruitment mode…If this population keeps churning, you’re constantly training” (Spagat 2008). In this climate, cultural training programs may not be as effective as necessary. Cultural training as a solution to indigenous border crossing problems also places a great deal of responsibility and burden onto U.S. tribal government and cultural leadership.

As noted in previous chapters, some U.S. border tribal governments have worked to obtain laser visas for indigenous relatives in Mexico. Obtaining a visa can be extremely difficult for Mexican indigenous peoples. In order to qualify for a laser visa for stays in the United States, Mexican citizens must first have a Mexican passport. In order to obtain a passport, Mexican citizens must present photo identification and proof of residence with documentation such as utility bills and pay stubs. Many indigenous peoples of Mexico, however, are subsistence farmers or piece together cash incomes through a variety of non-wage earning activities. Many lack access to public utilities and do not possess photo identification. Indigenous persons in Mexico may therefore find it difficult to prove their residence or identities as Mexican citizens according to Consulate requirements. The cost of both the passport and laser visa is also prohibitive for
indigenous persons existing in subsistence economies. In order to prove financial solvency—financial capacity for travel and reason to return to their country—that will qualify them for a laser visa, Mexican citizens must have at least 2,500 pesos in the bank. It would take a great deal of sacrifice and saving for a subsistence farming family to cover the application cost for a laser visa alone, about $100 per person.

Organizations like the Alianza Indígena Sin Fronteras and the Kumeyaay Border Task Force, as well as some U.S. tribal representatives, have been able to work with Mexican and U.S. Consular officials to have certain of the requirements waived for Mexican indigenous relatives applying for laser visas needed to participate in ceremonial and cultural events held in the United States. Letters from both appropriate indigenous community officials in Mexico and the affiliated U.S. tribal government are typically used to identify specific indigenous persons and their residence in Mexico. Such letters also state the specific purpose(s) of the person’s visit to the U.S., thus allowing for the waiving of financial solvency requirements. Indigenous ceremonial or cultural event participants from Mexico may also apply for short-term border crossing permits, as discussed previously. Letters from the appropriate indigenous community and tribal officials are also used in the border crossing permit application process as proof of identification and intent when crossing the border. Such letters are typically referred to as “letters of invitation” by U.S. indigenous leaders who facilitate border crossing for indigenous relatives in Mexico.

In the October 2000 INS General Counsel memo regarding “Guidelines for the Inspection and Admission of Nonimmigrant Visitors who are Members of, or Culturally
Affiliated With, Southern-Border Indian Tribes,” INS established the nature of the letters that should serve as “acceptable supplementary documentation” for Mexican indigenous peoples when crossing the border:

Examples of alternative forms of acceptable supplementary documentation include, but are not limited to, the following:

- A letter from tribal officials or other tribal credentials establishing membership in, or cultural affiliation with, a Southern-border tribe;
- A letter from tribal officials certifying that the individual resides in Mexico, if the applicant cannot produce other evidence of residence; and
- A letter or other documentation from tribal officials certifying that the individual will be provided for in the United States during his or her visit, if not in possession of sufficient funds for the proposed visit.

A former Akimel O’odham tribal delegate that I interviewed stated that he was initially concerned about necessary documentation for Mexican indigenous peoples at the border, having heard stories about problems experienced at U.S.-Mexico ports of entry. When he first began working with Consular officials for cross-border exchange he asked a U.S. Consulate official why cross-border exchange participants might have these kinds of problems. He states, “I asked that question to the lady there that was running the U.S. Consulate and that was what she mentioned, the reason why it was so hard, because they didn’t have this letter of invitation.” Letters of invitation as “supplementary documentation” had become standard practice in negotiations between Consulate officials and indigenous cross-border exchange facilitators long before the INS memo released in 2000. It is not clear, however, that border agents at ports of entry now
organized under DHS are required to accept letters of invitation in lieu of photo identification and additional documentation to “establish proper nonimmigrant intent” (INS General Counsel memo, 2000). Since the memo’s release in 2000 and reorganization of Border Patrol under the Customs and Border Protection service of DHS, there have been no official procedures published regarding inspection and admission of indigenous nonimmigrant visitors participating in cross-border exchange. If current CBP agents are still expected to use the 2000 memo as the guidelines for inspection and admission, it is also not clear what other forms of supplementary documentation are considered acceptable, as the memo specifies that supplementary documentation is “not limited to” the types of letter previously described. If a more recent set of written procedures has been created for current CBP agents, cross-border exchange facilitators such as José have not been provided with a copy of these procedures for their own reference despite repeated requests.

As of March of this year, U.S. indigenous citizen hosts are also now no longer able to accompany and assist Mexican indigenous visitors to the U.S. during the interview and paperwork process in application for the border crossing permit. One Yaqui ceremonial leader believes that this will lead to more confusion in the application process, increased delays, detentions and denials of entry:

See what happens is that before I could go up there with them, and if there was a question like, “Where are you going to be staying at?” I would give them my address. I would say, “They’re going to be staying with me at this address.” Now some of these people don’t even know my address, you know. They just know who I am and where I live, but they don’t know the address. They don’t
know my phone number. And in some cases, there are Yaqiis that are not able to
speak Spanish very good. So they get intimidated. And then they’ll be so
nervous, then the port official will say, “That’s a mentira (lie),” you know.

“Because mira (look), you’re all nervous.” You know? “So, I’m not going to let
you go.” Or, “I’m not going to give you permission to cross.”

Due to the complications that may arise in the process of securing border crossing
permits, U.S. tribal leaders have assisted in securing laser visas for Mexican indigenous
persons who frequently visit their indigenous relatives in the U.S. for social, cultural and
ceremonial purposes. Despite consultation and negotiations with Consulate officials,
however, visas are sometimes denied to Mexican indigenous individuals, and time and
fees invested in application are lost. José Matus states that the interview process for the
visa can sometimes be confusing for Mexican indigenous individuals, with Consulate
officials sometimes asking questions such as, “Would you like to work in the United
States?” Any expressed interest in working in the U.S. may be interpreted by
interviewers as intent to work in the U.S. upon receipt of the visitor’s visa.

The “Cultural Exchange Visa” or B1/B2 laser visas that allow for participation in
cultural exchange activities are typically acquired for Mexican indigenous persons
through use of accepted alternative documents. These laser visas tend to have shorter
validity periods of up to six months, however, compared to the six month to ten-year
tourist visa available to those who can demonstrate financial solvency through the
standard documentation requirements. This means that Mexican indigenous persons who
do not have enough financial resources to prove financial solvency must pay more on
average in application fees in order to renew their visas for cross-border cultural
exchange. U.S. tribal governments and/or grassroots indigenous community leaders are sometimes able to assist with laser visa application and border crossing permit fees, but this clearly places an unnecessary financial burden on border indigenous communities.

On the northern border, Canadian aboriginal peoples hold certain protections under the Jay Treaty.\textsuperscript{30} Signed between the United States and England, the Jay Treaty establishes that peoples indigenous to the Canadian-U.S. borderlands have the right to dwell on either side of the border, to navigate all waters in both countries, and to engage in trade and other commercial activities in the indigenous nations of both countries. This means that indigenous peoples of the Canadian-U.S. borderlands may freely cross the U.S.-Canada border without being charged customs duties, and Canadian aboriginal peoples are not required to apply for border crossing permits for short- or long-term stays in the United States. Canadian aboriginal peoples may also work in the United States without the need for special employment visas.\textsuperscript{31} As Luna-Firebaugh observes, however, the “rights and the specific meaning and application of the provisions of the treaty have been addressed and readdressed in the courts of these two nations in a number of legal cases. There has also been legislation that has established restrictions of the rights set forth in the treaty” (2002: 162). Since the creation of DHS, northern border indigenous peoples have begun to experience issues when crossing the international border. On June 1, 2009, both Canadian and U.S. tribal identification cards used by northern border

\textsuperscript{30} Otherwise known as the Treaty of Amity, Commerce, and Navigation of 1794

\textsuperscript{31} The Treaty of Ghent restored the rights set forth by the Jay Treaty following the War of 1812 (Luna-Firebaugh 2002).
indigenous peoples will be subject to the same enhancement requirements as all other tribal identifications.

Current U.S. domestic policy on border enforcement in regards to native peoples is in clear violation of international human rights law protecting indigenous peoples’ rights of self-determination, the right of ethnic minorities to enjoy their own culture, to profess or practice their own religion or to use their own language in community with the other members of their group as stated in the International Covenant on Civil and Political Rights. U.S. border policy certainly interferes with the right of “Indigenous Peoples, in particular those divided by international borders . . . to maintain and develop contact, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders,” as stated in Article 36 of the United Nations Declaration on the Rights of Indigenous Peoples. 32 Unfortunately, international human rights law has no binding force in a nation unless recognized within its domestic courts, and no U.S. court has ever recognized the moral force of international human rights law regarding indigenous rights. The U.S. has been historically reluctant to ratify any United Nations (U.N.) document declaring the rights of indigenous peoples to traditional lands, resources, and rights to self-determination.

In the following section, we will review the international human rights instruments and specific articles that support indigenous rights of passage across

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32 The Declaration’s official title is “Declaration on the Rights of Indigenous People,” applying the U.N.’s general reference to “indigenous people” in the singular. Many in the indigenous grassroots social movement prefer reference to Indigenous Peoples in the plural to signify the world’s numerous, distinct indigenous nations, and therefore tend to use the term “Peoples” when referring to the Declaration. The plural form is used throughout this work.
international borders. We will then discuss local interpretations of such instruments by border indigenous activists and tribal officials.

**International Law**

In the Alianza Indígena Sin Fronteras-drafted Comments on Proposed Rule DK# USCBP – 2007 – 0061, Proposed DHS and DOS Rule Regarding Indigenous Land Border Crossings submitted August 2007, the grassroots organization and its community partners declare that, “National guidelines for Southern Border indigenous crossing should recognize the special status of nonimmigrant indigenous community members affiliated with Southern Border Native American tribes who visit the U.S. for traditional or cultural purposes, since contact between Mexico and U.S. indigenous community members contributes to the preservation of cultural traditions within U.S. Southern Border Native American communities.” The Community Comments reference international law “regarding the rights of Indigenous Peoples to maintain cultural ties across international borders.”

While over the past decade international human rights forums have become an increasingly important venue for addressing indigenous rights issues, the United Nations did not recognize indigenous communities as distinct “peoples” until very recently. The U.N. Declaration on the Rights of Indigenous Peoples was adopted on September 13, 2007.

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In a grassroots indigenous community press conference held in Phoenix, Arizona just following the Declaration’s adoption, indigenous community members gathered to speak about the significance of the document’s adoption by the United Nations. Several native community members present expressed happiness and heartfelt emotion over finally being recognized as “a people” at the level of international law. Organizers for the Alianza Indígena were present to comment on the rights of indigenous peoples to maintain their ties across international borders, and to rally support for a campaign to unite tribal governments and indigenous grassroots community groups in asserting indigenous rights of mobility. Speaking on behalf of the Alianza, José Matus expressed hope that the Declaration would assist in securing the rights of indigenous peoples currently divided by international borders. A list of the Declaration’s articles relevant to indigenous border crossing is provided in Appendix A.

In an International Organization for Migration publication circulated at the 2008 U.N. Public Forum on Indigenous Issues, U.S.-Mexico border indigenous peoples are identified as transborder indigenous peoples, (Trujano 2008) and their issues are considered within the context of world indigenous migration and the international rights of indigenous peoples. As Trujano states, transborder indigenous peoples are “communities whose territories were transected with the establishment of modern states and the drawing of international borders, particularly during the decolonization period in the Americas, Asia and Africa, cutting across lands and communities dividing groups of the same indigenous community between opposite sides of a border” (2008: 39). Trujano observes that around the globe, emphasis on state sovereignty and formal citizenship
severely limits the ability of transborder indigenous peoples to establish their own sovereignty, their right to self-determination, and the “right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures” (Article 13, U.N. Declaration on the Rights of Indigenous Peoples). In reference to the Tohono O’odham Nation, he states:

The U.S. Mexico border divides their [Tohono O’odham] territory and national legislation in both Mexico and the United States impedes their benefitting from their lands and resources, or enjoying cultural rights of access and management (Austin, 1991: 110). Anxiety over border security issues between Mexico and the United States further fuels the conspicuous difference in treatment of the Tohono O’odham on either side of the border. While the discrimination towards indigenous peoples in both countries may be equally damaging, the distrust by the American immigration authorities of the authentic or actual membership of Tohono Mexican nationals in this native group further diminishes their ancestral rights (Luna-Firebaugh, 2002: 159). Immigration patterns of this transborder community thus converge with the wider issue of Mexican migration to the United States. In this context, the treatment of transborder indigenous peoples is founded solely on their citizenship (Luna-Firebaugh, 2002: 164), and disregards their membership in an indigenous community. Recognizing identity based only on citizenship and not on indigenous community-status threatens the cohesion of communities on both sides of the border.

