

# The Blood Line: Racialized Boundary Making and Citizenship among Native Nations

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## Abstract

Blood informs a central racial ideology in the United States that has historically been used to racialize many different groups. American Indians (AIs) are the only population in the United States for whom the racial logic of blood remains codified as a means of conferring collective belonging. This article explores how AI blood quantum persists as both a race-making and nation-making instrument. I ask two research questions: How does blood quantum persist as a metric of tribal citizenship? Are tribal citizenship criteria connected to contemporary demographic, geographic, political, and economic forces? I first extend racial formation theory to describe blood quantum as a “racial project” in its use to both construct tribal identities in explicitly racial ways and determine access to political, social, and material resources. I also consider how the sovereign right of Native nations to confer tribal citizenship is evident in the observed variation among citizenship rules. Using data from more than 80 percent of AI Native nations in the contiguous United States, I employ a multinomial regression model to evaluate tribal citizenship variation. I have two central findings: (1) although tribal citizenship criteria are starting to depart from the racializing policies of the settler-colonial state, blood quantum thresholds remain particularly durable; and (2) variation in tribal citizenship criteria is meaningful by geographic region, tribal governance status, and Indian gaming. Against a backdrop of growing racial diversity in the United States, I discuss implications of the blood line on tribal citizenship boundaries and tribal sovereignty.

## Keywords

racial formation, citizenship, blood quantum, colonialism, American Indians, identity

At the turn of the twentieth century, W. E. B. Du Bois (1903:1) proffered a message to American society with resounding relevance today: “The problem of the twentieth century is the problem of the color line.” For Indigenous Peoples in America, the demarcation lies not only with color but with blood. Namely, the centrality of blood as a sociopolitical and pseudo-biological construct of collective identity for American Indians (AIs). Racial logics, state imperatives, and twentieth-century assimilation policy have distorted AI kinship relations, subjecting them to measures of blood quantum and requiring minimum thresholds of accepted blood. Whereas the “one drop rule” of hypodescent historically reinforced

racial boundaries for African Americans (AAs), the onus of blood is reversed for AIs who must still prove they possess *enough* blood. The differential deployment of blood rules for AAs and AIs highlights the social construction of race in America and its settler-colonial underpinnings. This distinction is

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evident in the inclusive application of the hypodescent rule to maintain a slave labor force such that a person with any African Black ancestry counted as Black. Alternatively, the need for Indigenous land necessitated Indigenous erasure through a blood rule of exclusion, that is, blood quantum. The blood rule applied to AIs was driven by the objective that ultimately nobody would be counted as AI (Krakoff 2017).

While racial blood rules have deep roots in the formation of the American settler-colonial state, AIs are the only population for whom the racial logic of blood remains codified. Tribal blood was first operationalized to delineate who is an “American Indian” by action of the federal government. Now, its use has shifted to the exercise of tribal sovereignty and conferring citizenship in Native nations. Although there is no commonly accepted definition of who is an “American Indian” (Liebler 2018; Wilkins 2018), tribal boundaries are described as “bright lines” (Fletcher 2012:1). All Native nations have the right to self-determination in matters of citizenship, and they continue to exercise agency in negotiating the complexities of race, rights, identity and belonging in the context of ongoing settler-state colonialism. Yet, tribal citizenship boundaries have become sites of increasing tension given the material rewards associated with tribal citizenship (Akee, Spilde, and Taylor 2015; Galanda and Dreveskracht 2015; Gonzales 2003; Hill and Ratteree 2017; Wilkins and Wilkins 2017), and increasing rates of exogamy and urbanization among the AI population (Liebler 2010; Thornton 1987). There is no federal mandate requiring Native nations to rely on blood quantum measurements in determining citizenship; yet, in recent years, under the policy of self-determination, some Native nations have decided to retain blood quantum as a sufficient indicator of citizenship, turning it into an administrative tool of tribal governments. Others have retained it, but changed the requirements involved. Still others have abandoned it altogether, replacing it with other citizenship criteria. The result is increasing variation in citizenship criteria across Native nations, variation that reflects the sovereign right of Native nations to determine who belongs. However, we have only a limited understanding of the extent and nature of such variation, and of how these changing tribal boundaries interact with political, social, and economic characteristics for AIs.

In this article, I first explore the origins of tribal blood quantum as the racialization of Indigenous Peoples by the settler-state. I extend racial formation theory (Omi and Winant 2015) to describe blood

quantum as a “racial project” in that it is used both to construct tribal identities in explicitly racial ways and to determine access to political, social, and material resources. However, there are many different metrics of blood quantum, as well as other criteria for tribal citizenship. A close look at the factors associated with tribal citizenship variation highlights how decisions about tribal citizenship do not exist in a vacuum but are influenced and constrained by historical and contemporary social forces. My intent is not to explore *why* blood quantum remains in effect for some Native nations today nor to adjudicate over the “right” or “wrong” approach to tribal citizenship, but rather to show *how* blood quantum persists and posit some implications for the future of tribal belonging. In this study I ask: (1) how does blood quantum persist as a metric of tribal citizenship? And (2) are tribal citizenship criteria connected to contemporary demographic, geographic, political, and economic forces?

I discuss what tribal citizenship variation suggests about the complex relationship between tribal sovereignty, kinship, and racial logics. I demonstrate how studying tribal citizenship boundaries provides insight into how American settler-colonial ideologies are reproduced and, most importantly, challenged by self-determining Native nations. My study contributes to the growing body of new social research that explores the intersection of tribal identity and social and political forces (Jacobs 2019; McKay 2019; Wilkins and Wilkins 2017). The focus on tribal identity is significant given it has been under-examined on a national scale compared to the substantial ethnic renewal literature investigating the dramatic increase in AI racial and ethnic self-identification since the 1980s (Eschbach 1995; Liebler and Ortyl 2014; Nagel 1995; Snipp 1997). Furthermore, tribal sovereignty demands we consider the agency of Native nations and the sustainability of tribal populations.

