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The Aqueduct Between Us-
Inserting and Asserting an Indigenous California Indian Perspective about
Los Angeles Water

A thesis submitted in partial satisfaction
of the requirements for the degree Master of Arts
in American Indian Studies

by

AnMarie Ramona Mendoza

2019

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ABSTRACT OF THESIS

The Aqueduct Between Us-
Inserting and Asserting an Indigenous California Indian Perspective about
Los Angeles Water

by

AnMarie Ramona Mendoza

Master of Arts in American Indian Studies

University of California, Los Angeles, 2019

Professor Jessica R. Cattelino, Chair

A broad examination of settler colonial hegemony of the City of Los Angeles and its municipal water institution the Los Angeles Department of Water and Power (LADWP) is employed to understand the impacts of erasure for two tribal communities; the Tongva who are the original people of the LA Basin and the Owens Valley Paiute (Nüümü) who are impacted by the construction of the Los Angeles Aqueduct. The paths of each tribe are different in terms of federal recognition and water rights claims but there are notable similarities in dispossession enacted by the City of LA that in turn have produced unique tribally led counter hegemonic movements to insert native history and assert tribal sovereignty to protect their ancestral water. A critical reading of histories written about LA is presented to examine hegemonic forces propagated by the City of LA in the production of narratives and rhetoric that erase Native American history, thus minimizing the ability of Native peoples to be heard in discussions of water within the city today

The thesis of AnMarie Ramona Mendoza is approved.

Kyle Travis -Carrington Mays

Shannon E. Speed

Jessica R. Cattelino, Committee Chair

University of California, Los Angeles

2019

Dedication Page

To my son Michael Christopher, I love you more than words can describe. Thank you for being my day to day motivation. I would not be able to do any of the work I do, without the love and support of my family and friends. Thank you mom, for all the prayers, and the countless pep talks. To my sisters Veronica, Victoria and Natalie, I thank you for always being there for Michael and, myself. At some point you'll remind me why I started this journey when times get tough and for that I am thankful. To my brother Isaiah, thank you for being someone I could bounce ideas off of and for taking on so much to make this project accessible for our people. To my SPI fam, Angela, Cheyenne, Maura and Jessa, you all hold me down and I appreciate you ladies so much. Last but not least, this is dedicated to the future of LA paar. Wiishmenokneme xaxaaya koy paxaayta.

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Introduction

“It is difficult to be Indian under any circumstances; think what it must be like to see a phenomenon like Los Angeles spreading over your meadows and valleys, diverting your rivers, building parking structures on your holy sites, transforming the land that nurtured your ancestors into something unrecognizable.”¹

*Tovaangar*², or what is known today as Los Angeles, is a settler phenomenon unlike any other in the world. Overtime, Los Angeles has proven to be been an expropriated land base, racialized, gendered, gentrified, renamed and settled by many communities who reconstruct meanings and identity of place in ways that uphold colonial power structures. Los Angeles is many things to many people, but it is seldom recognized as an ancestral homeland to Native people. The particular way in which the Indigenous³ people are erased is consistent with the extractive growth of the city. In *First Families-A photographic History of California Indians*, L Frank Manriquez (Acjachemen/ Tongva) and Kim Hogeland conduct hundreds of interviews and showcase hundreds of family pictures that address dispossession of Indigenous peoples throughout California. The book consciously uplifts the resilience of California Indians who maintain a strong presence in their ancestral homelands, despite being buried under the layers of colonial projects both figurately

¹ L. Frank and Kim Hogeland, *First Families-A photographic History of California Indians* (Berkeley: Heyday Books, 2007), 93.

² *Tovaangar*- translates to “the world” in the Tongva language. It refers to a precolonial geographic space that includes the Los Angeles Basin and the S. Channel Islands.

³ In this thesis, I use the term indigenous to signify an identity that indicates a special relationship that tribal communities have with their lands, where cultural characteristics and meanings are derived and practiced.

and materially. The author's assert that California Indians have always maintained their relationship with their homelands "just under the radar of the dominate culture."⁴

For many Indigenous communities worldwide, water represents the central issue of survival and sovereignty and it is no different for the Native communities in and around Los Angeles. In "Holding the Headwaters: Northern California Indian Resistance to State and Corporate Water Development," Beth Rose Middleton- Manning et al. (2018) argues that "California is an ideal location for understanding the coloniality of American water management and the power of contemporary Indigenous movements for protecting accessing stewarding and recognizing Native lands and water." Though this argument is used to examine federal and state water projects, it can also be applied to the case of indigenous struggles for water rights and protection in Los Angeles. Erasure is the foundation of settler narratives surrounding land and water ownership and use. Hegemony is the way in which the ruling class solidifies its power by popularizing understandings that serve to maintain the status quo within civil society. Hegemonic forces propagated by the city of LA and its institutions produce narratives and rhetoric that erase Native American history, thus minimizing the ability of Native peoples to be heard in discussions of water within the city. In this thesis, I broadly examine settler colonial hegemony of the City of Los Angeles and its municipal water institution the Los Angeles Department of Water and Power (LADWP) and the impacts of erasure for two tribal communities, the Tongva and the Owens Valley Paiute (Nüümü).

In 1908, the City of Los Angeles embarked on an imperial⁵ project to build a 233-mile long aqueduct that would divert water from the Owens Valley (Payahuunadü) to the city of LA. This

⁴ Ibid., 93.

⁵ As defined by Encyclopedia Britannica, Imperialism is state policy, practice, or advocacy of extending power and dominion, especially by direct territorial acquisition or by gaining political and economic control of other areas. The

project connected 2 indigenous territories. The Owens Valley is nestled in between the Sierra Nevada and the White Inyo Mountain ranges located in the Eastern part of California and is often characterized by its arid climate. The Owens Valley is the original home of the Nüümü people. Payahuunadü translates to “land of flowing waters” in the Nüümü language, but after the city of Los Angeles entered the valley, the water no longer flowed like it once did. Since the completion of the Los Angeles Aqueduct in 1913, the destinies of the people in both regions have been intrinsically and physically linked by water. So much so, that federally land held in trust for the Nüümü was manipulated by the City of Los Angeles to ensure imported water supply, continuing the trajectory of Native land dispossession by colonial water institutions explored in Middleton-Manning et al. (2018) work. Before the Spanish, Mexican or American colonial projects, there were multiple tribal communities who lived in reciprocity with land and water since time immemorial in the Los Angeles Basin⁶. The Tongva, the traditional dwellers and land caretakers of the Los Angeles basin honored the four sacred rivers that have served as the basin’s life blood: the Rio Hondo, San Gabriel River, the Los Angeles River and the Santa Ana River.⁷ Rivers and various natural springs found throughout the basin sustained tribal communities for generations. The disruption of local Native ways of life by three distinct waves of colonialism beginning with the Spanish, followed by the Mexican wave and the current United States era that ultimately caused an unsustainable population growth that has impacted water resources up and down the state.

city of Los Angeles extended its power over the Owens Valley, an area over 200 miles. Currently the City of Los Angeles owns approximately 95 % of land and water rights in the Owens Valley

⁶ There are multiple California Indian tribes that live in Los Angeles. Tribes include: Gabrielino, Tongva, Kizh and Tataviam communities. This thesis highlights the perspectives and histories of the Tongva community (Gabrieleno-Tongva San Gabriel Band of Mission Indians)

⁷ See Charles Sepulveda’s “Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility” to learn more about the ancestral water of the Acjachemen and Tongva people, the Santa Ana River, the largest riparian ecosystem in Southern California.