The situation faced by Tohono O’odham is not dissimilar from that of many other transborder indigenous peoples around the world. Authorities scrutinize
their border crossings, citing the fear that traffickers, smugglers and criminal organizations may use the border area to carry out illegal actions. Nevertheless, the legitimate concerns of countries should not be used to override the rights of indigenous communities. (2008: 42-43)

As discussed previously, current U.S. and Mexico border and immigration policies limit the ability of border indigenous peoples like the Yaqui, Kumeyaay and the O’odham nations to successfully carry out their cultural transmission and revitalization efforts.

Article 24 of the U.N. Declaration on the Rights of Indigenous Peoples states that 1) “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.” 2) “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.” Southern U.S. border enforcement has particularly impacted O’odham peoples in their pursuit of this right, as constant Border Patrol surveillance and tracking on their lands, Border Patrol harassment of O’odham in traditional desert areas for medicinal plant gathering, and border wall construction disrupts both their traditional desert environment and traditional activities on their lands. Tohono O’odham entering the U.S. from Mexico also risk detainment, deportation and refusal of services when entering the U.S. to make use of available tribal social and health resources.
In addition, O’odham members in Mexico are unable to access central sacred areas such as Baboquivari Peak in the United States unless they can obtain the state required documents for entry onto their own ancestral lands. Article 25 of the Declaration states, “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.” Tohono O’odham members Dennis Manuel and Ernesto Moristo are representatives of the Baboquivari Defense Project, a Seventh Generation Fund affiliate and a partner organization of the Alianza Indígena Sin Fronteras. Dennis and Ernesto identify themselves as “caretakers” in their advocacy work, following in the O’odham Himdag to be caretakers of the land. The Baboquivari Defense Project describes Baboquivari Peak as “the focus of our language, strength, truth and spiritual healing.” Since beginning work with Dennis and Ernie in 2006, they have described a number of Border Patrol activities that violate the sacred space of O’odham lands.

Like other O’odham community leaders and environmental activists, they are concerned about the Border Patrol’s practice of “tire dragging,” the dragging of tires behind Border Patrol vehicles to smooth out the ground where undocumented migrants may tread in order to better track their movement. It is believed that this practice along with the constant development of new roads for Border Patrol movement is degrading O’odham lands and disturbing the desert habitat. The Baboquivari Defense project is generally concerned about Border Patrol movement in the Baboquivari sacred area. In
November 2007, Ernie and Dennis shared photos of deep tire tracks left behind by Border Patrol vehicles in the Baboquivari sacred area as well as pictures of trash in this area that they are confident was left behind by Border Patrol agents. Dennis stated that they have seen trash left behind by migrants passing through the reservation, but that this trash “looked different. That’s their [Border Patrol’s] stuff.” After returning from a U.N Permanent Forum on Indigenous Issues in 2003, Dennis and Ernie found that Border Patrol agents had set up camp in a sacred cave area of the peak. Ernesto Moristo’s family has lived at the base of the mountain for several generations. He and his family therefore feel a strong sense of responsibility for the sacred area’s care and protection for future generations. As he states, “Further disrespect of this area will increase the damage of our people.”

The Baboquivari Defense Project has clashed with Tohono O’odham tribal officials, demanding that tribal leaders better protect the peak from both Border Patrol activities and commercialization. The Tohono Nation, however, has limited power to control federal government activities at Baboquivari, with the eastern portion of the peak under the control of the Bureau of Land Management (BLM). As discussed, DHS has also insisted on its authority as a federal agency in enforcing the nation’s borders over and above the sovereign authority of native nations on the border. Section 102 of the Real I.D. Act of 2005 gives the Secretary of DHS authority to waive over 36 federal laws in construction of border fencing including the National Environmental Policy Act, the Endangered Species Act, the Archaeological and Historic Preservation Act, and the
Native American Graves Protection and Repatriation Act, increasing DHS authority on the lands of border indigenous nations.

Again, international human rights law, including the rights recently set out in the U.N. Declaration on the Rights of Indigenous Peoples, is not currently recognized as a standard regulatory code for decision-making in U.S. domestic courts of law (Conforti & Francioni 1997). Indigenous border peoples in the United States therefore cannot rely on international legal instruments when pursuing legal action or policy regulation. Many indigenous peoples, however, have recognized the moral strength of international human rights law and the usefulness of international human rights forums to raise awareness about injustices in indigenous communities. In April 2008, I attended the United Nations Permanent Forum on Indigenous Issues along with two other members of the Alianza Indígena to help draft and deliver a joint statement on behalf of the organization. The Alianza participated in the Forum as part of the Seventh Generation Fund for Indian Development organizational delegation composed of affiliate grassroots indigenous organizations. In the joint statement co-signed by Tonatierra, the Lipan Apache Women’s Defense, Indigenous Environmental Network, Western Shoshone Defense Project, the Seventh Generation Fund, and Maya Visión, the Alianza Indígena stated:

The creation of the U.S. Department of Homeland Security (DHS) established new precedents in the U.S. Government’s irresponsible action toward the environment and Indigenous sovereign rights. Indigenous Peoples in the U.S.-Mexico border region have faced increasing challenges as a result of consistent changes in the environment and economy due to the impacts of globalization and
the U.S. Government’s implementation of changing border enforcement strategies…

Federal construction of a border wall on indigenous lands demonstrates a profound and willful disregard for Indigenous sovereignty and the government-to-government relationship. Given the United States’ previous disregard for indigenous rights, strong international support is needed to push environmentally and community conscious legislation.

In response to growing xenophobia and anti-immigrant hysteria, the U.S. Government has devoted increasing money and manpower to fortifying longer stretches of border in service to its claimed goal of reducing undocumented immigration, drugs and “terrorist threats” from and through Mexico… The trend in U.S. policy is to create more violence and division among indigenous communities, as well as allowing continued habitat fragmentation, endangerment of local species, and general disruption of biodiversity caused by construction of the U.S.-Mexico border wall and other “Homeland” security measures. With these concerns in mind, we offer the following recommendations:

Recommendations:
1) We ask the Forum to fulfill its mandate. To advise the U. S. and Mexican governments, and intergovernmental bodies, in their obligations to uphold both domestic and international law concerning non-state actors and indigenous peoples rights in regard to the U.S-Mexico Border. In particular to put pressure
on key stakeholders and institutions including but not limited to the U.S. Army, National Guards, Customs and Border Patrol, and the U.S. Department of Homeland Security.

2) We would also like to recommend that International Borders and Indigenous Peoples be considered as a special theme in the future of this Forum. We believe that this issue deserves its own discourse and should be thoroughly examined and opened up for dialogue among the international indigenous world community.

3) We invite the Special Rapporteur to meet with border communities and organizations to investigate the impacts of border policies on Indigenous Peoples.

Madame Chair, the U.S.-Mexico border has been appropriately dubbed by border activists as the “Wall of Death.” In addition, few consider that many among the thousands who perish in the attempt to cross this border are indigenous peoples migrating South to North, pushed by insurmountable global free trade impacts on their local economies, whose potential earnings in the U.S. will contribute to the economic, cultural and social survival of their communities. Few recognize the immense tragedy of Indigenous Peoples of the South suffering violent deaths in the lands of their relatives to the North.

The U.N. Declaration on the Rights of Indigenous Peoples affirms Indigenous Peoples’ rights to land and self-determination, and Article 36 affirms that, “Indigenous Peoples, in particular those divided by international borders, have the right to maintain and develop contact, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders.”
Additionally, the International Covenant on Civil and Political Rights requires that States not deny persons belonging to ethnic minorities the right to enjoy their own culture, to profess or practice their own religion or to use their own language in community with the other members of their group.

The United States is acting with impunity in violation of both domestic and international human rights law. The Indigenous Peoples of the Americas should be concerned as the enforced U.S.-Mexico border places a significant barrier between our peoples and our collective mobility, and creates a growing scar on our mother earth. Furthermore, we understand that any solution to the Border Crisis will not be complete without an analysis of broader policies and agreements, such as NAFTA and CAFTA, which motivate irresponsible border policies.

The Alianza Indígena refers to the International Covenant on Civil and Political Rights in the statement above. The articles of this international treaty relevant to the rights of transborder indigenous peoples are listed in Appendix B.

In an earlier May 2007 testimony to Jorge Bustamente, United Nations Special Rapporteur on Migrants’ Rights, the Alianza Indígena drew on Article 32 of the International Labor Organization Indigenous and Tribal Peoples Convention No. 169 (ILO 169) that states that “Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social,
cultural, spiritual, and environmental fields.” The Alianza Indígena drew on this article to argue for the rights of U.S. tribal nations to facilitate humane immigration and border crossing policies for Latin American indigenous peoples in pursuing economic activities in the United States that benefit their home communities. This argument is reiterated in the above joint statement submitted to the UNPFII. ILO 169 sets out some of the rights that would be more fully developed in the language of the adopted Declaration on the Rights of Indigenous Peoples. Articles of ILO 169 relevant to indigenous border crossing rights are listed in Appendix C.

**Searching for Solutions**

On March 8, 2007, an Indigenous Peoples Consultation was held at the Arizona State Capitol. The event was hosted by the Arizona State Legislature Native American Caucus. Wilton Littlechild (Cree), North American Representative of the United Nations Permanent Forum on Indigenous Issues (UNPFII), was in attendance. It was a historic day for indigenous peoples. That day the Indigenous Peoples Proclamation was read on the floor of the Arizona House of Representatives and the Declaration of the Rights of Indigenous Peoples was adopted by the House.

Following the event, the Nahuacalli Embassy of the Indigenous Peoples in Phoenix hosted a community meeting with Wilton Littlechild. It was an opportunity for indigenous community leaders to chat casually with the North American Representative of the UNPFII and ask questions about the relevance of international indigenous rights to local communities. At the time, José Matus, project director for the Alianza Indígena Sin
Fronteras was ambivalent about the relevance of international law in solving local indigenous problems. He had questions. Is there a complaint process for violations against international indigenous rights? To whom should complaints be directed? Can indigenous peoples really use international indigenous rights? In speaking with Wilton Littlechild, myself and others present, José shared his experience in discussing indigenous border crossing rights as set out in international law with a Yaqui council member. José said that he told the council official that international law establishes indigenous border crossing rights. José told the council member that the Yaqui tribal government, therefore, had the right and obligation to negotiate with the federal government to secure these rights for their Mexican tribal community members. According to José, the tribal council member said that international law “doesn’t mean anything” for tribes, and therefore “doesn’t matter.” Littlechild said that he was aware that many tribal officials took this attitude regarding international law pertaining to indigenous peoples and that this was unfortunate. Littlechild argued that this was why it was important that both state legislatures and tribal governments adopt the Declaration on the Rights of Indigenous Peoples in order to establish acceptance of, and dedication to, the international rights of indigenous peoples across local governments. At the Indigenous Peoples Consultation that took place before the reading of the Declaration in the House, the Salt River Pima-Maricopa Indian Community declared their government’s adoption of the Declaration through tribal resolution.

In a subsequent United Nations training workshop held in the Nahuacalli Embassy with Wilton Littlechild and the then incoming North American Representative
of the UNPFII, Tanya Frichner, José still had questions about possible procedures for filing complaints when international indigenous rights are violated at the border. The purpose of the workshop was to consult the grassroots on possible local applications of international indigenous rights instruments. Workshop leaders provided information on the structure of United Nations bodies, the nature of shadow reports for reporting abuses of international human rights to United Nations international treaty-monitoring bodies, and how local groups can organize reporting systems for the creation of such reports.