## RACE, BLOOD, AND U.S. SETTLER COLONIALISM

In the United States, the social construction of race and origins of White supremacy are inextricably tied to the settler-colonial projects of Indigenous erasure and African slavery. These colonial projects can be described as “a network of structures, narratives, and justifications which promote the ascendancy of settler ontologies, especially of property and state violence against Indigenous peoples and Black peoples” (Tuck and Gorlewski 2016:212). The deeply flawed pseudo-biological

underpinnings of race are a central organizing feature of the settler-colonial structure. Blood informs a central racial ideology in the United States that has been used to racialize many different groups. Notions of blood were differentially deployed to racialize Blacks and AIs in relation to each other and White settlers. The resultant “one drop rule” for Blacks and blood quantum minimums for AIs are mechanisms of this early racialization, without which there would be no U.S. settler-colonial state.

Unlike any other group, the theoretical position of AIs in racial discourse is complicated by tribal sovereignty and the political relationship between Native nations and the settler-state.<sup>1</sup> Legal scholars are quick to remind that Native nations are neither racial groups nor ethnic collectives, especially regarding matters of equal protection and sovereign immunity (Berger 2013; Goldberg 2002). However, tribal belonging has become deeply entangled with a racialized AI existence marked by a paucity of sociological theorizing. To address this gap, I extend racial formation theory (Omi and Winant 2015) to evaluate AI blood quantum policy as a “racial project.” I first demonstrate how the settler-colonial ideology of Indigenous erasure persists in the use of blood quantum policy to racialize AIs. Next, I link this racialization to its current manifestation in tribal citizenship criteria.

### *Racial Formation*

Racial formation theory describes “the sociohistorical process by which racial identities are created, lived out, transformed, and destroyed” (Omi and Winant 2015:109). The concepts of racialization and racial projects are at the core of racial formation theory. Through this lens, racialization refers to a meaning-making process of perceived corporeal difference and racial projects link racialization to the social structure. Michael Omi and Howard Winant (2015) define a racial project as, “simultaneously an interpretation, representation, or explanation of racial identities and meanings, and an effort to organize and distribute resources (economic, political, cultural) along particular racial lines” (p. 125). While racial formation theory has been critiqued for its inadequacy in explaining the systemic aspects of racial oppression, the concept of racial projects is acknowledged as useful especially if considered in the broader context of oppression (Feagin and Elias 2013:955). Scholars have used the concept of racial projects to describe far-right White supremacist movements (Winant 2004), colorblindness (Bonilla-Silva 2001), and the

evolution of mathematics education in America (D. B. Martin 2013). Next, I explore the origins of blood quantum as a racial project for both AIs and tribal populations.

### *The Racial Project of Blood Quantum*

The racialization of AIs stems from perceived physical differences established by the now debunked quasi-scientific belief that blood was the carrier of not only genetic material, but also cultural traits and social behavior (Snipp 1989). Blood lines were established in much the same way as pedigree animals, and selective breeding was even advocated as means to hasten the assimilation of AIs (Bieder 1980). Since exact degree of blood cannot be observed simply by looking at a person, it was inferred from one’s family line. Essentially, if one’s parents were reputed to have “pure” Indian blood, then their children were assigned a 100 percent Indian blood quantum label, and those of mixed-blood were assigned fractionated blood quantum, such as one half and one fourth. It is not difficult to see how this belief influenced the eugenics movement the eugenics movement (Berkhofer 1978).

The federal government’s inconsistent use of blood quantum to delineate AI identity began in the early nineteenth century and precipitated the emergence of a foreign AI racial identity to serve the nation-building purposes of the state. Whereas AI is considered both a racial and ethnic category today, there was no conception of a pan-ethnic AI identity in precolonial times (Snipp 1989). Early settler-colonial uses of blood quantum sought to limit the rights of mixed-race individuals (i.e., Whites mixed with Black and/or AI), such as voting, interracial marriage, and the pursuit of public office (Spruhan 2006:4). One of the earliest recorded uses of blood quantum to define AIs is from the 1866 Acts of the General Assembly of the State of Virginia, which considers an Indian as: “every person, not a colored person, having one-fourth or more of Indian blood” (Spruhan 2006:84). In this case, Virginia excluded all Indians less than one-fourth blood and further employed the “one drop rule” to exclude anyone who was mixed AI and “colored,” which aptly served the dual-pronged settler-colonial engine of African slavery and Indigenous erasure.

Federal-Indian relations were specifically marked by homogenous race-based applications of AI blood quantum both in legislation and in practice. The term “half-breed” and those denoting other fractionated quantities of purported Indian blood (e.g. mixed-blood, one-quarter blood) were

stipulated in early treaties with Native nations to identify beneficiaries of land holdings, rations, and other entitlements (Foreman 1974). While early Federal-Indian relations made some important distinctions among Indigenous groups, as time went on and this racial project became increasingly entrenched, a singular externally imposed racial identity of “American Indian” prevailed (Cornell 2000). The advent of blood quantum as the prevailing metric for “Indian-ness” is closely aligned with racist discourses othering non-Whites and perpetuating a White supremacist racial order.

U.S. legislation played a key role in codifying the use of AI blood quantum starting with the Dawes Act of 1887, which enabled federal agents to assign AI blood quantum through inaccurate and incomplete processes (Spruhan 2006). During this “allotment period” of Federal-Indian relations, AI blood quantum became particularly salient as a race-making and state-making mechanism facilitating widespread theft of Indigenous lands and advancing the colonial engine. The aim of the Dawes Act was to expedite private ownership of Indigenous lands and hasten assimilation (Otis and Prucha 1973). Blood quantum metrics distinguished “full blood” AIs from “half-breeds” who were considered “competent” enough to sell their land and assimilate into mainstream America (Spruhan 2006). Given westward expansion and industrial development demanded Indigenous lands, the blood quantum metrics used to determine competency of AIs towards this end were nothing less than mechanisms of American statecraft.

Similarly, blood quantum requirements were included in many pieces of legislation throughout the early twentieth century, and many federal agencies like the Bureau of Indian Affairs (BIA) restricted services to AIs of one-half or one-quarter blood quantum (Spruhan 2006; Thornton 1997). Arguably, the most notorious effort was the Indian Reorganization Act (IRA) of 1934, which established a clear “one-half or more Indian blood” requirement in its definition of an Indian. This definition also includes

All persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation.

