KUMEYAAY ACROSS BORDERS: AN EVALUATION OF FORMAL AND INFORMAL APPROACHES TO TRIBAL TRANSPORTATION ISSUES

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Olea Elizabeth Beverly Morris

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The Undersigned Faculty Committee Approves the
Thesis of Olea Elizabeth Beverly Morris:

Kumeyaay Across Borders: An Evaluation of Formal and Informal Approaches to
Tribal Transportation Issues

[Signatures]
Ramona L. Pérez Chair
Department of Anthropology

Frederick Conway
Department of Anthropology

Margaret Field
Department of American Indian Studies

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Approval Date
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by

Olea Elizabeth Beverly Morris

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DEDICATION

I would like to dedicate this thesis to my sisters, Jane and Isabella, who are my inspiration in all endeavors. I would also like to dedicate this thesis to my grandparents, Robert and Sylvia Hall, who have provided unwavering support of my education.
ABSTRACT OF THE THESIS

Kumeyaay Across Borders: An Evaluation of Formal and Informal Approaches to Tribal Transportation Issues
by
Olea Elizabeth Beverly Morris
Master of Arts in Anthropology
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The Kumeyaay (Kumiai) Indians are a tribal group with a territory that encompasses large portions of Southern California and Baja California, Mexico. Following the formalization of the U.S./Mexico border in 1848, traditional Kumeyaay lands were effectively split between the two nations, with segments of the tribe residing on opposite sides of the border. Though the passage of individuals from recognized tribal groups is ostensibly protected between the U.S. and Mexico, myriad issues prevent those residing in Mexico from regularly crossing the border to attend cultural events and visit kin. The inability to retain interactions complicates cultural revitalization goals and visions of bi-national tribal unity. In many ways the border, as a constraint to the mobility of tribal members between nations, produces an imbalanced structural dynamic that has distinct consequences for cultural revitalization initiatives and economic development within the Kumeyaay community. This thesis situates indigenous border crossing issues within a multiscalar dynamic that encompasses both grassroots and governmental approaches towards improving transportation amongst the Kumeyaay communities of Southern California and Baja.
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CHAPTER 1

INTRODUCTION

The Kumeyaay (alternatively spelled Kumiai in Mexico)\textsuperscript{1} are a Native American tribal group with contemporary communities located in eastern San Diego county California, and Baja California, Mexico. Prior to European contact, Kumeyaay land holdings encompassed much of the land in contemporary San Diego County, including coastal regions, and portions of what is now northern Mexico. The Kumeyaay were removed from many of their territories during post-European contact and had their lands divided up by various physical obstacles including railroads, highways, and national borders. The establishment of the US/Mexico border under the 1848 Treaty of Guadalupe-Hidalgo served to further constrain populations that were living on both sides of the border (Crum 2005; Shipek 1988). Currently, there are 12 federally recognized Kumeyaay reservations throughout the San Diego area, and five large Kumeyaay communities in Baja California Norte including the villages of San José de la Zorra, Juntas de Neji, Necua, La Huerta, and Tecate (Kumeyaay 2014). This thesis looks at the shifts in engagement between US and Mexico-based Kumeyaay communities as a result of post-9/11 changes in border security. Additionally, I examine how particular actors within this community navigate bureaucratic structures and associated regulations that characterize the border crossing process.

Regular and legal passage between the United States and Mexico has become increasingly difficult since 2001. After September 11, 2001 public critique of US Immigration policy reached a fever pitch, particularly after it was revealed that those involved in the attacks had entered the country legally with student visas, and that visa renewals were mistakenly mailed to some of the attackers months later (Kevin Johnson 2007;

\textsuperscript{1} Throughout this thesis, I refer to the portion of the population that resides in Mexico as “Kumiai,” and those that reside in the U.S. as “Kumeyaay.” In instances where I am describing the tribal nation as a whole (on both sides of the border), I defer to the English spelling of “Kumeyaay.” Despite the fact that they belong to the same tribal group, the use of a linguistic distinction between these two populations serves to highlight the different national (and cultural) contexts in which they are situated.
Attempts at immigration reform over the next few years (e.g. HR 4437, or the Border Protection, Anti-terrorism, and Illegal Immigration Control Act of 2005) were characteristically severe in their treatment of undocumented immigrants and those that aided them (Cisneros 2014:87). As Cisneros explains, “the figure of the (Latina/o-Mexican) immigrant and the (Middle Eastern) terrorist – both purportedly dangerous and threatening foreigners – increasingly merged in public discourse to encapsulate the (supposedly problematic) porousness of the nation’s borders” (2014:87). This conflation of “immigrant” and “terrorist” has placed an even greater burden on individuals seeking entry into the US through lawful processes, particularly because the perceived threat of terrorism has been used to legitimize and justify the call for more restrictive immigration policies and border security.

**CONTEMPORARY KUMEYAAY COMMUNITIES AND THE BORDER**

Though the Kumeyaay identify as a collective tribal entity, there are some stark contrasts between the communities on opposite sides of the US-Mexico border. This section briefly characterizes both communities in order to contextualize the aims of this research, in part by demonstrating the interrelatedness between border crossing and cultural revitalization.

**Kumiai Communities in Mexico**

There are several Kumiai communities in Baja California, including Juntas de Neji, San José de la Zorra, La Huerta, and Necua. Unfortunately, little demographic data for these areas, such as a census, exists; however, it has been suggested that the total indigenous population of Baja California (including other tribal groups like the Cucupah and the PaiPai) is around 1,800 people (Wilken-Robertson 2006).

Although there is variation at many levels amongst these communities in terms of access to resources, poverty is a common theme. In one of the wealthiest Kumiai communities in Baja California, the unemployment rate for males is estimated at around 50% (Fleuriet 2007:161). Wilken-Robertson (2006) noted that the most prevalent modes of economic development include production of artisanal crafts for sale, wage labor positions on nearby settlements, or work in nearby urban areas such as Ensenada, and this appears to
have changed little since the commencement of this project. Environmental problems such as poor water quality and erosion have shaped the physical landscape in which Kumiai communities are situated, and encroachment on tribal lands from nearby settlements is a constant issue (Wilken-Robertson 2006).

Conflicts regarding land tenancy have been a prominent issue within the Kumiai community for decades. Kumiai communities are largely situated within the *ejido* system, or a form of indigenous land tenure developed after the Mexican Revolution. Though technically owned by the Mexican government, *ejido* lands are shared by recognized members (Smith et al. 2009). Until the early 1990s, *ejido* land could not be bought or sold, though residents had usufruct rights and community representatives guided decisions about how the land was used (Kelly et al. 2010). In the early 1990s, neoliberal land reforms in Mexico allowed the partitioning and sale of communal lands, provided census among community representatives could be reached (Smith et al. 2009). Although *ejido* land is not necessarily synonymous with indigenous land holdings, many indigenous groups hold land through the *ejido* system because they lack legal documentation of ties to traditional landholdings. With the growing move towards privatization of *ejido* land, squatters and competing claims to land is a concern within the Kumiai community.

While conducting research on indigenous language loss and revitalization, Paula Meyer (2006) repeatedly encountered narratives of land loss, both past and current. One particular consultant on her project described his struggle with Mexican federal authorities in the early 1970s to recognize the Kumiai as a legitimate cultural group, as government officials were apparently under the impression that indigenous groups in Baja California no longer existed (Meyer 2006:150). Meyer argues that such misinformation perpetuates “the total negation of the very existence of indigenous people in the state of Baja California [through which] the colonized disappear” (2006:143).

Ironically, this initial lack of federal recognition of Kumiai communities has played a part in sustaining traditional Kumeyaay cultural practices and language. For example, Field (2012) notes that the absence of dominant-language media in Kumiai communities was due to a lack of consistent electricity and connectivity. This has contributed to the overall health of Kumeyaay speech communities in Mexico relative to communities in the US where Kumeyaay language is in a very advanced state of obsolescence (Field 2012). Involvement
with cultural revitalization movements in the United States provided, at one point, limited opportunities for economic involvement; for example, when Kumeyaay Community College (KCC) was founded at the Sycuan reservation in the US, Kumeyaay speakers from Baja California were invited to teach classes on language or on traditional crafts (Field 2012). Currently, these courses are being taught by Kumeyaay residing in the US. This is partly due to the difficult logistics of arranging transportation and legal employment for Mexican citizens in the US. Additionally, while many Kumiai individuals speak both Kumiai and Spanish, the general lack of proficiency in English makes teaching the Kumiai language to an English-speaking audience a difficult obstacle.

**Kumeyaay Communities in the United States**

San Diego County is unique in that it has more Indian reservations than any other county in the United States. Individual reservations are quite small, and only a small percentage of Kumeyaay individuals reside on reservation lands. Kumeyaay cultural heritage is sustained through institutions like the Barona Cultural Center and Museum, which hosts Kumeyaay cultural workshops open to the public, and through classes at KCC (Kumeyaay Community College) at Sycuan. Various reservations also periodically host cultural events on reservation lands or in areas of cultural significance (such as Cuyamaca Rancho State Park), to which Kumiai from Mexico are invited to as well.

Some Kumeyaay reservations (namely Barona, Sycuan, and Viejas) are home to tribal gaming enterprises, which became a prevalent avenue for economic development in the region beginning with the 1988 passage of the Indian Gaming Regulatory Act (IGRA). Revenue from reservation casinos has also allowed San Diego tribes to invest in off-reservation economic enterprises as well as reservation infrastructure including independent fire departments and police forces. Non-gaming tribes in California also benefit from tribal gaming enterprises through the Revenue Sharing Trust Fund (RSTF), and may receive up to $1.1 million for developing tribal government offices and programs (California Nations Indian Gaming Association 2012).
Under US federal law, local regional governments must consult with tribal governments in the development of policies that have implications for local tribes. To this end, the Kumeyaay are part of a larger collaboration initiative between SANDAG and other recognized tribal groups in the San Diego region. This sort of collaborative relationship is unique to Kumeyaay communities in the US, and depends on tribes being federally recognized as sovereign nations; currently, there is no analogue of this sort of system in Mexico.

**THE BORDER**

The influence of the US-Mexico border on Kumeyaay communities and their mobility has become increasingly emphasized over time but has been an issue since the earliest ethnographic accounts (e.g. Spier 1923; Hohenthal 2001). The treaty of Guadalupe-Hidalgo established a divide between Kumeyaay territories in the early 1850s, but border crossing for indigenous groups did not become an issue until decades later during the early period of border militarization in the early 20th century. This period is perhaps best characterized by the 1924 creation of the US Border Patrol as a permanent agent of border regulation (Dunn 1996:11). The presence of the border has been increasingly felt in the San Diego region since 2001 as a result of the implementation of extreme security measures following the terrorist attacks on US soil on September 11, 2001 (Dunn 1996; von Barsewisch 2011).

The shift in the perception of the border from a permeable to an impermeable boundary is represented best by passages from the *Autobiography of Delfina Cuero* (Shipek 1970), a life history of a Diegueño (Kumeyaay) woman as told to anthropologist Florence Shipek. Shipek (1970) notes in the introduction that the constraints of the US/Mexico border were not a chief concern of Indian groups until relatively recent to the time of the book’s publication. Specifically, Shipek observes that:

…they knew nothing of an international border which cut their territory through the middle...it became apparent that only in the last twenty years have the majority of unschooled, non-reservation Indians become conscious of the border and felt restriction on their freedom of movement within Diegueño territory as

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2 Executive Order no. 13175, *Consultation and Coordination with Indian Tribal Governments*, (2000).
they visited relatives…and even changed their residence in either direction. [Shipek 1970:11]

Although Cuero grew up in San Diego County, she reflects on how the lack of job stability necessitated a move for her family (and others) to areas of Baja California where Kumiai communities were already established but were, for the most part, unmolested by encroaching settlers. It was here that Cuero reunited with her family group, who had split up as subsistence areas became more widely controlled by European settlers (Fitzgerald 2006). Despite the fact that this move to Baja California was not “deliberate or conscious, nor a renunciation of US citizenship,” but instead “an attempt to look for a place where nobody chased them away” (Fitzgerald 2006:110), Cuero was unable to return to the US because of a lack of official documentation of her birth there. This is due in part to the fact that in the early 20th century, the Catholic Church kept records of Indian births in the form of baptismal certificates. However, a 1917 fire in El Cajon, California destroyed Church records kept after 1900, the window during which Cuero was estimated to have been born (Fitzgerald 2006). Shipek notes that Cuero hoped that by demonstrating an intimate knowledge of subsistence areas within San Diego County (e.g. Ocean Beach, Point Loma, and Mission Bay areas), this would serve as substantive proof of her birthplace so that she might one day be able to return to the US (Shipek 1970; Kara Johnson 2007).

Increased border regulations in more recent decades have continued to impact the Kumiai. Luna-Firebaugh notes that until recently, many Kumiai crossed the border using tribal identification cards supplied by the Instituto Nacional Indigenista (INI); however, “the US Border Patrol apprehended non-Kumeyaay using these passes and subsequently refused to accept them” (2002:168). This has forced individuals to provide additional forms of acceptable identification. More recently, Crum (2005) discusses how a number of temporary visas were secured for Kumiai in 2000 that allowed them to travel to the Viejas Reservation. It is worth noting that in both of these instances, unencumbered travel from Mexico to the US hinges on the support of US Kumeyaay reservation authorities. This is due to the fact that in the past, border authorities have required a “Letter of Invitation,”3 detailing the personal

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3 There appears to be some confusion about the current status of this requirement, as reflected in interviews different consultants. I address this point further in Chapter 4.
information and travel itinerary for Kumiai individuals seeking entry into the US. Ostensibly, this requirement is recourse for individuals hoping to travel to the US for cultural events who perhaps need additional support. However, this dynamic reflects a particular lack of agency or political power with regard to the Kumiai, as tribal membership must be essentially legitimized by sponsorship of tribes in the US.

**Kumeyaay Across Borders: Issues and Approaches**

When I first became interested in the influences of the border on the Kumeyaay, I traveled with Dr. Margaret Field to a cultural gathering held near Cuyamaca Lake, an area that has cultural significance for the Kumeyaay. The event was to last for two days, including demonstrations of Kumeyaay artisanal work (basket-making, pottery, and acorn grinding) and traditional bird singing and peon games. As a first time attendee, my goal was neither to scrutinize nor to study but rather to merely get a sense of how these cross-border cultural events came together.

One of the most striking observations was the difference in the languages used. English was the dominant language among Kumeyaay from Campo, Santa Ysabel, or other areas in the San Diego region, while the Kumiai spoke a mixture of Spanish and Kumiai to one another. As I jumped in to help two women who were grinding acorns, and who later became instrumental to my orientation to this research, I could only absorb their lessons by watching and mimicking as their rapid, fluent Spanish was too difficult for me to comprehend. In order to facilitate this linguistic rift, translators (marked with name badges) had been recruited to act as intermediaries. Despite this interesting dynamic, a very real cultural exchange was still occurring; one woman from Campo remarked to a PaiPai woman making pottery about the difference in texture and type of clay materials that she had seen her own mother using, while. Kumeyaay children happily learned to craft tiny pots to be fired as Kumiai women pantomimed instructions.