José asked workshop organizers how such procedures could be specifically used by indigenous peoples to resolve violations of indigenous rights when crossing international borders. At the time, there seemed to be some confusion, however, about the proposed tribal “smart card,” an enhanced tribal identification card being developed by northern border tribal officials, and its consideration by DHS and DOS as an aspect of WHTI and the Real I.D. Act. The Real I.D. Act of 2005 mandates security enhancement of border crossing documents used at U.S. ports of entry. This mandate coincided with northern border tribal leaders’ already developing plans for an enhanced tribal identification card that would secure the rights of northern border tribal members when crossing the U.S.-Canada border. In discussing the smart card at the United Nations workshop, there seemed to be a belief on the part of North American representatives and others present that the tribal smart card would take care of border crossing problems for North American border indigenous peoples. For the most part, this is true for northern border peoples, but not for southern border peoples since WHTI does not address rights of passage for Mexican indigenous peoples other than the Mexican Kickapoo.
During the period of my fieldwork, discussion among southern border indigenous activists about the tribal smart card proposed by northern border tribal leaders centered around both the nature of the card and its potential impact on southern border nations. Some expressed concern that the tribal smart card would become a mandate and also be standardized by DHS based on the model proposed by northern border tribal leaders, so that all tribal nations would be required to use this model for their own tribal identification cards. As of the 2007 United Nations training workshop in Phoenix, it was still not clear how the federal government would approach development of the enhanced tribal identification cards as alternative travel documents. There was also the issue of who would pay for the production of enhanced tribal identification cards. Northern border tribal leaders were pushing for the federal government to pay the bulk of production costs for their own proposed smart card, but were preparing to cover some costs to produce the enhanced cards for as many of their nations’ members as possible. Some of the border indigenous activists I worked with wondered if individual tribal members would have to help cover such costs through fees to acquire the new cards, thus limiting access to only those who could afford to pay such fees. In addition, some members of northern border indigenous nations objected, and continue to object, to the use of enhanced tribal identification cards for border crossing. Under WHTI, enhanced tribal identification cards must comply with identification requirements established by DHS. Tribes who agree to the development of a tribal smart card must provide DHS access to tribal enrollment database information. Participating indigenous nations must also provide additional access to tribal member information if and when DHS
requirements change. Some indigenous activists and traditionalists see such requirements as an imposition of state authority over the movement and privacy of their peoples. The issue of state imposition of its sovereign powers over indigenous sovereign authority was also a concern among some southern border indigenous peoples.

By 2007, with rulemaking for WHTI in regards to Native Americans underway, it was clear that while border indigenous advocacy groups like the Alianza could turn to international law for moral confirmation of their border crossing rights, southern border indigenous peoples needed to grapple more immediately with U.S. domestic policies and legislation regarding indigenous border crossing. Communication with northern border indigenous nations was becoming increasingly important. In an Alianza gathering held in April 2007, the need to establish a North-South U.S. indigenous border alliance was discussed as a critical goal for developing domestic policy recommendations that address the rights of indigenous peoples transected by the borders of the United States. At the gathering, Enrique Acosta of Tonatierra delivered a message from Gerald One Feather of the Oceti Sakowin (Lakota-Dakota-Nakota) inviting the Alianza Indígena and the Yaqui people to a Seven Council Fires gathering in South Dakota in order to discuss shared goals regarding rights of passage across U.S. international borders. Since this gathering, contact has continued between the Seven Council Fires and the Alianza Indígena as they pursue discussion of border crossing issues and policy proposals.

To date only a few U.S. tribal governments have established agreements with DHS for use of enhanced tribal identification cards. While many officials in border indigenous nations believe that compliance with the WHTI mandate on tribal
identification cards is necessary to secure the border crossing rights of their peoples, lack of funding for enhancement is a problem. Heather Dawn Thompson, director of government affairs for the National Congress of American Indian points out that the federal government has given states millions in funds to create enhanced identification cards. Tribal governments, however, have received no funds for tribal I.D. enhancement (Kapralos 2009). The NCAI has filed a request for a $20 million grant to assist tribes with enhanced I.D. development, but these funds may not be available until 2010 if approved.

While southern border tribes do not have the support of treaties regarding indigenous border crossing rights as do many northern border peoples with the Jay Treaty, it is nevertheless possible for southern border peoples to secure border crossing rights through legislation. The Kickapoo serve as a historical example of this possibility for other southern border indigenous nations. The creation of the “American Indian Card,” a tribal identification card that is free of enhancement requirements, has secured Kickapoo rights of passage across the U.S.-Mexico border. Although the Jay Treaty does not directly apply to the Kickapoo, Congress drew on the language of section 289 of the Jay Treaty in establishing Kickapoo rights of passage, essentially extending Jay Treaty rights to “freely pass and repass the borders of the United States and to live and work in the United States” to Kickapoo community members, regardless of country of origin. Similar legislation could be passed to secure border crossing rights for any and all of the other southern border indigenous nations. All that is necessary is public and political support for such legislation.
In the effort to create public and political support for such legislation, the Alianza Indígena continues to draw on the discourse of international indigenous rights law to voice the rights of transborder peoples on their ancestral territories. As part of a broad indigenous border rights campaign, the group is collaborating with other indigenous rights organizations to organize a North-South indigenous border rights summit. The summit would involve both tribal government leaders and grassroots community leaders of indigenous nations in the North and South, discussing their perspectives on border policy and goals for policy development. The group also advocates for the adoption of the Declaration on the Rights of Indigenous Peoples by tribal governments on the border to help build a common reference for indigenous border crossing rights.
CHAPTER 6
GRASSROOTS INDIGENOUS DISCOURSE ON THE BORDER

Whether conceptualized as an “imaginary line,” a “cut” across a physical body, an imperial “weapon,” or a fine line delineating a First World self from a Third World “Other,” the U.S.-Mexico border plays a critical role in the complex construction of identity for Native Americans on the southern border. In this chapter, we will discuss how metaphors and figurative tropes of the border play an important role in the oppositional discourse of grassroots indigenous activists who oppose both culturally insensitive border policies and mainstream American attitudes on immigration that allow such policies to remain in place. As will be shown, grassroots indigenous activists craft a counterdiscourse that both conflicts with, and is affected by, broader, mainstream public discourses on immigration, U.S. border policy, and Native American identity, but that is persistent in its efforts to achieve sociopolitical change and the recognition of grassroots indigenous voices.

In her work on the partial integration of conflicting schemas, Claudia Strauss loosely defines schema as a “strongly co-associated set of concepts in someone’s head” (1997: 397, n.4). This is a somewhat simplified definition that lacks a distinction between “image-based schema” and the concept of “cultural schema” developed in the work of cognitive linguistic scholars like Lakoff (1987; 1990) and D’Andrade (1995), respectively. However, in analyzing the central themes in her interviewee statements, Strauss takes a social discursive and Bakhtinian approach to the analysis of cultural
schemas by viewing them as the articulation of “voices.” In her work, Strauss assumes that “a given schema is expressed in a ‘voice’ that is distinguishable by its key words, imagery conveyed in metaphors, typical contexts of expression, and emotional valence” (1997: 371). In this way, Strauss allows for the inclusion of emotional stimuli or “feeling” in the range of cognitive associations available to speakers. This framework necessarily attends to the many affective and other salient, yet non-referential, aspects of language, including metaphor, key vocabulary, and emotional valence in the articulation of certain cultural schemas.

Strauss’ particular notion of cultural schema is also relevant to the contemporary study of metaphor as a “structuring device” in authoritative discourse. Several scholars have recently focused on the important role of metaphor in framing public discourse. Briggs and Mantini-Briggs’ study (2003) of state and media discourse on disease during a recent cholera scare in Venezuela stands out for its attention to metaphorical language used in public media to justify certain policies in the government’s attempt to educate and protect certain segments of the public, while placing blame for disease on others. Otto Santa Ana’s work (1999; 2002) on metaphor as a framing device for political discourse also attempts to advance cognitive theory by grounding his analysis in mainstream media discourse. In doing so, Santa Ana establishes an important initial framework for the analysis of image-based schemas in the media.
**Metaphor in Political Discourse**

Influenced by Murray Edelman’s work on politics as symbolic action (1971) and similar scholarship, Haig Bosmajian (1992) argues for the recognition of metaphor as a powerful framing device in authoritative discourse. As Bosmajian states, “Our language determines to a large extent how we see reality, and tropes especially affect our perceptions and how we see the “truth”” (1992: 17). For example, Bosmajian observes that most people perceive judges as giving “logical” reasons for their judgments through “argument” and through the precise, literal use of language. Yet, legal scholars have now begun to critically address the extensive use by judges of figurative language and key legal metaphors such as the “marketplace of ideas” or “slippery slopes” that can obscure ideological positions through a language of legal “impartiality.”

Santa Ana’s analysis of the Proposition 187 debate as it is revealed in the *Los Angeles Times* provides further evidence of the role metaphors play in shaping authoritative discourse, focusing on the use of metaphors in framing conventional attitudes. Santa Ana points to mainstream media as an everyday form of discourse with wide-reaching exposure. Santa Ana addresses precisely the types of informational distribution emphasized by Frederic Jameson (1991), and later by Strauss (1997), that individuals in late capitalism are likely to gain access to and to use as tools in

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34 Thomas Ross (2000) refers to such metaphorical framing in legal decisions as *rhetorical journey*—moving very quickly from some abstract principle that then becomes a part of an argument for a choice that is made. In the explanation of legal decisions, metaphor is used as a rhetorical device in building relationships, connecting a particular legal narrative to a much larger ideological framework. Ross illustrates such metaphorical framing in the rhetorical journey of Supreme Court Justice Scalia’s opinion on an affirmative action case where the metaphors of “bad seed” and “growth” build on a conservative view of affirmative action as a program with destructive potential for the larger society. The metaphor of destructive growth is then extended to the more influential metaphor of “disease.”
constructing particular “narrativized” understandings of the world and the self. If it is the case that news media serve as important discursive tools in ideological construction, Santa Ana makes a very persuasive case for the widespread production and reproduction of racist and exclusionary ideologies through mainstream media.

Like Naomi Quinn (1996), Santa Ana takes account of the basic principles of metaphorical mapping as developed in cognitive studies. However, Santa Ana shifts the focus on cognitive theory away from that of abstract modeling and assumptions regarding its transformative effects, and instead, focuses on its “social implications.” Santa Ana effectively develops an argument for the productive uses of metaphor in everyday life by focusing his attention on political discourse. Indirectly countering Quinn’s assumption that the productive use of metaphor is relatively rare as its use tends to be guided by specific cultural schemas, Santa Ana points out that unlike more conventionalized cultural notions such as love, political discourse is distinguished by its consistent re-analysis and dispute over, conflicting notions of personhood and social responsibility. Utilizing the works of politically-centered discourse scholars such as Chilton (1996) and Fairclough (1989; 1995), Santa Ana develops a theory for metaphorical mapping as a means of asserting covert forms of racial and political bias in public media.

In his work Santa Ana, points to the political mappings present in public news media that subtly insist that *immigrants are animals.* Santa Ana reveals that this structuring metaphor and related image-schemas used to reference immigrants and immigrant movement express and organize beliefs about American personhood in relationship to non-citizens. The use of nature-oriented images in metaphorically
mapping negative inferences onto immigrants allows for highly unnatural representations of immigrants to be naturalized within an accepted schema of “natural order.” The mapping of the source domain \textit{animal} onto the target domain \textit{immigrant} can clearly be defined as racist, as it attempts to make inferences on the innate character of non-citizens based on highly unnatural and racist assumptions. Yet, such racist assumptions are developed in the realm of imagery rather than rhetoric. In this way, constructed inferences are naturalized within conventionalized imagery. The key to success in this process is both the cultural assumptions that allow individuals within U. S. society to imagine an “Other” beneath full recognition as persons in both a legal and cultural sense, and the metaphorical mapping that draws analogies to natural states of order.

Lakoff and Johnson (1980) identify three general types of metaphor: ontological, orientational and structural. As Lakoff and Johnson argue, ontological and orientational metaphors commonly frame and direct a variety of the conceptualizations expressed in everyday speech. Ontological metaphors such as the metaphor of Life as a Container, as in “I’ve had a full life” or “My life feels so empty,” allow speakers to conceptualize numerous abstract objects, events, activities, and states of being in terms of other known entities. While structural metaphors also frame experience through the projection of certain semantic meanings in relationship to other conceptualizations, structuring metaphors are developed to frame particularly complex concepts in a given society. As Ronald Casson (1983) states:

Structural metaphors are used in comprehending complex, highly structured concepts. While ontological and orientational metaphors are basic in providing the
means of referring to concepts, quantifying them, orienting them, and so on, structural metaphors provide for the use of “one highly structured and clearly delineated concept to structure another” (199, p. 61). In structural metaphors, the constituent structures of complex object, orientation, and event schemata serve as the means of structuring other complex schemata.

Such metaphorical structuring devices are, therefore, useful in framing complex sociopolitical ideologies in a given society, particularly when such ideologies exist in competition with conflicting views. In his work, Santa Ana reveals several object schemas that guide both metaphorical and metonymical uses of language in political discourse. The cultural schemas revolving around “the nation” and U.S. citizenship examined by Santa Ana demonstrate the potential for structural metaphors in reproducing conventional notions of citizenship as equivalent to personhood.