The AI race boundaries established in the IRA were enforced through the Certificate of Degree of

Indian Blood (CDIB) process marked by a physical document issued by the BIA or authorized tribal entities denoting one’s “Total Indian Blood” for the purposes of federal benefits (Spruhan 2018). It is not coincidental that these three categories of AI racial classification in the IRA (blood quantum, reservation residency, and lineal descendancy) remain the most common categories of tribal citizenship criteria today. The racialization of AIs has long been conflated with the means of conferring citizenship in Native nations.

### *From Racialization to Tribal Citizenship Structures*

Omi and Winant (2015) contend racial projects have a structural component, where they “connect what race means in a particular discursive practice and the ways in which both social structures and everyday experiences are racially organized, based upon that meaning” (p. 56). Blood quantum policy assigns meaning to the various metrics of tribal ancestry by demarcating a threshold of inclusion/exclusion. To understand how the underlying meaning of blood quantum categories influences social structures and everyday life for AIs, we must examine tribal citizenship practices. Although there is no explicit federal mandate that Native nations retain blood quantum metrics for tribal citizenship, it has been employed for generations. Many scholars, legal practitioners, and undoubtedly many AIs contend tribal use of blood quantum is a colonized manifestation of Indigenous kinship systems (Galanda and Dreveskracht 2015; Hill and Ratteree 2017; Yellow Bird 2005). Like most AI realities, there remains a subversive settler-colonial motive. Considering people as fractionated parts of a whole has never historically been part of intertribal or intratribal relations (McKay 2019; Wilkins and Wilkins 2017). Prior to invasion, Indigenous societies constituted bands, clans, and Native nations with significant linguistic, cultural, and geographic diversity (Snipp 1989; Wilkins 2018). Indigenous societies engaged in many different forms of relating, including what Western society calls matrilineal, patrilineal, lineal, lateral, collateral, and adoption. Indigenous kinship systems based on lineal descent and ties to a common ancestor prevailed in precolonial times (Dunbar-Ortiz 2014). As Native nations retain the sole right to define who belongs to their nation, the decision to retain traditional kinship relations, to employ blood quantum, or to use any other criterion lies only with Native nations. At least this is the line the

federal government tows when drawn into legal challenges laid against Native nations because of their citizenship rules (Galanda and Dreveskracht 2015). In practice, however, the federal government's influence in the persistence of tribal blood quantum measures can be traced to the ubiquitous tension inherent in federal tribal recognition and limits to the exercise of tribal sovereignty.

There is little ideological debate about the sovereign right of Native nations to be self-determining. The practical exercise of tribal sovereignty, however, is fraught with tension in so far as Native nations are often considered quasi-sovereigns (Davies and Clow 2009) with tribal sovereignty existing "only where the acts of Congress have not displaced it" (Gould 1996:811).

The federal tribal recognition process is a case in point requiring a burden of proof on the part of Native nations to produce anthropological, genealogical, and historical evidence to be recognized as sovereigns under federal law. A key component of this evidentiary process is identifying a base roll of tribal citizens. Historically, these individuals were eligible to receive rations, land allotments, and other provisions. Much is the same today with tribes retaining base rolls to establish lineal descent, which serves as the basis for all citizenship criteria. Base rolls are of particular interest because individuals enumerated in them serve as the point of origin for blood quantum calculations of any descendants. In this sense, the posterity of Native nations is directly tied to who was originally counted and how much blood quantum they were assigned. Kirsty Gover provides several examples of the federal government's "coercive authority" in questioning tribal citizenship criteria and suggesting modifications for "over-inclusivity" of base rolls (2010:128–29). Such actions on behalf of the state align with literature on state enumeration and classification serving the political objectives of whomever is doing the counting and classifying (Kertzer and Arel 2002; A. Martin and Lynch 2009; Scott 1999). In this case, more than 200 Native nations have incorporated federally created base rolls into their tribal constitutions, whereas only 20 Native nations use a tribally designated roll (Gover 2010:138). These numbers suggest the settler-colonial state retains a heavy-hand in determining who counts as tribal citizens. In short, the federal government cannot easily disentangle itself from tribal blood quantum. This does not mean Native nations cannot push back; in fact, I argue that they must because tribal demographic survival demands it. I turn now to empirical studies evaluating conditions of tribal citizenship.

## HISTORICAL LANDSCAPES OF TRIBAL CITIZENSHIP

Federal Indian Law contains the most substantial scholarship on tribal citizenship because Native nations maintain the exclusive right to define their citizenry as stipulated by the U.S. Supreme Court in *Santa Clara Pueblo v. Martinez* (1978). Legal scholars have written extensively on the relationship between tribal sovereignty, tribal citizenship, and the use of blood quantum (Berger 2013; Galanda and Dreveskracht 2015; Goldberg 2002; Gould 1996; Gover 2010; Miller 2014; Spruhan 2018). Native American Studies scholars and social scientists have focused on the impacts of tribal citizenship criteria, intermarriage, and other demographic forces on population change (Snipp 1989; Thornton 1997); the fallibility of DNA testing and tribal citizenship (TallBear 2013); the contested interpersonal meanings of indigeneity and tribal identity (McKay 2019); the internalization and resistance of racialized understandings of who counts as AI (Jacobs 2019); and the often spurious and harmful associations between tribal identity and race classification (Sturm 2011). Some scholars consider blood quantum a colonial imposition that serves to extinguish AI populations (Hill and Ratteree 2017; Jaimes 1988); others view blood quantum as incompatible with traditional means of tribal identification (Snowden, Tyndall, and Smith 2001); and more nuanced positions include blood quantum as a mechanism of "genealogic tribalism" (Gover 2010:250) or blood quantum as "rearticulated tribalization" (TallBear 2013:47).