What makes the struggle for tribal water rights and protection in Los Angeles unique is the material reality produced by the Los Angeles City charter that states:

The City of Los Angeles shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right, now or hereafter owned or controlled by the City, shall ever be sold, leased, or disposed of, in whole or in part without the assent of two-thirds of qualified voters of the City...⁸

This city charter requires that tribal communities insert and assert themselves into the mainstream understanding of LA water in order to enact their water rights and sovereignty that have long been ignored and denied by the City of Los Angeles. The struggle to secure water rights for tribal communities of the Owens Valley is one that has been a point of legal contention since the authorization of the Land Act of 1937, that established the land bases for Big Pine, Bishop and Lone Pine reservations with water rights attached. The 1939 land exchange officially signed over 2913.5 acres of Paiute trust land, for 1,291.5 acres of land owned by the city of Los Angeles. The 1939 land exchange never fully honored Federal Indian Reserved Water Rights that were promised in the 1937 Land Act. The *Winters v. the United States* (1908) court decision held that when reservations were established, the United States implicitly reserved enough water to fulfill the needs and purposes of the reservations. This became known as the Winters Doctrine and is the precedent for water rights pertaining to recognized tribes in the United States. At the time of the 1939 Land Exchange, negotiating parties, Congress and the City of Los Angeles agreed to address the issue of Federally Reserved Indian Water rights because of the complication of the city

⁸ Article XXII Department of Water and Power section 219
http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:la_charter

charter. In the present time the City and the tribes have not established Federal Reserved Indian Water rights.⁹ The control over the LA River water rights via the city charter also dispossessed Tongva of their cultural and spiritual ties to River.

In this thesis, I will refer to this instance, when the City of LA enters and constructs the LA Aqueduct in the Owens Valley as the *Owens Valley Water Grab* or simply water grab. I choose to rely on the definition provided by Lyla Mehta et al. (2012) in “Introduction to the Special Issue: Water Grabbing? Focus on the (Re)appropriation of Finite Water Resources” that explains “water grabbing as a situation where powerful actors are able to take control of, relocate to their own benefits, water resources already used by local communities or feeding aquatic ecosystems in which their livelihoods are based.”¹⁰ It is important to make this distinction because past analysis often referred to this historic colonial project as the “Owens Valley water transfer” which suggest a “move” or a “shift” of water and thus minimizes the cultural and ecological degradation of the Owens Valley perpetrated by the Los Angeles Department of Water and Power (LADWP) with diverting indigenous water ways. One of the objectives of this thesis is to convey that the Nüümü do not view the impacts from the LA Aqueduct as a moving or shifting of their ancestral water but a perpetual assault against ancestral waters, indigenous rights and well-being that were in sustainable use since time immemorial. The unnatural drainage of the Owens Lake by the LA Aqueduct and the current environmental issues that have arose highlights the damage to ecosystems that is encompassed in *water grab* language.

In the first section of my thesis, I explore why the Tongva tribal community, with strong cultural and spiritual ties to place and water, have experienced such pervasive erasure and

⁹ <http://www.oviwac.org/water-crusade/>

¹⁰ Lyla Mehta, Gert Jan Veldwisch and Jennifer Franco, “Introduction to the Special Issue: Water Grabbing? Focus on the (Re)appropriation of Finite Water Resources,” *Water Alternatives* 2, no. 5 (2012):195

invisibility within their ancestral homeland. As stated in the introduction, Los Angeles is a place that is perceived as many things, but an ancestral homeland is not one of them and it is imperative to anyone who lives in LA today to start to understand why. I explore this question by engaging with six popular histories written about Los Angeles between 1990 and 2017. These books address a broad range of topics about city of Los Angeles, and I focus on the specific ways each author chooses to address or not address the Tongva community. This is an important to understand how historians write about the original people because it was aid in understanding the struggle the tribe faces in trying to protect sacred waters in the present time. It is difficult to protect ancestral waters if you are written off in histories pertaining to your homeland. The more that historians engage with the Tongva-community in the past in a meaningful way, the more it influences a future where tribal sovereignty can flourish, especially during this critical time when Los Angeles is pursuing a variety of environmental sustainability initiatives, including of LA River Revitalization planning. Though there are vast array of scholarly and community inquiries analyzing the impact of the Owens Valley Water grab, none have examined the confluence of tribal dispossession¹¹ and historical erasure that the Tongva¹² and that Nüümü¹³ have experienced. My thesis addresses this gap. As a Tongva scholar and the director of Indigenous Waters Programming for Sacred Places Institute¹⁴, I have experienced the harsh repercussion of tribal erasure in histories in Los Angeles.

¹¹ This thesis adheres to the definition of dispossession offered in Charles Sepulveda's (Acjachemen/ Tongva) work in "Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility," that refers to no longer having possession of ancestral land or decision making authority over how lands are used; this is to not to make any reference to the relationship communities hold to place (40)

¹² Tongva- translates to the "people of the Earth"

¹³ Nüümü -translates to "the people," and is the preferred name of the Owens Valley Paiute.

¹⁴ Sacred Places Institute for Indigenous Peoples (SPI) is strongly committed to working with California Native Nations and Indigenous Peoples to develop tribal capacity and foster long-term water resource planning that will benefit tribal communities

My work aims to combat erasure so that my community can be visible as to better assert our decision making authority as a state recognized tribe.

In the second part of this thesis, I examine the legal hurdles the tribes face while trying to assert their rights protecting their ancestral waters. For the Tongva community, I examine the hurdles endured as a California Native American tribe without federal recognition¹⁵. The tribe must rely on government codes and executive orders requiring consultation between the tribes and state agencies because non federally recognized tribes do not have a government to government relationship with the federal government. For the Nüümü community, I look at what strategies have been employed by the tribes impacted by the 1937 and 1939' land exchange. Though the trajectories of each community are vastly different in terms of federal recognition, water rights claim and visibility within actual homelands, there are similarities in invisibility within LA and difficulty in asserting legal governance concerning water. These in turn have inspired unique tribally led counter hegemonic movements to insert and assert their sovereignty to protect their water.

In the third and final section of this thesis, I examine the hegemonic forces of the City of Los Angeles and its colonial municipal water institution¹⁶: the Los Angeles Department of Water and Power (LADWP). I begin this inquiry into hegemony and tribally led counter hegemonic movements by first taking a closer look at the LADWP as a settler institution whose hegemonic projects have transformed overtime to maintain their power. For this section I rely heavily upon

¹⁵ According to the Bureau of Indian Affairs “A federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

¹⁶ In “Holding the Headwaters: Northern California Indian Resistance to State and Corporate Water Development,” the authors argue that at their foundation California state and federal water projects are colonial operations that deny Indigenous presence, sovereignty, and future.

the work of Fionn Mackillop and Julie- Anne Boudreau. Their work, “Water and power networks and urban fragmentation in Los Angeles: Rethinking assumed mechanisms,” highlights the transformation of LADWP hegemony from based on oligarchical motives at its conception, to one that reflects neoliberalization in the present. Geographer Mark Purcell provides the framework for the neoliberal section of this shift, where market logic and competition driven priorities pervade civil society’s consciousness. The last and most important section will illuminate how the Tongva and Nüümü have responded to institutional discrimination since the 1990’s. For this section, I again rely on Mark Purcell’s work again because it provides frameworks for understanding counter hegemonic politics that I argue tribes have engaged in. I will demonstrate how the actions of the Nüümü and Tongva community, in the recent period have strategically challenged the existing orthodoxy concerning water in Los Angeles. I chose to focus on few examples of the tribes starting from the 90’s to the contemporary, to demonstrate how both tribal communities they have actively engaged in inserting themselves into the water politics of the city, creating visibility and the space for asserting tribal water protection.

(Part I) Patterns of Tongva Erasure and Agency in Histories of Los Angeles, 1991-2017

“The harsh reality is that the U.S, government doesn’t even acknowledge the existence of most of the tribes that were heavily affected by the missions. In popular imagination, these people exist only in the myths of a bygone era”¹⁷

The Tongva are one of the indigenous communities who lived in the Tovaangar (LA Basin) since time and memorial. The tribe belongs to a language group is Uto-Aztecan in origin¹⁸. The

¹⁷ L. Frank and Kim Hogeland, *First Families-A photographic History of California Indians* (Berkley: Heyday Books, 2007), 96.

¹⁸ Blake Gumprecht, *The Los Angeles River – Its Life, Death and Possible Rebirth* (Baltimore, 2001), 26.