However, crossing the US-Mexico border to attend cultural gatherings is important for reasons other than cultural exchange. The socioeconomic status and standard of living for indigenous groups in northern Mexico is incomparable to that of tribes in the U.S, and many individuals rely on additional income earned from selling artisanal crafts, or (in years past) as instructors of elements of traditional Kumeyaay culture and language at events or classes in
the US. In a sense, the border itself is only a physical manifestation of a host of other agents that contribute to the growing disparity between Kumeyaay in the US and in Mexico.

**Approaches to Border Crossing**

Contemporary efforts to improve increased contact between the Kumeyaay (both cross-border and inter-reservation) can be broadly categorized on a spectrum ranging from informal to formal (the latter including those of both non-governmental and governmental organizations). Both tribal and nontribal individuals with deep ties in the Kumeyaay community act as intermediaries or facilitators for Kumiai who want to cross the border, either by actively arranging the logistics of transportation (e.g. helping to secure required documentation, providing vehicular transport), or indirectly, by providing letters of support and invitation necessary for Kumiai to demonstrate to border officials their affiliation with a recognized tribal group.

For the purposes of this research, I categorize these approaches as “informal,” in the sense that individuals that fill these roles do so largely voluntarily, acting as self-appointed community representatives. On the other end of the spectrum are what I deem “formal approaches” to tribal border issues, which include governmental or other institutional (e.g. academic institutions or non-governmental organizations) responses. Investigating how border crossing is approached from a governmental perspective includes understanding how particular community concerns are “taken up” by local organizations and either prioritized for future policy action or discarded. Finally, while governmental responses to community concerns are generally more coordinated than grassroots efforts, policies that result from government action are not always effective with regard to handling specific, nuanced concerns.

One particular example of a formal approach to border crossing rights includes the 2006 establishment of the Interagency Technical Working Group on Tribal Transportation Issues, which was established under the aegis of the Borders Committee of the San Diego Association of Governments (SANDAG). The Technical Working Group (TWP) was the result of the expressed need for greater collaboration between local, regional, and state authorities on tribal transportation issues following the San Diego Regional Tribal Summit in 2006; these authorities include the California Department of Transportation (CALTRANS),
County of San Diego, and SANDAG, as well as inter-tribal organizations, such as the Southern California Tribal Chairmen’s Association. While the Borders Committee describes itself as focused on policies related to a multiplicity of borders (binational, as well as interregional borders and tribal), limited funding from federal sources necessitates the prioritization of a few tribal transportation objectives at a time.

To a large extent, however, cross-border visits require an extraordinary amount of effort on the part of community members, particularly because of the logistical difficulty of acquiring the necessary paperwork (von Barsewisch 2011). Additionally, many Kumiai (as is the case with many indigenous groups in Mexico) were born in the home or in rural areas that precluded them from obtaining birth certificates. Although many have baptismal certificates that approximate the information found on a birth certificate, this document is not accepted by regional consular offices for the purpose of obtaining a visa or a passport.

RESEARCH QUESTIONS

This thesis is concerned with the two general modes in which Kumeyaay cross-border transportation is handled: institutional approaches (e.g. SANDAG/TWP, CALTRANS, and regional tribal authorities) and informal, individualized approaches.

In relation to institutional authorities, I consider the following questions: to what degree is tribal border crossing emphasized in fora designed to address tribal transportation issues? Are Kumiai populations considered in policy design and implementation by San Diego regional authorities, and if not, why? How have the needs of the Kumiai, particularly with regard to US-Mexico border crossing, been operationalized as actionable items by regional planning authorities (if at all)?

With regard to what I consider local/informal approaches to cross-border contact, I hoped to come to an understanding of the underlying social factors that prevent Kumiai from traveling to reservations or communities on the US side of the border by engaging Kumeyaay participants that reside both in Mexico and in the US. The research questions surrounding this issue that will be addressed in this research are: How do Kumiai individuals perceive the level of difficulty of cross-border travel? With the understanding that travel is much more difficult today from Mexico to the United States for the Kumiai, what particular reasons prevent ease of cross-border travel (e.g., administrative difficulties, lack of economic ability,
lack of perceived ethnic/cultural affiliation, lack of fluency and/or communication problems)? Coming to an understanding of the structural and social impediments to tribal cross-border travel will hopefully provide a more precise context in which to situate contemporary institutional responses.

**Organization of Thesis**

So far, I have provided a brief orientation to the context of the issue in which this research is situated and my primary research questions. Chapter 2 includes a review of relevant literature including contemporary and historical Kumeyaay cultural landscapes, the effect of borders on Native American communities in general, and perspectives towards indigenism in both Mexico and the US. In Chapter 3, I discuss the theoretical constructs around which I have oriented this project, including transnationalism, structural violence, and anthropological theories of policy and bureaucracy. I also discuss the methods employed during this research. Chapter 4 discusses the results of my project, including perspectives on the border crossing process from those within the Kumiai community, those involved in grassroots efforts to facilitate border crossing, and those embedded within institutions that are related to border crossing. Finally, in Chapter 5 I present some conclusions and recommendations for future action.
CHAPTER 2

LITERATURE REVIEW

In this section, I examine relevant research on Kumiai/Kumeyaay populations that has informed the development of this research question. I discuss earlier anthropological conceptions of Kumeyaay cultural landscapes in order to situate the effects of the formalization of the border. I also examine work on the effects of the enforcement of national on indigenous cultural revitalization movements. Finally, I briefly discuss how the concept of indigeneity varies between Mexico and the US, and how these differing national perspectives have historically influenced policy toward indigenous populations.

KUMEYAAY CULTURAL LANDSCAPES

Though I have chosen to use the terms “Kumeyaay” or “Kumiai” to refer to tribally-affiliated individuals on both the US and Mexican side of the border (respectively), this is only a reflection of more recent trends in nomenclature; alternate spellings of the same tribal distinction abound in background literature, including Kamya, Comeya, Comaiya, Kamia, etc. (Shackley 2004:2). Additionally, the term “Diegueño” (or even more specifically, “Southern Diegueño” or “Eastern Diegueño”) is often used in ethnographic accounts from the early 20th century (e.g. Spier 1923; Waterman 1910). The term Diegueño implies a historical affiliation with a mission in either San Diego area or Baja California Norte (Hohenthal 2001; Kara Johnson 2007). Additionally, the terms “Ipai” and “Tipai” are used by Hohenthal (2001) in order to distinguish between populations of the Diegueño living in the United States and in Baja California Norte, respectively. Additionally, the terms “Ipai” and “Tipai” are used by Hohenthal (2001) in order to distinguish between populations of the Diegueño. Tipai are those groups south of the San Diego river extending into Baja California, while Ipai communities are those Diegueño communities located north of the San Diego river and are bordered on the north by the Luiseño (Field 2012). While these groups are related, there are lexical and grammatical differences that divide the two groups (Field 2012). This extreme variation in nomenclature suggests a greater level of separation between cultural
groups than actually seems to have existed and some names refer to the same population; for instance, Shipek (1988) identifies the Kamia as Kumeyaay communities in the desert regions east of San Diego County, whereas Diegueño refers to Kumeyaay communities that reside in the mountains and coastal regions of contemporary San Diego County. Simply put, much of this confusion is the result of the various historical conditions in which a given ethnographic account is situated; in other words, “the Kumeyaay from San Jacomé could have been termed Kamia, Southern Diegueño, or Diegueño depending upon which ethnographer reported on them and where they were at a particular time” (Shackley 2004:3). While I do not wish to increase the number of ways that these people are known, the use of “Kumeyaay” and “Kumiai” allows for immediate reference to the group I am discussing.

In order to establish a baseline understanding of Kumeyaay social structure prior to the militarization and formalization of the US-Mexico border in recent decades, it is important to establish that despite variations in naming conventions in the literature, groups within Kumeyaay territory (including coastal regions, desert, and south into Baja California) exhibited a large degree of cultural homogeneity. Shipek contends that an “ethnic national” level of consciousness superseded and encompassed band territories and individual familial holdings, in that individuals appear to have had “some variety of closer social, economic, religious, and political ties than they had with groups outside the ethnic territory” (1988:13). This “ethnic national” level is demonstrated in pre-contact Kumeyaay populations in several ways, including the existence of wild resource areas that were accessible to individuals from any band, a coordinated military defense that included a leader that superseded the band level, and shared access to commonly recognized sacred spaces and geographical features (Shipek 1988).

This degree of interrelatedness between Kumeyaay populations throughout their territory is also demonstrated by linguistic evidence. For instance, Shackley (2004) notes that about four to six dialects of the Kumeyaay language were spoken from the northernmost extent of their territory (where they met the Luiseño) down towards Ensenada, Baja California, with a high degree of mutual intelligibility. This degree of mutual intelligibility seems to persist today among contemporary speakers of Tiipay (Kumeyaay) despite lexical differences and variation in dialects both in the US and in Mexico (Field 2012). However, differential colonizations and exposure to dominant language ideology over time has led to a
disparity in the health of Tiipay speech communities in Baja California and the US, respectively:

...although US Tipaay may have access to many more resources, both natural and economic, than Baja Tiipay communities do, they do not have nearly as healthy a speech community. This difference is most likely due to the same factors that typically correlate with language shift in indigenous communities around the world, including over a century of federal educational policy specifically aimed at the erasure of indigenous languages and cultures...as well as the comparatively much higher degree of access to and influence of dominant-language media on U.S. Kumeyaay youth. [Field 2012:567]

By underscoring the similarities of Tiipay dialects in both Mexico and in the US, Field (2012) establishes that this aforementioned disparity is a symptom of external influences on Kumeyaay language and culture, rather than the result of a fundamental difference between two distinct cultural or linguistic groups.

In the contemporary context, Kumeyaay in the US and Kumiai in Mexico consider themselves part of the same tribe and cultural group, though the use of the word “tribe” varies depending on the national context in which a community is situated. For instance, each reservation in San Diego county is recognized as a distinct tribal group by the US federal government, though many reference their shared cultural heritage in their officially recognized name. For instance, the Campo Band of Diegueño Mission Indians are federally considered a different entity from the Viejas Group of Capitan Grande Band of Mission Indians, although the use of “Diegueño” or “Mission Indians” signifies shared cultural heritage. In Mexico, the Kumiai are recognized as a cultural group by the Comisión Nacional para el Desarrollo de Los Pueblos Indígenas (CDI), and villages where Kumiai reside are considered distinct communities, rather than distinct tribes. Colloquially, all communities and reservations collectively are referred to as the “Kumeyaay nation”. This term is particularly employed by Kumeyaay tribes in the US on official websites and press releases; for instance, the official name for the tribe localized at Sycuan is the “Sycuan Band of the Kumeyaay Nation”.

It is difficult to judge from a contemporary vantage point to what extent Kumeyaay/Kumiai communities were divided prior to the imposition of the border. For instance, ethnographic evidence suggests that Tipai and Ipai groups traded with each other more frequently than with unrelated tribes (Luomala 1978), it is difficult to tell whether or not Tipai and Ipai dialects were mutually intelligible because there are so few native Tipai
speakers alive today (Field 2012). While there were divisions amongst clans historically, Hohenthal’s (2001) analysis appears to indicate that there was some sense of shared cultural belonging between all groups. Finally, while Kumiai individuals share a common cultural history and have familial ties in the US, a few of my community contacts expressed that “going shopping,” rather than “visiting family,” was a primary motivation. This does not necessarily reflect that increasing border access for these individuals would be fruitless for the purposes of cultural revitalization, but rather the degree of cultural and familial alienation that has been occurring for decades. The border between US and Mexico is a symbolic and physical boundary between the Kumiai and Kumeyaay, with distinct consequences for cultural continuity.

**Borders and Cultural Revitalization in American Indian Communities**

The imposition of borders on indigenous territories and the concomitant effects that resulted began with the colonization of the North American continent. As European nations staked out claims and colonized portions of Canada, Mexico, and the United States, each nation monitored new additions to the population from Europe as well as the integration (or lack thereof) of existing populations that already occupied these territories. The 1794 Jay Treaty, which provided the right for American Indians to freely travel about and across what is now the US-Canada Border,⁴ reflects at least partial acknowledgement that indigenous territories and populations did not conform to newly-drawn political boundaries. This acknowledgment was reified with the resulting decision of the 1928 case *McCandless v. United States ex. rel. Diabo*, in which the court upheld that “the right of free passage in indigenous homelands is an inherent aboriginal right, even where an international border has been created subsequently” (Luna-Firebaugh 2002:162). These appear to be the only examples of a legal precedent for allowing the movement of Native American populations across international borders. Furthermore, these rights to cross the border have been limited in subsequent decades beginning with added requirements for minimum level of blood quantum, and later proof of current enrollment in a recognized tribe.

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⁴ At the time of the ratification of the Jay Treaty, this border marked the division between British and American territories
Unfortunately, no similar legislation was enacted when the US-Mexico border was formalized. When Mexico gained independence from Spain in 1821, indigenous groups were required to apply for land grants from the Mexican government. With the conclusion of the Mexican-American war and the ratification of the Treaty of Guadalupe-Hidalgo in 1848, these same land grants were not extended by the US government; this effectively split the traditional territories of the Kumeyaay (among many other border-adjacent tribes) without providing recourse for crossing the new international boundary (Luna-Firebaugh 2002:163). After September 11, 2001, increasingly tightened border security has only exacerbated the problem of border crossing for tribal groups.

This state of affairs has indirect consequences for the maintenance of cultural heritage or cultural revitalization movements among indigenous groups. For instance, Singleton (2009) discusses how a potlatch festival among Pacific Northwest tribes (which required boat travel to and across the border between Canada and the United States) presented unusual circumstances for US Customs and Border Protection, resulting in a declination to attend by many potential attendees because they anticipated being turned away without proper documentation. Heightened border security has also prevented tribes on the US-Mexico border such as the Yaqui and Kumeyaay from traveling in order to carry out traditional ceremonies (Luna-Firebaugh 2002). Of the tribes located on or near the US-Mexico border, only the Tohono O’odham have been successful in gaining traction with cross-border transportation by enrolling Mexican O’odham in the tribe, thereby giving them federal recognition by the US. This largely came about in order to ensure tribal services (such as healthcare) would be available to all members (Luna-Firebaugh 2002; Madsen 2005). This method of tribal enrollment has not at present translated into an extension of US citizenship to tribal members in Mexico.

As a constraint on mobility within and between Kumeyaay communities, the international border can be seen as an agent of cultural alienation. For instance, Jow’s (2009) work on contemporary Kumeyaay conceptions of identity makes clear that regular participation in tribal events, as well as establishing a presence within the reservation community, are highly influential factors in how a native individual is perceived by the Kumeyaay community. For instance, one of Jow’s consultants reflects on infrequent visitors to the Santa Ysabel reservation (San Diego County), noting that “you can tell them right
away. They don’t fit in and that is kinda where the ‘us’ vs [sic] ‘them’ kinda thing comes in, they get a lot of crap, sorta, to say, for not being here [on the reservation]” (2009:44). Moreover, Jow notes the importance of cultural gatherings which are often held in the US in maintaining familial and tribal ties, while serving as an outlet “to express core cultural values including ethnic pride” (2009:45). In this sense, border crossing for visits with family or for cultural events can be seen as essential to maintaining a sense of collective identity within and among Kumeyaay communities in the US and Mexico.