Santa Ana’s observations concerning mainstream schemas for personhood in terms of citizenship are particularly relevant to the analysis of discursive identity construction among Native Americans on the U.S. southern border, and the challenges faced by indigenous border activists in positively representing themselves and their beliefs to a broader audience. For example, in early 2007, debate among Tucson area residents emerged over a proposed border checkpoint that would be permanently placed in the Tucson sector on Interstate 19, over 20 miles north of the U.S.-Mexico border. In June 2007, an Opinion piece by the Director of the Indigenous Alliance, a Yaqui ceremonial leader, declared the Indigenous Alliance’s opposition to the I-19 checkpoint as an unnecessary border protection measure that could further violate indigenous rights to environmental, social, cultural, and physical protection. Online response to the
Opinion piece published in one of two major, mainstream Tucson newspapers was not positive. One commentary in response to the piece declared, ‘The only "Indigenous" people here are LEGAL AMERICAN CITIZENS.’

While it is assumed that much of the negative commentary on this opinion piece were authored by extremists in the far right of the immigration debate, it is important to consider such discourse in the context of the larger debate on border checkpoints, immigration and border protection policy, and human rights in southern Arizona during the period in which this opinion piece was published. As Abby Ferber states, “In expelling the far right from the mainstream, we fail to recognize that members of the far right are nurtured by the mainstream” (1999: 148). While the negative comments posted in response to the Alianza’s opinion piece may reflect far right perspectives, the absence of positive response by the mainstream to this Native American commentary on the rights of both Mexican and U.S. indigenous peoples reflects something important about mainstream perspectives as well. The tendency for ethnicizing and racializing Native Americans according to mainstream expectations is also relevant here. As Bonnie Urciuoli (1995) points out, when groups are talked about in ethnic terms, they tend to be framed in cultural terms that point to their “rightful place in the United States” (15). However, when groups are talked about in racial terms, they are framed in terms of “natural attributes” and often as “unwilling to do their bit for the nation-state,” discursively constructed as groups whose place in the nation is “provisional at best.” The attempt by Native Americans on the southern border to have their ties to
cultural/social/blood relatives in Mexico recognized is often met with mainstream incomprehension or clear opposition.

The ability of U.S. indigenous peoples with cultural ties to Mexico to successfully represent themselves as “authentic” Native Americans is difficult even within the U.S. Native American community itself. Alianza Director Jose Matus notes, for instance, that during the period in which the Pascua Yaqui Tribe sought federal recognition as a U.S. tribe, some Native Americans opposed such efforts arguing that Indians who speak Spanish and have relatives in Mexico are Mexican and, therefore, NOT Native American. A similar comment was reported to me by a friend who recently attended a meeting of the National Congress of American Indians (NCAI). Asked his opinion about the rights of U.S.-Mexico indigenous border communities, an NCAI representative commented that as far as he was concerned Native Americans are AMERICANS. It is clear that in the United States, there is a limitation placed on indigenous identity for U.S. born indigenous peoples that rests on an assumption of “American” identity or U.S. citizenship. One must, therefore, ask the important question of how Native Americans with Mexican cultural ties construct their identities as native peoples, given the relative strength of schemas for native identity in the United States that conflict with their own backgrounds and experiences. Furthermore, what discursive tools are available to southern border indigenous activists in constructing a strong, oppositional discourse to mainstream conceptualizations of native identity and indigenous rights in the United States?
Interpretive Repertoires, Indigenous Agency, and Counterdiscourse

To better understand the potential mobilization of indigenous activist conceptualizations in discourse, it may be useful to consider Wetherell and Potter’s notion of *interpretive repertoire* (1992) in relationship to the historical formation of hegemonic discourses. Critical of both cognitive psychologists who imagine the individual as “a cognitive machine calculating away in a social vacuum” and social theorists who assume that “lived ideology and common sense merely reproduce a unified dominant system of integrated beliefs and attitudes” (1992: 176) Wetherell and Potter draw on both Gramsci and Foucault to evaluate how racial identity in New Zealand intersects with personal and moral, as well as material aspects of social life. Wetherell and Potter explore the maintenance of racist practices among the white majority population (Pakeha) in New Zealand and the indigenous Maori population. The discourse analysis approach developed in their work is of general interest in identity and ideology studies because it approaches reconciliation between “discourse” as structured talk and “discourse” as social practice. Identifying the need in social and cognitive psychology to shift focus from internally organized categories in order to identify the resources utilized by speakers as part of a social discursive body, Wetherell and Potter develop the concept of the *interpretive repertoire*. This concept is similar to Claudia Strauss’ conceptualization of the “cultural schema.” Like Strauss, Wetherell and Potter attempt to move away from internally organized conceptions of image-based schemas in order to evaluate the relationship between cultural and linguistic production. The interest shifts then, to how schemas are organized by speakers in actual instances of discourse.
As Wetherell and Potter state, “Interpretive repertoires are pre-eminently a way of understanding the content of discourse and how that discourse is organized” (1992: 90).

Following an argument made by Stewart Hall (1988), Wetherell and Potter state that “one of Gramsci’s major contributions to the development of Marxist theory was to point to the way in which hegemony and the overthrow of hegemony, depends on various ‘wars of position’ or ‘wars of manoeuvre.’ The active construction of alliances and the definition of groups and forms of solidarity through discursive and other practices” (1992: 72) is central to these forms of counterhegemonic action. However, as Gramsci imagined the moral-ethical dimension of hegemonic authority, it is difficult to conceptualize hegemony as something to be “overthrown.” Rather, hegemony is a form of authoritative beliefs and values that must be transformed, so that it can serve the interests of those other than the majority.

Through the analysis of interviewees’ interpretive repertoires, Wetherell and Potter address the interpersonal dimension of power relations—how individuals develop their moral-intellectual attitudes and behaviors through their discursive relationships with others. Such a focus importantly draws from the moral-ethical dimensions of state power as it is understood by both Gramsci and Foucault, and also provides a means of constructively examining discourse through the recognition of representational themes that can be deconstructed, in order to be analyzed for their use in particular social contexts. This thematic focus in discourse also draws our attention to “ambivalent” mainstream discourses that may have the most influence on the “sedimentation of discursive practice over time” (1992: 79). For example, exploring racial formation in the
U.S., Omi and Winant (1994) address the ambivalence of widespread discourses surrounding “reverse racism” that guide the reproduction of racist practices in U.S. institutional policies.

The way in which such formations are historically transformed greatly depends on how individuals encounter available cultural themes and mobilize them in discourse. It also greatly depends on how individuals connect personal identity at a deeply personal level with social identity through available cultural resources. Similarly, Strauss notes the various ways in which individuals discursively integrate the heterogeneous and sometimes conflicting schemas that circulate within contemporary U. S. capitalist culture. The emphasis on life histories shifts our focus to the more individualized and private accounts of public history that are internalized through private history, historical accounts that are developed in private discourses as well as public forms of media.

To the extent that different peoples with different categories of experience based on class, gender, race, ethnicity and so on, have experienced the world through different forms of media and have been shaped by different forms of discipline, it is possible that individuals will have more or less complex approaches toward integrating the cultural schemas that help guide their daily activities. At the least, their approaches are bound to be vastly different, and a focus on how integrating strategies articulate with the way individuals are positioned in society could point to how certain ideologies are reproduced within social groups, and how individuals actively construct their identities through drastic economic and political change. As Wetherell and Potter state, “Identity can only
be constructed from those narratives which are available, and discursive practice…intertwines with other social practices” (1992: 79).

In addition, since arguments guided by metaphor are pliable and open to evaluation, Santa Ana argues that analysis of conventionalized metaphorical frames in everyday discourse is an important step in challenging the predominant forms of social order revealed in such discourse. Santa Ana suggests that while certain orientational metaphors are fixed and “impervious to change” and others are highly conventionalized to the extent that they may only reveal change over an extensive period of historical time, political and social metaphors “on the other hand are negotiable” (1999: 218). As he states, “In contrast to highly conventionalized domains such as LOVE, political domains are openly debated and discussed, hence the underlying structure of these domains can change.” In this respect, Santa Ana helps develop a new sense of anthropology’s possible contribution to the study of discourse and cognition that not only focuses on conventional uses of political and social metaphor, but also seeks to observe the range of their potential uses across different socially positioned individuals as they continue to negotiate their own identities in active discourse.

**Border Indigenous Counterdiscourse**

As discussed in previous chapters, indigenous activists on the U.S. southern border point to the historical exclusion of indigenous peoples by the United States and Mexico in the delineation of the U.S.-Mexico border and the definition of rights for indigenous communities bisected by that territorial delineation. As stated in the
grassroots drafted “Indigenous Community Comments” on the 2007 DHS and DOS proposed rule on sea and land port-of-entry travel requirements for Native Americans (September 13, 2007):

The establishment of the present US-Mexico border was instituted by the Treaty of Guadalupe Hidalgo ratified in 1848 and the Gadsden Purchase of 1853 wherein the signatory governments of both republics agreed to delineate realms of jurisdiction between both parties, namely the governments of the United States of North America and that of the Republic of Mexico…

At no point in this process were the self governing nations of the Indigenous Peoples of the treaty territories—specifically those whose traditional territories were to be bisected by the international border to be established—collectively consulted or integrated by way of plebiscite or free and fair elections as to their free choice to obtain or retain citizenship and nationality within either republic, or as members of their respective Indigenous Nations…

Southern border indigenous peoples have, therefore, come to understand the U.S.-Mexico border in very different terms than those who understand the southern international border as a territorial pact between the government of their “own nation” and that of another. For this reason, indigenous activists can and often do describe this border as an artificial or “imaginary” construction, rather than a culturally defined reality of their respective communities. Nevertheless, the primary tropes, or figurative themes, of “the border” in indigenous activist discourse reveal the significant impacts of the U.S.-Mexico

35 Native Americans had not yet been granted U.S. citizenship when the U.S.-Mexico border was established. In Mexico, indigenous peoples had been granted Mexican citizenship, but the Mexican government did not recognize rights of Mexico’s indigenous communities as indigenous nations.
political and territorial line on contemporary indigenous identities.

As will be shown, U.S. southern border indigenous activists mobilize schemas developed in both a broader indigenous rights discourse as well as a human rights discourse specific to immigrant rights activism. U.S. southern border activists, therefore, uniquely integrate the primary schemas of two distinct human rights discourses in order to construct and articulate their own, unique discourse in opposition to conservative perspectives on border enforcement policy. In doing so, indigenous activists at the U.S. southern border not only point to, and challenge, negative conceptualizations of a Mexican “Other” that are often implied in conservative state and far right discourses on border enforcement. In their unique integration of available rights discourse schemas, southern border indigenous activists further redefine the notion of “the border” and “border rights” in terms of indigenous experience.

There are four primary tropes of the U.S.-Mexico Border that will be discussed here. The first is the *imaginary line*, or the artificial and arbitrary line created by non-indigenous nations. The second is the physical *cut or wound* across traditional lands. The third trope to be discussed is the border as *imperial or state weapon*. The fourth trope differs from the previous in that it does not consist of metaphorical image-schemas of the border, but rather the use of deictics—context-bound words and expressions—that define the international border as a true dividing marker for populations. For a better understanding of this trope and its significance to southern border indigenous identities, I borrow from Michael Silverstein’s work on the trope of “we”-ness (2000) to describe the influence of indexical pronouns in constructing imagined polities. This analysis will
demonstrate how the trope of “we”-ness, in reference to the U.S.-Mexico border, conflicts with more holistic notions of indigenous community expressed through the other primary tropes.

**Imaginary Lines and Wounded Lands**

O’odham in Mexico Lieutenant Governor José Garcia’s reference to the U.S.-Mexico border as an “imaginary line,” quoted in the opening chapter of this work, is a common reference to international territorial borders among indigenous border activists, both in the U.S. North and South. Indigenous activist reference to international borders as “imaginary lines” discursively constructs state defined borders as artificial and false constructions of reality. Under these terms, an acceptance of such constructed borders as reality constitutes an opposition or denial of traditional indigenous notions of time and space. For example, in a statement by the grassroots activist Mohawk group, Mohawk Nation News titled, ““Imaginary Line” Issue for all Onkwehonwe of North and South Turtle Island,” these Mohawk activists make use of the *imaginary line* trope in order to voice opposition to the actions of other Haudenosaunee leaders in negotiation with state border officials.