Tongva period of sovereignty ended with the founding of Mission San Gabriel by the Spanish in 1771.¹⁹ The tribe has experienced three distinct waves of colonialism that has contributed to historical erasure and invisibility. The first wave was the Spanish wave of colonialism that began in 1769 with that the establishment of San Gabriel Mission. This led to the founding of El Pueblo de Sobre el Rio de Nuestra Senora la Reina de Los Angeles del Rio de Porciuncula in 1781, where the community was the first source of exploitable labor to the Spanish. Spanish rule ended after Mexico won independence in 1821, the Mexican era lasted from approximately 1821 to 1848, when the local indigenous population experienced a new wave of abuses from the newly instated colonizers.²⁰ After the 1848 Treat of Guadalupe Hidalgo was signed, ending the US Mexican War, California was ceded to the United States (along with all of the current U.S. southwest). The period from 1848 to the present day, is understood as the United States era, within which the Tongva Gabrielino do not reap the benefits of a Federally Recognized Indian status.²¹

Historian Mike Davis's book, *City of Quartz: Excavating the Future in Los Angeles* is one of the most popular urban histories written about Los Angeles. It has been cited and referred to by numerous scholars in various fields of academic study since its release in 1991.²² It has been nominated for a slew of awards that have earned it a popularity that prevails today. Davis, a seasoned Marxist historian, takes on a social history of the city, beginning in the 1840's and concluding in the late twentieth century. His 435-page book was considered one of the most

¹⁹ Claudia K Jermain and William McCawley, *O, my ancestor recognition and renewal for the Gabrielino-Tongva people of the Los Angeles are* (Berkeley, 2009), 8.

²⁰ Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill, 2017), 4.

²¹ <http://www.gabrielinotribe.org/historical-sites-1/>.

²² Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York, 1991).

provocative of the time because of his depiction of the city of Los Angeles as an archetypal configuration of a city held captive by a capitalist driven economy. Despite the fact the Tongva Gabrielino people were the first population impacted by the capital driven institutions of the city, the first time Davis acknowledged the Los Angeles Indian community was on page 26, to problematize mission literature that “depicted race relations as a pastoral ritual of obedience and paternalism.”²³ Davis rejected the false narrative of Indians as “graceful” and open to receive the “superior” culture of the Franciscans, but failed to produce a more complex narrative of Indians. *City of Quartz* only addressed indigeneity on three occasions, two of which are directly linked to disparaging description of the Mexican era of Los Angeles.²⁴ Davis asserts that “Los Angeles grew from an insignificant Mexican Pueblo of fewer than three thousand souls to a metropolis of over three million.”²⁵ His last reference to Tongva Gabrielino people or “Indians” as he refers to them, was a reference to labor after the secularization of the San Gabriel and San Fernando Mission in the late 1820’s, regarding New England sailors competing for work with the local Indian population.²⁶ This association to labor and the Tongva-Gabrielino population is one that is pervasive in the thematic in Los Angeles histories written after the 1990’s.

Several important themes emerge from Davis’s work that influences authors to the present day. Situating the city’s capacity as a myth making hub is a trend that is continued in each of the subsequent authors’ historical argument to dispel any notions of myths. However, the aim of each historian usually resulted in erasure of the indigenous people of the Los Angeles basin. Another

²³ Mike Davis, *City of Quartz: Excavating the Future in Los Angeles*, (New York, 1991), 26.

²⁴ *Ibid.*, 26.

²⁵ *Ibid.*, 105

²⁶ *Ibid.*, 120.

thematic notion adopted by writers after the *City of Quartz* was the direct link between indigeneity and capitalist labor systems. Though the link is superficially mentioned in Davis's work to set the economic shift from a cattle-based economy to one that relied on agriculture, it was ultimately used to set the stage to explore American settlement. This brief nod to indigeneity included a reference to the Spanish class system using the categories of "gente de razón" that the latter authors would expand upon in depth. In the early day of Spanish colonialism, "gente de razón" and "gente sin razón" distinguished Indians who would convert to Catholicism and rely on the mission for sustenance and those who remained in their villages. The English translation is "people of reason" and "people without reason."

A shortcoming of Davis's *City of Quartz* is his inability to engage with the eras of Spanish and Mexican Colonialism. He began his narrative in the 1840's, but he should have begun in the 1780's because that period laid the foundation for the capital driven Anglo culture that he takes on to critique. Nevertheless, Davis's work made a lasting impact on the histories of Los Angeles written after and the way in which outsiders are able to understand the complex history of the city.

The popularity of environmentalist Marc Reisner's book *Cadillac Desert- The American West and its Disappearing Water*, is due to his comprehensive coverage of water infrastructure in the west. The popularity of the book was elevated by its adaptation into the 1997 PBS mini-series, *Water and Transformation of Nature*. Los Angeles water is the topic of chapter two in Reisner's book.²⁷ It also served as the mini-series introduction, which directly coincides with the sequenced narrative offered in his book. Chapter two, entitled "Red Queen," began- by situating the city of Los Angeles under the rule of the United States in 1848 at the beginning of the gold rush era,

²⁷ Mark Reisner, *Cadillac Desert- The American West and Its Disappearing Water*, (New York, 1993), 52-103.

echoing the time frame deployed by Davis in the *City of Quartz*. The harsh depictions of the young pueblo included recognition of a “half Spanish and half Indian population” as well as phrases as “torpid suppurating stunted little slum,” and “filthy little pueblo of 13,000.”²⁸ These descriptions are found on the first couple of pages of the chapter. This sets the tone and dramatized metropolis growth that came with the Owens Valley water grab in the early 1900’s.²⁹ In order to examine the infamous water grab, Reisner depicts the early Los Angeles basin pre -Spanish contact, as one that was barely settled by humans, which aided in his erasure of the local indigenous population. “Had humans never settled Los Angeles, evolution left to its own devices, might have created in a million more years the ideal creature for the habitat, a camel with gills.”³⁰ Heavily relying upon early pioneers to shape his narrative he further elided the presence and agency of the local indigenous people, who were only regarded in alignment with the depictions of the early pueblo. This is to say the Tongva- Gabrielino were only mentioned in context of the early pueblo. However, Reisner does attempt to address the Owens Valley Paiute community in relation to this water grab. Unfortunately, he based his description upon inaccurate portrayals of the Paiute’s use of water prior to contact with the Spanish. “Paiute learned irrigation from Spanish,” which is a false notion never expanded upon after mentioned.³¹ The Paiute had ancient irrigation systems that predated any colonial contact. The earliest written records of “Indian ditches,” hand dug canals by the

²⁸ *Ibid.*, 52-53

²⁹ Water grab is a term used to refer to the period between 1905 to 1913, when City politicians, engineers, and wealthy stake holders devised a plan to build a 233- mile gravity fed aqueduct that would take water from the Owens Valley and deliver it the City of Los Angeles to sustain the City’s growth and agricultural boom.

³⁰ *Ibid.*, 52.

³¹ Reisner, *Cadillac Desert*, 59.

Paiute, were in 1855 by American land surveyor Von Schmidt.³² Overall, *Cadillac Desert* continued the trend of indigenous erasure in the histories written about Los Angeles.

In regard to water in Los Angeles prior to the water grab in 1913, the ways in which water is mentioned before the Los Angeles aqueduct was limited in scope in order to lay foundation for a narrative that focuses on the political planning of key white men who brought water from the Owens Valley to Los Angeles. The most limiting of Reisner's descriptions was directed at the Los Angeles River which was described as being a "smallish creek in a large bed."³³ The idea that Los Angeles has no water is a dominant narrative popular even today because of the descriptions offered by *City of Quartz* and the "Red Queen" chapter of *Cadillac Desert*. Reisner's work offered no new insights connected to indigeneity and water which was commonplace for the early 1990's when he wrote *Cadillac Desert*. It took a dedicated geographer in the next decade to unearth the indigenous connection to land and water in the Los Angeles basin.