Additionally, the formalization and militarization of the US/Mexico border in the last several decades has had a great deal of influence on the social and cultural development of the Kumeyaay as well as other recognized tribes of the US/Mexico border region. Although some scholarly accounts have dealt with influences on contemporary iterations of Kumeyaay tribal identity (e.g. Garduño 2005; Jow 2009), few accounts have prioritized cross-border contacts between Kumeyaay populations on both sides of the border within a scholarly focus (a singular example being von Barsewisch’s 2011 dissertation on the subject). As Crum notes, despite “positive outcomes” of tribal summits to address the issue of border crossing, “the tribe still remains split and will remain so because of the heavy policing of the international border by the United States” (2005:26).

The dissertation by von Barsewisch (2011) explores the nature of border crossing within Kumeyaay/Kumiai communities, and is one of few contemporary scholarly accounts of these communities situated in a transnational framework. By examining particular manifestations of the contemporary state of Kumeyaay “cross-border contacts,” including language classes held at the Sycuan reservation in San Diego County and regularly held cultural events on both sides of the border, von Barsewisch (2011) identifies key agents and processes that bind the bi-national community together. However, contrary to her initial inklings that the nature of these cross-border encounters might represent a part of an “explicit indigenous solidarity network,” von Barsewisch concludes that “tragically, time definitively seems to have run out for [a] truly promising revitalization effort,” and that in this regard, the “hesitation of the US gaming tribes to pave the way for [temporary] work visas and employment for the Kumiai is somewhat irritating” (2011:192). This research highlights the grave disparity in both natural and economic resources between communities in Mexico and in the US, but also hints at the influence that institutional or policy-driven approaches might
have on correcting some underlying constraints pertaining to the capacity for cultural
revitalization; particularly, the difficulties that Kumiai experience in crossing the border in
the first place.

A partial result of this is a lack of statistics or data suggesting the scale of indigenous
cross-border transit. Preliminary conversations with Kumiai consultants tended to address
cross-border visits and cultural events by naming individuals that usually go or do not go,
rather than by numbers. Because there are several avenues through which an indigenous
individual might secure documentation for border crossing, it is difficult to extrapolate or
estimate how many indigenous individuals cross the border each year. The number of cross-
border cultural events (maybe two or three a year) provides some sense of instances that
might motivate travel. However, attendance from Kumiai in Mexico is quite low, and
according to a few consultants, is largely inconsistent.

The link between infrequent border crossings and lack of cultural knowledge
exchange is not unique among border tribes. In a similar fashion, Madsen identifies the lack
of “widespread contemporary and sustained cross-border interactions” (2005:178) among the
Tohono O’odham of the Arizona and Sonora border region that have been made even more
infrequent by increased border security measures in recent decades as a potential harbinger of
cultural erosion. Of particular note is Madsen’s (2005) focus on the lack of efficient
transportation infrastructure, such as roads, which do little to promote intra-reservation travel
on the US side, let alone transportation across the border. Currently, an unofficial border
crossing located on tribal lands is used by tribal members informally. While it is unregulated
by the US government, use of this unofficial POE is illegal (Luna-Firebaugh 2002:166). The
present state of “inferior internal transportation connections” within and between reservation
communities is not necessarily due to a lack of funding, but rather to contemporary norms
directing governmental (i.e. federal and state) funding priorities (Madsen 2005:61).

Though von Barsewisch (2011) and others have identified need within Kumeyaay
communities for improved infrastructure as it pertains to cross-border transit, there is still a
disconnect between the communities and funding opportunities that exist through
government apparatuses. This is represented by the findings of the 2004 Tribal
Transportation Needs Survey, which was conducted amongst the 19 tribal governmental
bodies in San Diego County as part of a joint initiative between Caltrans and SANDAG. The
purpose of the needs assessment was both to begin a collaborative partnership between regional planning authorities and local tribal governments and “establish a baseline of awareness of the transportation issues affecting each Tribe” (SANDAG 2006:2). The findings of the survey revealed widespread dissatisfaction among tribes of South San Diego County with accessibility of local planning and transportation agencies. On a scale of 1-4 (with 4 representing “Very Well”), South San Diego County tribes ranked “Degree to which Agencies Have Met Tribes’ Transportation Needs” an average of “1”; however, they expressed a very high level of interest in receiving information and training regarding tribal transportation planning and grant writing (SANDAG 2006:11). These comments make clear that potential avenues for amelioration of these issues are being under-utilized, suggesting that federal and state funding priorities may not be entirely to blame for the current state of affairs.

DIFFERING NATIONAL PERSPECTIVES OF INDIGENISM

An important element to the contemporary dynamic between the Kumiai in Mexico and Kumeyaay in the United States are the differences in how indigeneity is conceived of, and how indigenous populations have become part of each country’s respective national project. Mexico and the US were similar in that historically, Indians were:

“seen as obstacles standing in the way of progress, both literally and figuratively, [and] it was not until well into the twentieth century that either country attempted to incorporate Indians into the nation through programmatic assimilation…both the United States and Mexico looked to Indigenous peoples and their cultures for what they could provide rhetorically and ideologically to the framing of the nation – confining any favorable association with Indigenous peoples and cultures to the past – and for their lands and labor which formed and funded the basis of nation building. [Ceseña 2011:3]

In this sense, the colonial histories of the US and Mexico are analogous in that indigenous populations were subjugated as a “necessary condition” to the foundation and growth of a new nation. However, the ways in which indigenous populations have been represented in relation to the nation state differ between the US and Mexico due to divergent political histories and cultural attributes. Delugan (2006) notes that an ideology of mestizaje, or blending of indigenous and Spanish populations, has historically served as a key component of Mexican national identity. However, this promotion of mestizaje belies the struggles of indigenous groups to protect and sustain their own cultural heritage, as well as gain
acknowledgment as a cultural group by the Mexican state (Grande 2000). In the United States, indigenous communities have faced political challenges in a liberal democratic system that ostensibly prioritizes individual rights over communal (i.e. tribal) rights (Svensson 1979), producing contradictory representations of indigenous groups in the US political sphere. For instance, as many tribes throughout the US began to develop casino and gaming facilities after the passage of the Indian Gaming and Regulatory Act (IGRA) in 1988, some political groups objected on the erroneous basis that this granted “special rights” to American Indian groups.

These differences in national attitudes towards indigenous populations have produced markedly different bureaucratic approaches in the US and in Mexico for categorizing the affairs of native persons. In the United States, federally recognized American Indian tribes are considered “domestic dependents” of the nation, with Congress reserving ultimate authority (i.e. plenary power) over the regulation of Indian affairs. This distinction places US tribes in a unique legal category somewhere between “nation” and “state”. Examples of the resulting tension between tribal governments and reservations and the states in which they are located are numerous, and continue to complicate conceptions of what is meant by indigenous “sovereignty”. Nevertheless, federal and state legislation requires consultation of tribal governments in regional planning initiatives, including transportation plans and programs. In the United States, all Kumeyaay bands are federally recognized.

In contrast, Mexico’s acknowledgment of Kumeyaay groups in the border region (or of any other indigenous groups in Baja California, for that matter) is relatively recent (Meyer 2006). Moreover, there is no federal status granted to indigenous groups that affords them any distinct status as in the United States, especially with regard to economic development. Paradoxically, it is precisely this lack of federal recognition in Mexico (until relatively recently) that has allowed Kumeyaay communities to maintain traditional practices arguably “more so than Kumeyaay in the United States” (Crum 2005:26). The Comisión Nacional para el Desarrollo de Los Pueblos Indígenas (CDI) is a federal agency in Mexico tasked with managing the development of Mexico’s indigenous groups and indigenous rights in general. The CDI was established in 2005, replacing the earlier existing Instituto Nacional Indigenista, or INI. However, distrust of the CDI (or its earlier iteration as the INI) is
pervasive within the Kumiai community, and several individuals have expressed that these agencies have been largely ineffective in meeting specific community needs.

In sum, although Kumeyaay on both sides of the border recognize common tribal affiliation with communities on the opposite side, differing policies and aims of the two national governments involved serve to divide the communities even further.
CHAPTER 3

THEORETICAL APPROACH AND METHODS

The following section will detail the theoretical underpinnings of this project, beginning with a brief discussion on the context of the US-Mexico border as a field of inquiry. I also discuss how structural violence is a relevant model for this project, as well as current anthropological approaches to bureaucratic structures. Finally, I will discuss how Actor-Network Theory (Latour 2005) has greatly influenced the methodology employed and the general structure of my research design.

THE US MEXICO BORDER AS A FIELD OF INQUIRY

The formalization and maintenance of the US-Mexico border has distinct influences on socio-cultural interactions, while simultaneously laying bare the explicit and implicit “projects” of both nations (Kearney 1995). Zúñiga argues that “the imposition of external borders, however, implies...the promotion and maintenance of spaces that are socially, politically, and culturally distinct” (1998:35). This reflection highlights the difficulty of conceptualizing alternative cultural landscapes that do not conform to artificial political boundaries; the presence of the border itself implies the existence of cultural difference between populations on either side, and provides little ground on which to situate notions of collective identity. As Ruiz points out, “while the border is a zone where two profoundly different socioeconomic and cultural systems converge… it also prevents the homogenization of the communities living in this binational space,” and moreover, that it “impedes not only the movement of persons but also the transmission of knowledge” (1998:118).

For decades, the US-Mexico border has been a site around which scholarly discourse has been centered; however, the ways in which the border has been conceived of have changed over time. As Staudt and Spener note, scholarly discourse had “tended to approach this border as a puzzling anomaly in need of explanation… a space that was, on the one hand, neither Mexican nor ‘American’ and on the other, both Mexican and ‘American’” (1998:3). In recent decades, there has been a theoretical shift away from discussing the border as a
monolithic establishment and towards a growing acknowledgement of the multiplicity of spaces that exist along/within the border. This “plurality of borders” (Staudt and Spener 1998:5) refers not only to the differences between physical environments along the border (e.g. whether Tijuana, San Diego, Ciudad Juárez, El Paso, etc.), but also to the incalculable variation in lived experiences of the border by individuals of different ethnic backgrounds, gender, socioeconomic status, and of course one’s ability to move freely across it. (Staudt and Spener 1998; Ruiz 1998; Vila 2003; Zúñiga 1998).

In this theoretical vein, Heyman (1994) has discussed the importance of a regional particularist standpoint in order to resist the reduction of border to that of an image or symbol of cultural difference. Such a perspective re-emphasizes the role of underlying power structures in regulating global flows, and attempts to unmask them; for instance, Heyman questions, “what... is the role of an international boundary, its multitudinous flows, and struggles over flows, in making spatial hierarchy? What is the role of people interacting with two state apparatuses in producing this global linkage on a daily basis?” (1995:46). Such an orientation towards the border as subject echoes Latour’s (2005) call to place a greater emphasis on non-human elements in investigating social processes. Because social processes and connections made by human actors are mitigated by, organized around, and also intensified by the presence of the border, it is only appropriate to foreground the role of the border and border institutions in order to better understand the social processes that are influenced by their presence.

**Transnationalism, Mobility, and the Border**

The US/Mexico border has become a key focus in transnational discourse in recent decades, especially as border crossing issues have moved increasingly to the forefront of the US political arena. Paradoxically, these transnational flows are often simultaneously subject to both the “opening up” and the “closing down” of the border. The passage of NAFTA in 1994, for instance, was designed to increase the cross-border flow of particular goods by removing certain institutional restraints such as tariffs, while the project “Operation Gatekeeper” of the same year was designed to regulate the anticipated increase in humans that enter the country as undocumented immigrants. While the effects of the long-term militarization of the border region (particularly on the part of the US federal government) are
beyond the scope of this research, it nevertheless provides the backdrop for lived experiences and negotiations of the border and related bureaucratic structures by indigenous peoples.

The Kumeyaay are a “transnational community” in the sense that different portions of the population are situated in two bordering nations; however, in many ways they also differ from definitions of “transnationalism” more commonly employed in anthropological literature. For instance, Kearney notes that transnational communities “commonly refer to migrant communities spanning two nations” (1995:559), with both communities presumably originating from the same area. In contrast, Kumeyaay transnationalism is ultimately rooted in the dual colonial pasts of both Mexico and the United States, as Kumeyaay communities in Mexico and the United States effectively became transnational with the imposition of the US-Mexico border. Thus, while much anthropological literature focuses on aspects of transnational migration as strategic responses for improving livelihoods (e.g. sending remittances to family members from employment abroad), this is not the case with Kumeyaay communities, particularly those situated in Mexico. In contrast, it is perhaps more helpful to borrow Golash-Boza’s (2014) concept of forced transnationalism, implying that transnationalism, at times, represents a negotiation of circumstances rather than a proactive response to global trends.

Mobility about national spheres is directly related to political agency, and shaped by social power (or lack thereof). While globalization implies the increased mobility of ideas, technologies, media, and cultural attributes, it has also been theorized as an “era of growing restriction on movement” for many (Shamir 2005:197). Similarly, Shamir (2005) frames “mobility” as a resource that is disproportionately enjoyed by a global elite, and that this “mobility gap” is an expression of an underlying power dynamic between those with the means to travel or relocate and those that do not. Similarly, in her discussion of US deportation of El Salvador-born residents, Elana Zilberg contends that global flows “are not unimpeded, and that globalization is better characterized by a dialectic of mobility and immobility” (2011:3). Such a dynamic is at the heart of the relationships between Kumeyaay populations on respective sides of the border. For instance, as a result of many social factors, particularly differing immigration policies between the US and Mexico, travel to the US is much more complex for the Kumiai than it is for tribal members that are US citizens. In other words, while the movement of indigenous populations across the border might be considered
as a particular kind of “transnational flow,” it is important to note that mobility (as an inherent characteristic of the descriptor “flow”) is unevenly experienced within the Kumeyaay population as a whole.

The experiences of the Kumiai people (as one among several populations indigenous to Baja California) have tended to be underemphasized or ignored in border discourse and migration theory. Beginning in the late 1970s, scholars focused on migration through Mexico from other parts of Latin America rather than examining the experiences of the indigenous groups who had already constructed “social fields” on either side of the border (Garduño 2008:4-5). A reintroduction of the perspective of indigenous border tribes results in a sort of broadening of this transnational migration discourse; for one, the generalized distinction between “sending” and “receiving” communities become less appropriate models, as traditionally, Kumeyaay lands extended well beyond the contemporary national border. Moreover, Kumeyaay mobility, both between the US and Mexico, as well as in between the various reservations or ejidos within the US and Mexico respectively, demonstrate the difficulty of imposing simplistic descriptors (e.g. “unidirectional”) onto this particular transnational “flow” (Garduño 2008).

As sovereign nations with distinct political boundaries in and of themselves, Indian reservations in the US add a new layer of complexity to this model. Individuals traveling between Kumeyaay settlements in the United States and Mexico must cross several interwoven political boundaries, both at the reservation/ejido level and at the national level. The concept of a multiplicity of borders discussed by Staudt and Spener (1998) is not only useful for understanding the differences in the ways that the border is experienced and negotiated, but also in approaching related policy issues. This concept is, for instance, reflected in the institutional goals of SANDAG’s Borders Committee, which considers “borders” as a multiscalar concept encompassing borders between tribes, regions, and countries.