What is clear among these varied perspectives is the conceptualization of blood quantum and its use to delineate tribal belonging did not originate with AIs. Furthermore, AIs are the only population group in the United States who are still formally subjected to blood quantum rules, which is quite unusual in the wider settler-state context. For example, Aotearoa New Zealand departed from official Māori blood quantum policy in the 1980s (Pool 1991) and Australia departed from blood quantum for Aboriginal Peoples in the 1970s (McCorquodale 1986). Blood quantum policies have held strong in the United States. Yet there are few empirical studies that examine how the current landscape of tribal citizenship criteria intersects with other social forces. Unfortunately, data limitations abound and there is no centralized database maintained by Native nations or the federal government. Scott L. Gould (2001) and Russell Thornton (1997) used "unpublished" and "internal" data on tribal blood quantum classifications

**Table 1.** Historical Counts of Tribal Citizenship Requirements.

Criteria	1987 Data (Thornton 1997)	1991 Data (Gould 2001)	2018 Data (Present Study)
5/8	a	0	1
1/2	a	16	8
3/8	a	1	1
1/4	a	97	114
1/8	a	11	32
1/16	a	3	10
1/32	a	0	1
1/64	a	1	0
More than 1/4	21	17	10
1/4 or less	183	112	157
No minimum	98	26	110
Totals	302	155	277 <sup>b</sup>

<sup>a</sup>Russell Thornton (1997) did not provide detailed blood quantum counts.

<sup>b</sup>Excludes nine Native nations in the “other” category, which use a combination of blood quantum plus other criteria.

provided to the authors by the BIA. I pursued a similar request of the BIA and was told they do not keep records of tribal citizenship criteria because it is the sovereign prerogative of Native nations. This could perhaps signal a shift in federal data practices or a reluctance to admit that the BIA still maintains such data.

Scholars have established different baselines of tribal citizenship criteria at various points in time. The most recent empirical study sourced tribal citizenship criteria from tribal constitutions in 2008 for 254 Native nations (Gover 2010). While meticulously researched, Gover focuses on aggregate percentages of blood quantum rather than counts of all citizenship criteria thereby limiting opportunities for additional analyses.<sup>2</sup> The last published research compiling frequency counts of tribal citizenship criteria utilizes data from 1991 comprising 155 Native nations and excluding those in California, Oklahoma, and Alaska (Gould 2001). The most complete census of tribal citizenship criteria ( $N = 302$ ) uses data from 1987 (Thornton 1997). Table 1 provides a summary of the historical counts of tribal citizenship criteria and comparison with the present study.

## METHODS

### Data

The sample frame for this study is all federally recognized Native nations in the contiguous 48 states. This totaled 347 Native nations as of December 2019; however, the number is not static. Native nations are added as they progress through the

federal recognition process. Like previous research comparing tribal citizenship criteria (Gould 2001; Gover 2010), I too exclude Alaska in this study due to unique structures of tribal belonging and citizenship in Alaska (Langdon 2016). Alaska Native communities warrant focused examination beyond the scope of this article. I pursued a systematic search of citizenship criteria for all 347 Native nations utilizing a two-part process. I first employed an online search of tribal names in three tribal constitutions databases: the Native American Constitution and Law Digitization Project at the University of Oklahoma, the Law Library of Congress, and the National Indian Law Library. Next, I executed a Google Search using the name of the Native nation plus the following key terms alone or in combination: citizenship, enrollment, membership, blood quantum, constitution, ordinance, application, policy. The documents sourced in the search fall into four categories: (1) tribal constitutions and amendments; (2) tribal ordinances, resolutions, or other policy instruments; (3) tribal website text; and (4) other tribal enrollment documents, such as enrollment applications.

The final sample size is 286 federally recognized AI Native nations, representing 82 percent of Native nations in the contiguous United States. This sample is within 95 percent of the  $N$  for the most complete census of tribal citizenship criteria to date (Thornton 1997). This study covers 65 to 96 percent of tribes across the four U.S. Census regions; see Table 2. The missing 60 Native nations have no publicly available tribal citizenship information, which suggests some degree of nonresponse

**Table 2.** Regional Coverage of Tribal Sample.

Census Region	N Native Nations Region	N Native Nations Sample	% Regional Coverage
West	222	174	78
Midwest	51	49	96
Northeast	17	11	65
South	57	52	91
Total	347	286	82

bias. Controlling for sampling bias (e.g., corrective weighting) is a consideration for future research.

### Citizenship Coding

I employed content analysis (Krippendorff 2004) to systematically isolate tribal citizenship criteria in each of the documents sourced in the search. Although some Native nations have provisions for “adoption” that differ from criteria for general citizenship, I restricted my analysis to criteria for “automatic” enrollment in the most recent tribal document I could publicly find in the four categories identified above.<sup>3</sup> When specified, I coded Indian blood, California Indian blood, and tribal blood separately. The tribal blood category includes Native nations that identify other bands or confederate Native nations as part of their tribal blood “pool.” For example, Santee Sioux require one-fourth total Sioux blood, of which one eighth must be Santee Sioux blood. In this case, I coded the Native nation based on the upper limit of blood quantum and tribal blood (one-fourth tribal). Similarly, some Native nations do not differentiate between tribal blood and tribal captive blood, and so I have coded them simply as tribal blood. For example, the Kiowa Tribe requires at least one-fourth degree Kiowa Indian and/or Kiowa Captive blood.<sup>4</sup>

The “lineal descent” category includes anyone who descends from a tribal ancestor, regardless of how descent is established. Lineal descent is necessary but not always sufficient baseline criteria for contemporary tribal citizenship. While some Native nations employ adoption criteria, including a path to citizenship for AIs without tribal blood (e.g., marriage to a tribal member or reservation residence), this study focuses only on “automatic” membership for which the 286 Native nations in the study *at least* require lineal descent. There are also extreme cases within the lineal descent category. For example, the Mohegan Tribe explicitly stipulates that a person born from purchased or donated biological material (sperm or eggs) cannot

be enrolled unless there is clear intention that the child will be raised by an enrolled tribal member. While I acknowledge the diversity within categories and cases of exception, I still classify the Mohegan Tribe as practicing lineal descent because it is the general policy.

The “residency” category encompasses Native nations that require lineal descent plus reservation, rancheria, or tribal homeland residency. In most cases, residency of one’s parent(s) at the time of a child’s birth is stipulated in order for that child to be eligible for tribal citizenship. An argument could be made that perhaps residency is the strictest of all tribal citizenship categories given high rates of urbanization and the paucity of housing, education, and career opportunities on many reservations. Some Native nations are also rejecting reservation-based restrictions like the Citizen Potawatomic Nation, which has Tribal Council seats spread across the United States and not just restricted to tribal homelands.