Geographer Blake Gumprecht's 2001 book, *The Los Angeles River – Its Life, Death and Possible Rebirth* represents the necessary paradigm shift in histories written about the city of Los Angeles, that included a more comprehensive study of urban water, and the original peoples of the Los Angeles basin. Gumprecht offered an in-depth biography of the Los Angeles River that began with a prehistoric geological overview and ends with the contemporary issues of the early 2000's. Gumprecht departed from his predecessors by taking on a historical narrative that began prior to United States rule in Los Angeles. He argued that the Los Angeles River has impacted human activity and how in turn, those activities have altered the river; by discussing the geological phenomenon of the basin to then be followed by the settlement patterns and Tongva-Gabrielino

³² <http://www.oviw.org/water-crusade/>

³³ *Ibid.*, 52.

Indians. He also addressed importance of the river to them, he has radically departed from the normative chronological scope addressed by Davis and Reisner. In the section “The importance of the River to the Indians” Gumprecht offered a real glimpse of life in the Los Angeles basin before Spanish colonialism. “The Gabrielino who inhabited the valleys and coastal plain were hunters and gatherers, and the river’s water were crucial to their way of life.”³⁴ For the first time, the local Indians of the basin not only had a name but a history that was not reduced to the San Gabriel Mission. Examples of rituals held with the river not only created visibility for a community that was not named in the popular histories of the 1990’s, but it also humanized their cultural, social and spiritual ties to the river.³⁵ Gumprecht’s covering of Tongva- Gabrielino activity near the river before colonial contact included descriptions of spiritual and social life, ways of sustainability, and language.³⁶

Gumprecht’s portrayal of the complexity of the Tongva-Gabrielino population was the major focus of chapters one and two. “The Gabrielino are considered to have been one of the most culturally advanced and prosperous Indian Groups in the Southwest.³⁷” They understood the importance of the regions water and respected its ability to flood and therefore built villages in accordance with the landscape outside of the flood zone. Adding complexity to the tribe’s cultural makeup was introduced via an exploration of gendered roles. “Female tribe members roamed from place to place after the winter rains, gathering seeds, nuts, and fruits and digging wild roots and

³⁴ Blake Gumprecht, *The Los Angeles River – Its Life, Death and Possible Rebirth* (Baltimore, 2001), 26.

³⁵ *Ibid.*, 26-39.

³⁶ *Ibid.*, 26-39.

³⁷ *Ibid.*, 28.

bulbs with sticks.³⁸ Relying upon the land to makeup a diverse and rich highlighted a precontact ecological diversity that was about to be interrupted by the Spanish invasion.³⁹ Mention of creator-God Chengiichngech was the catalyst that Gumprecht relied on to bring in the Spanish era of colonialism.⁴⁰ The Franciscans came to replace indigenous belief systems, while disturbing the local ecology with the introduction of cattle and agricultural settlements.⁴¹ Because they began their narratives in the 1840's, Davis and Reisner did not begin to unpack how Spaniards established the city in 1781 or the role of Indians in irrigating with the water. Through Gumprecht's work we find that the actual location of Los Angeles was situated in close to proximity to the Tongva Village of *Yangna*.⁴² The village members of *Yangna* served as the city's first working class labor force creating and maintaining the Zanja Madre (Mother Ditch), the first large scale irrigation system in the Spanish pueblo that supplied water for agriculture and domestic needs.

The early Spanish mestizo residents of El Pueblo de la Reina de Los Angeles relied on the local Indians to peddle water out of clay and terra cotta urns for their domestic needs.⁴³ According to Gumprecht, "the early agricultural success of the pueblo has largely been credited to the work of the Indians."⁴⁴ They were tasked with plowing, sowing and harvesting an array of food like wheat, corn, beans, and barley on top of maintaining the water ditches.⁴⁵ A startling fact exposed

³⁸ Gumprecht, *The Los Angeles River*, 32.

³⁹ *Ibid.*, 40.

⁴⁰ *Ibid.*, 34.

⁴¹ *Ibid.*, 35-39.

⁴² *Ibid.*, 29.

⁴³ *Ibid.*, 44.

⁴⁴ *Ibid.*, 46

⁴⁵ *Ibid.*, 46.

while examining the role of California Indian labor in building and maintaining the Zanja Madre, was the legality of forced labor that the Spanish imposed upon the Indians. When the volume of water “in the Zanja Madre was no longer sufficient, the town government ordered that all drunken Indians be arrested and required to work on the ditches until the amount of water they carried increased.⁴⁶” These facts that Gumprecht illuminated surrounding Southern California Indian labor inspired historian George Harwood Phillips to write *Vineyards and Vaqueros-Indian Labor and the Economic Expansion of Southern California, 1771-1877* in 2010⁴⁷.

Gumprecht’s work offered several new historical facts that greatly influenced a new more critical lens to be followed in the study and labor of social histories of Los Angeles. Adopting the indigenous language to situate place was a new phenomenon emphasizing Indian agency in Los Angeles histories. *Tong-va* and *Tobikhar* were how the Gabrielino were said to refer to themselves before contact.⁴⁸ *Wenot* was their indigenous name for river.⁴⁹ Referring to precontact downtown Los Angeles as *Yangna* is probably the most trend-setting adoption of language that became popularized after the book’s release.⁵⁰ Historians David Samuel Torres Rouff and Kelly Lytle Hernandez adopted the acknowledgement of the Yangna village to situate space for their respective later historical narratives. Though, Gumprecht created a paradigm shift by addressing indigeneity and water that is more commonly acknowledged by historians in the past decade, still, histories

⁴⁶Gumprecht, *The Los Angeles River*, 47.

⁴⁷ George Harwood Phillips, *Vineyards and Vaqueros-Indian Labor and the Economic Expansion of Southern California, 1771-1877* (Norman, 2010), 13.

⁴⁸ Gumprecht, *The Los Angeles River*, 29.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, Gumprecht relied upon the work of American linguist J. P. Harrington for the interpretation work.

written in the 2000's still struggled to contend with indigeneity surrounding water in histories written about Los Angeles pre and post colonialism. No better example of this struggle to acknowledge the Tongva community was more prevalent in the 2005 work of historian William Deverell, who critically addresses the Mexican role in shaping the Los Angeles's racialized power structure where whites are situated at the top. Even though this book uses a critical race lens, Deverell routinely erases Native voices within his historical narrative, especially around his discussion of the Los Angeles River.

In *Whitewashed Adobe: The Rise of Los Angeles and the Remaking of Its Mexican Past*, William Deverell positions his book in the 1850's, adhering to the tradition to starting the history of Los Angeles early with the United States rule and concluding at the beginning of the second World War. However, Deverell's work departs from Davis's and Reisner's books in 1990's by taking on a critical race analysis that examines the embedded racial complexities of Los Angeles. He asserts that the city's "expression of institutional and infrastructural growth, adhered to patterns of racial privilege and ethnocentrism."⁵¹ He focused on the specific responses of the Mexican experience to reveal how the early white captains of industry of the city perpetuated a race war that disproportionately impacted Mexicans. Deverell's first acknowledgement of the Tongva-Gabrielino population was a small picture on page 33 (Figure 3) of racial types as described in Boyle Workman's 1936 history, *The City That Grew*.⁵² The simple mention of "The Indian" as a racial type was the extent of his contending with indigeneity until chapter three. This chapter also gauges community engagement with the Los Angeles River.

⁵¹ William Deverell, *Whitewashed Adobe: The Rise of Los Angeles and the Remaking of Its Mexican Past* (Berkeley, 2005), 5.

⁵² *Ibid.*, 33.