**STRUCTURAL VIOLENCE**

Structural violence refers to the systematic exclusion or marginalization of individuals that are embedded within an organization or system. Paul Farmer describes structural violence as a concept that “is intended to inform the study of the social machinery
of oppression” (2004:308). One of the ways in which structural violence is exerted is through the “erasing of history” by bureaucratic institutions in power (Farmer 2004), effectively negating marginalized groups and their role as stakeholders. This perspective is particularly relevant in observing the effects of colonialism or racism, in which old prejudices or past injustices continue to present obstacles to modern populations. The border serves as a manifestation of structural violence within the binational Kumeyaay community because it largely prevents and restricts contact with other members of the tribe. This dynamic produces economic stasis within Kumiai communities, which have virtually no avenue to economic development relative to Kumeyaay communities in the US.

The mere presence of the border is symbolic of European colonialism and the devastation it caused for indigenous groups. As one Kumeyaay community organizer told me, “it’s our land, and it’s so bad that we can’t go to this side because there’s a border there. You know, it’s not our fault. This is our land, and we cannot even cross the border because you know somebody put it over there” (field notes, September 2014). This rhetoric emphasizes the role of a colonial “other” in producing the current system, which has in turn produced a sense of powerlessness and lack of agency within the Kumiai community.

Additionally, the effects of marginalization of indigenous groups are unaccounted for in contemporary immigration and border crossing policies. For instance, requirements that Kumiai individuals produce evidence of economic means in order to apply for the proper visa does not acknowledge many of the root causes of indigenous disenfranchisement during the colonial period. In such instances, marginalization becomes embedded within the border crossing system, the subjugation of indigenous individuals to a system designed and controlled by colonizing groups further elides any semblances of tribal sovereignty.

**ANTHROPOLOGY OF POLICY AND BUREAUCRACIES**

One goal of this project is to reframe contemporary border policy as an object for anthropological study. In an instrumentalist sense, “policy” may be taken as a “tool to regulate a population from the top down, through rewards and sanctions…to solve problems and affect change” (Shore and Wright 1997:5). However, it is the more “diffuse impact” of policy that I am concerned with in regards to this project; that is to say, the way a policy “through metaphors of the individual and society…influences the way people construct
themselves, their conduct and their social relations as free individuals” (Shore and Wright 1997:5). While the development of policies can lend social and political legitimacy to a cause, nuances of social conflict or marginalized voices are often lost in the process of crafting policy. Therefore, I follow Shore and Wright’s (1997) assertion that policies are not neutral and ahistorical – instead, policies have distinct social and cultural implications, both in their rhetorical structure and in their enforcement.

The influence of bureaucracies is apparent at several levels of this project. The process of crossing the US-Mexico border involves and invokes multiple federal agencies simultaneously. Coordinating trips that allow Kumeyaay to travel to the United States for cultural events involves close communication between community liaisons and some of these bureaucratic entities. Moreover, collaboration between tribal governments and regional governments with regard to the development of future policies is managed via bureaucratic processes, such as the proceedings of the San Diego Regional Tribal Summit. Bureaucracies and organizations that are involved in the maintenance of the border and therefore border crossing are also reflections of state ideology.

In this thesis, I use the term “multiscalar” to refer to the spectrum along which I have pinned down approaches towards differential border crossing rights within this particular cultural group; that is to say, the responses and approaches of individuals within the Kumeyaay community, community representatives or liaisons, and finally, governmental and nongovernmental organizations and committees.

METHODS

The structure of research for this project follows from the multiplicity of actors, organizations, and proceedings that have emerged around this central issue. In addition to semi-structured interviews with individuals (conducted over the phone, through email, and in person), I also considered the content of committee proceedings as rich texts for anthropological analysis. I attended cultural gatherings informally as an observer in order to familiarize myself with the Kumeyaay community, attended SANDAG Borders Committee sessions.

5 I use the term “liaison” to distinguish between individuals involved in navigating the system, such as Wilken and Rodriguez, from coordinators or representatives appointed by individual Kumiai communities in the creation of censuses.
Meetings, and traveled to Mexico to work with Kumiai consultants who reside there. I also attempted to work with individuals who were indirectly associated with the larger contexts of tribal governance and transportation planning in order to determine how the issue of border crossing for Kumiai resonates (and dissolves) within the body of other regional tribal concerns.

In the vein of Latour’s (2005) commentary on the nature of contemporary social sciences, I have attempted to structure my research design with respect to Latour’s emphasis on the potential for both human and non-human “actors” to possess relative degrees of agency. I consider this project to be a “tracing of associations” between a multitude of actors who may all be stakeholders in this particular social conflict, although arguably to varying degrees. Further, I also utilize Latour’s conception that social scientists ought to “follow the actors themselves” (2005:160), rather than be concerned with imposing an external order or meta-language to describe actors’ realities on their own behalf. I prioritize this particular point because of the multiplicity of actors involved in the issue of indigenous border crossing, and because the ways in which organizations, institutions, and individuals are associated with one another are understood in very individualistic ways by those I consulted for this project.

For the sake of structure and feasible research design, I grouped consultants into broad “populations” based on their positioning to the issue; for instance, whether or not their experiences with border crossing were personal, or whether they were related to the issue through involvement with one or more bureaucratic structures of which border crossing was tangentially related. In some cases, there is clear overlap – for instance, Marta Rodriguez is a community organizer employed by a US Kumeyaay reservation and she is also originally from a Kumiai community in Mexico. For each of these populations, separate interview guides were designed in order to get at their unique positionality. In a certain sense, this approach is a degree removed from more traditional ethnographic inquiry; rather than examining a particular population or subset of a population in order to analyze degrees of difference in perspective, I instead expanded the field of inquiry to include as many stakeholders as was practical and logistically feasible. In this way, I hoped to trace the trajectory of native border crossing to determine the extent to which it was being prioritized in a larger field of tribal concerns.
CHAPTER 4

RESULTS

This section details the results of interviews recorded with individuals throughout this project. I begin with a description of the ethnographic process, and describe Kumiai perspectives on the border crossing process. I also detail the perspectives of those I interviewed who are involved at what I call the “institutional” or bureaucratic level, in which the issue of indigenous border crossing is situated. This category includes government agencies involved in border crossing more generally such as the US Customs and Border Protection and SANDAG. Finally, I also discuss perspectives from individuals involved in the grassroots process of facilitating cross-border transportation for Kumiai into the US.

INDIVIDUAL PERSPECTIVES

Less than one mile from the Port of Entry between the US and Mexico is the Tecate Cultural Center (CECUTEC), a block of small buildings situated around an open courtyard that serves as a community gathering space. I traveled here once in February and again in May 2014 in order to observe the process of linguistic research on Kumiai language being carried out by Dr. Margaret Field of San Diego State University. Our meetings took place in the small, two-story Cuchuma Regional Research Library, or in the Tecate Community Museum next door. Working from recordings of Kumiai oral histories, Dr. Field would play the tapes in Kumiai back section by section, stopping to ask her Kumiai consultants (in Spanish) to clarify the word being spoken. This process was arduous, and each session often took the better part of the day. Being part of this process as a silent observer was beneficial though, in that it gave me an introduction to potential consultants within the Kumiai community. As soon as one woman recognized me from the cultural gathering I had attended in Cuyamaca State Park months prior, she lit up instantly, asking me questions in Spanish and shooting winks across the room to clue me into jokes between her and the other women. This sort of connection was also important, as I later learned, because questions about border crossings seem to be largely met with hesitation and incertitude. On my first visit to Tecate, I
spoke with three Kumiai women about their own experiences with the border and their perspectives on concerns within the Kumiai community regarding border crossing. All of them remembered the border crossing program that was established in the early 2000s that relied on a community, but they also recalled that many people who were not in the Kumiai community had tried to take advantage of the system. One at least one occasion, they noted that when they crossed the border, there were individuals with them whom they did not know. When I asked if they knew of anyone that was currently in charge of any sort of program like that still in effect, one woman recalled a story about a woman who had had her visa revoked because border authorities had found out she was selling traditional crafts illegally. One woman expressed that she guessed, “for other Kumiai,” that there is some amount of envidia (jealousy) for Kumeyaay north of the border, and that this makes them more hesitant to ask for help from designated coordinators in the community.

While this interaction was fairly brief, I began to understand from this first visit that many of my consultants preferred to speak in generalities, rather than about their own specific experiences. This reflects a certain level of fear around the idea “doing something wrong,” which could have dire consequences such as having their visa or passport revoked. Moreover, these remarks hint at some major contextual differences between Kumeyaay communities on respective sides of the border, particularly a large socioeconomic divide. This also came up when I asked if there was anything that could make it better. Here, one woman was quick to answer: she thought the most important thing was being able to protect their land in Mexico from encroachment, and that she only wanted respect from the government. These comments stood out for me; although this individual’s relationship with crossing the border and with the system put in place to ameliorate difficulties could be seen as one in which she had little agency, she was certainly not passive about this dynamic. When asked what her goals were for her own community and their future relationship with the state, her answer was immediate, clear and impassioned.

One particularly interesting exchange that is indicative of some of the major issues at stake occurred when I attempted to interview two Kumiai consultants in mid-June during a brief trip to the Ensenada area. As we sat down to begin our discussion, I was poised to begin
audio-recording and ready with a notebook and pen when one of them stopped me. “Well… is this going to be published?” one asked, with obvious hesitation. I explained with the help of my translator that yes, eventually this thesis would be published, joking that most people would probably never read it; even so, I could always change their names and remove any identifying information so that nobody would know I was writing about their experiences. Still with some hesitation, the same person asked if perhaps I could read the questions I planned to ask them first, and then they could decide whether or not they felt comfortable answering them.

When I had written the questions I had planned to ask months before in order to gain formal approval from the Institutional Review Board, it did not cross my mind that what I was asking was politically sensitive in the slightest. On the contrary, I had felt that questions like “¿con qué frecuencia se cruza la frontera para eventos culturales o eventos familiares?” [How often do you travel across the border for cultural events or family events?] or “¿Usted ha tenido algunas dificultades cruzando la frontera en el pasado?” [Have you encountered any difficulty crossing the border in the past?] were fairly tame. However, the silence I encountered as I read down the list began to indicate that they were not. After a short exchange with this person, the translator turned to me and replied, “they don’t want to lose their visa… they are concerned that people will know when and how often they go to el otro lado and they don’t want any attention.” I put my notebook down and began to listen, only asking clarifying questions when they were appropriate, as this person alluded to previous problems with obtaining a passport and visa in the past. As I had heard in my preliminary research, one of the most general problems in securing a visa had to do with the fact that many Kumeyaay born in rural areas only have records of their baptism, rather than the requisite birth certificate issued by the Mexican government. Even those that did possess birth certificates had trouble accessing their records - the regional government records office had been decimated by a natural disaster in the recent past.

Surprisingly, financial concerns were less emphasized than I had initially expected. “Is the problem with getting a visa mostly about money?” I asked. “No… it doesn’t matter

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6 Details about these consultants have been altered to protect their identity and maintain confidentiality. I present here only general impressions from our conversations as their unwillingness to participate in the research project itself underscores some of the problems indigenous groups face in Baja California currently.
how much money you have, there are still problems,” came the reply. The translator asked in Spanish, “what would have to change…or what would you change?” Another person that had been listening to the conversation with little comment quickly replied in Spanish with a chuckle, “to not be Indian!”

I realized that this exchange illustrated the realities of indigenous communities in Baja California even better, perhaps, than if this individual had happily agreed to participate in a more formal interview. The hesitation they expressed at answering what I had previously considered fairly general questions reflects the fact that passports and visas are considerably difficult to obtain, and the potential loss of this privilege in the future would be overwhelming.

Moreover, this response (or rather, non-response) belies a larger social anxiety within the indigenous community - as this individual pointedly told me, “There are many Indians here [in Baja California] that have this problem.” This was also demonstrated by my impression with several Kumeyaay consultants that even simple questions about border crossing procedures (“and how much does it cost to get a visa? So what office do you have to go to?”) were unable to be answered, or were deferred to a person with (presumably) more authority (e.g. “I don’t know, but [that person] knows… you should ask them instead”).

The discussion became a bit more open as we settled in to eat dinner and, began to discuss who else I might speak to for this project - was there someone in the community who, officially or unofficially, was addressing the issues this person had hinted at? Apparently, the rumor was that two people within the community had made rounds in the Kumeyaay communities in Mexico several years prior, announcing that they were now in charge of securing visas for Kumeyaay individuals who lacked the proper documentation. These people allegedly collected money from each of the individuals who agreed to participate - approximately $600 total - and agreed to secure visas by proxy. Unfortunately, results never came. Frustrated, the individuals demanded that their money be returned, and eventually, it was. In the event that this story is only a rumor (and more likely, it has elements of truth to it), the employment of this example in relation to the context of our discussion is remarkable.

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7 This particular consultant directly indicated that it was acceptable to include this expression in my analysis
According to this particular consultant, not only is there barely anyone that is able to help them in the process of securing a visa (i.e. there are perhaps one, maybe two, individuals with this power, and their authority is tenuous at best), but also their expectations for a positive outcome were extremely low.

While these sorts of stories were not uncommon when speaking with those in the Kumiai community, not all Kumiai share the problem of not being able to possess the requisite border crossing documents. In early October I spoke to Juan Meza, who is able to regularly appear at cultural events where he performs traditional Kumeyaay bird-singing. Born just about a decade after the establishment of the US Border Patrol, Meza’s experiences are a notable example of how the border and border policies have affected indigenous groups over time. I met with Meza at the home of a friend, Paula Meyer, who was familiar with Cuero’s experiences and had conducted her own research on indigenous language loss. Because Juan preferred to speak Spanish and Paula was familiar with some of Juan’s previous experiences, the interview quickly became more of a general discussion that revolved around the border.

Cuero was originally born in the US but was taken to Mexico when he was quite young - perhaps around two years of age. Gradually, he relayed a story similarly recorded in Meyer’s (2006) dissertation, which detailed how Meza became involved in preserving indigenous land holdings in Baja California and his own struggles with dealing with local authorities as an indigenous representative. In the late 1960s, Meza was living in Valle de Guadalupe in Baja and was working at a winery. Around this time, he was approached by an aunt whose land rights were in jeopardy. Meyer noted that the state government at the time was selling Indian land to non-Indians, as it wasn’t in the state’s interest to uphold native land rights. Meza first went to the governor’s office in Baja California, where he was told that there were no more Indians in Baja California anymore. Meyer jumped in to comment that this had something to do with how spread out indigenous communities tend to be in Baja California, as the coastal desert environment doesn’t support high population densities. Because individuals don’t live in conventional “villages” and tend to move frequently, the state government mistakenly concluded that Baja California natives no longer existed. In an effort to correct this misconception, Meza went to Mexico City to search for official deeds and documents, they were nowhere to be found; according to Meza, someone at the Baja
California office contacted the office in Mexico City and purposefully hid the documents. By chance, someone approached him and said that the papers had been moved. When Meza finally found them, he was taken to the President. This situation led to the original founding of the INI branch in Mexicali, and Meza was given a piece of paper that authorized him as the representative for indigenous people in Baja California.