In a statement widely distributed on indigenous activist listservs in January 2007, the Mohawk Nation News assert,

> We Onkwehonwe, also known as “Indigenous” people, have an inherent right to traverse Turtle Island. When human beings first appeared, Creation gave us

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36 The Haudenosaunee, often referred to as the Six Nation Iroquois Confederacy, are composed of the Mohawk, Oneida, the Onondaga, the Cayuga, the Seneca, and the Tuscarora Nations.
the original instructions to be respectful, to live in harmony with the rest of the natural environment and to always adhere to the original ways. The Haudenosaunee Task Force on Border Crossing [made up of Curtis Nelson, Oren Lyons, Leo Henry, Paul Williams, Darwin Hill and others] was set up without consultation with us. They appear to be cooperating with the colonists who want to issue “smart cards”, something like a credit card. Everything about us will be on that card. This is another straw to break the back of the Onkwehonwe. Many of us who have been active and concerned for a long time found out for the first time this past weekend this committee was set up. They’ve already met with U.S. Homeland Security and Canada Customs and Immigration to work out compliance with colonial terms. We have not been allowed to question this committee. We resist their attempts to pressure us into accepting the colonial timelines and the proposed card which is a de facto recognition of the “imaginary line.”

In the above quoted statement, the Mohawk Nation News activists directly connect acceptance of the “imaginary line” with acceptance of both “colonial terms” and “colonial timelines.” This statement and additional examples from southern indigenous activist discourse point to the figurative reference of imaginary lines as part of a larger, and significant, indigenous time immemorial schema.

The phrase, “since time immemorial” has its origins in English Common Law.

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37 The “smart card” refers to a sophisticated identification card that organized Haudenosaunee leaders developed and proposed as a tribal identification for U.S.-Canada border indigenous peoples that would secure their rights of passage on the northern border. Since this smart card would comply with Department of Homeland Security identification requirements, provide DHS access to tribal enrollment database information, and additional access to tribal member information as DHS requirements change, the MNN statement above expresses some grassroots indigenous opposition to this and similar tribal identification proposals in other border indigenous communities.
Established in England in the 13th Century, “time immemorial” refers to proof of continued use of property, or validity of local practices, prior to the beginning of written legal history, or “time out of mind” (Dorsett 2002). This concept was then applied to English colonial encounters in the domestic and Irish contexts, then later, to colonial encounters with indigenous peoples of non-European territories. Since numerous indigenous peoples have been forced to work within English or English-influenced legal structures to establish rights of traditional use and practice within native territories, the “time immemorial” status of indigenous communities can be found in state documents across the globe (Perry 1996).

It is not surprising, then, that the phrase “time immemorial” has been appropriated by indigenous peoples in both domestic and international indigenous rights discourses in asserting indigenous land and resource rights.

Yet, the concept of *time immemorial* is also valued by indigenous activists as a means of partially communicating, in dialogue with Western society, traditional conceptions of time and space found within individual indigenous communities. In addition to its legal meaning of use or occupation prior to written legal history, within indigenous activist discourse, *time immemorial* refers to traditional notions of time that defy objectified measurement. As discussed by Calvin Martin and several scholars in Martin’s edited collection of essays, *The American Indian and the Problem of History*

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38 As Shaunaugh Dorsett states, “common law is still often described as owing its validity and continuing force to its origins in ‘time out of mind’; that concept of ‘time immemorial’ remains doctrinally central to parts of the common law, notably to the validity and enforceability of local custom” (2002 MULR 3).

39 Perry addresses the limitations of indigenous communities with “time immemorial” status in asserting local indigenous rights within state systems. In providing an overview of the relationship between English common law and native title, Dorsett (2002) further addresses the limitations of native title recognition from a jurisdictional perspective.
Native American cultures tend to conceptualize time in cyclical, rather than linear, terms. Since many Native American cultures do not traditionally recognize linear notions of time, traditional indigenous border activists emphasize that a “colonial timeline” of land occupation is not sufficient for the establishment of land titles and territorial boundaries.

Cyclical notions of time in native thought are, therefore, connected to non-linear notions of territorial space, so that Western notions of territorial division based on both linear, colonial timelines and dividing elements present a problem for indigenous peoples. As Kumeyaay Border Task Force executive director Louis Guassac, states, “The Earth is where God put us since time immemorial. But suddenly you can’t go visit your cousin anymore” (Innes 2006). Also, consider the statement below by Alianza Indígena director, Jose Matus in a First Voices Indigenous Radio interview:

Well, the sovereignty issue has- is not really dealt with by Immigration or the American Consulate officials. Uh they don’t recognize our sovereignty. Our limited sovereignty I should say (. ) because our relatives uh are all considered as what they call it technically the word is “aliens.” Okay? They’re- They’re “aliens.” U:h and we say they’re not aliens. They’re members of the Pascua Yaqui Tribe (. ) or Tohono O’odham Nation. They’re indigenous to this land. They’re not “aliens.” We- we’re (.5) We have ri- We’ve been here since time immemorial (. ) and therefore we don’t (. ) we should not be considered as “aliens.” (You know?) Uh, you- you tell a- an indigenous person from Mexico that he’s a Mexican and they will get very offended. They’re gonna say “I am”-

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40 For a different, opposing perspective on cyclical vs. linear time in Native American cultures, see Kreh (2006).
“I’m” uh “I’m Yoeme.” That’s the Yaqui name for- for us. Uh it’s Yoeme (1.0) and- and- or “O’odham” or- or “Kickapoo.” You know? We’re not Mexicans. We’re Indians. And- And that’s one of the things that- that our elders push. Uh they don’t consider themselves Mexicans.

In the above statement, Matus is responding to a question about the relevance of indigenous sovereignty to federal requirements for U.S. passage at the international border. Matus draws on the *time immemorial* schema to emphasize indigenous sovereign rights related to indigenous community identities and to challenge non-native designations of indigenous populations based on citizenship within nation-states.

Note, as well, the hesitation in Matus’ statement preceding his reference to “time immemorial”:

…We- we’re (.5) We have ri- We’ve been here since time immemorial…

The noted hesitation suggests Matus’ momentary difficulty in expressing the rights of indigenous peoples within their traditional territories of the present U.S.-Mexico border region. However, Matus is able to draw on the *time immemorial* schema to more easily express a bundle of ideas related to continuous indigenous presence on native lands. The schema, therefore, assists in organizing Matus’ discourse, and in guiding his statements on indigenous identity that follow:

…We’ve been here since time immemorial (.) and therefore we don’t (.) We should not be considered “aliens.” (You know?) Uh, you- you tell a- an indigenous person from Mexico that he’s a Mexican and they will get very offended. They’re gonna say “I am”- “I’m” uh “I’m Yoeme.” That’s the Yaqui
name for us. Uh it’s Yoeme (1.0) and- and or “O’odham” or- or: “Kickapoo.” You know? We’re not Mexicans. We’re Indians…

Here, the *time immemorial* schema serves as a discursive tool to support Matus’ construction of an indigenous “we” that is opposed to a state-based national identity.

Also notable in Matus’ description of indigenous sovereignty within traditional territories is his exclusive use of deictics to describe the traditional territories of U.S.-Mexico border indigenous peoples. Referring to these traditional territories simply as “here” and “this land,” Matus avoids delineating indigenous territorial spaces, and makes himself the reference point for defining these territories. This is exemplary of a general pattern in border indigenous discourse of orienting to personal and spatial deixis in discourse about native lands that emphasize personal and/or community ties to these territories. Note, for instance, then Vice-Chair of the Tohono O’odham Nation, Henry Ramón’s repeated use of the first person plural possessive deictic in a local news story on a proposed O’odham binational citizenship bill: “It is simply wrong that our people, who have lived in our sacred desert since *time immemorial*, are treated like illegal aliens in our own land” (Carroll 2001).

Pointing to the social function of deictics, Beata Stawarska emphasizes the way in which deictic expressions, “involve speakers and hearers in a *situation*, taking this word in its original sense of being *in situ* or in a location. Needless to say, the location is not to be taken in a purely objective, geographical sense, but rather as the natural and social context of communicative practice shared, and in part created, by the interlocutors” (2008: 402). Stawarska, therefore, argues that spatial deictics such as “here,” “there,”
“this” and “that” and personal deictics such as “I,” “you,” and “we,” in particular, stress an embodied existence in a shared social world rather than asocial definitions of reality. Southern border indigenous activists make extensive use of spatial and personal deixis in discourse about indigenous lands in order to stress the social situatedness of territorial occupation, and to de-emphasize asocial, objective definitions of territorial space.

Discursive use of the time immemorial schema in indigenous activist discourse, in conjunction with deictic descriptions of indigenous lands, further emphasizes the continuous situatedness of indigenous peoples in socially defined territories. Also, in place of deixis, the use of nouns that emphasize the sacred, embodied and holistic nature of indigenous space is observed, as in Goussac’s previously referenced statement, “Earth is where God put us since time immemorial.” A holistic definition of indigenous territorial space is similarly observed in the following statement by an Acoma Pueblo activist speaking at the 2006 Border Summit of the Americas: “As indigenous people, we didn’t draw lines on the land. It was all our Earth Mother.” Here, a drawn line image-schema is used to describe international borders as imaginary, non-native conceptualizations of territorial space, while the “Earth Mother” image conceptualizes land as embodied and holistic from a traditional indigenous perspective.

Stressing the absence of boundaries in time and space, the time immemorial schema prompts the imaginary line trope in border indigenous activist discourse by conceptualizing the presence, beyond memory, of indigenous peoples on lands prior to treaties and purchases that established international land boundaries within and across those lands. Therefore, indigenous activists can more easily articulate local notions of
indigenous territorial space to an audience that includes non-Native Americans who are, at least generally, familiar with the phrase “time immemorial” and its implications for indigenous entitlement. Yet, the *time immemorial* and *imaginary line* schemas are also important in articulating southern border indigenous ideologies concerning the embodied nature of indigenous territories. These conceptualizations of land as embodied space directly relate to the southern border indigenous trope of the U.S.-Mexico border as a *cut or wound* on a physical body.

One Tohono O’odham indigenous activist vividly represents this image-schema in her statement, “It’s like somebody put a knife in your mother. The barrier will always be there and you can’t pull it out.” Referring to the international border wall on Tohono O’odham lands, this activist articulates affective ties to her indigenous lands as “mother,” and highlights the physical damage done to these embodied lands by border wall construction. Yet, this statement is embedded within a larger statement about the separation of community members through both the physical and “imaginary” border division. While the lands as “mother” is the primary metaphor at work in the above statement, a direct relationship between the lands and the O’odham community body is also implied.

In the following statement by Lipan Apache landowner Eloise Tamez, the body of the earth is equated with the community body: “The Earth and the River go together. We must be with the river.” Here, Tamez refers to the potential separation of her local community in Texas from the Rio Grande River, and Lipan Apache indigenous relatives beyond the river, due to border wall construction in South Texas. The *cut or wound*
schema as articulated in these statements, and others, establishes a local indigenous sense of border enforcement strategies as physical attacks on indigenous communities.

**Border as Imperial Weapon**

In border rights discourse, the term “militarization” has long been used to refer to the use of increasing man power, weaponry and surveillance technology to deter illegal crossings at the U.S.-Mexico border. Following 9-11 and the creation of Homeland Security, border “militarization” acquired new meaning, and the gap between border militarization as metaphor and militarization as reality began to close. Activist Jose Matus (2007) notes that the “War on Terrorism,” that emerged following 9-11, was merely a continuation of a series of U.S. domestic wars centered on the southern international border including the “War on Drugs” and the “War on Illegal Immigration.” As Matus states, “militarization has funneled undocumented migrant traffic into dangerous and environmentally sensitive areas and sacred sites bringing these domestic wars onto indigenous borderlands. The safety of indigenous border residents - including elders, women and children - is at risk.”