Chapter 3 entitled, *Remembering the River* offered a rendition of indigeneity and the Los Angeles River situating Mexicans as having “particular and proximate knowledge” of the river.⁵³ Deverell glosses over missionization to get into the history of the young pueblo and the *zanjas* (ditches) “dug out by Indian or Mexican labor.”⁵⁴ The dynamic of gendered labor is then brought to the forefront, “women made daily visits to the river to fill clay ollas,” with the intention of selling that water door to door.⁵⁵ This recognition of gender, labor, and the Spanish and Mexican irrigation system is consistent with the trajectory started by Gumprecht. But further analysis of indigenous connections to water as the pueblo grew is stifled by Deverell’s exclusive focus on Mexican knowledge connected to the river. Indigeneity is erased to privilege Mexican experiences. Deverell relied on the descriptions of the early American settlers who remarked how the Mexican settlers were more aware of the potential risk of the river flooding and how the river also served as a hub of ethnic congregation. “Sonoratown, “Nigger Alley”, and Chinatown were all not far from the water’s edge.”⁵⁶ This analysis adds a critical race lens that fails to address the erasure in indigenous people of the area.

Historian Nicolas Rosenthal 2012’s *Reimagining Indian Country: Native American Migration & Identity in Twentieth-Century Los Angeles* works to study American Indian and Urban history in Los Angeles with an astonishing elision of the Tongva community. The only mention of the tribe in the book appeared in chapter 1, *Settling into the City*. The tribe listed along with five other tribes referencing the labor of building and maintain “the missions, pueblos, and

⁵³ *Ibid.*, 92.

⁵⁴ Deverell, *Whitewashed Adobe*, 92.

⁵⁵ *Ibid.*, 98.

⁵⁶ *Ibid.*, 108.

presidios of the region during the Spanish and Mexican colonial periods.”⁵⁷ The reference to Indian labor echoes the historians of the 1990’s who do not meaningfully engage with Spanish colonialism but focused on the U.S. rule. It also illuminates the trend of associating local indigeneity with labor. Rosenthal explained that, “Native People served as masons, carpenters, plasterers, soap makers, tanners, shoemakers, blacksmiths, millers, bakers, cooks, spinners, shepherds and vaqueros.”⁵⁸ This book is reflective of the problematic depiction of Los Angeles in the 1990’s, the difference is that Rosenthal does uncover the histories of another marginal native group, the relocated Indian population, to the exclusion of the Tongva population in the twentieth century.

Historian David Samuel Torres- Rouff’s 2013 book *Before L.A: Race, Space, and Municipal Power in Los Angeles, 1781-1894*, represents a better attempt to engage with conversations of race and indigeneity. In his introduction Torres- Rouff introduced a new focus on the historical resistance from the Tongva population regarding water. According to him, “A hostile contingent of local Tongva Indians,” were on the frontlines of an irrigation project that threatened their water supply with the onset of the mission.⁵⁹ In Chapter one, “A Pueblo by the Porciuncula, 1781-1840” began by situating place with the Tongva- Gabrielino village of Yaagna. His analysis goes further than his predecessors, by addressing the displacement and epidemic disease “that unsettled Tongva lifeways” with the inception of the young pueblo.⁶⁰ According to Torres-Rouff,

⁵⁷ Nicolas Rosenthal, *Reimagining Indian Country: Native American Migration & Identity in Twentieth-Century Los Angeles* (Chapel Hill, 2012), 13.

⁵⁸ Rosenthal, *Reimagining Indian Country*, 13.

⁵⁹ David Samuel Torres Rouff, *Before L.A: Race, Space, and Municipal Power in Los Angeles, 1781-1894* (New Haven, 2013), 2.

⁶⁰ *Ibid.*, 24.

the “displacement of Gabrielino’s living at Yaagna represented only the latest phase of colonial incursion into Indian social and spacial practices.”⁶¹This insight is significant because it provided a more holistic understanding of labor that was previously missing. Tongva Indians struggled over resources to survive. Working for the city, particularly delivering water, became a feasible way to support one’s family in a time of cultural, economic, political, and environmental change. The examination of family and was also a new feature that added a sense of Indian agency that had been previously underexplored. Marriage became a way to detour sexual assault, thus promoting violence against Tongva women who were not assimilating.

Another theme that Torres-Rouff adopted from Gumprecht but better fleshed out was the role of incarceration and Indian labor. The unspoken *casta* system relied upon differentiating “*gente de razon*” from “*gente sin razon*”. Those Indians with “reason” were converting to find space in the pervasive Spanish economy that stripped the natural habitat of its resources. According to Torres Rouff “Angelenos employed Gabrielino- Tongva in a variety of other occupations, and their labor proved crucial to the pueblo’s early success.”⁶² There is no doubt that the Tongva population was the primary working class of this period, and policy makers used law to “rigidly regulate Indian communities, Indian activities and Indian labor.”⁶³ City officials had the authority to round up any Indian considered vagrant and force them into labor⁶⁴. Thus, incarceration in Los Angeles was created to secure and subjugate the Indian work force. These facts were more fleshed out in Historian Kelly Lytle Hernandez book, *City of Inmates: Conquest, Rebellion, and the Rise*

⁶¹ *Ibid.*, 52.

⁶² *Ibid.*, 35.

⁶³ *Ibid.*, 45.

⁶⁴ *Ibid.*, 39.

of *Human Caging in Los Angeles, 1771-1965*, where she unpacks the progression of carceral practices in the city's early-period until the 1960's.⁶⁵

City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965, represents one of the most meaningful efforts to thoughtfully construct a narrative that has given the Tongva meaningful individual and community agency in the early history of Los Angeles. She is the first author to break the second chapter Tongva Gabrielino disappearance act, that was prevalent in Davis's, Reisner's, Gumprecht, Deverell's, Rosenthal's and Torres- Rouff's, books. This is to say that in their works, the tribe ceases to be mentioned once the author begins to analyze the power structures of the United States colonial rule, and because the time frame of most of the books, excluding Gumprecht's and Rosenthal's, began around the Gold Rush era, it had become the most distinct starting point of California Indian erasure in histories written about Los Angeles.

Lytle- Hernandez begins Chapter 1, "An Eliminary Option" by giving the reader a glimpse into cultural and spiritual life of the Tongva prior to Spanish Contact via the retelling of a creation story.⁶⁶ She follows the trajectory of Gumprecht book, but more effectively wove creation story with archeological findings to give agency to the geological space of the Los Angeles basin and the first people of it. She mirrors Torres- Rouff's work by engaging with a gendered analysis of the tribe. However, instead of solely basing the analysis around labor and assimilation as Torres – Rouff did, she extends this analysis it to include acts of gendered resistance. Toypurina was a "twenty-four-year-old female shaman...from the Jachavit village", who organized a staged attack

⁶⁵ Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill, 2017).

⁶⁶ Lytle Hernandez, *City of Inmates.*, 16.

on the mission that included at least participation from eight other villages.⁶⁷ Lytle- Hernandez was an author who put a face to the Gabrielino- Tongva community and that face was of a woman who was resisting “the Padres and... those at the mission who came to establish themselves on her land.”⁶⁸ There are several instances where Lytle -Hernandez gives face to the tribal community. Once again, she uses a woman Narcisa Higuera to illuminate acts of resistance portrayed by the tribe. In Chapter 4 “Scorpion’s Tale,” Narcisa Higuera was acknowledged for “bravely told her story of family, community, language and survival in California.”⁶⁹ This focus on family and community agency though acknowledging Tongva individuals was once again seen in Chapter 5 when the passage of the Immigration Act of 1924 caused David Morales (Tongva) to fight “for U.S. citizenship and the right to vote,” with hopes of protecting his family’s rights and land.”⁷⁰ With the humanization of the tribe through focusing on Tongva tribal members, the reader is able to get a better sense of how the social, cultural and political changes have impacted the first people of the Los Angeles Basin.

Lytle-Hernandez contends with the violent atmosphere in Los Angeles at the beginning of United States era (1846-) that perpetuated a staggering population drop to “316 Native persons,” but she uncovers the response that the United States government had in dealing with the Tongva- Gabrielino population, which none of the authors directly addressed.⁷¹ In order to dispossess native peoples of their claim to land, the U.S. Congress sent commissioners to negotiate land treaties that

⁶⁷ *Ibid.*, 31.

⁶⁸ Lytle Hernandez, *City of Inmates.*, 31.

⁶⁹ *Ibid.*, 95.

⁷⁰ *Ibid.*, 133.