After this, though, Meza became aware that a bounty had been placed on him in the amount of 50 million pesos because he had become a politically sensitive figure. A cousin who alerted him to this told him, “Vete pa’tras, go away, go back to the United States, you don’t belong over here.” He decided to go back to the United States to avoid conflict, and ended up staying for almost twenty years. During this time, he reflects, he had no trouble crossing the border particularly because he was a US citizen.

When I asked what it was like crossing the border now, Paula began to describe the now-defunct program through which Kumeyaay were given cards that allowed them to cross the border:

Paula Meyer: Well I remember, a long time ago they gave everyone cards… but do you know what happened with that?

Olea Morris: Is that program over now?

PM: Yeah! Everyone went around selling their cards. Because, you know, poor people, if they’ve got something that’s worth money, they’re going to sell it… cause they need the money. And, that’s what happened, so they discontinued it. It was more important for them to have food then for them to be able to cross the border.

OM: Right, of course.

PM: I mean, everybody didn’t do that, but enough people did that so they cancelled it. [gestures to Juan] isn’t that what happened?

Juan Meza Cuero: Yeah… I think, some people who came over where not Indian people, only Mexican people.

PM: Oh, that’s another thing that happened! So all these people were coming over that said they were Indian, but they weren’t Indian.

JMC: Yeah, and then they said “Oh, I’m Indian!” And they [border officials] say OK, and pass ‘em, pass ‘em [through the border].

PM: [laughs] Yeah, but they only know two sentences in Kumeyaay. [Paula Meyer and Juan Meza, personal communication with author, October 2014]

This exchange illustrates the degree to which the border itself and border crossing has changed since Meza originally returned to the US in the early 1970s. By the time the
program was implemented in the 1990s, border crossing had become difficult enough that indigenous border crossing cards were a commodity. These comments also explicitly reflect on the total lack of opportunity for economic development within the Kumiai community. Crossing the border often provided Kumiai the opportunity to make some small income from selling artisanal wares or by performing or teaching at cultural events in the US. As evidenced in Meyer’s comments, it was more important to meet day-to-day needs by selling one’s border crossing card than to retain the opportunity for making money in the future by coming to the US. This certainly points to the level of need experienced by the Kumiai community, and demonstrates that a desire to maintain connections within the tribal community is relative to more pressing needs.

Meza’s experiences crossing the border are atypical because he possesses a US passport and because he crosses at the Tecate POE regularly. He noted that because border agents recognize him at the border now, he doesn’t have any problems crossing now and that it is easy. Hearing this, Meyer interjects, “but it’s not that easy crossing the border!” Meza paused, then laughing, replied “for me no, but for others…” Meyer continued, “But what about when they stopped you at the border before?” Meza demurred from this question, so I changed the subject, asking what he thought crossing the border was like for others. Meza replied:

Yeah, well, people say it’s not easy to come to California. Especially people that do things over here, they do something wrong and right there they can't [come back to the US again]. But they tell me, you know, some white people go over to Mexico… American people have the papers and [whistles] they go right over the border. [Juan Meza, personal communication, October 2014]

There is also a perception that border policy is confusing to many Kumiai. As Meza notes, “people at the border, you know, they change… they change it around, they say different things, and it’s not easy… they change too many stuff, for me. When you come over now you need to show everything.” Meyer nods her head at this, remarking “it’s a good way to control people, to keep them confused,” and Meza agrees. But here, Meza reflects on his previous statement: “Well, it’s a good thing that they stop you.” Meyer seems surprised at this and asks him why, so he continued, “well, bad people can come over here from Baja California.” The sentiment reflected here is atypical from many of the responses I heard from other Kumiai individuals. This seems to reflect Meza’s unique position as both part of the
Kumiai community and a US citizen; because he perceives border crossing to be an easy task, Meza’s discussion of the border is balanced, as opposed to overtly critical.

Meza is still an active participant in cultural events in the US, but has noticed that fewer people come up from Mexico to participate in the events. When trying to think of particular people that come across, it takes both Meyer and Meza a moment to think of a few. Meyer reflected, “there used to be a lot of people that came across, which was good, because they still retained a lot of culture that people over here had lost. But maybe it’s too difficult to come now? I can’t think of anyone now, but I remember years ago at Balboa Park, there were a whole bunch of people that came over [from Mexico], but not anymore” (pers. comm., October 2014). Meyer decided that part of the issue was that there was nobody to bring them across anymore. Remembering one particular community organizer who used to transport people across the border, Meyer offered that maybe he had too much other work to do. This hints at the fact that cross-border transportation hinges on the participation of others that provide transportation and organization, and that this role is not only difficult, but mostly on a volunteer basis. This is a key factor in the decline of participants from communities in Mexico in cultural events sponsored by Kumeyaay in the US.

Although Meza characterizes his border crossing experiences as easy, his stories about those he is close with indicate that border crossing can also be fraught with difficulties.

PM: Juan, if those guys at the border didn’t know you, would you have trouble crossing the border? Before you got your passport, did you have trouble crossing the border?

JMC: We just walked over here.

PM: Well, what about the time you [and your friend] got stopped at the border?

JMC: She got stopped by somebody, they say her papers don’t belong to her. They stop her they stop me too, you know. Then they took me to Tijuana, I stay over there for three, four days – someone come check me, they check everything.

PM: Did they feed you or anything? Where did you sit for three or four days?

JMC: In jail.

PM: Wow!

OM: So she had someone else’s papers, or they belonged to her?

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8 Meyer is referring to American Indian Culture Days and Powwow, an event that is usually held in Balboa Park over a weekend in May.
JMC: No, they were hers, but they tried to say they were not hers. And she didn’t, she didn’t speak English.

PM: That’s a big thing! You don’t speak English? You’re suspect! [laughs] She spoke Kumeyaay though!

JMC: Yeah it’s like someone asks you, “Where were you born?” California, and they say “But no, you don’t speak English.” [Paula Meyer and Juan Meza, personal communication with author, October 2014]

This exchange highlights the effect that latent racism has played in border crossing, particularly for indigenous individuals that do not fit neatly into categories of citizenship. Meza’s story illustrates the severe treatment that violators of border crossing procedures experience, whether it is warranted or not. Also, it demonstrates the significant role that language plays in how people are associated with nationality at the border. Meza’s case is a unique one; because he was taken back to Baja California as a child, he speaks Spanish and Kumeyaay. Though he now speaks English very well, he still prefers to communicate in his first languages. For Kumiai who speak no English and for whom Spanish is a second language, demonstrating nationality or status as an indigenous individual is considerably more difficult.

Despite systems in place to help Kumiai individuals cross the border, the border still divides families. Meza’s daughters, now grown, live in Mexico. According to Meza and Meyer, at least one of them had a Border Crossing Card, but has since let it lapse as the renewal cost was too expensive, and she didn’t feel that being able to cross the border was worth it. While there is recourse for children born abroad to US citizens that would allow them to apply for a US passport; according the Meyer, this process is considerably more difficult because both of his daughters are adults. While Meza is uniquely positioned in the border crossing process as a trilingual Kumiai who also holds a US passport, crossing the border has presented difficulty in the past for he and his family.

In conclusion, the responses from the Kumiai individuals I was able to speak with vary in terms of general difficulty with navigating the border crossing system. However, some key themes began to emerge that speak less about the US Mexico border as a barrier, and more about the ways in which simply being indigenous is challenging when encountering the border. I will now discuss how institutions situated within the border region that are engaged in both the management of the border and in transportation planning for local tribes address this unique issue within the Kumeyaay community.
INSTITUTIONAL PERSPECTIVES

This section discusses how tribal transportation issues are addressed within regional institutions, both those that are involved in the border crossing process and those that are involved in tribal transportation more generally. My goals in terms of ethnographic inquiry were largely to understand how Kumeyaay border crossing as a process was being prioritized within the body of regional policy, and what steps, if any, are being taken to make amendments for tribal transportation.

In mid-April, I drove to the Barona Casino to attend the 2014 Regional Tribal Summit. The summit was a meeting between regional planning authorities (including SANDAG, CALTRANS, and representatives from local municipalities and cities) and representatives from the Southern California Tribal Chairmen's Association. The event was held in the Golf Events center near the casino facility on a sunny spring day in March. The reservation grounds stood in stark contrast to the small cultural center in Tecate where I had previously carried out fieldwork. As I rushed into the Events Center slightly behind schedule, I noticed tables filled with coffee, breakfast pastries, and other refreshments laid out for the participants of the summit. Outside through the windows, I could see caterers beginning to set up for an outdoor luncheon on the patio, overlooking the lush green golf course at the edge of the Sycuan casino building.

The event took place in an adjacent ballroom, where representatives from a variety of tribal and non-tribal organizations sat around a large, open semi-circular table outfitted with microphones and touch-screen monitors. One by one, the various speakers arranged stood at the front of the room and discussed their portion of the program. Chairman Anthony Pico of the Viejas Band began by providing a background of the history of southern California tribes and the origins of the concept of sovereignty, which Pico joked was a term that most people were not accustomed to hearing on an everyday basis. Pico re-affirmed the relationship between sovereignty and self-determination with regard to economic development, noting that the two concepts are inextricable from one another; in his words, tribes “can’t exercise our right to govern or our sovereignty without money.” As an example, Pico discussed the case of the Rincon band of Luiseno Indians’ suit against the state of California, noting that this case “educated [the public] on tribal sovereignty” (field notes, April 2014).
This reference to the Rincon band hints at the fact that in recent decades, perhaps the most visible source of tribal income has come from gaming enterprises on reservations. The 1988 Indian Gaming Regulatory Act necessitated what essentially amounted to tribal collaboration with state governments prior to implementing casino and gaming enterprises on reservation lands. Additionally, individual states were expected to negotiate compacts with tribes in good faith. In 2004, the Rincon band filed suit against then-governor of California Arnold Schwarzenegger for what it saw as violations to this “good faith” stipulation, as they argued that the state was insistent in demanding a contribution of funds from Rincon’s gaming enterprises. Rincon’s success in this case, in Pico’s estimation, demonstrated the legal legitimacy of tribal sovereignty. The legal history surrounding this particular conflict provides a glimpse into the context within which the San Diego Tribal Summit was conceived and was being implemented.

The main focus of this particular summit was the setting of tribal priorities for inclusion in the 2050 San Diego Regional Plan, dubbed “San Diego Forward”. Chairwoman LaVonne Peck of the Luiseño tribe began by identifying policy areas for consideration and discussing their significance to local tribes, which included “Economic Development,” “Energy,” “Cultural Resources,” and “Habitat Conservation,” the latter of which emphasized cultural dimensions of protecting indigenous territories. However, there remained a particular focus on tribal transportation development as the key to tribal economic development. Peck noted, for instance, that although transportation wasn’t a “sexy subject,” it was nonetheless imperative that tribal governments become involved and to understand how transportation planning affects individual reservations. After all, economic development was a complex topic for many tribes, and the lack of a tax base on reservations necessitated seeking out forms of means of support other than federal grants to support basic reservation infrastructure.

In order to establish priorities to be discussed further and included in the 2050 Regional Plan document, a facilitator led the representatives present in an interactive exercise that culminated in the creation of a word cloud. Each individual opened a pre-loaded tab on

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10 Rincon Band v. Schwarzenegger, 601 F. 3d 1019 (9th Cir. 2010)
the screens in front of them, where they were presented with a configuration of words that represented a topic of discussion for future policy action (e.g. “cultural resources” or “infrastructure”). Prompted with the question “which of these concepts are most important for this group to talk about today?”, representatives present were instructed to choose up to ten concepts that would be compiled automatically and presented as a final word cloud image, with the size of each word representing the relative significance (and number of votes) that each concept received (see Figure 1). While the concepts presented may not be entirely comprehensive, noted the facilitator, they were indicative of what could actually be addressed by SANDAG; for instance, when the lack of “water resources” as a topic was noted, the facilitator responded that this may have been omitted as it more appropriately fell under the jurisdiction of the San Diego Water Authority.

![Figure 1. Results of word cloud exercise at the San Diego Regional Tribal Summit.](image)

As the final results were displayed, the facilitator addressed what were clearly the largest concerns based on the relative size of the words in the image. “Economy”, “Transportation” and “Infrastructure” seemed to be the largest priorities, with “Cultural Resources” a bit smaller, while “Funding” and “Community” were selected as significantly lower level priorities. After some discussion about what each of these concepts entailed, the meeting was concluded.
The San Diego Regional Tribal Summit, as well as this exercise in particular, is a manifestation of ongoing collaborations between the San Diego tribal community (of which the Kumeyaay are a part) and local governmental organizations like SANDAG. By identifying and mutually agreeing upon areas for future policy consideration, meetings such as the tribal summit seem to demonstrate that the tribal communities in the San Diego area are beginning to set the tone and pace of future regional development as it pertains to the needs of reservations. One of the most telling results of this meeting was the overall focus on economic self-determination, and more broadly, the relationship between economic development and the reification of tribal sovereignty. The role of “community” in the larger planning process was much less prioritized than I had previously expected. Furthermore, although there were a few individuals who were formally identified by their name placards as representatives from indigenous community in Mexico (with whom I was seated), they were seated away from the main table and declined to participate.

For further discussion on how this sort of collaboration results in institutional priorities and policies, I spoke with Jane Clough, the current tribal liaison of the Interagency Technical Working Group for Tribal Transportation Issues (ITWG) within SANDAG. Clough came to SANDAG with a background in anthropology as well as regional planning, working extensively as a liaison between indigenous groups in Paraguay and local governmental organizations as part of her doctoral research. When Clough came to SANDAG, one of her first impressions was the lack of a formal structure in place to deal with tribal transportation issues, and hence, an overall dearth of collaboration between SANDAG and local tribes. Since the implementation of regularly held tribal summits (held every four years since 2006) and the development of the ITWG, Clough reflects that SANDAG is now unique amongst most Metropolitan Planning Organizations (MPOs) with regard to the systems in place that facilitate collaboration with local tribes.

When I asked what the main concerns for tribal transportation in this region are, she noted that a particular dilemma dealing with tribal transportation issues is determining the overlap between projects that benefit tribes with areas that are beneficial to others. Projects or systems of projects get prioritized based on their projected benefit for the most number of people, and it is important to consider in what areas investments would be most maximized. However, San Diego county reservations are located in rural areas. Another aspect that is
problematic in the inclusion of tribes in the planning process is the fact that the structure through which tribes get their funding is totally different than transportation planning for the rest of the county. Funding for tribal transportation projects begins with the Department of Transportation, and then is transferred to the Bureau of Indian Affairs. From there, tribes compete nationally for these funds, and the needs are totally different from one region to the next - as an example, Clough compared the needs of the Navajo tribe, which is spread over several states, to the regional needs of tribes in the San Diego region.