Sued by Homeland Security for refusing to negotiate the sale of her land for border wall construction, Eloise Tamez states, “We're building the wall because we're worried about terrorists, but on the border we're being terrorized by our own government.” Tamez’ daughter, and activist, Margo Tamez states, “they (Lipan Apache landowners) are being demanded under **covert tactics**, to relinquish indigenous lands.” In El Calaboz Rancheria, in the Lower Rio Grande Valley of South Texas, members of
the Lipan Apache community recognize a history of dispossession and violence against
their people connected to the levee where DHS is pursuing border wall construction.
Built by the U.S. Army Corp of Engineers in the 1930’s, poor levee construction plans
resulted in forced removals of Lipan Apache families from their lands, the loss of Lipan
Apache lives in floodwaters, as well as destruction of rich Lipan Apache farming soils to
flooding. As Margo Tamez states in a testimony submitted to the United Nations
Committee on the Elimination of Racial Discrimination (CERD) in November 2007:

To this day, the levee—where the U.S. Department of Homeland
Security wants to build the wall to hold back ‘illegal immigration’ itself is a
source of bitter memory based on traumatic histories of violence between El
Calaboz community members and the U.S. Army and the U.S. Border Patrol.
Local community members do not feel that they were adequately informed about
the loss of access and rights to their titled lands which would follow the
construction of the levee, nor did they have due process and consultation in order
to access legal representation, and they did not give their prior consent to the
implied and actual long-term occupation of the levee by U.S. armed personnel to
the present—the U.S. Border Patrol. These long-term implications of increased
militarization of the levee itself had become a controversial standpoint among
river front residents who continue to argue against increased soldiering and
militarization of the levee in the U.S. “War on Terror.” This pattern of
privatization of indigenous lands, militarization and occupation, and forced
removals by corporate-led invasions is nothing new to El Calaboz residents…
…Lipan Apaches and Basque-Ibero-Apache peoples, are still struggling at the peripheries of U.S. empire against racism and hate-mongering, stereotyping, erasure of their sacred sites, desecration of their burial sites as a result of development projects, occupation and removal from their ancestral aboriginal sites, and condemned to toxic environments, violence, inadequate living conditions, and are subjected to threats to their very existence at the heavily militarized Mexico-U.S. militarized zone. They are ordered by Executive Presidential orders carried out by Secretary Michael Chertoff, of the Department of Homeland Security, and daily harassed and intimidated by armed personnel of the government demanding them to waive their rights to the crumbs of the lands they’ve clung to for hundreds of years since the Spanish empire. These threatening actions and elevated stresses to remove Lipan Apache and Basque-Apache Land Grant people are having devastating impacts upon our elders, and our future generations. In effect, the Lipan Apache may be conceptualized as the ‘pygmy owl’ or the ecological ‘keystone’ of the social-economic-political indigenous present and future of the region.

The perceived attack by the U.S. Government on indigenous communities is, therefore, merged with a discourse on the historical genocide of indigenous peoples by the state. The schema of border enforcement policy as “war” and the border itself as an imperial weapon is evident not only in discourses on the physical consequences of border enforcement policies, but also in discourses about the psychological impacts of such policies. As one O’odham activist states, “They (Border Patrol) control O’odham lands through psychological warfare…This psychological warfare on the O’odham is genocide, a genocide that many will not realize until generations to come.” Activists also point to
border enforcement policy as a war on indigenous sovereignty. Yaqui activist, Jose Matus, refers to border enforcement measures as “assaults on our limited sovereignty.” And in the words of another O’odham activist, “If we were truly a sovereign nation, we would not have an occupying army on sovereign land.”

**Here vs. There and the Trope of “We”-ness**

While the imaginary line, cut/wound, and imperial/state weapon tropes work together to communicate traditional notions of community, and to oppose policies that threaten community survival, the trope of “we”-ness points to a subtle, yet habitual distinction between indigenous peoples based on state defined nationality. Among indigenous peoples divided by the U.S.-Mexico border it is not unusual for members on either side of the line to observe differences among those who live over “over there” as opposed to “over here.” Among the U.S. border indigenous activists I work with, negative evaluations of “Mexican Indians” emerge as the reported speech of either “non-traditional,” or not very culturally conscious, U.S. indigenous community members. Such community members particularly point to differences in dress and speech as a justification for referring to their Mexican indigenous relatives as “those Mexicans,” rather than by the tribal or community name.

This is a clear example of Othering among U.S. indigenous community members toward indigenous peoples of Mexico, regardless of cultural, and possibly kinship, ties. Border indigenous activists are very much aware, and disheartened, by this clear prejudice against Mexican cultural relatives within the U.S. indigenous community. Yet,
the reality of a here/there division between U.S. and Mexican indigenous populations results in a subtle distinction between the two populations even in indigenous activist discourse. Take, for example, the following statement by a Yaqui (Yoeme) grassroots activist:

The Yoemes since time immemorial have practiced our sacred ceremonies with ties to our Yoeme relatives from Río Yaqui.

Here, the speaker begins by introducing the Yaqui (Yoeme) community as a whole, existing without land boundaries and practicing their sacred ceremonies, since time immemorial. However, in the second part of the statement, “…with ties to our Yoeme relatives from Río Yaqui,” the speaker begins to articulate a Yoeme community identity from a “here,” U.S. vantage point, using the first person plural possessive deictic to distinguish Río Yaqui (or Mexican) Yoeme as “our relatives.”

As Silverstein points out, pronominal indexes serve as “role-inhabitances” (2000: 126) as speakers voice their regularly inhabited roles through the use of pronominal deictics. Silverstein notes the “ritually emblematized” nature of “we”-ness within public discourse that serves an important role in constructing a strong sense of community among members of a particular nation.\(^{41}\) The example above points to the unconscious inhabitation of an imagined “we”-ness between U.S. tribal community members. Therefore, the trope of “we”-ness as articulated here directly conflicts with the time immemorial schema drawn on by the indigenous activist in this statement, and interferes with the indigenous activist’s conscious message of traditional unity.

\(^{41}\) Silverstein works from Benedict Anderson’s concept of “imagined community” (1983). Building on Anderson’s observation of “we” as a symbol of community in print discourse, Silverstein points to the ritualized use of “we” in creating forms of inclusion and exclusion.
A sense of unity between indigenous community members in the U.S. and Mexico is expressed in deictic terms, however, when indigenous activists or traditionalists speak of their community’s language and traditions, with consistent references to “our language” and “our ceremonies” spanning across the border:

…we come together and share all this, like our music, our songs, our crafts, and our language, and to introduce ourselves, to understand that we are all Pima.

However, for many border indigenous traditionalists, such as the Akimel O’odham (Pima) traditionalist quoted above, interaction between community members across the border is critical to sustaining a sense of cultural unity. As Marshall Sunna states, “People [O’odham in Arizona] don’t believe that they [O’odham in Mexico] are Pima. It is hard to try to get that across to our people [O’odham in Arizona].”

Marshall’s own reference to “our people,” meaning Akimel O’odham in Arizona, demonstrates the extent to which the border is used as a reference point for defining Akimel O’odham community identity:

…they [Mexican O’odham] still carry the traditional ceremonies in their lives…so when I participated with them it gave me that sense that our people used to be this way…

I strongly believe that- I believe that the culture and tradition that they do there [in Mexico] is- See we’ve lost our culture and traditions in our community [Akimel O’odham in Arizona].
The subtle expression of a “we/they”, “here/there”, “ours/theirs” distinction between members of traditionally united indigenous communities becomes manifest at a larger ideological level when members on either side of the border cannot accept that anyone from “over there,” on the other side of the border, could be included as a member of their “we,” indigenous group identity.

The inhabited trope of “we”-ness based on one’s membership in a particular nation-state, rather than membership in a traditionally defined indigenous community, points to the effects of the U.S.-Mexico border as a boundary marker for indigenous identity and a factor in indigenous intra-community discrimination. As O’odham in Mexico Lt. Governor José Garcia states, in reference to the border, “It still creates division, discrimination and racism. When people on this side speak of O’odham on the other side, they say ‘those people’…a border wall will strengthen that idea that we are two separate people.” Garcia’s statement, and statements indicating a “we” identity based on nation-state affiliation, point to the very real impacts of the “imaginary line” on racial and ethnic relations within indigenous communities.

**Conclusion**

The primary tropes of “the border” in indigenous activist discourse reveal the significant impacts of the U.S.-Mexico political/territorial line on border indigenous identities. An analysis of these tropes also point to important ideologies among grassroots indigenous activists. The *imaginary line* and *cut/wound* figurative representations of the border particularly point to the importance of indigenous lands as
embodied space. The *imperial/state* weapon schema points to an important discursive strategy on the part of indigenous activists in highlighting the destructive impacts of border enforcement policies within these embodied spaces, and in conceptualizing state border enforcement policies within the context of historical indigenous genocide.

The trope of “we”-ness in indigenous activist discourse, on the other hand, emphasizes division within traditional indigenous communities based on both national affiliation and one’s geographic situatedness in reference to the international border. In the next chapter, we will continue to discuss the complexity of identity for southern border indigenous peoples. We will further examine the relevance of state-based nationality and U.S. tribal affiliation to indigenous identity, and the potential for Othering within indigenous communities divided by international borders. Yet, we will also consider the potential for alignment with a Mexican-American identity for Native Americans in the U.S. with cultural ties to Mexico, and the importance of indigenous languages as evidence of “family” ties for indigenous peoples divided by the international line.
CHAPTER 7
INDIGENOUS IDENTITIES ON THE U.S.-MEXICO BORDER

Indigenous peoples in the United States with cultural ties to Mexico experience a complex process of identity construction that may involve shifting perceptions of self in relation to nationality and political perspective. While U.S. members of border indigenous nations primarily identify by community or tribal affiliation, border peoples may also identify as “Native American,” “Indigenous,” “Indian,” “American,” “Mexican-American,” or “Latino/a” depending on social context and personal life experience. As Tohono O’odham Nation member Ramon Valenzuela states, “I am O’odham first, and American or Mexican second or third” (Archibold 2006). This chapter addresses the complexities of identity construction and indigenous representation among members of U.S. southern border indigenous nations. It will further address conflations of race and nationality among border indigenous community members that sometimes results in indigenous intra-community racism.

Southern Border Indigenous Peoples as Mexican and American

Within certain southern border indigenous communities, Spanish serves as a salient marker for indigenous identity. While the traditional indigenous language of each border indigenous community is of primary importance as an aspect of indigenous identity, Spanish-speaking is often seen as a marker distinguishing U.S. indigenous peoples with historical ties to Mexico from the rest of the U.S. majority Anglo, English-
speaking population. This is certainly the case within border indigenous communities with more recent histories of migration from Mexico into the United States, such as the Yaqui and the Lipan Apache.

Speaking on the importance of language in ceremonial education for Yaqui youth, Yaqui ceremonial leader, José Matus states:

If you speak to them [Yaqui youth] in Yaqui, they, you know, “What is he saying?” So I have to translate, but I never translate in English. I always translate in Spanish. They still don’t understand what I’m saying [laughing]. And before it was all Yaqui or Spanish, but now it’s hard for me to talk to them in the ceremonies in English just to have them understand what I’m saying. But at the same time, it’s very difficult to translate from Yaqui to English, because there are some words in English that don’t fit the Yaqui, or words in Yaqui there’s no way you can say in English. So, it’s hard. It’s hard. And I keep telling them, [begins to tap pen on table to emphasize each syllable] learn at least Spanish. Learn Yaqui. You need to learn Yaqui… And I tell the parents to teach the kids to speak Spanish. If you speak Yaqui, that’s even better.

While it is clear that José views knowledge of the Yaqui language as vital to acquiring Yaqui ceremonial knowledge, Spanish is seen as preferable to English if ceremonial knowledge must be passed on in a language other than Yaqui.

Spanish may be seen as a more suitable language for translating Yaqui ceremonial knowledge due to the particular synchronistic nature of traditional Yaqui ceremony with Spanish Jesuit Catholicism. For this reason alone, Spanish language may be seen as a sort of secondary marker of Yaqui identity, as it marks important aspects of Yaqui
ceremonial history and belief, as does certain terminology in Latin. The Spanish language, however, is also an everyday and common language among Yaqui in both Mexico and the United States. In many of the interactions I observed among Yaqui in Alianza meetings, organizational activities or casual settings, Spanish was often the language of choice for communication. While Yaqui language may have been used for blessings when beginning meetings or in introductions, Spanish was the language of basic communication between Yaqui in Arizona and Yaqui in Mexico at Alianza events. For Arizona Yaqui the ability to communicate in Spanish was clearly perceived as a marker for a particular cultural heritage rooted in Mexico. For some Yaqui, Spanish-speaking may also mark membership in Yaqui barrio communities in Arizona with a mixed Yaqui and Mexican-American population. In this sense as well, Spanish is seen as an important, though secondary marker of Yaqui identity in the United States.

While Spanish language may have positive associations with Yaqui heritage for members of the Yaqui community, serving as symbolic capital (Bourdieu 1991) at the local community level, an indigenous group’s affiliation with Spanish can also result in discrimination against that group as “Mexican.” Margo Tamez observes this type of discrimination against Lipan Apache that results in a dual oppression for Lipan Apaches at the U.S. southern border (2008: 118-119):

Being both indigenous and associated with Mexico over their long colonial histories as colonized peoples since the sixteenth century, Lipan Apaches have been shackled with dual racisms. By virtue of being indigenous and intrinsically bound up in relations with Mexico and Spain—empires that the United States both races and classes in its past and present construction of the villainous, dark-
skinned, non-English-speaking individual/nation as both “foreign” and “enemy”—Lipan Apaches experience multiple oppressions. Through colonial relationships locked in oppressive mission and presidio structures, Lipan Apache descent groups have a long, conflict-ridden history of complex social, economic, and political ties to Spain, Catholicism and Mexico. In fact, Apache history with Spain and Mexico (which extends into the present) goes back further than the length of colonization under Anglo-Saxon, English-speaking Texas and the United States.