“Other” includes criteria that do not align with established categories or include multiple categories. For example, the Pamunkey Indian Tribe requires lineal descent plus social contact with tribal members living on the reservation as approved by tribal leadership. The Mashpee Wampanoag Nation requires lineal descent, residency, or a family member’s residency for the last 20 years in or near the reservation, and demonstrated tribal community involvement. The nine Native nations in this category warrant future research as they may provide insight into tribally driven metrics of belonging that do not fit existing categories.

### A New-Old Tribal Baseline

My content analyses illustrate the three categories of Indian-ness defined in the IRA—blood quantum, reservation residency, and lineal descent—are still very much in effect. Table 3 shows blood quantum remains the prevailing boundary of belonging among the Native nations sampled.

**Table 3.** Tribal Citizenship Landscape.

Citizenship Requirement	N	% Sample
5/8 tribal blood	1	0
1/2 tribal blood	5	2
1/2 Indian blood	2	1
1/2 CA Indian blood	1	0
3/8 tribal blood	1	0
1/4 tribal blood	69	24
1/4 Indian blood	38	13
1/4 CA Indian blood	7	2
1/8 tribal blood	15	5
1/8 Indian blood	17	6
1/16 tribal blood	8	3
1/16 Indian blood	1	0
1/16 CA Indian blood	1	0
1/32 tribal blood	1	0
Other	9	3
Residency	20	7
Lineal Descent	90	31
Total	286	100
Blood quantum rules	167	58
Non-blood quantum rules <sup>a</sup>	110	38
Tribal blood rules	100	35
Indian blood rules	58	20
California Indian blood rules	9	3

<sup>a</sup>Includes “residency” and “lineal descent” categories, but not “other” because many Native nations in this category have blood quantum rules plus other requirements.

Fifty-nine percent of the sample (170 Native nations) use blood quantum in some form. The most common metric, accounting for 40 percent of Native nations in the sample, is one-quarter blood. While direct comparison is not possible given data limitations, the findings suggest an increase in the number of Native nations utilizing citizenship criteria with no minimal blood quantum from the 1987 sample to this sample ( $N = 98$  in 1987;  $N = 110$  in 2018). Furthermore, I find tribal blood quantum rules are more common than Indian blood quantum rules, which aligns with previous research (Gover 2010:111).

## MEASURES

### *Dependent Variable: Tribal Citizenship Variation*

The 17 categories of tribal citizenship criteria that emerged from this study demonstrate heterogeneity

among Native nations. They do not, however, lend themselves to analyses beyond descriptive statistics. Conversely, considering only the binary relationship between Native nations that use blood quantum and those that do not conceals its stratified nature. For my analyses, I collapse the 17 categories into five: <one-fourth blood quantum,  $\geq$ one-fourth blood quantum, lineal descent, residency, and other. I combine blood quantum thresholds using one-fourth blood as the reference because it is the original threshold established by the BIA (Thornton 1997). I collapsed the “types” of blood (i.e. tribal, Indian, and California Indian) within the fractionated metric to be parsimonious.

### *Focal Independent Variables*

I argue that variation in tribal citizenship criteria does not exist in a vacuum, and its relationship with demographic, political, and economic forces warrants examination. I posit three hypotheses: (H1) Colonial Invasion, (H2) Tribal Governance, and (H3) Social Closure. I use U.S. Census Region, tribal self-governance status, and Indian gaming as my focal independent variables. I treat tribal population size as an endogenous control variable, which I sourced from Veronica Tiller’s (2015) Guide to Indian Country. I detail my hypotheses and how I operationalize each variable below. I also acknowledge the limitations of these variables, which stem from the paucity of data on Native nations.

### *Hypothesis 1: Colonial Invasion*

My first hypothesis is (H1): *Native nations in the West are more likely to use blood quantum criteria than Native nations elsewhere in the country.* I predict there will be a “West effect,” because colonizing forces, generally, invaded the territories of Native nations in the West much later than those in the east (Dunbar-Ortiz 2014). As a result, there may be a lower probability of interracial mixing in the West. Another possibility is blood quantum rules often remain unchanged from the IRA period, or even earlier, and thus blood quantum may have been a more effective tool in “settling” the West because these lands were some of the last to be claimed by settlers. There could also be a reservation influence for which I have not accounted since the majority of Indian Reservations are located in the western part of the country. To evaluate this hypothesis, I consider the geographic location of each Native nation in the U.S. Census’ four statistical regions: Northeast, Midwest, South, and West.

### **Hypothesis 2: Tribal Governance**

My second hypothesis is (H2): *Native nations that exercise a greater degree of self-determination are less likely to use blood quantum criteria than other Native nations.*

I predict that as Native nations reclaim control over their governmental affairs from the federal government, they also reclaim more traditional measures of tribal belonging that depart from blood quantum metrics. While it is well established that Native nations have substantial rights to self-governance (Getches et al. 2011), it is difficult to quantify the degree to which those rights are able to be practiced. The evaluation of Native nation self-governance by the federal government is the only currently available and readily accessible measure of tribal self-governance that lends itself to comparative analysis.

Title V of the 1975 Indian Self-Determination and Education Assistance Act (ISDEAA) provides the legal mechanism for Native nations to exercise self-governance over service provision. A list of Native nations with “Title V self-governance” status is publicly available on both the Indian Health Service (IHS) and BIA websites. I acknowledge that federal recognition of tribal self-governance is highly problematic and could be considered a colonial measure. However, I use it as a proxy because it is the only available data nationally. A more valid measure needs to be developed that identifies the tenets of self-governance by Native nations for Native nations. Unfortunately, that is beyond the scope of this article. I coded the available data into a binary variable where 1 = IHS and/or BIA self-governance status, and 0 = no federal self-governance designation.

### **Hypothesis 3: Social Closure**

My third hypothesis is (H3): *Native nations with gaming operations are more likely to use blood quantum than Native nations without gaming.* I predict that there is an economic motive tied to tribal citizenship practices facilitated by a process of social closure. A Weberian account of social closure can be defined as “the process by which social collectivities seek to maximize rewards by restricting access to resources and opportunities to a limited circle of eligibles” (Parkin 1979:44). Furthermore, any group attribute such as race, gender, religion, and social origin may serve as the basis for such exclusion and the delineation of outsiders and insiders (Weber 1978:342). In the case of AIs, I posit blood quantum is one such means.