Further, Clough noted that as sovereign nations, tribes can prioritize the projects that they want. Because the actual transportation infrastructure on reservation lands is relatively small, more of the concerns have to do with the ingress and egress from casinos. In this sense, tribal transportation concerns in the San Diego area concern not only tribal members but also non-tribal members. Tribes must consider non-tribal casino employees that commute to work, or patrons of their businesses that are coming from more urban areas.

Overall, tribal concerns have begun to be prioritized in different ways in recent years. For instance, whether or not a project is beneficial to tribal lands has become part of the criteria on which potential projects are judged by SANDAG. Another project that is currently being planned is the identifications of regional arterials or corridors that are important to tribes that are scheduled to be incorporated in the 2050 San Diego Forward plan. Clough notes that ideally, tribes would do their plans, prioritize the projects that are most important to them, and these projects would be prioritized based on how they fit into the regional plan. Further, she noted that although implementing projects as systems rather than as discrete units was more effective, it is not really a straightforward process. However, the Intertribal Technical Working Group represents a more proactive way of bringing tribes into the fold, rather than only reaching out through infrequent correspondence. Clough noted that a partnership framework is essential, as it represents a continued dialogue with tribes in the planning process rather than collaboration in name only.

When I asked if there was any overlap between binational planning structures and tribal consultation structures, especially with regards to tribes across borders, Clough noted that this falls under the Borders Committee at SANDAG - however, this hasn’t been expressed as a particular need from tribes. The Intertribal Technical Working Group was established in 2006, and initial work was focused on how collaboration with tribes would
play out. As Clough puts it, “there are only so many hours in a day!” (pers. comm., June 2014). While Clough was aware of cultural events on the US side to which Kumiai from Mexico were invited, she was also aware of some of the problems and pressures that this poses to them - for example, an inability to attain a visa.

One of the problems inherent in binational planning with respect to these issues, in Clough’s estimation, is the lack of parity between governmental structures in the US and in Mexico. She reflects that organizations like SANDAG, which are regional planning efforts, are not mirrored in Mexico - cities are involved in the planning process as are states, but no similar regional authorities exist. For Clough, the challenge is essentially “getting the right stakeholders at the table,” or making sure that the people involved in the decision-making process have the appropriate authority. She reflected that while tribes on this side of the border might profess that they have strong relationships with Kumiai in Mexico, that this is not really manifested in policy or in professed desires to prioritize border crossing as an initiative. When I asked what she saw as the primary motivators for prioritizing projects (cultural reasons, such as inter-reservation travel? or economic development, for example bringing people into casinos and making rural areas more accessible?), she indicated that the latter was probably more true - “it’s their livelihood!” (pers. comm., June 2014).

The proceedings of the meeting and Clough’s reflections of her work with the ITWG reflect a similar trend - as US tribes are continuing (or in some ways, beginning) to assert themselves as sovereign relationships, of which self-determination is a large part, economic motivations have largely driven the prioritization of policy initiatives. While there appears to be some tacit acknowledgement of the estrangement of Kumiai in Mexico from the larger tribal community in the US, there seems to be little acknowledgment of the potential for policy development (even within governmental organizations with established binational planning mechanisms) to ameliorate this predicament. While it might be suggested that this illustrates a lack of concern on the part of Kumeyaay groups for the welfare of Kumiai in Mexico, I am inclined to see this explanation as a bit too facile. Rather, the prioritization of transportation initiatives as they relate to economic development (e.g., expanding transportation services to reservations with casinos) reflects a broader implication of collaboration with multiple agencies when it comes to tribal concerns; namely, those
concerns that are not necessarily billable as mutually beneficial to all tribes and all regional agencies involved are set aside for future consideration, or perhaps ultimately, abandonment.

The distance between San Diego and the Tecate POE where Kumiai must cross is relatively close by car, but is still a significant journey. By car, the distance between the Tecate POE is about an hour from both San Diego proper to the west and Barona reservation to the north, through hilly, undeveloped country of eastern San Diego county. Bus stops for the only bus line connecting Tecate and the San Diego regional transportation network, route 894, seem to appear out of nowhere on the road. Taking the route into San Diego this way easily triples the travel time of driving, yet may be the only option for crossing the border for those without a car. This is the route that Mr. Meza takes regularly between Tecate and San Diego when he comes to visit.

I was visiting the Tecate POE to speak with Mr. Mike Conte of the US Customs and Border Protection, who has been a key figure at this POE for both educating CBP agents about the unique circumstances of indigenous groups when crossing the border for decades. Even with an appointment, approaching the border is a nerve-wracking task - as I wandered around the gated building looking for the entrance, I was eventually asked for identification by a CBP agent who pointed me in the right direction through several gates marked “Do Not Enter.” When I found Conte, it was clear I had reached the border on a busy day; it was the start of the afternoon shift, and they were slightly understaffed. Nevertheless, Conte granted me some time to ask a few questions, whisking me past rooms with CBP agents and a few individuals who were being detained at the border for questioning.

Conte is a unique figure at the CBP, and has been working in concert with tribal liaisons and others involved in arranging trips across the border for Kumiai since the Kumeyaay Border Task force program was initiated in the early 1990s. Conte first noticed that the border presented difficulties to indigenous groups when CBP agents encountered Kumeyaay and Kumiai meeting at Tecate peak, despite the fact that mingling near the border area is prohibited. In response to this, they began searching for ways to bring people across the border once a year for cultural events. Over time, this evolved into the creation of the census of the five indigenous communities around the border (both Kumeyaay and

11 Also known as “Cuchuma,” this site is sacred to the Kumeyaay people.
PaiPai), which were created by the tribes themselves. As part of the program, individuals would also need to possess a Border Crossing Card (BCC) authorizing them for travel within a certain distance of the border (approximately 25 miles).\textsuperscript{12} Being on the census allows one to cross the border to apply for a BCC at the Mexican consulate in San Diego County, and in doing so bypass the systems in place at the Mexican passport office. Because anxiety expressed by Kumiai individuals indicated that “proper use” of border crossing documents is a concern, I asked if there were any limitations to the use of the BCC. “No, no limitations,” replied Conte. “They can go whenever they want, they can go wherever they want...usually it’s to visit family, or visit other reservations, they could go to Disneyland if they want to...but that’s not what it’s about, it’s about cultural exchange” (pers. comm., September 2014). This answer was surprising, especially in light of the responses I had heard from Kumiai individuals regarding their perceptions of being constrained. If this is indeed the official position on BCC usage, this instance reflects just one way that improved dialogue between all groups involved would go a long way towards improving the efficacy of the program.

According to Conte, the development of the census system was deliberately focused on empowering Kumiai community leaders to organize and conduct the process. There appears to be no particular method by which all community censuses were developed. It appears that oral family histories and family naming conventions had a strong role in the development of each of the censuses. In Conte’s words, this is important in order to ensure that the census was truly representative of a community. In this way, the census development process appears to be a nod towards restoring indigenous agency and self-determination with respect to the border crossing process. However, the accuracy of each community census depends on each community’s coordinator, and ultimately, the continual reliance on censuses for this aspect of border crossing. In Conte’s estimation, the censuses have not been updated in about two or three years.

One of the biggest initial roadblocks, Conte continued, was working with the Mexican government on resolving this issue. “Mexican indigenous folks aren’t seen to be Mexican citizens, so we brought them to the US to do the process in the US. The Mexican

\textsuperscript{12} Border Crossing Cards are discussed further in “Grassroots Approaches to Border Crossing”
government used to not accept them as citizens, and wouldn’t issue them any paperwork. That has changed, and they’re starting to see them as citizens” (pers. comm., September 2014). The consular office in Tijuana is now involved with the CBP as well in order to facilitate this process. As the program was being developed, Conte also began to work with educating CBP officers, inviting a Kumeyaay historian from the US to speak on the subject of the border, and how it divides Kumeyaay lands. As new CBP officers come in, he reflects that continuing the program is just a matter of training them to recognize indigenous populations as distinct and perhaps having different reasons for crossing the border than other individuals.

The border crossing system now, Conte noted, was an effort to work within the current system to find a solution to this community concern. Specifically, CBP follows the spirit of an amendment to the Immigration Act of 1924, which includes provisions for free passage for North American Indians between Canada and the United States, provided they possess a blood quantum of at least 50%. As there is no such provision for American Indians on the southern border of the US, agents at the Tecate POE allow them to do it based on family heritage, which has been codified by individual communities in the form of the census which CBP still uses. In Conte’s words, “we’re using this law instead of laying something else on top of the system... working outside of the current system would require a change in laws, so we just had to remove some of the obstacles. The borders are set up for immigration… it’s just a matter of using the system the right way” (pers. comm., September 2014).

Conte emphasizes that the primary reason for instituting the program is for cultural exchange. “It is almost essential to have liaison between the two nations. They are one nation, and without [this program] they wouldn’t be able to preserve the culture, the history, the language” (pers. comm., September 2014). But even more importantly, he added, is the economic support Kumiai receive from the tribes in the US: “from our side [in the US], the money has been from the US to Mexico. Kumeyaay tribes invest a lot of money in the tribes, making sure they have tractors, clean water, etc.” These sorts of comments echo the common rhetoric characterizing the relationship between the two groups as an exchange of cultural knowledge for economic support. While there may be some truth to this dynamic, this version is somewhat oversimplified, as many others in and close to the Kumiai community
portray this support as infrequent and somewhat insufficient. Regardless, these comments reflect that there is something to be gained by both groups on either side of the border in improving border access.

Conte’s role with indigenous border crossing at Tecate places him in a unique position somewhere between working through the CBP as an institution, and taking a grassroots approach at addressing border crossing issues. Conte took a personal interest in the concern when he saw groups meeting at the border near Cuchuma, and attempted to get them to move their events to the border station. Over time, the resulting program evolved into something much more sustainable. In Conte’s original estimation, the program wouldn’t last more than a few weeks, and instead it has lasted almost 20 years. Conte’s narrative has elements of a grassroots approach in that it involves taking a unique approach to an entrenched system in order to effect change due to personal motivations. However, continuing this system in future generations of agents is important, as is future collaboration between border authorities and indigenous groups: “20 years ago, there wasn’t even Kumeyaay art in the museums down here; there was no sign of them. Now, there’s more awareness. But collaboration needs to continue… otherwise those 1500 people [that make up the indigenous population near the border] will fall back into the system” (pers. comm., September 2014).

**Grassroots Approaches to Border Crossing**

Kumiai still cross the border, but in order to do so they rely on key individuals who act as liaisons that are authorized either by border authorities or by US tribal reservations. These individuals are involved in the complex task of handling logistics of organizing travel across international lines for a sizeable group of individuals, which involves procuring transportation, assuring that individuals have proper visas, and communicating between tribes and border officials about dates and planned destinations for groups, among many others.

The degree to which the role of “Tribal Liaison” has been formalized appears to have varied over the years. While there may have been an official position with such a title within US Kumeyaay tribal government, several claim the establishment of the “Kumeyaay Border Task Force” by US tribal member Louis Guassac in 1998 as the primary origin of formal
allowances for cross-border travel. When this program became somewhat defunct around the early 2000s, it was some time before the position of “Tribal Liaison” was created at the Sycuan reservation, currently held by tribal member Marta Rodriguez. Not all individuals who contribute to this process are tribal members, either - one notable example is the contribution of anthropologist and educator Mike Wilken, who has worked with indigenous communities in Baja California for decades. I deem these “grassroots” rather than “governmental” approaches (despite the fact that tribal governments are sovereign entities with legitimate legislative authority) in order to reflect the fact that they involve a substantial level of self-organization in response to an identified problem; moreover, they reflect a highly individualized and creative approach towards navigating the complex bureaucracy characterizing the border crossing process.

Acting as a liaison between the indigenous communities and bureaucratic institutions involved in the border crossing process (e.g. CBP and Mexican consulate offices) requires enormous amounts of time and effort, and is, for the most part totally voluntary. Marta Rodriguez works for the Sycuan reservation’s Cultural Department and began working as the liaison between the tribe and the border officials as more Kumiai were being brought up for cultural events. The need for such an administrative role at Sycuan arose as it became clear that others controlled the permit granting and border crossing process. As Rodriguez reflected, “we do a lot of cultural activities up here - language immersion, youth camps … so it was hard for us to ask somebody else to go and have get the permits to bring the people from Baja, so that’s why Sycuan decided to have a person to coordinate and go talk to the border and go to Baja and bring people to the cultural activities here. So that’s how I got involved...so we don’t have to wait on somebody else” (pers. comm., February 2014). In fact, there are only a few people engaged in the work of organizing cross-border transportation. Because of their respective experiences in these roles, Rodriguez and Wilken are able to speak about the idiosyncrasies of the process of organizing transportation for indigenous groups, as well as the benefits and difficulties.

**INSTITUTIONAL BARRIERS TO INDIGENOUS BORDER CROSSING**

In order to travel from Mexico to the US, individuals must hold a current Mexican passport and must obtain a visa to travel to the United States while their passport is still
current. The cost of a passport, as well as transportation to and from a consular office (whether in Mexico or San Diego), is often prohibitive. Providing proper supporting documentation for the passport application is also a challenge; individuals must provide a certificate of birth issued by the Mexican government, a challenge for older generations of Kumeyaay whose births were undocumented. The alternatives that the Mexican consulate accepts in lieu of a birth certificate, certificate of Mexican nationality or photo ID, are difficult for Kumeyaay to produce as well. There are also administrative roadblocks to securing the correct border crossing paperwork. As Mike Wilken was explaining the process to me, he corrects himself: “I’m saying visa, but what I mean is a Border Crossing Card… something that allows Mexican citizens to go within a certain mileage of the border into the US - they’re called micas by the people here” (pers. comm., July 2014). These Border Crossing Cards (BCCs) encompass both B1 and B2 types of visas, which are only granted to residents and citizens of Mexico, and allow individuals to travel for a limited time to and within the United States. The cost for a BCC at the time of writing is 160 USD, equivalent to roughly 2100 pesos, which is approximately 31 days of wages - a prohibitive cost for individuals that work in minimum-wage paying jobs or with unstable sources of income. Lack of employment in regular wage-earning occupations creates even more difficulties for Kumeyaay individuals to meet certain eligibility requirements for the card; in particular, individuals must demonstrate that they “have ties to Mexico that would compel them to return after a temporary stay in the US” (US State Department, July 2014). As Wilken notes, this is a major problem for indigenous individuals in particular:

Native people don’t have proof of ongoing employment, proof of ownership of land in Mexico, things like water and electricity payments, things that [for consular officers] demonstrate economic solvency… the underlying philosophy is that if you are economically solvent you have a reason to return to Mexico - this is the basis on which visas are granted. Even if an individual had the time and money to pay for a passport, BCC or appropriate visa, and a trip to the passport office, misunderstandings with consular officials have resulted in some individuals being turned away, even after programs were established to identify members of local tribes to consular and border crossing officials. They may deny you a visa… and this happens, perhaps, very often, because the [consular officer] decides that you don’t get to have a visa. Many times the agent knew nothing about [these programs] - there was no way they could refer to a certificate or anything that said these people were part of this program. People would tell me that they went and spent money and some of them got turned down. [Mike Wilken, personal communication, July 2014]
In some cases, even with a passport in hand, individuals could not make the trip to the nearest city and acquire the necessary visa, and as a result would have to start the process anew. After all of these steps are completed, it is the responsibility of the individual to ensure that their passports and visas remain valid; many “laser visas” that were issued to community members as part of the Kumeyaay Border Task Force have now lapsed.