Today, Lipan Apache people of South Texas, being marginalized both as indigenous and as prior colonial subjects of Catholic Spain, the Republic of Mexico, and the enslaved Republic of Texas, experience both overlapping and conflated racisms embedded in “Indian” identity situated at the peripheries of the United States, Mexico, and empire. At the Mexico-United States international boundary region, “Indian” as a social, economic, and political marker is saturated with persistent colonialistic antagonism, often used to mean “inferior” and “savage” when marking indigenous people, and to evoke “inferior” and “savage” in association with everything and everyone associated with what is stereotypically “Mexico,” “Mexican,” and of “Spanish”-language influence. What Tamez observes for the Lipan Apache at the southern border is also the case for indigenous groups like the Yaqui and Kickapoo with more recent histories of migration between the U.S. and Mexico.
The Mexican Relative as Other

For indigenous communities with a less recent history of migration between the United States and Mexico, Spanish language may not be a significant marker of indigenous community identity. For the O’odham peoples of the United States, for example, the English and O’odham languages are primary. While some O’odham may learn Spanish as a second or third language, particularly those who travel to Mexico to visit family and friends in Sonora O’odham communities, Spanish is not a language typically learned in U.S. O’odham homes. The same appears to be the case for Kumeyaay in the United States in regards to the Spanish language. In such communities, affiliation with Spanish-speaking peoples is not common, and othering of Spanish-speaking peoples more likely. In addition, despite affiliation with Spanish-speaking peoples in the United States, othering of Mexican indigenous relatives among U.S. Yaqui community members is also observed.

It must be noted that I have not conducted fieldwork on U.S. Native American reservations on the southern border, so I cannot describe instances of othering of Mexican indigenous peoples in reservation communities through first-hand field experience. According to U.S. indigenous activists participating in this study, however, many members of their reservation or tribal communities in the United States view Mexican indigenous relatives as different from themselves. My own observations of othering in U.S. indigenous border communities derives from an analysis of border indigenous activists’ reported speech—the quoted speech—of fellow members of their communities. In such speech, Mexican indigenous peoples are often described as “those people.”
Mexican indigenous peoples or “those people” are described as simply “different” in the most malign descriptions of them. In the most malignant, stereotyped portrayals of Mexican indigenous peoples, they may be described as “dirty” or “wetbacks,” as some members of U.S. border indigenous communities associate stereotypes of Mexican nationals with their Mexican indigenous relatives.

Take for example, Marshall’s description of a visit of 11 Mexican O’odham to his U.S. O’odham community:

Of course, they- A lot of them [O’odham in his community] were calling- “They’re wetbacks.” That’s what they were saying, that they were- And of course, our people, like I mentioned before, they’re, I guess personally they’re real greedy (0.5) of who they are. Not as far as money, but just being greedy of who they are, and listen to what they hear. And they listen to what they see on TV. So when these guys came, that was the thing that when they saw them and they didn’t speak English, so right away they assumed that they were- that they’re wetbacks. That they’re Mexicans. And, of course, they’re Mexicans, because they come from Mexico, you know, but they’re Pimas OF Mexico. And that’s the other part that I see that when they write ‘em down they say they’re Mexican Pimas. They’re not Mexican Pimas. They’re Pimas from Mexico.

Outside of the above cited interview, Marshall does not use the term “wetback” to describe Mexican nationals, and there is no evidence that Marshall has negative views of Mexicans. After frequent visits to Mexico, Marshall has, in fact, described feeling a sense of affiliation with Mexican peoples as people of color appearing to have indigenous ancestry. As Marshall says, “Every time I go there I feel like I’m at home because you
just blend in with everybody.” Yet, Marshall is also careful to distinguish Pimas (O’odham) from Mexico as different from “Mexicans.” He attempts to differentiate Mexican O’odham from Mexican nationals by proposing that the identity label “Pimas from Mexico” is more appropriate than “Mexican Pimas.” While “Mexican” indexes a state nationality shared by other non-O’odham peoples in Mexico, “Pimas from Mexico” emphasizes Pima (O’odham) identity with reference to country of inhabitance.

Another Akimel O’odham community member also expressed concern in describing the visit of Mexican O’odham to the Gila River Indian Community in 2006. At an Alianza meeting in 2007, she stated, “They [Akimel O’odham on the reservation] would say things like, ‘Are those people still here, those Mexicans?’ And these are our RELATIVES. But all they saw was people from Mexico.” Like Marshall, this O’odham community member believes that more contact between O’odham in the U.S. and Mexico is necessary in order to build a stronger sense of O’odham community across the international divide.

This type of discrimination exists as well within U.S. southern border indigenous communities with a more recent history of migration between the U.S. and Mexico, such as the Pascua Yaqui community. José Matus believes that a perception of Yaqui in Mexico as Other is stronger among those U.S. Yaqui who do not have a strong sense of Yaqui tradition and custom. As José states, “With the non-traditional Yaquis, it’s ‘I’m an American.’ ‘They’re Mexicans.’” According to José such attitudes are particularly prevalent among “progressive”-minded Yaqui who are invested in state nationalism as a
part of their pursuit of the “American Dream.” He refers to such progressive-minded Yaqui as “the educated ones”:

It [division caused by the U.S.-Mexico border] doesn’t matter to them [non-traditional, progressive Yaqui]. They don’t see that as a big deal. ‘If the United States wants to fence up the entire southern border, let them do it. It’s not important to me?’ You know?

As noted in Chapter 3, such progressive attitudes among Yaqui tribal government representatives may significantly influence tribal policy decisions regarding cross-border exchange.

Yaqui in Mexico also have their own stereotypes of Americans that are associated with Yaqui in the United States. José observes that there are some Yaqui in Mexico who do not necessarily believe that the Yaqui in the United States are real Yaqui. While José is now well known among ceremonial people and families in Río Yaqui, Sonora, José states that gaining trust and acknowledgement as a Yaqui ceremonial leader in Río Yaqui took a number of years. He remembers being initially referred to as the “gringo” (white) Yaqui and *Americano* (American) among many Sonora Yaqui for a long time before simply being known as José. Marshall also observes the conflation of race and nationality among O’odham in Mexico as described in the following interview excerpt:

M: You know, people who could speak Pima, they were dialecting back and forth with each other… And the funny thing about it is that they [O’odham in Sonora] were calling us, uh, uh, “white man Pimas”.

I: Oh yeah. They said it in Pima? “White man Pimas”?

M: [nods yes] And we were calling them “Mexican Pimas”.
The Salience of Traditional Language as “Family” Tie

U.S. southern border indigenous activists often talk about their community membership in terms of family, regarding members of their traditional communities in Mexico as “relatives.” The perception of Mexican indigenous community members as being linked by shared descent is particularly salient in reference to a community’s traditional language.

For Lori, an Akimel O’odham community activist, the O’odham language served as a critical marker of O’odham identity that allowed for her initial connection to O’odham in Mexico. Lori first visited a Sonora O’odham community in 2004. She describes this experience as the most significant experience in her life, second to the birth of her child. In visiting the O’odham in Sonora, Lori was curious but did not know what to expect. While she had heard about O’odham living in Mexico, she had never really traveled through Mexico before and had no direct links to family in the Sonora O’odham communities.

She traveled with other Arizona O’odham as part of a cross-border exchange group. As Lori experienced the new environment of northern Mexico, she began to doubt that the people introduced to her as O’odham in Sonora were really O’odham. Nothing seemed familiar to her in this new place, and it was difficult for her conceptualize her people in this different environment. Then a young girl of maybe three-years of age in one of the Sonora O’odham communities began to speak to her. She states, “When I heard her speaking the
language, it made me want to cry a little. That’s when I knew that these people were really our relatives, that we were family.” As a young speaker, the child did not speak O’odham as a fully competent speaker, but Lori was struck by the youth of this community growing up with the O’odham language. This was the evidence she needed to confirm her ethnic relationship to O’odham in Sonora.

Marshall has determined that videotaping O’odham (Pima) speech in the Mexican O’odham communities he visits is an important project in his cross-cultural exchange work:

I would think that that’s one of the key things that I need to do is to interview the Pimas down there that actually talk Pima, to interview them, then bring it down here and show it to the people, to show that they do speak the Pima language… Just to educate them that they are Pima.

He is currently working on having the videotapes he has already collected transferred onto DVDs so that he can share this video footage of O’odham language and practice in Mexico with community members on his reservation. Marshall also believes that it is important,

…to make them [Arizona O’odham] understand that they [Mexican O’odham] don’t want to be tribal members, or not wanting to be enrolled with us. It’s they’re home over there and they want to stay there. They don’t want to move here. You know, that’s their life over there.

Understanding that some O’odham in Arizona may be suspicious that Mexican O’odham are actually Mexican nationals claiming O’odham identity in order to benefit from tribal
resources, Marshall also believes it is important to clarify that Mexican O’odham do not seek any financial assistance from the Gila River Indian Community.

**Representations of Indigeneity**

A U.S. southern border indigenous person’s affinity with Mexican indigenous relatives and Mexican national ancestry depends on the history of their individual communities. It also depends on how individual community members are positioned in terms of “traditional” versus “progressive” attitudes. As discussed in earlier chapters, some “traditional” native activists view tribal government as an extension of foreign, federal governmental rule as it is based on a Western governmental model. As a result, they often link tribal governmental leadership to non-traditional, “progressive” attitudes that interfere with the maintenance of traditional indigenous community life ways. Marshall’s reference to “a political government way” of dealing with cultural preservation, wrapped up in bureaucratic procedures, also points to how tribal government bureaucracy may interfere with what some native traditionalists believe is the vital work needed to sustain cultural survival.

In examining indigenous identity on the U.S. southern border, it is useful to make use of the “peoplehood matrix,” a theoretical construct that Holm, Pearson and Chavis (2003) have proposed as a universal model for indigenous group identity. This construct was initially developed by Robert K. Thomas in the 1980’s (Fink 1998), influenced by Spicer’s work on “enduring peoples,” (1980) or cultural enclaves. According to Spicer, native peoples like the Yaqui can be identified as an “enduring people” because they have
managed to sustain a strong sense of ethnic group identity despite a history of colonization, state control, genocide, large-scale diaspora, and division by an international border. While it is argued that all indigenous peoples have a sense of peoplehood, Spicer’s study of enduring peoples allowed him to identify key aspects of peoplehood that are necessary to maintain in order to ensure a people’s survival (Holm et al. 2003). There are four aspects of the Peoplehood Matrix: language, sacred history, ceremonial cycle, and place/territory. As Holm, Pearson and Chavis (2003: 12) explain,

> Understanding the interrelationship of the four aspects of peoplehood is essential. No single factor is more important than the others and all necessarily support each other as well as a particular group’s larger sense of identity… Some of the elements of peoplehood can be symbolic of identity—as in the case of a group’s holy land that is no longer its homeland. But in the final analysis, the factors of peoplehood make up a complete system that accounts for particular social, cultural, political, economic, and ecological behaviors exhibited by groups of people indigenous to particular territories. The elements of the peoplehood matrix function beyond their use as symbols.

All four aspects of the peoplehood matrix are dynamically linked in an indigenous group’s identity construction, so that all aspects are important: “The peoplehood model is a holistic matrix, and reflects a much more accurate picture of the ways in which Native Americans act, react, pass along knowledge, and connect with the ordinary as well as the supernatural worlds” (Holm et al. 2003).