The relationship between blood quantum criteria and economic development draws much

attention in Indian Country. While social closure has not specifically been referenced in research on tribal citizenship, it has direct application to arguments in recent literature. In particular, scholars have suggested a relationship between Indian gaming operations and tribal citizenship criteria (Fenelon 2006; Galanda and Dreveskracht 2015; Gonzales 2003; Wilkins and Wilkins 2017). Empirical research on the topic, however, is limited. Angela A. Gonzales (2003) details intra-ethnic conflict among several Native nations pertaining to gaming operations and tribal citizenship, including the Saginaw Chippewa and Ysleta del Sur Pueblo nations. David E. Wilkins and Shelly Hulse Wilkins (2017) show a significant number of Native nations that are “dismembering” individual tribal citizens have gaming operations and distribute dividend payments to tribal citizens. Beyond individual tribal case studies, research on Indian gaming is limited because, not surprising, data on tribal gaming operations are scarce. While Indian gaming revenues surpassed \$30 billion in 2017 (National Indian Gaming Association 2020), not all casinos are created equal. Casino revenue data by Native nations, however, is not publicly released. Sourcing proxy data is also difficult, for example, the square feet of gaming space. In the absence of detailed gaming data for Native nations, I draw on the list of Native nations with approved tribal gaming compacts released publicly by the BIA. Gaming compacts are agreements negotiated between Native nations and state governments outlining the terms and conditions related to jurisdiction for tribal gaming operations.

### **ANALYSIS**

I use a multinomial logistic regression model to evaluate the relationship between tribal citizenship criteria and the three focal independent variables.<sup>5</sup> My dependent variable has five categories of tribal citizenship: <one-fourth blood quantum, ≥one-fourth blood quantum, lineal descent, residency, and other. My independent variables are as follows: tribal population size (small [≤999], medium [1,000–4,999], and large [≥5,000]), tribal gaming (binary), self-governance (binary), and a binary variable for the U.S. Census West Region. I present descriptive statistics for all four Census Regions; however, I use a binary variable for the West Region. Using Stata 14’s variance inflation factor (VIF) command, I found no evidence of multicollinearity between any of my independent variables, as none of the VIFs exceeded 2.80 (Menard 1995).

**Table 4.** Descriptive Statistics for Focal Independent Variables by Tribal Citizenship Category.

Focal Independent Variables	Tribal Citizenship Category				
	Lineal Descent	Residency	Other	<1/4	≥1/4
	% Frequency	% Frequency	% Frequency	% Frequency	% Frequency
U.S. Census Region					
West	21.84	9.20	2.30	18.97	47.70
Northeast	63.64	0.00	9.09	0.00	27.27
Midwest	34.69	6.12	4.08	2.04	53.06
South	53.85	0.00	3.85	17.31	25.00
Gaming Compact	29.00	0.06	3.46	16.88	44.16
No Gaming Compact	41.82	0.07	1.82	7.27	41.82
Self-Governance	42.35	2.35	2.35	20.00	32.94
No Self-Governance	26.87	8.46	3.48	12.94	48.26
Tribal Population Size					
Small (≤999)	29.17	0.10	5.00	19.17	36.67
Medium (1,000–4,999)	34.95	0.05	0.97	13.59	45.63
Large (≥5,000)	30.16	0.03	3.17	9.52	53.97

*N* = 286

## RESULTS

### Descriptive Results

Table 4 presents the descriptive statistics. The use of blood quantum is concentrated in the West with 67 percent of Native nations that employ any specified fraction of blood quantum located in this region. Lineal descent is more dispersed across the country as compared to defined blood quantum thresholds. Figure 1 shows the mean and standard error bars for geographic variation among the Native nations in my sample across the four U.S. Census regions. The disproportionate number of western tribes in the sample reflects the overall national landscape as illustrated in Table 2. 30 percent of Native nations in the sample have self-governance designation either through the IHS or the BIA. Among Native nations in the sample with self-governance status, 53 percent use blood quantum and 47 percent do not. Among Native nations in the sample without self-governance status, 61 percent use blood quantum and 39 percent do not. The majority of Native nations in the sample (81 percent) have a tribal gaming compact. Among Native nations with a tribal gaming compact, 44 percent use ≥one-fourth blood quantum, 29 percent use lineal descent, and 27 percent use something else. Fifty-four percent of large Native nations as compared to 37 percent of small Native nations in the sample use at least one-fourth blood quantum. The endogeneity of small Native nations employing stricter citizenship

criteria (i.e., blood quantum) or large Native nations using more inclusive requirements (i.e., lineal descent) is not supported by the descriptive findings. Figure 2 shows the mean and standard error bars for tribal population size in my sample.

### Multinomial Logistic Regression Results

My key research question focuses on tribal citizenship variation and whether criteria are connected to contemporary demographic, geographic, political, and economic forces. I use U.S. Census Region, tribal self-governance status, and tribal gaming as my focal independent variables to answer this question. Table 5 presents coefficients, standard errors, and significance levels for the multinomial logistic regression model predicting tribal citizenship criteria controlling for tribal population size. Results compare lineal descent (any measure of blood) versus less than one-fourth blood (i.e., one-eighth, one-sixteenth, one thirty-second, etc.), lineal descent versus one-fourth or more blood, and less than one-fourth blood versus one-fourth blood or more. I exclude the “other” and “residency” categories due to small cell sizes. Table 6 presents the predicted probabilities.