The development of the Kumeyaay Border Task Force in the early 2000s is largely identified as the origin of a coordinated intra-tribal approach to addressing these problems. At this point in time, it was clear to those involved in the indigenous community that cross-border cultural exchange was necessary for sustaining Kumeyaay traditions – particularly their language. As part of Marta’s work organizing cultural events at Sycuan, she sees bringing native speakers from Baja California into contact with tribal youth in the US as an integral part of building community solidarity: “we invite speakers [from Baja California], and we have a lot of the youth involved too. We are all family one way or another, so we bring them over here so they can meet family and practice the language and the songs” (pers. comm., February 2014). Similarly, Wilken notes that as people began to be brought up from Baja California for these events, it became more clear to the US community that action was needed: “Among the Kumeyaay in California, they felt there was a humanitarian need [because] they are part of the same culture….you could say it’s a human rights issue, because these folks are not able to join us as they had over the past 1000 years” (pers. comm., July 2014).

With the advent of this official program in the late 1990s, each Kumeyaay community was expected to develop a census, which provides the names of individuals recognized by the tribe as members; these lists are also shared with the CBP office at Tecate, the Point of Entry (POE) through which this arrangement exists. According to Wilken, coordinators from each Kumiai community (an elder or a community representative) were then expected to organize a trip to the US so that passports would be able to be issued at the Mexican Consulate in San Diego. Once the passports were issued, the idea was that in the timeframe in which the passports were issued (usually around 6 months), individuals would be able to secure visas through their community’s appointed representative. Coordinating this last step proved difficult, though, with Wilken reflecting that sometimes people would put money up for their
visas, but a few people complained that they were not able to organize a trip to the consulate before their passport expired.

For obscure reasons, the laser visa program established by the Kumeyaay Border Task Force lapsed within the last few years and visits are now largely coordinated through a more informal arrangement at the Tecate POE. Other agencies such as CALTRANS might also be consulted, depending on the nature of the event and whether the use of roads is required or not. When I asked Marta about how the process works, she showed me a letter designating her as the official tribal liaison for border crossing, and a printout of an email exchange with a CALTRANS official about a particular event in Ocotillo. “You can have a letter… I have these from the appointed person - the more information you provide to them, it’s better; names, addresses, where you are going, how many days,” Marta says. “I’m supposed to be doing the passports and things like that, but for now we’re just working with permits. [The process] is so complicated right now” (pers. comm., February 2014). Generally, it appears that providing as many agencies with as much information as possible, whether required or not, is considered best practice to avoid complications at the border.

The process of organizing a trip for Kumeyaay from Mexico to the US is complex, and there are administrative and logistical obstacles that need to be overcome. As Rodriguez and Wilken described to me, each community in Baja California has an appointed coordinator, whose responsibilities include collaborating with officials to help secure visas for community members and creating and maintaining a community census. These community positions are both demanding and unpaid and, as Rodriguez reflects, an enormous responsibility. The operation of gathering individuals from different communities, transporting them to and across the border, and providing food and accommodations for travelers is expensive. This cost is amplified further if anything goes wrong, as Marta described at one point during our interview:

[once], a long time ago, we have this big event over in Ocotillo - I wasn’t the coordinator then, it was someone else - so the tribes give me the money so I can pay for the gas and stuff like that to pick up people from Baja, so we sent a letter to the coordinator, so we called him a few days before and he said that everything was fine. So I told the people, OK, you can come up from Baja, so when we get to the border they say they don’t have any paperwork. So I had to go all the way to Tecate myself, and then pay for a hotel for everyone, you know so they could stay up there, since we couldn’t get the permits until the next day - had to pay for gas,
had to pay for dinner for everyone...[Marta Rodriguez, personal communication, July 2014]

Marta’s story illustrates that orchestrating cross-border travel for a cultural event requires not only a high level of organization, but also depends on a number of actors situated within a variety of institutions to be “on the same page.” In order for the system to work effectively, regular communication between tribal liaisons, CBP, and the consular offices in Tijuana and San Diego is necessary.

When these links in communication fail, liaisons\textsuperscript{13} such as Wilken and Rodriguez rely on social connections within the community in order to determine which individuals will be traveling across the border. Additionally, they also utilize connections within bureaucratic institutions attached to border crossing procedures in order to navigate ever-shifting national policies. For example, although Mike Wilken was initially involved with organizing cross-border transportation with grassroots efforts such as the Kumeyaay Border Task Force, over time he shifted back to working individually in order to bypass frustrations caused by lack of communication between organizations. Originally, Wilken was associated with CUNA, a grassroots organization based in Ensenada which worked on behalf of indigenous groups in the area. When the Kumeyaay Border Taskforce was started by Guassac, Wilken began doing work he had originally done as an individual through these local organizations. An early meeting in Tecate with representatives from local indigenous communities as well as the Tohono O’odham focused on designating a particular individual as a liaison to work on border crossing issues from the United States. Despite added levels of formality to the border crossing process, lapses in communication still presented issues. “A couple of times, I got to the border with people and the paperwork hadn’t been done [by the existing coordinator]... after a few times of that happening, I went back to doing it myself” (pers. comm., February 2014)

Wilken now works directly with tribal governments in the US in order to secure a waiver of border crossing paperwork. Wilken can forward personal details of individuals traveling from Mexico to Kumeyaay reservation authorities in the US in order to secure a

\textsuperscript{13} I use the term “liaison” to distinguish between individuals involved in navigating the system, such as Wilken and Rodriguez, from coordinators or representatives appointed by individual Kumiai communities in the creation of censuses.
letter verifying these individuals’ involvement in the tribal community. According to Wilken, this process has worked at the Tecate POE since about the early 1990s, and has gotten to the point where the process works quite well for individuals traveling to cultural events or environmental conferences in the US, although it still takes a few hours to get past customs. This system is dependent on the granting of a letter of invitation from Kumeyaay tribal authorities in the US, which Kumiai individuals are unable to secure on their own behalf. Additionally, this system only works when many Kumiai individuals are traveling as a group to a cultural event, and does not provide for personal travel, such as to attend a wedding or to visit sick relatives.

Part of the turn towards this more individualized approach to facilitating cross-border transit is due to the fact that (as discussed above) these coordinator roles are essentially on a volunteer basis only. Wilken works with the Kumiai and PaiPai communities essentially as an unpaid volunteer, and his efforts are spread over a variety of projects and initiatives other than those pertaining to border crossing. Wilken identifies these outside commitments (on both volunteer and paid basis) as the main challenge to his work facilitating cross-border transportation: “This isn’t obvious to a lot of people, but I don’t have funding for my work. In past years I usually brought people across the border three to five times a year; now that I’m teaching, that has decreased a lot” (pers. comm., July 2014). Occasionally, there is an opportunity to invite members of the Kumiai into the classroom to demonstrate traditional artisanal techniques or to discuss environmental knowledge. However, due to the constraints of an individual’s visa or a group permit, these classroom visits must coincide with an already scheduled cultural event; otherwise, the understanding is that individuals are unable to cross the border in the first place.
CHAPTER 5

DISCUSSION OF RESULTS

This chapter illustrates some of the broad themes that emerged from the ethnographic work conducted for this project, and attempts to build individual experiences at every level of this project into a broader narrative. Further, I compare perspectives from different populations consulted for this project on particular issues in order to demonstrate where there is conceptual overlap and where there are opportunities for more effective communication between the indigenous community and institutions involved in the border crossing process.

INDIGENOUS PERCEPTIONS ON THE BENEFITS OF BORDER CROSSING

The perceived benefits of being able to cross the border varied depending on the population being questioned. Those involved in informal approaches to border crossing tended to emphasize that their involvement with this issue was predicated on ensuring that traditional cultural attributes were passed on to future generations. Norrie Robbins, an educator at San Diego State University who leads educational programs for Kumeyaay youth both in the US and Mexico, holds the somewhat common view that the biggest benefit would be seeing family on the opposite side of the border and helping preserve the Kumeyaay culture. Her response that Kumiai who live in Mexico “have a better grasp” of traditional Kumeyaay culture is a theme that has been echoed repeatedly by those who work with the Kumeyaay and Kumiai communities and those within institutions situated on the border that are aware of the issue. Many reflect that improving cross-border access would allow Kumeyaay individuals to benefit from the cultural knowledge possessed by the Kumiai, in addition to providing more economic support for Kumiai. As Conte explained, “it’s about cultural exchange, but it’s also about economic support. The Kumeyaay [in the US] can help out a lot with improving infrastructure in the villages [in Mexico]” (pers. comm., September 2014).

For Kumiai individuals, answers varied more. Some emphasized the importance of maintaining cultural ties, mentioning that populations on both sides of the border were all
one family. However, these responses differed notably in the sense that Kumiai individuals themselves did not perceive themselves to be more or less “experts” on Kumeyaay culture and traditions than those in the US. While cultural proficiency is problematic to measure for many various reasons, the lack of this sort of expressed sentiment was surprising, particularly because of the stark disparity in terms of the health of the Kumiai speech community in Mexico compared to the US and because of the potential economic opportunity that cultural knowledge creates. In this regard, it is unfortunate that economic disenfranchisement of indigenous populations within Baja has partially been responsible for the conservation of Kumeyaay traditions through isolation, yet the contemporary socioeconomic status of many Kumiai largely prevents transmission of cultural tradition across the border.

Another common emphasis was that the border was a relatively new imposition, and that the difficulties they experienced crossing the border were unjust given that it was all originally Kumeyaay territory. Much of these responses, however, hinged on economic benefits – because there are limited avenues for economic development within Kumiai communities in Mexico, being able to cross the border and legally sell crafts or work appears to be the highest priority. During my interview with Juan Meza Cuero, I asked him if he thought more people would cross the border if it were easier to do so. Instead of answering with an unequivocal yes, he paused for some time, finally replying that “when they make money, they come, when they don’t make money, they don’t.” It is important to emphasize that these responses indicate the urgency of the need for opportunities for economic development for Kumiai in Mexico, rather than concluding that their desire to preserve Kumeyaay culture is disingenuous. Cultural revitalization can only become a priority once basic daily needs can be satisfied and a degree of economic stability can be met, and this is not the case for many indigenous individuals in Baja California.

**Barriers to Border Crossing and Structural Violence**

As some interviews indicate, the process of directly coordinating cross-border travel for Kumiai depends on a host of institutions working in concert with one another, and more likely, that people that “know the system” are in communication with one another. For example, if an individual is on a community census and can afford fees for proper travel documentation, the consular officer that evaluates their visa eligibility must be aware of
current programs in place - for instance, substitutive paperwork in lieu of necessary forms of
documentation that they do not have (e.g., birth certificates). Because arrangements for
Kumeyaay border crossing are only arranged through the Tecate POE currently, it also
requires that border control personnel are aware of the particular position and different
requirements for this community. If personnel (especially at the managerial level) are
transferred to other sites, this particularized knowledge of local communities disappears.

This research also touches on embedded power dynamics that shape the process of
border crossing. One sentiment that was expressed repeatedly throughout my preliminary
research and informal talks with individuals in the Kumiai community was that they were
wary about the potential for having their visas or passports revoked. This is particularly
relevant in interchanges between Kumiai individuals and consular officers who, perhaps
misinformed or confused, send them away without a visa. There are multiple constraints on
the Kumiai population that is able to cross the border. Economically, Kumiai may not be able
to feasibly afford transportation to and from consular offices, a passport, or a visa. When I
asked the degree to which finances were a factor in the process of obtaining a passport and
visa for the community, Marta Rodriguez replied that usually, Sycuan covered the costs of
gas and transportation for some Kumiai when cultural events are held in the US. “They work
over there,” she replied, “but they’re getting paid in like, pennies. They have to work very
hard and save money for a long time in order to be able to afford things [like passports and
visas]” (pers. comm., February 2014).

Even if individuals are able to meet these initial costs, some are unable to keep travel
documentation current. In order to renew a visa that is current, all individuals must use the
current online system designed for this purpose. Besides the fact that access to a computer
and the internet is an incredibly difficult condition for many Kumiai to meet, the language
used on the website uses a form of very formal Spanish that proves difficult for those who
speak Spanish as a second language such as indigenous groups. The process is difficult even
for those with basic computer literacy, as the required DS-160 non-Immigration form asks
about instances of previous US travel, contact information for family in the US, and work
and education records. Additionally, individuals must provide a current photograph in a
particular size, and pay fees by credit card through the online system. If an individual wishes
to pay by cash, the process is even more arduous. First they must print a bank deposit slip
from the website, requiring access to a printer, and then present the slip to a specific local bank branch in Mexico, pay the amount, then return to the online login system with a code that is provided on the bank slip. These requirements comprise just one step in the visa renewal process, and are incredibly difficult obstacles to those without computer literacy, reliable access to a printer and computer (or the money to obtain access to them), or records of schooling, work history, and family records, many of which Kumiai individuals lack.

Determining what constitutes “proper” and “improper” use of a visa is also a concern. During preliminary research on this topic, it was relayed to me that one particular woman was said to have permanently lost her visa for illegally selling her artisanal pottery. Presumably, this was because she sold artisanal goods in the US, an activity which is not allowed under a tourist visa or for any non-resident of the US.14 Ironically in such an instance, economic sanctions (i.e. loss of visa) are essentially being imposed for attempts at economic development. Even if the rumor is presumed to be false, the trepidation it produced in my conversations with Kumeyaay consultants reflect that there is a substantial fear of violating the law and losing the ability to cross the border in the future.

Because letters of invitation provided from tribes in the US must specify the number of days that individuals from Mexico are staying, one Kumiai woman told me “we are so afraid of getting caught staying too long, because everyone is punished if [an individual] is caught.” Violation of this regulation could subsequently jeopardize future arrangements with CBP. Other restrictions exist on the nature and duration of travel for Kumiai. Currently, it seems that travel for indigenous groups to travel to the US is limited only to instances when there is a cultural exchange event scheduled and documentation for this event exists. When I asked Marta if there were any logistical difficulties associated with coordinating cross-border travel, she replied:

No, not really - except sometimes, to get the permits... we need 10 days or so to get an answer, and [the documents we provide] have to be more specific, about cultural activities. It’s hard because a lot of people want to come visit, to see the doctor or something like that, but the official will say no because it’s not related

14 Importing items from Mexico for sale in the US is allowed for US residents, although there are limits on the estimated value of the items brought across the border. Additional restrictions apply on goods that are regulated by other US federal agencies (for example, the Food and Drug Administration or the US Department of Fish and Wildlife).
to cultural events. Sometimes it’s hard to tell people that we cannot do that.
[Marta Rodriguez, personal communication, July 2014]

This is also reflected in the demographic of Kumiai populations that are invited to cross the border. For instance, Marta indicated that primarily, native speakers and/or youth are most commonly brought across from Baja California in order to participate in cultural exchange programs in the US. Sometimes, she mentioned, “we invite people too that aren’t that much into the culture or the language but I think we bring them so they can learn and appreciate what they have and be more proud.” While there seems to be a general sentiment that “everyone is invited and whoever comes, comes,” being able to cross the border for an individual requires a certain degree of regular communication with community coordinators, which is not the case for every individual within the community.