⁷¹ *Ibid.*, 43.

led to some Tongva -Gabrielino to move out of the city to a 50,000 acres land reserve, San Sebastian Reservation.⁷² Between 1851 and 1853, 18 treaties were signed with 134 California Indian Tribes. Retreating from pressures from violent white settlers and their want for land, Congress never ratified these treaties and they became known as the “lost treaties” because they remained unsigned and left in the basement of the U.S. Senate archives. Lytle- Hernandez poignantly asserts that these treaties were never “lost” but were “broken” and “hidden”. She departed from her predecessors and brought the Tongva community into time frames that were post missionization and Mexican colonial rule, to depict a more holistic, humanizing community that experienced a new wave of dispossession under US colonial rule.

Kelly Lytle Hernandez’s book represents a significant step in the right direction in terms of writing histories about Los Angeles. Her book demonstrates that there are archival resources to meaningfully engage with the first people of the LA Basin. Her ability to humanize the Tongva community relied on focusing in on certain individuals, this was extremely empowering strategy on behalf of a tribal community that is fighting to overcome erasure.

(Part II) – A Confluence of Tribal Dispossession- Law, Policies, and Legal

Precedence in LA Water

The state of California currently shares geographic space with 109 federally recognized tribes and 49 entities that are considered State recognized tribes.⁷³ From the start of the gold rush era, it is estimated that between the years of 1846 and 1873, the California Indian population

⁷² *Ibid.*

⁷³ California Courts- The Judicial Branch of California, available at <http://www.courts.ca.gov/3066.htm>)

plunged from 150,000 to 30,000.⁷⁴ The legal acquisition of California in 1848- by the United States with the finalization of the Treaty of Guadalupe Hidalgo, officially ended Mexican occupation. The sordid history between the state and California tribal communities is often defined by the governor's stance. Shortly after California became a state in 1850, governor, Peter Burnett, approved the paradoxically named bill "Act for the Government and Protection of Indians" in the first session of the state legislature.⁷⁵ This bill banned Indian voting, denied basic due process, legalized Indian servitude and permitted capital punishment of Native peoples. Native Californians were not allowed to partake of the promises and protections of American citizenship, but fully experienced state punishment in its most extreme form. From 1846 to 1873, the state and federal government spent at least \$1,700,000 to perpetrate acts of genocide.⁷⁶ This staggering loss of life reveals the actual cost of western expansion.

The LA Aqueduct does not technically mark the first time the Tongva and Paiute were connected by settler infrastructure. Forced removal and the nascent reservation system had done so during the previous century, in an inhospitable region between their two territories. Genocidal violence prompted the U.S. Congress to negotiate land treaties with tribes in Southern California. Between 1851 and 1853, there were 18 federally negotiated treaties. Those negotiated treaties reserved 7.5 million acres for the tribes. In 1854 the federal government urged California lawmakers to establish Indian Policy by appointing Edward F. Beale as Superintendent of Indian Affairs for California; he began the process of relinquishing the 7.5 million acres. In Southern and Central California, Beale established the first model Indian reservation just outside of San Joaquin

⁷⁴Madley, Benjamin, *AMERICAN GENOCIDE: The United States and the California Indian Catastrophe 1846-1873*, (Yale University Press, 2017), 3.

⁷⁵ Ibid 148

⁷⁶ Ibid 4

Valley called Fort Tejon; it was later named San Sebastian Indian Reservation. This inhospitable space was shared between Yokut, Gabrielino- Tongva and Kitanemuk tribes. The tribes could not sustain themselves because of lack of water, game, and usable agricultural land. Before leaving original homelands, the tribes believed that the treaties were valid and that the land they would be receiving would be adequate to live on. San Sebastian was eventually abandoned by the tribes in the early 1860's because of the harsh conditions and the encroachment of white squatters. None of the eighteen treaties were ever approved by the Senate: the coastal value was far too high for Congress to sign off. As a result, the tribes under these treaties were never given compensation or tribal recognition, thus cementing their dispossession. But this would not be the end of Fort Tejon: a year after the Tongva and other tribal communities abandoned Fort Tejon, the U.S. government repurposed the space to displace and dispossess the Nüümü, force marching them southward in a historically overlooked trail of tears.

In the summer of 1863, a group of Californian volunteers' force marched a group of the Nüümü, the indigenous people of the Owens Valley, to Fort Tejon. Food accessibility was the basis of armed struggle in the valley between white immigrants and Owens Valley Indians. “[F]ollowing the decreased harvest caused by the pressures of white invasion, drove some Owens Valley Indians to hunt the invaders’ stock. Immigrants retaliated by killing Paiute- Shoshones.”⁷⁷ According to Nüümü survivors and historians, on July 11 of that year, 100 soldiers forcefully removed approximately 1,000 Paiute Shoshone and marched them to Fort Tejon with few provisions. Over 100 tribal members died on this journey. Despite the harsh settler colonial tactics, the Nüümü connection to their homeland enabled those who could make the trip to return to the

⁷⁷Madley, Benjamin, *AMERICAN GENOCIDE: The United States and the California Indian Catastrophe 1846-1873*, 311

valley. Fort Tejon was officially dismantled in 1864, and those Nüümü who remained there were moved to the Tule River Reservation.⁷⁸ For those Nüümü who did make it back to the valley, they faced the challenge of conflicts with new settlers.⁷⁹ After several violent encounters with the settler population,⁸⁰ the farming population began to rely on Indian labor; this relieved the valley of the lingering tension. Men were often employed as farmworkers and women would work as domestics.⁸¹ However, the fragile relationship between these mutual dependents was interrupted by a new colonial force in the early 1900's.

Fort Tejon was a site of dispossession for both communities, Tongva and Nüümü. This shared trauma is not written about and therefore not in mainstream consciousness. The impacts of the Fort Tejon era have had long lasting impact on the Tongva community, who were officially dispossessed of land and water rights. Sacred site protection and consultation is one tactic that tribes like the Tongva rely on to assert government to government relations. Sacred site protection has been subject of discussion in California since 2001. Passed in 2004, Senate Bill No. 18 represents the first time the state of California legally required tribal consultation with those found on the Native American Heritage Commission list. Defining tribe as “federally recognized California Native American tribe or a nonfederal recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission, among those

⁷⁸George Hardwood Phillips. “Bringing them under Subjection:” California’s Tejon Indian Reservation and Beyond, 1852-1864 (Lincoln: University of Nebraska Press, 2004), 250.

⁷⁹Madley, Benjamin, *An American Genocide: The United States and the California Indian Catastrophe*. (London and New Haven Yale University Press, 2016) 328.

“Returning to their homes from the starvation conditions of Fort Tejon hungry Owens Valley Paiute Shoshone refugees struggled to survive in a land transformed by immigrants and their voracious stock”

⁸⁰ Ibid. The second Owens Valley War –November 1864 to January 1865 (328)

⁸¹ John Walton, *Western Times and Water Wars: State, Culture, and Rebellion in California*. (Berkeley: University of California Press, 1992): 23

entities and organizations that may acquire and hold conservation easements, as specified.”⁸² SB 18 inserts tribes into the state planning law but does not effectively protect most sacred sites threatened by development. This is important in Los Angeles because of the constant flux of development the city engages with. SB 18 is the precursor to Assembly Bill 52 (2014), that does go on to clearly define Native American tribes in the CEQA process.⁸³ AB 52 recognizes a few important things that are significant to unrecognized tribes. First, it recognizes that “California Native American tribes may have expertise with regard to tribal history and practices.” Second, it recognizes the importance of tribal knowledge about land and tribal cultural resources (TCRs) as valid in environmental analysis, and further that a “substantial adverse” change to a TCR is a significant effect on the environment. AB 52 is one of the few legal precedents that nonrecognized tribes depend on.

Another legal protection the Tongva can utilize to assert tribal governance is Executive Order B-10-11. On September 19, 2011, Governor of California, Jerry Brown took a progressive stance on how the state of California communicated with tribal nations, by passing Executive Order B-10-11. This order “recognizes and reaffirms the inherent right of tribes to exercise sovereign authority over their members and territory.