### West Effect

The West Region has a statistically significant relationship with tribal citizenship criteria after controlling for covariates. Native nations in the West

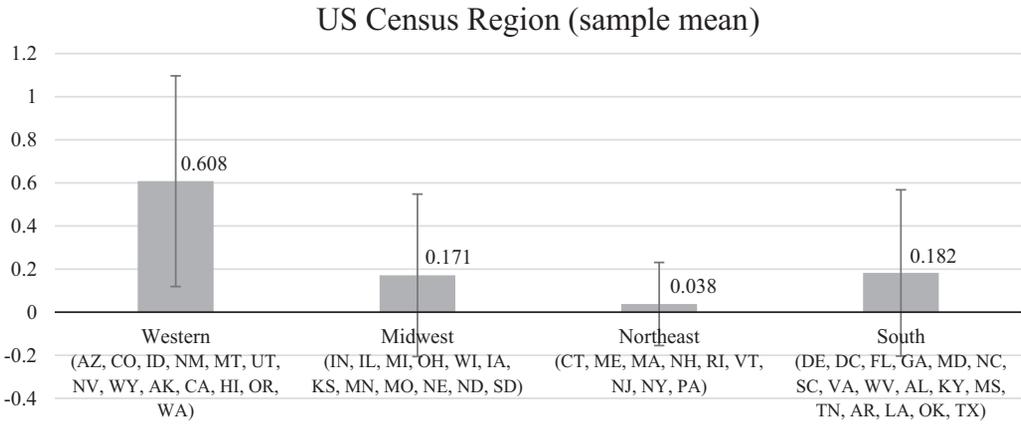


Figure 1. Sample variation by U.S. Census Region.

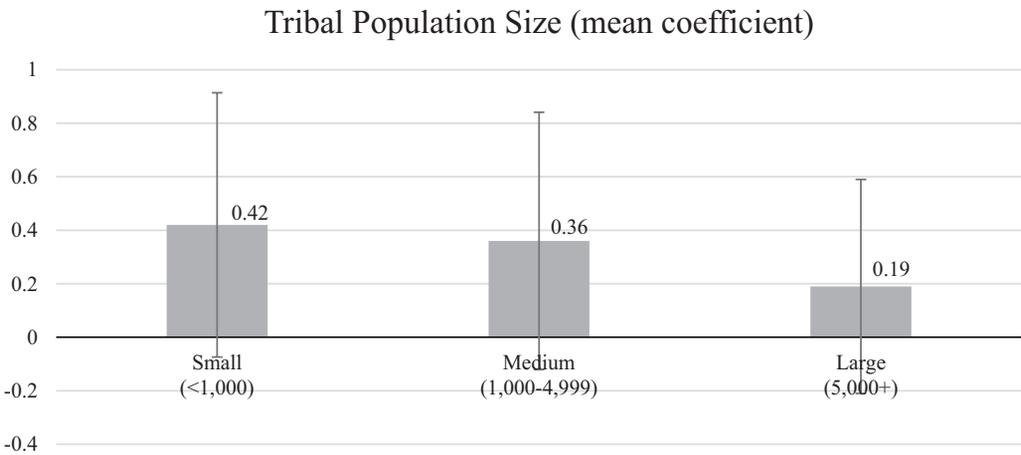


Figure 2. Sample variation by tribal population size.

have 77 percent lower relative odds of having lineal descent criteria versus less than one-fourth blood criteria when compared to Native nations in other regions, relative odds ratio =  $\exp(\beta k)$ ; statistically significant at  $p < 0.01$ . Native nations in the West also have 76 percent lower relative odds of having lineal descent criteria versus one-fourth blood or more criteria (statistically significant at  $p < .001$ ). My results support (H1): *Native nations in the West are more likely to use blood quantum criteria than Native nations elsewhere in the country.*

**Tribal Self-Governance**

Self-governance status has a statistically significant relationship with tribal citizenship criteria after controlling for covariates. The relative odds

of having lineal descent versus one-fourth blood or more criteria are 3.29 times higher for self-governing Native nations compared to Native nations without self-governance status (statistically significant at  $p < .01$ ). However self-governing Native nations also have 58 percent lower relative odds of having less than one-fourth blood quantum criteria versus one-fourth or more blood when compared to non-self-governance Native nations (statistically significant at  $p < 0.05$ ). My results are mixed with respect to (H2): *Native nations that exercise a greater degree of self-determination are less likely to use blood quantum criteria than other Native nations.* These mixed findings suggest self-governing Native nations, which arguably have more control over their self-determined futures, are more likely to depart from blood quantum criteria all together.

**Table 5.** Multinomial Logistic Regression Coefficients and Standard Error Estimates for Tribal Citizenship Criteria.

Focal Independent Variables	Lineal vs. Less than 1/4	Lineal vs. 1/4 or More	Less than 1/4 vs. 1/4 or More
West Region	-1.474** (.462)	-1.440*** (.336)	-0.039 (.449)
Tribal Size (Ref = >1,000)			
1,000–4,999	0.295 (.464)	-0.595 (.369)	0.890* (.439)
5,000+	0.472 (.636)	-1.027* (.460)	1.499* (.592)
Self-Governance	0.320 (.423)	1.19** (.342)	-0.866* (.410)
Gaming	-1.750** (.683)	-0.505 (.388)	-1.245 (.667)
McFadden's Pseudo R <sup>2</sup>	.096		

Note. Standard errors are reported in parentheses.

\*, \*\*, \*\*\* indicate significance at the 90, 95, and 99 percent level, respectively (two-tailed test).

**Table 6.** Adjusted Predictions at Representative Values (All Other Variables at Observed Values).

Focal Independent Variables	Lineal Descent	Less than 1/4	1/4 or More
West Region	0.204	0.167	0.543
Non-West Region	0.534†	0.100†	0.338†
Self-Governance	0.483	0.177	0.318
Non-Self-Governance	0.250	0.126	0.540
Gaming	0.285	0.181	0.473
Non-Gaming	0.454	0.050†	0.454

†Denotes not statistically significant; all other adjusted predictions are statistically significant beyond  $p < .05$ .

This could reflect a link between tribal sustainability and tribal self-determination. That is, as Native nations reclaim control over their governmental affairs from the federal government, they also reclaim more traditional measures of tribal belonging that depart from imposed blood quantum metrics. On the other hand, however, I also find when self-governing Native nations do employ blood quantum criteria, they are more likely to maintain strict thresholds. Future research is needed to unpack such nuance.

### Tribal Gaming

The presence of a tribal gaming compact has a statistically significant relationship with tribal citizenship criteria after controlling for covariates. Native nations with gaming compacts have 83 percent lower relative odds of having lineal descent criteria versus less than one-fourth blood criteria

when compared to Native nations without gaming (statistically significant at  $p < .01$ ). I also find that Native nations with gaming compacts are less likely to use lineal descent than one-fourth or more blood quantum and less likely to use lower blood quantum criteria than higher thresholds. However, these last two relationships are statistically insignificant. My results support (H3): *Native nations with gaming operations are more likely to use blood quantum than Native nations without gaming.* However, I caution that research is needed to fully interrogate this preliminary finding and conceptions of social closure and other economic drivers anecdotally linked to tribal gaming and tribal citizenship. More data are needed to evaluate the relationship, which could include casino revenue, proximity of Indian casinos to urban centers, and whether the state in which the Native nation is located has gaming restrictions for non-tribal entities.