Holm, Pearson and Chavis argue that the peoplehood model also offers a new perspective on international relations and domestic politics in regards to indigenous
peoples. Critiquing the focus on “nation-state” for political analysis in Western scholarship and for defining sovereign power in Western political practice, they argue that the holistic notion of peoplehood allows us to more adequately conceptualize an indigenous people’s sovereignty that extends beyond classifications of race and nationality. As they state, “Nations—which are primarily viewed as the territorial limits of states that encompass a number of communities—do not necessarily constitute a people nor do they have the permanency of a peoplehood” (2003: 16-17). Joseph Gone (2006) similarly observes that the focus on racial criteria for defining tribal citizenship in the United States has limited indigenous nations’ membership and undercut the sovereignty of indigenous peoples as nations. Racial definitions of native identity have also significantly shaped how native peoples define themselves and others in the United States. As Gone argues, “One consequence of this legacy is that instead of carefully considered and creatively selected citizenship criteria (which themselves are constructed through Western discourses of sovereignty, nationhood, and international law), most tribes continue to endorse a variant of the standard colonial theme: blood quantum or racial purity… It is this school of thought—born essentially of American capitalist concerns with the property status of African slaves and ‘reserved’ Indian lands held in ‘trust’ on behalf of tribal communities by the U.S. government—that gave rise to the influence of blood quantum as the most salient metonym of Indian identity” (2006: 60). This racial legacy has certainly contributed to conflict and division between members of a traditional indigenous peoplehood. As indigenous community members on one side of the border attempt to define those on the other side of the international border according
to available racial classifications offered by the nation-state, they struggle with an acceptance of “those people” on the other side as “real Indians” (Gar Routte 2003) and members of their own peoplehood. This legacy has also negatively affected the solidarity of the U.S. indigenous rights movement, as U.S. native peoples refuse a native identity to Spanish-speaking indigenous peoples, or when U.S. indigenous activists question the legitimacy of indigenous communities that are not federally recognized.

Like Holm, Pearson and Chavis, Gone argues that it is necessary to create a new, more flexible model for conceptualizing and understanding native identity. In his proposed model, however, Gone regards individual as well as group identity (2006: 65):

First, this approach acknowledges that American Indian people actively construct cultural identities, drawing on the rich cultural resources in their own unique communities. Thus, Indian identities are intentional constructions by individual agents engaged in making sense of their experiences. At the same time, the possibilities for constructing such identities are channeled by the particular cultural histories, community traditions, and institutional relations that affect the tribal community in question, and such possibilities are not infinite, but limited. Thus, Indian identities are historical products of enduring social structures that are both powerful and pervasive. In short, the construction of cultural identity emerges at the confluence of intention and convention, agency and structure, individual and community, and mind and world. Rather than arbitrarily privileging either side of these analytic dichotomies, our model situates cultural identity within the reemerging discipline of cultural psychology (Shweder, 1991; Shweder & Sullivan, 1990) by asserting that culture and identity coconstitute one
another (i.e. make each other up). The implications of this approach are distinctive on several counts. For one, it recognizes that the construction of Indian identity is simultaneously facilitated and constrained by the forces of history, power, and tradition. Additionally, in view of the local character of history, power, and tradition, it may not make much sense to talk about Indian identity in generic terms. Finally, such identities vary in remarkable ways even in a single community, depending on the multiple ways that creative individuals might draw on existing cultural meanings and practices to make sense of their own personal experiences.

Through his own research on Gros Ventre identity, Gone observes that contradictory conceptualizations of identity arise for individual native persons as they attempt to integrate (Strauss 1997a; 2007) conflicting themes on native identity based in personal experience. Gone further argues that “Indian identity must also be theorized as a series of dynamic and rhetorical constructions that may shift dramatically in a person’s interactions with others precisely because the identities individuals construct in given situations are highly sensitive to the immediate social context” (2006: 67).

Paradoxical constructions of native identity are certainly observed among members of southern border indigenous nations. College-educated indigenous activists on the southern border may struggle to reconcile their education in non-indigenous institutions with their identity as “traditionalists.” At times, such an individual may nevertheless construct his or her traditionalist identity in contrast to “educated,” “progressive”-minded, “non-traditional” native persons. Use of
terms such as “Indian,” “native,” and “indigenous,” to describe one’s indigenous identity outside of their traditional community identity, may also be negotiated from one social context to the next. As Tamez (2008) observes, historical forces of state formation have shaped indigenous and “Indian” identities on both sides of the U.S.-Mexico border. Negative conceptualizations of indigenous peoples as “inferior” have certainly been linked to the term “Indian,” resulting in its abandonment as a label of self-identification for many indigenous persons. Yet, for some indigenous activists who developed their sense of political consciousness during the American Indian Movement of the sixties and seventies, “Indian” remains an appropriate and meaningful label in describing a pan-native identity. Consciousness of the labels and interpretations of these labels by certain audiences, however, is significant for many indigenous community members, particularly those involved in the indigenous social justice movement. This is something I learned early as a volunteer for an indigenous rights organization, editing statements and press releases. There are certain times when it is necessary to erase the “Indian,” in preference for “Indigenous” with a capital “I.”
CHAPTER 8
CONCLUSION: MAINTAINING, CREATING AND RE-CREATING TIES

In chapter 2, we reviewed approaches to identity in mainstream border studies, as well as the postmodern conceptualization of “border identity” as applied in transnational scholarship. We then addressed two discourse-centered approaches to the study of culture and identity that inform the analysis of indigenous southern border identities in this study. A discourse-centered approach to the study of indigenous identity was further developed in Chapters 6 and 7, drawing on work by scholars merging a cultural psychology approach with a discourse analysis approach.

Chapter 3 addressed the history of the Yaqui people as a binational community and the emergence of Pascua Yaqui ceremonial leaders as “border crossing facilitators.” Written documentation of Yaqui history is complemented in this chapter by the life history of the Alianza Indígena Sin Fronteras Project Director, José Matus. Chapter 4 provided a brief introduction to other indigenous communities on the southern border historically divided by the “imaginary line.” This chapter also describes the founding of the Alianza Indígena as an indigenous intercommunity alliance in a gathering held on the Tohono O’odham Nation in 1997, with discussion of the nongovernmental, “bottom-up” development approach to indigenous border policy issues proposed at the time as a solution to the lack of tribal government support for border policy reformation. As discussed, this approach has been necessarily reconfigured over time by Alianza Indígena
Sin Fronteras members due to the nature of indigenous rights in the U.S. that rest on the trust relationship between the U.S. government and tribal nations.

Providing a brief overview of state and international policies regarding the traditional border crossings of Native Americans, Chapter 5 provided a background in changing immigration and border protection policies that help illustrate the impact of these policies on U.S.-Mexico border indigenous community members. This chapter, therefore, addresses how Native American issues fit into the broader national debate on the protection of U.S. borders. We further discussed how southern border indigenous activists are using international rights instruments at the local level. Chapter 6 considers the structure of indigenous border activist discourse through the analysis of key metaphors and themes in the interviews and public statements of the indigenous border activists involved in this study. Chapter 7 addresses the complexities of indigenous identity and representation as revealed in an analysis of indigenous discourses. In concluding our discussion on border indigenous identity construction, this chapter builds on the background provided by previous chapters to consider how southern border indigenous peoples manage conflicting conceptualizations of indigenous self as they move from one social context to the next. Both the “peoplehood matrix” and Joseph Gone’s model for the discursive construction of indigenous identity are proposed as useful theoretical frameworks for analyzing indigenous identity on the U.S. southern border.

In conclusion, U.S.-Mexico border indigenous peoples need to maintain ties across the international border to strengthen and maintain their traditional language,
history, ceremonial, and land identity matrix. Tribal and grassroots indigenous leaders view cross-border exchange as an attempt to sustain ties of traditional peoplehood despite nationalistic frameworks that construct intra-community notions of difference. For some communities, re-creating ties broken by the forces of colonialism, state-formation and national identity construction is a critical aspect of revitalizing their peoples’ cultures. Kumeyaay Border Task Force Executive Director Louis Guassac compares his people to a “broken vase.” As he states, “We are a broken vase. There are pieces of our lifestyle and ways on both sides of the border” (Arietta 2004). Current U.S. border policies, however, pose significant challenges for border indigenous peoples in sustaining peoplehood ties across the U.S.-Mexico border. It is significant that southern U.S. border indigenous communities have maintained, and in some cases re-created ties across the U.S.-Mexico border despite these challenges. Yet many southern border indigenous leaders fear that escalating border protection measures may ultimately result in the loss of these ties, along with the pieces of community tradition that lie on the other side of the border. Policy reformation that addresses the rights of indigenous peoples divided by U.S. national borders is necessary to sustain cross-border revitalization efforts.

There is also a need to strengthen conceptual ties between grassroots indigenous and mainstream American perspectives to help build support for this type of policy reformation. In the August 2007 indigenous gathering in Phoenix celebrating the adoption of the U.N. Declaration on the Rights of Indigenous Peoples, Mary Kim Titla, news journalist and San Carlos Apache community member, spoke about the disconnect she perceived between U.S. native communities and non-Native Americans. She
remarked that most non-Native Americans know very little about what goes on in Indian Country, and that they know very little about many social problems that native people face. She believes that a general absence of native issues in mainstream media contributes greatly to this ideological divide between native peoples and non-native peoples in the United States.

This ethnography has addressed three levels of division: 1) the division of indigenous peoples by the U.S.-Mexico political and territorial border, 2) the division that exists between U.S. indigenous perspectives and mainstream U.S. perspectives regarding the border, as well as a variety of other political issues in the United States, and 3) the traditional/non-traditional (progressive) split within U.S. indigenous nations.

As discussed by border indigenous activists in previous chapters, many native people in their communities, like all people in the United States, are influenced by what they see and hear in the media. Exposure to mainstream media discourses, including mainstream nationalist and racial discourses, necessarily shapes the political perspectives and social orientations of individuals in native nations. Freelance journalist Brenda Norrell, a former reporter for Indian Country Today, believes that even native-focused media avoids presenting native issues that run against the grain of conservative politics regarding particular issues such as the war in Iraq, or stories that are critical of tribal government activities. Many grassroots indigenous groups like the Alianza Indígena Sin Fronteras have counted on Brenda’s coverage of their issues as other mainstream media sources turn a blind eye. Yet, Brenda has often clashed with editors when attempting to publish stories on certain grassroots indigenous issues. She strongly believes that there
are certain “hush words” in Indian Country media, “words to be used sparingly, if at all.” She states, “For editors, those words include two names ‘Russell Means’ and ‘Leonard Peltier’ … Reporters also know it is unlikely that their articles will be published if they point out how the elected American Indian tribal councils sell out their people and their land, air and water for energy royalties and energy leases.”

The 2007 Reading Red Report has assessed that out of 1,700 news stories published in cities with large native populations about 75 percent of the stories were “neutral,” stories that don’t make readers “feel any different about Indians” after reading them (Azocar 2007). Out of 4,684 sources quoted in these stories, just over 25 percent of these sources were Native Americans (Azocar 2007; Yurth 2007). It is clear that mainstream America lacks exposure to indigenous voices and the realities of indigenous peoples’ lives in the United States. This lack in public media and related widespread public perceptions of Native Americans has certainly impacted the ability of southern border indigenous activists to build broader public understanding of indigenous border issues. The border-related problems of southern border indigenous nations that border indigenous activists attempt to communicate to the American public, linked to problems of indigenous cultural loss and political marginalization, simply don’t connect to what many mainstream Americans THINK they know about Native Americans. Border-related problems may also fail to resonate among many native people, including tribal officials, as they are also guided by mainstream perceptions of Native American identity

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42 Brenda Norrell was fired by Indian Country Today in 2006. She now publishes as a freelance journalist and runs an indigenous news blogsite called “Censored News, Indigenous Peoples and Human Rights News” at http://bsnorrell.blogspot.com
linked to notions of state-based nationality. Increased attention to the varied voices from Indian Country, including those of the grassroots, is needed to help heal the division that exists at multiple levels within our nations.
APPENDIX A

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES—

ARTICLES RELEVANT TO INDIGENOUS BORDER CROSSING RIGHTS

Article 4: Indigenous peoples, in exercising the right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11:
1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their
cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12:

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13:

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.
Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 24:
1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands,
territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 33:

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 36:

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 38: States in consultation and cooperation with indigenous peoples shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
APPENDIX B

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS—

ARTICLES RELEVANT TO

RIGHTS OF TRANSBORDER INDIGENOUS PEOPLES

Article 1: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Article 12: (4) No one shall be arbitrarily deprived of the right to enter his own country.

Article 18: (1) Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, practice, or teaching. . . . (3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 23: (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.
APPENDIX C

ILO INDIGENOUS AND TRIBAL PEOPLES CONVENTION 169—

ARTICLES RELEVANT TO

INDIGENOUS BORDER CROSSING RIGHTS

Article 2: Governments shall have the responsibility for . . . ensuring that members of these [indigenous and tribal] peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.

Article 5: (a) The social, cultural, religious, and spiritual values and practices of these peoples shall be recognized and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals; (b) The integrity of the values, practices, and institutions of these peoples shall be respected.

Article 6: (1) Governments shall . . . [c]onsult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly . . . (2) The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.
Article 8: (1) In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.

Article 14(1): The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities.

Article 16: (1)[T]he peoples concerned shall not be removed from the lands which they occupy. (2) Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. . . . (3) Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

Article 32: Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual, and environmental fields.
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