“IT IS FURTHER ORDERED that it is the policy of this Administration that every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal

⁸² Senate Bill No. 18 Chapter 905 - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18

⁸³ The California Environmental Quality Act (CEQA), referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration

governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.⁸⁴” This is a significant decree in terms of water planning because it requires state agencies like the Department of Water Resources (DWR) and Integrated Regional Water Management (IRWM) programs to manage water resources throughout the state, which is of extreme interest to Indian tribes who have cultural, spiritual and sustenance ties to their water. However, there are few studies to gauge the satisfaction that tribes have had in relation to state consultation; there are even fewer regarding satisfaction of non-recognized California Indian tribes.

The Nüümü face different challenges regarding water rights claims, unlike the Tongva, they do hold federal recognition. Nonetheless the occupation of the City of Los Angeles in their homelands has severely compromised water rights claims. Just thirteen years after the completion of the LA Aqueduct in 1913, the Owens Lake would become completely unrecognizable because of over-pumping. By 1932, the city owned about 85 percent of all private property in the valley, bogarting all the water rights with each purchase. In 1939, the U.S. Congress, in concert with the City of Los Angeles, finalized an uneven land exchange that established Lone Pine, Big Pine and Bishop reservations.⁸⁵ The Federal Government exchanged 2,913.5 acres of Paiute trust land, for 1,291.5 acres of land owned by the city of Los Angeles. It is important to mention that there was a prior agreement in 1937 between Congress and the City of Los Angeles that determined that the land bases for the tribes should be in one geographical space as opposed to scattered parcels. The 1939 exchange cemented the reservation lands. The 1937 deal did specify that water rights needed to be established with the land exchange but the federally Reserved Indian Water Rights have

⁸⁴ See Executive order B-10-11 (2011)
<https://www.ca.gov/archive/gov39/2011/09/19/news17223/index.html>

⁸⁵ <http://oviwc.org/water-rights-crusade.html>

never fully honored. Ground water pumping supplies Los Angeles with thirty percent of their water to the present day.⁸⁶

In 2007 the Bishop Paiute tribe(plaintiff) took the city of Los Angeles(defendant) to court to dispute the legalities of the land exchange. By 1924, Congress had designated five tracts of land in the Owens Valley for the plaintiff's members. In 1937, Congress authorized a land exchange and water rights in the Owens Valley held in trust for the tribe in exchange for land and water right owned by the city.⁸⁷ The Secretary of the Interior decided that it was in the benefit of the tribe to exchange disputed lands. Contingent to the exchange was the consent of the majority of the adults consenting to the exchange.⁸⁸ In 1937, the BIA agents went house to house to collect the adult signatures necessary to exchange the lands. The tribe claimed that a house to house approach was used to avoid opposition. The house to house collection of signatures was also completed before final terms of the exchange were hashed out. When all was said and done 187, of the signatures were collected on blank sheets of paper. 24 signatures were on papers with inadequate descriptions of the exchange. On May 18th, 1938, the city and employees from the Department of the Interior finalized the agreement that would convey 3,126 acres of Indian trust land in exchange for 1,511 acres of land in the Owens Valley owned by the city of Los Angeles. The description of the agreement reserved that all parties will receive appurtenant water rights to the exchanged lands.⁸⁹

⁸⁶ This figure is contingent upon regional captured rain fall

⁸⁷ April 20, 1937

⁸⁸ See Bishop Paiute Shoshone tribe v. The city of Los Angeles, No. 07-16727 D.C. No. CV-06-00736-OWW Opinion

“Sec 3. No tribal lands shall be involved in any such exchange except with the consent of a majority of the adult Indians entitled to the use thereof. All lands acquired pursuant to the Act, other than land to which title may be held by or in trust for individual Indians, shall be held by the United States in trust for the Indian tribe, band, or group concerned.” (3491)

⁸⁹ The appraisal of the land that the parties relied upon did not include the value of water.

The exchange agreement poignantly focuses on the benefit of all parties involved. The tribe alleged that the 1938 agreement violated the mandate of the 1937 Act that required that the exchange include the water rights appurtenant to the lands exchange. The tribe issued this action against the city “for an order ejecting [the City] from the Bishop Tribal Land and restoring [Plaintiff] to possession because the appurtenant water rights were never met”.⁹⁰ The entire court process lasted four years.

After a few years of District Judge Graber ruled for dismissal in three parts. The first part of the dismissal relied on the provisions of Rule 19(a)⁹¹. In order to make the determination the court must rely on the provisions of Rule 19 (b).⁹² The judge determined that the plaintiff complaint against the BIA’s method of gathering of signatures of the adult members of the tribe without proper appraisal, implicated the United States, thus making them a necessary party in the litigation. Judge Graber also determined that even if the plaintiff was able to get a ruling in their favor, the Bishop Tribal Land title would revert to the United States not the plaintiff⁹³. The court determined that because of the United States sovereign immunity, the United States could not be joined without first receiving permission from Congress.⁹⁴ Judge Graber also refuted the plaintiff’s claim of 28

⁹⁰ See Bishop Paiute Shoshone tribe v. The city of Los Angeles, No. 1:06-cv-00736 OWW LJO. Feb. 15, 2007

⁹¹ The court must decide whether it is “desirable in the interests of just adjudication” to join the United States.

⁹² The court must decide whether “in equity and good conscience” the case may proceed in the absence of the United States

⁹³ See Bishop Paiute Shoshone tribe v. The city of Los Angeles, No. 07-16727 D.C. No. CV-06-00736-OWW Opinion (3492)

“before a court could bind the United States by such an order, the United States must be a party. See Provident Tradesmen’s Bank & Trust Co. v. Patterson, 390 U.S. 102, 110 (1968) (recognizing that an “outsider . . . not before the court . . . cannot be bound by the judgment rendered”).”

⁹⁴See Sisseton-Wahpeton Sioux Tribe v. United States, 895 F.2d 588, 592 (9th Cir. 1990).

U.S.C. § 1362.⁹⁵ This statute permits an independent waiver of sovereign immunity where actions are brought by Indian tribes against the United States. The court considered four interests to weigh if this statute applied to the case.⁹⁶ The court disagreed with the tribe to determine that Congress gave the plaintiff a five-year window with the ICCA. Judge Graber also argues that this case could not apply the statute because the interest of the tribe and the United States were adverse. The court further determined that the relief that the plaintiff seeks cannot happen with the absence of the United States. In summary, Federal Rule 19 was used by Judge Garber to determine that the United States needed to a defendant as well and since sovereign immunity doesn't permit that, the entire case was thrown out.

On a state and federal level, the Tongva and Nüümü communities face extreme hurdles in overcoming dispossession. It is for this reason both tribes engage with counter hegemonic strategies that uniquely expose their predicament with the City of LA to the people of LA with hopes of reconfiguring the city's power structure to better protect land and water.

(PART III) Settler Narratives and Indigenous Led Counter Hegemonic Movements in Los Angeles

⁹⁵ Title 28 U.S.C. § 1362 provides:

The district courts shall have original jurisdiction of all civil actions, brought by any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior, wherein the matter in controversy arises under the Constitution, laws, or treaties of the United States.