### Size of Native Nation

Table 5 identifies a mixed relationship between tribal population size and tribal citizenship criteria. Large Native nations (5,000 or more citizens) have 4.48 times higher relative odds and medium Native nations (1,000–4,999 citizens) have 2.44 higher relative odds of employing less than one-fourth blood quantum versus one-fourth or more blood quantum when compared to Native nations with fewer than 1,000 citizens (statistically significant at  $p < .05$ ). This finding suggests small Native nations who use blood quantum criteria are more likely to have strict thresholds compared to Native nations of all other sizes. Yet, I also find large Native nations have 64 percent lower relative odds of having lineal descent criteria versus one-fourth blood or more criteria when compared to Native nations with fewer than 1,000 citizens (statistically significant at  $p < .05$ ). While large Native nations may be more likely to use lower blood quantum thresholds, small Native nations are more likely to depart from blood quantum all together by employing lineal descent criteria (i.e., no minimum blood quantum). So small Native nations are less likely than large Native nations to use blood quantum over lineal descent to define citizenship. But when they do, they are more likely to set a higher threshold.

## DISCUSSION

In this study, I explored how blood quantum persists as a metric of tribal citizenship and its relationship to contemporary demographic, geographic, political, and economic forces. I find the majority of Native nations continue to use some degree of blood quantum with one-fourth tribal blood being the most common metric. In addition, I find substantial variation in tribal citizenship criteria (17 different categories), which I argue reflects the sovereign right of Native nations to determine who belongs. Yet, there is limited understanding of the extent and nature of such variation. I use a multinomial logistic regression model to explore the relationship between tribal citizenship variation and U.S. Census Region, tribal gaming, and self-governance designation. All three of my focal independent variables have some statistically significant relationship with tribal citizenship criteria. The results for tribal self-governance and tribal gaming are mixed, however, pointing to the need for additional research.

This study makes three general research contributions. First, using a unique data set covering 82 percent of Native nations in the contiguous United States, I demonstrate incredible diversity in tribal

citizenship criteria. Second, I show blood quantum remains the dominant means of conferring tribal citizenship, but the data suggest it is declining both in overall use and in strict thresholds, when compared to previous studies. Third, variation in citizenship criteria is not random and appears to be correlated with structural features of Native nations, including geography, size, governance capability, and gaming operations. My analyses demonstrate the extent to which decisions around tribal citizenship are embedded within larger social, historical, and political processes. These associations underscore the foundation of blood quantum in Native communities as a racial project. However, they also demonstrate the agency of Native nations in deciding to retain, change, or depart from blood quantum all together. This moves us away from static ethnographic understandings of tribal decision-making to dynamic perspectives embedded in social and political power structures.

Future research should pursue additional explanatory variables for Native nations, especially related to gaming and economic development, and their interactions. Qualitative data are also needed. In-depth interviews with tribal leaders could provide valuable insight into the state of tribal citizenship across the United States. Such interviews could focus on the many remaining questions to motivate future research: What does high or low tribal blood quantum actually mean? Does a spectrum of legitimacy or desirability undergird these categories? How might new meaning structures or the reclamation of pre-colonial structures facilitate the transcendence of these categories? What comes after blood quantum?

## CONCLUSION

The blood line continues to stratify AIs in complex ways. Blood quantum remains an enduring feature of AI identity and Native nation governance despite its origins as a racial project. There is arguably no issue more contentious among AIs, especially as the mixed-race population in the country grows and AIs continue out-marrying at high rates. With the majority of Native nations enforcing a blood quantum minimum, a question must be asked: at what blood threshold does one stop being a Cheyenne, Choctaw, Salish, or Diné person? The variation observed in tribal citizenship criteria affirms that answers to this question are influenced by broader historical and social contexts. For some Native nations, blood quantum policies may be facilitating smooth administrative operations by clearly delineating service populations. For others, blood quantum is at the

center of significant turmoil with some Native nations going to extremes to disenroll individuals. Others are grappling with unexpected situations that have transpired due to exogenous forces.

AI identity concurrently straddles the boundaries of race, ethnicity, and nationality. Navigating these boundaries in the twenty-first century is complicated, to say the least. This study adds a new layer of understanding to this complex terrain. I show blood quantum boundaries are particularly durable; however, tribal citizenship criteria are starting to trend toward more inclusive measures of belonging. Despite data limitations, I also show that we should explore the association between tribal citizenship criteria and external forces. The nature of tribal sovereignty affirms that Native nations are in control of their demographic futures. Although the blood line continues to serve as a bright boundary for tribal belonging, Native nations must consider whether it should remain so. How this debate will shape the future of tribal populations remains to be seen.

## APPENDIX

### Ordinary Least Squares Regression Coefficients and Standard Error Estimates for Tribal Citizenship Criteria.

Region	0.188*** (0.034)
Gaming	0.426 (.269)
Self-Governance	-0.508* (.223)
Tribal Size	0.283* (.140)
Constant	1.43 (.396)
R <sup>2</sup>	0.1281
N	286

Note. Standard errors are reported in parentheses. \*, \*\*, \*\*\* indicate significance at the 90, 95, and 99 percent level, respectively (two-tailed test).

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## NOTES

1. See (Getches et al. 2011) for more on the Federal-Indian trust relationship.
2. Rather than frequency counts for all criteria, Kirsty Gover (2010) presents aggregate percentages for some categories making numerical comparison difficult, for example, “The most frequently used Indian blood quantum in the study is one-fourth, accounting for three-quarters of Native nations using Indian blood rules” (p. 84).
3. My search was limited by the public availability of tribal constitutions and policy documents. I built the database using archival research over two years and my goal is to track changes over time as data become available.
4. The act of taking enemy captives and incorporating them into tribal society was historically practiced by many Native nations, even prior to settler invasion (Brooks 2002).
5. I also ran an ordinary least squares model; see Appendix.

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