**SITUATING BORDER CROSSING ISSUES WITHIN AN INSTITUTIONAL FRAMEWORK**

If I were to draw a network of the actors and institutions involved (tangentially or directly) with indigenous border crossing issues, it would seem to spiral out ad infinitum - even if I were to constrain my focus to a particular region or population, as I have done in this project. The act of crossing the border between US and Mexico invokes a host of national and binational institutions, which, if not physically present, are manifest in the form of regulations issued by them (e.g. US State Department or CBP). By tracing the associations between actors and institutions around Kumeyaay border crossing, I had hoped at the outset of this project to understand how expressed community need (e.g. accessible avenues for border crossing) is translated or trans-mutated into community response and/or government involvement (both tribal and regional).

While this approach does not lend itself well to generalizations about any particular population, ethnographic accounts from a variety of institutions involved reveal that nuanced issues experienced by marginalized populations are less emphasized at higher levels of institutional organization. This is relatively unsurprising, given that organizations like SANDAG, for instance, are engaged in managing an enormous variety of community concerns and needs throughout the San Diego regional area. Even within the agendas of the ITWG, a committee developed for effective tribal collaboration over transportation concerns,
the issue of border crossing appears to be unaddressed in light of other pressing tribal concerns.

Actor-Network Theory (ANT) approaches (Latour 2005) were instrumental in designing the methodology of this project, and produced interesting results. Rather than rely on my own understanding of how the border crossing process for indigenous individuals should work, I attempted to structure interviews around each individual’s unique experiences with border crossing. While many of the responses echoed each other, there were stark contrasts and even contradictions in perception of the border crossing system between those involved in the management of tribal transportation and border security, and indigenous individuals themselves. Additionally, this approach reveals gaps between the conception of the system and how the system is actually used. An ANT approach to examining this dynamic was also significant in expanding the field of consultants interviewed for this project. Asking individuals involved in the system who and with what institutions they consult with allowed me to trace the network of latent relationships that characterize the practice of border crossing for the Kumiai.

Overall, this ethnographic inquiry reveals several avenues for indigenous individuals to cross the border, although each avenue varies in the degree to which it is formalized. In sum, in order for a Kumiai individual to cross the border, they must have a current passport and a current visa. There are several roadblocks to receiving this documentation, unless individuals have access to proper forms of identification, can demonstrate economic solvency, and can afford (in terms of both time and money) to access consular offices. These individuals must also be able to perform a similar operation again, when passports and visas require renewal. This process varies in difficulty level from individual to individual, with one extreme of this dynamic perhaps characterized best the exceptional case of Mr. Meza, who is a US citizen. While the entire process of getting Mexican documentation should take place in Mexico, in the past individuals have been brought by community liaisons or others operating on a voluntary basis to bring them across the border to discuss the matter with consular offices in the United States. As some accounts discuss, this is largely because it is seen as easier to navigate the system in this way rather than insist that indigenous individuals rely on Mexican consulate offices. It appears to me that this would not be the case without the heavy
involvement of US Kumeyaay tribes and other concerned individuals with ties to the community.

It seems that in order for a Kumiai individual to cross the border in the first place to visit consular offices, communication between border authorities and community liaisons is vital. Here, as Wilken and Rodriguez mentioned to me, letters of invitation from tribes in the US and a letter detailing where, when, and for how long an individual will be staying are crucial components of this process. All of this is supplemented by Kumiai community censuses, created nearly two decades ago, which provide border authorities with supplementary information of individuals associated with the Kumiai. This census system allows community liaisons to bring a group of people across the border for events, so long as the details of the stay and the nature of the cultural event are discussed with border authorities in advance. Again, this system also relies on the personal relationships and communications between community liaisons and border authorities. While this system is effective, it is also delicate because it depends on the continuity and regularity of these communications.

As expressed in Chapter 3, the effectiveness of alternative border crossing procedures for the Kumiai depends on broad-scale communication between a variety of groups and agencies. One example of this is that collaboration with tribal groups is managed in both SANDAG and CALTRANS by tribal liaisons embedded within particular departments and committees. Marta Rodriguez mentioned that in addition to working with CBP, she also is recognized by CALTRANS as a tribal liaison for the Kumeyaay tribe and is able to request permits for them. When I sought clarification of this procedure from a self-identified tribal liaison at CALTRANS, I was met with some amount of confusion and what I presumed to be irritation - specifically, I was told that CALTRANS permitting was in no way associated with helping people cross the border (“we’re not Immigration, if that’s what you’re asking”). When I explained that I was just generally seeking the connection between CALTRANS and tribal communities in San Diego and was trying to understand if border crossing issues were being dealt with in any respect, my contact became exasperated that I was not being more specific: “well, we deal with lots of issues pertaining to tribes… and of course we work with reservations, because if you know anything about tribes, they’re their own government… so I’m not sure what you’re asking, we give lots of permits to lots tribes, and we deal with all
sorts of issues.” This exchange helps illustrate the role that misinformation or confusion has to play in navigating the channels of bureaucracy that constrain and manage cross-border travel. But perhaps more importantly, it demonstrates that indigenous border crossing issues are one item amongst many that must be discussed collaboratively, prioritized, and converted into actionable policy. Perspectives from those involved in institutions involved in tribal transportation or border crossing are more general and less specialized than those for whom border crossing is a lived experience, or for those who are involved in a very specific and particular way with organizing cross-border transit for the Kumeyaay.

This was not the only instance where my inquiries were met with some confusion, demonstrating the difficulty of communicating between institutions regarding changes in official policies and programs. A primary example of this is the case of a particular Kumiai woman who received a visa and passport through the Kumeyaay Border Task Force program, but was unable to subsequently renew it on two occasions. The first time, at the consulate in Tijuana, she was told that she lacked the school transcripts which would allow her to do it there. She was then accompanied to the Mexican consulate in San Diego in order to bypass bureaucratic red tape in Mexico, but was told they would need to investigate the status of her birth certificate because it had been officially registered decades after her birth. Unfortunately, she failed both conditions to have her visa renewed because of her unique circumstances as a Kumiai woman. In response, an official at the US Consulate General in Tijuana was contacted by Dr. Field in an attempt to explain her extenuating circumstances and to ask for additional information regarding the interview process for a visa renewal, particularly regarding the requirement for economic solvency. The official responded, “economic solvency and proof of residence were never waived for PaiPai and Kumeyaay applicants, but we did, and do, take into account their unique circumstances. There was no specific written agreement. The Kumeyaay and PaiPai were authorized in 1998 to participate in a program that permitted group appointments for renewals…[however] the group program for renewals no longer exists, and all applicants are now required to utilize the on-line system… given that [she] is renewing her visa, it will be important to demonstrate that she used her visa appropriately” (email message to Dr. Margaret Field, June 28, 2013).

This exchange touches on a number of key issues expressed by Kumiai individuals regarding the border process. First, it demonstrates some acknowledgement of the issues
faced by indigenous individuals in Baja and that securing necessary border crossing
documents can be a challenge. In light of this statement, the insistence on utilizing an online
system is puzzling, particularly when many Kumiai in rural areas lack reliable access to
electricity, let alone computers and online access. Previously an option existed for group
renewal appointments, during which several Kumiai individuals could appear with their
community representative to renew visas together; however, the online system appears to
have replaced this option entirely. Additionally, the lack of an official written agreement
waiving particular requirements for indigenous individuals means that successfully gaining a
visa renewal is contingent on the individual conducting the visa renewal process. However,
as Wilken mentioned, some Kumiai individuals reached this point in the renewal process and
were still turned away. Lack of communication from official channels to officials on the front
lines of consular activities (e.g. conductors of visa renewal interviews, consular staff that deal
with the general public) can create circumstances that leave Kumiai and other individuals
little recourse for appeal.

Additionally, the consular officer’s comment that it would be necessary for this
individual to demonstrate that the visa was used effectively seems to confirm many of the
anxieties that Kumeyaay individuals have regarding the legality of their border crossing
activities, such as having their visa revoked for importing artisanal goods for sale, which is
illegal for non-residents of the US. However, this position seems at odds with Conte’s views
on the system in place, which has no particular restrictions regarding cross-border travel (so
long as the individual has not engaged in overtly illegal activity). In order to confirm the US
consulate’s official position on this issue, I attempted to contact the initial consular officer,
who has apparently since been transferred to a different branch. I was forwarded to her
successor, who replied that “while I do have a fair amount of information on issues faced by
indigenous people in Baja California, the issue of border crossings has not come up” (email
message to author, August 12, 2014). After checking with other consular officials, he replied
again: “After checking around, it seems that no one here has particular expertise on border
crossing issues involving indigenous persons in Baja California,” (email message to author,
August 19, 2014) offering to speak with me further. In sum, the system put in place to aid
indigenous individuals in the border crossing process depends on particular people with
specialized knowledge about the issue working in concert with one another to influence
policy. Further, this system is fragile in the sense that if an individual with this knowledge is transferred, moves, or ceases voluntary participation in the process due to the intense time commitment required (as in the case of Mike Wilken, for example), aspects of the program can break down.

With each individual I spoke to, I hoped to get a sense of what they would like to see changed in the future with regard to this issue. In this way, I hoped to bring individual priorities to the fore in order to get a better sense of what the level of perceived need was at each level. I believe this is an especially important component particularly when working with indigenous populations as a nod towards restoring a degree of agency which the current system erases.

Kumiai individuals were particularly pessimistic about the potential for future change because of the diverse nature of issues they face, not least of which include their current socioeconomic status, insecurity with communal land tenure status, and perceptions of racial discrimination posed by both public officials and the general public. Land is a particularly contentious issue, with one woman telling me that their land was being stolen away bit by bit, but it was expensive to kick off squatters because it required the use of an attorney. For her, security in this aspect was more significant to her than her ability to cross the border, as was gaining the respect of the government in relation to these matters. Another woman who preferred not to be identified simply mentioned that her indigenous status would need to change before many of the issues she faced could be resolved.

In comparison, community organizers and those involved directly with the process of Kumiai border crossing unanimously emphasized that cultural preservation was a key priority. As Wilken noted, “facilitating that process where people with the cultural knowledge can help reinforce that shared culture… that’s only going to happen when people are able to cross the border” (pers. comm., July 2014). Continued awareness of indigenous identity as a distinctive component of the region was also emphasized as important, as was correcting public misunderstandings about indigenous groups receiving “special rights” to economic development through gaming enterprises or special consideration in the border crossing process.

The most emphasized potential solution to the problems border crossing presents to indigenous populations by both groups was the creation of opportunities for future economic
development. Wilken specifically noted that expanding demonstrations of indigenous art in public places with strong links to the tourist economy like Old Town, San Diego, would go a long way towards providing an important source of income for indigenous artisans. Presumably, this would also increase the value of traditional skills such as basket-making and pottery within the Kumiai community, contributing to its transmission to future generations as a potential livelihood. Finding a place for Kumiai from Mexico in economic enterprises initiated by tribes north of the border would be an important component of generating economic stability as well. However, current immigration and work status policies at present are major obstacles to this plan. Hiring Kumiai as employees at casinos, for example, would require registration with the social security administration and securing the requisite visas in a coordinated way. In such a scenario, access to border crossing is only one issue among many that would currently prevent the initiation of such a plan.
CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

At the outset of this thesis, I had anticipated that ethnography would be a useful tool for foregrounding otherwise unheard voices, and in doing so, prioritize these issues within political arenas equipped to address obstacles difficult for individuals themselves to overcome. As my research got more underway, however, I have realized that the social realities that prevent individuals from acting or speaking on their own behalf also prevent them from relaying their stories or realities to even an empathetic audience. While I find it problematic to assert myself as a representative of these various voices, comparisons between the perspectives of the Kumiai, grassroots community liaisons, and those involved in associated institutions consulted for this project provide a window into some of the foundational issues related to indigenous border crossing and what can be done to rectify them.

Currently, tribal transportation concerns are not being prioritized largely within San Diego regional planning processes to a degree that would affect substantial change. This is the case because tribal concerns in the San Diego region, as evidenced by the proceedings of the Regional Tribal Summit, are focused on creating awareness for US tribal needs. This focus has been primarily economic, and it is not difficult to see why given the US’s historically antagonistic relationship with tribal governments. As a result, prioritization of transportation issues that have cultural consequences, such as border crossing, is lacking. Further, lack of awareness regarding the roadblocks that Kumiai in Mexico experience in attempting to cross the border for cultural reasons may also be due in part to the lack of participation of Kumiai community leaders in these proceedings. Indigenous participation seems to be largely present in regional transportation and economic planning, but does not seem as apparent in branches or committees tasked with border issues. In order for Kumeyaay in both countries to benefit from cultural exchange, it is important that all groups have a place in the dialogue concerning future planning and development where the tribe is concerned.
But most importantly, substantial and concrete steps must be taken to improve the socioeconomic situation of Kumiai in Mexico, and to remove structural barriers that prevent both border crossing and economic development as they appear to go hand in hand. The responsibility for this not only rests within the tribe itself, but also with the state governments of the US and Mexico. A framework for binational collaboration between the two countries on border issues already exists in the form of the Borders Committee under the aegis of SANDAG, and could be used in this manner. These steps could include deploying already existing government infrastructure such as the CDI working in coordination with local communities in order to update censuses of indigenous groups to relay this information to border officials. Essentially, codification and legitimization of the processes currently in place needs to occur so that awareness of indigenous issues are well-known within institutions that are involved with border crossing procedures.

One of the main issues I encountered in carrying out this research was the relative silence of Kumiai voices with regard to their experiences with border crossing in general, negative or otherwise. While this response was somewhat unanticipated, I have largely attributed this silence to lack of agency with regard to navigating the system, and therefore anxiety around doing something wrong. It seems to me that this lack of agency originates at least partially from a position of economic and social instability, and could be ameliorated through a coordinated effort to improve access to opportunities for Kumiai in terms of economic development. This need not take the form of a new social program or initiative, as there are already a few avenues through which the Kumiai are already attempting to do this by capitalizing on their truly invaluable collective body of cultural knowledge. These avenues, however, need to be legitimized by both national governments. In particular, the allowance of cross-border transit and sale of artisanal goods is a small step that can have a drastic impact on improving incomes for many in the community. Waiving the CBP restriction on non-US residents in the case of Kumiai individuals could easily ameliorate this situation. Of course, this process would certainly require a collaborative relationship with the Kumeyaay community to ensure that their needs are being addressed in any resultant policies.

In closing, I am reminded of the first time I met Mr. Meza on my first visit to the Tecate Cultural Center. As we walked around the museum together, I noticed that one of the
video monitors was playing a recording of him singing with Tecate Peak in the background. When I asked what the song meant, he replied that a long time ago, the people in Baja and the people in the US had a fight. The song is from the perspective of the people in Baja singing to the people in the US in an attempt to resolve the disagreement, singing “come dance with us....we are one.” Cultural continuity depends on this dance, and access to the border is essential for allowing it to happen.
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