

A Necessary Evil: Framing an American Indian Legal Identity [Abstract]

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This study examines the emergence and application of what I conceptualize as an American Indian Legal Identity (AILI). AILI is an individual identity created by structural forces. Most importantly, a person can have an AILI without having either racial identity or ethnic identity. It stands on its own as proof of Indianness even though it was created in the discourse of federal Indian policy. The tribal reification of this federally defined authenticity birthed a racialized collective Indian identity. Furthermore, it has resulted in the internalized racialization of Native identity. AILI relies upon the verification of a degree of Indian blood as documented in the form of a Certificate of Degree of Indian Blood (CDIB) card issued by the US Department of the Interior and through membership within a federally recognized tribe. By focusing on historical social construction of AILI and its current implications within Native populations about who qualifies to be Indian, I analyze semi-structured, in-depth interviews of thirty Native American participants, all of whom ethnically identify as indigenous but only half of whom possess a legal identity. I find participants frame and rationalize AILI's existence by justifying that it is needed to preserve tribal sovereignty.

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