⁹⁶See Bishop Paiute Shoshone tribe v. The city of Los Angeles, No. 07-16727 D.C. No. CV-06-00736-OWW Opinion (3496)

“(1) the plaintiff's interest in having a forum; (2) the defendant's interest in not proceeding without the required party; (3) the interest of the non-party by examining “the extent to which the judgment may as a practical matter impair or impede [its] ability to protect [its] interest in the matter”; and (4) the interests of the courts and the public in “complete, consistent, and efficient settlement of controversies.” Patterson, 390 U.S. at 10911”

“They are fighting to regain their stolen sovereignty and their cultural heritage, and they are fighting against the desecration of their burial site. Their weapons are legal, moral, and spiritual.”⁹⁷

In Los Angeles, institutions like the LADWP impose upon ideological, cultural, and political understandings that have ultimately normalized the process of systematic disempowerment and dispossession of land and water for the Nüümü and Tongva communities. Jane Griffith’s (2018) article “Do some work for me: Settler colonialism, professional communication, and representations of Indigenous water” analyzes intentional cultural production of settler colonial institutions. Her study identifies and analyze the strategies employed by the Bureau of Reclamation which is the agency responsible for water projects that led to homesteading and economic development of the West,⁹⁸ in the simultaneous construction of hydraulic dams and settler colonial narratives. By closely examining the publication of a monthly magazine *New Reclamation Era* which was produced by the Bureau of Reclamation over an 80- year period, she traces the settler narration of dams and reservoirs for employees and water users alike. This is useful in understanding the cultural work that colonial water institutions undertakes when diverting indigenous water and erasing indigenous people; they normalize and justify violence upon native homelands via narrative.⁹⁹ Cultural work in this context refers to the shaping of hegemony to maintain the settler state’s powers structures that only manifest through the dispossession and erasure of indigenous communities from their homelands. Los Angeles is unique place to examine

⁹⁷ L. Frank and Kim Hogeland, *First Families-A photographic History of California Indians* (Berkeley: Heyday Books, 2007), 96

⁹⁸ <https://www.usbr.gov/main/about/mission.html>

⁹⁹ Jane Griffin, (2018). “Do some work for me: Settler colonialism, professional communication, and representations of Indigenous water,” 134

because the power of the settler state has at times been co-opted by capital, and by an oligarchy, and water grabs showcase this.

Antonio Gramsci defines hegemony as ruler ship based upon intellectual and moral leadership throughout a consenting society; it differs from less effective and more obvious forceful political rulership¹⁰⁰. Power structures are maintained in civil society by seeping into the many crevices of culture, like family, schools, and media through institutional persuasion. The concept of hegemony emphasizes the importance of culture and its inherent ability to be shaped by the dominant class's ideology. In the case of the water grabs in the U.S. west the institutional obligation to shape hegemony is exemplified by the Bureau of Reclamation attention to crafting “narratives, language, rhetoric, and image that recast Indigenous water ways for settler audiences.”¹⁰¹ The same is true of the LADWP and other agencies responsible for the LA water grab. An example of this is the glamorization of the LA Aqueduct and lead engineer William Mulholland. While this thesis does not archivally examine communications of City of LA or the LADWP, its findings support the argument offered by Griffin; that the narration that is crafted by settler institutions is premised on native erasure and dispossession. Hegemony is an especially useful concept when examining beliefs about water in Los Angeles because Los Angeles citizens hold power with their vote.

One cannot emphasize enough the role of institutions in this process of internalizing belief systems that erase and dispossess native peoples of their land and culture on behalf of the ruling class. However, institutions like the LADWP do not only benefit the ruling class, but also are used by marginal groups to construct their political rhetoric to transform existing power relations. To

¹⁰⁰ Gramsci, Antonio, and David Forgacs. 2000. *The Gramsci reader: selected writings, 1916-1935*. New York: New York University Press, 423

¹⁰¹ Griffin, Jane 131

showcase this point, I take a closer look at native based institutions like the *Owens Valley Indian Water Commission* (OVIWC) and the *Gabrielino Tongva Spring Foundation*. They that have taken on that challenge of changing hearts and minds in Los Angeles concerning water and native peoples' connection to their homelands. These institutions do not function without individuals who propagate the awareness and language of their group. There are the intellectuals who have the task of maintaining and reproducing a given economic and social order.¹⁰² The organic intellectual, whom Gramsci defines as intellectuals who speak for the interest of a specific class is pivotal in the social analysis of hegemony because organic intellectuals play a central role in producing counter hegemony. A distinguishing characteristic of the organic intellectual exists in both the dominate class and the labor class and in this case, the native community. The primary function of the organic intellectual is to articulate the political significance that exist in their group, and this can be accomplished with vast research. Organic intellectuals need to know the configuration of the social group in order to identify ideological differences and cleavages. Their role is to interpret and disseminate a way of looking at the world.

The Los Angeles Department of Water and Power as an Oligarchical Hegemonic Force

“Infrastructural networks like the LADWP can serve as powerful instruments of fragmentation, resulting in increasing inequalities.”¹⁰³ In the case of the City of Los Angeles, when the water transfer began in the early 1900's; the dominate class was composed of “ an oligarchy of businessmen that contributed to shaping water policy and, through it, land use at the end of the nineteenth and beginning of the 20th century.”¹⁰⁴ The oligarchy that had power in the

¹⁰² Gramsci, Antonio, and David Forgacs. 2000. *The Gramsci reader: selected writings, 1916-1935*. New York: New York University Press, 301

¹⁰³ MacKillop, Fionn, Boudreau, Julie-Anne 2008. “Water and power networks and urban fragmentation in Los Angeles: Rethinking assumed mechanisms,” *Geoforum* Volume 39, Issue 6, 1833

early days of the city's growth; embarked on a capitalist venture that produced inequality through the use of infrastructure. Before the LADWP came into existence, the city's water supply was under private management of the Los Angeles City Water Company (LACWC),¹⁰⁵ whose priority was maintenance of existing infrastructure and not the growth of it, paved way for the push for a municipalization of water. At the time, the Los Angeles City Water Company relied upon water from the Los Angeles River, -to serve its constituents, but as the city rapidly grew, their efforts could not keep up with demand. Creating a municipal water institution in Los Angeles offered the promise that more people would be served. Mackillop and Boudreau relate early city governmentality as taking on an oligarchical structure because it was a small group of business leaders that exercised control for corrupt and selfish purposes. As Mackillop and Bordereau explain, "on the part of the oligarchy, support for municipal management was clearly a very pragmatic move, based on the failure of the LACWC to ensure the growth of the city and its business."¹⁰⁶ Leaders advertised this vision in the *Los Angeles Times*, convincing the early population of Los Angeles to overwhelmingly ratify municipalized water management in 1902, with two-thirds of the vote. This move was portrayed as benefitting all. That made it a prime example of how the needs of the elitist class became the needs of all, through the creation of an institutions that will continue to specialize in meeting the elitist needs. Gramsci's conception of common sense is exemplified by the Angeleno population who viewed this expansion as a positive venture.

¹⁰⁴ Ibid, 1837

¹⁰⁵ Ibid, 1837

¹⁰⁶ Ibid, 1838

The white settlers of the Owens Valley inserted themselves into the narrative by the 1920's, but indigenous voices were mostly nonexistent. Erasure is aligned with the settler colonial mentalities that attempted to physically wipe out indigenous populations. Despite the resistance of marginalized white settlers in the valley, the water grab still prevailed with the support of the citizens of Los Angeles. The business and political elites, and the broader population in Los Angeles, agreed that Los Angeles was to become 'the greatest city in the world' [...] and therefore required a water supply adequate to this destiny."¹⁰⁷ The *Los Angeles Times* newspaper had a pivotal role in selling this idea to the people. Publisher Harrison Gray Otis, who was a part of the oligarchy,¹⁰⁸ is considered his elitist group's intellectual. He influenced hegemony and common-sense practices that built a power structure, wherein his class benefitted most from the creation of the LADWP.

This small group of political elitists defined a destiny that the entire city would carry out. Once established in 1902, the "role of DWP bureaucrats was central in elaborating a universalist discourse on the public good in order to legitimate a decision that was essentially aimed at creating more revenue for the City of L.A."¹⁰⁹ This purportedly universal benefit in fact served the elites. Chantal Walker's (2014) thesis poignantly exposes the erasure of indigenous peoples of the Owens valley in the early era of the LADWP. The earliest counter stories of the Owens Valley water grab were focused on the white settler hardships.¹¹⁰ "*The Rape of the Owens Valley and The Owens*

¹⁰⁷ MacKillop, Fionn, Boudreau, Julie-Anne 2008. "Water and power networks and urban fragmentation in Los Angeles: Rethinking assumed mechanisms," *Geoforum* Volume 39, Issue 6, 1838

¹⁰⁸ *Ibid*, 1838

¹⁰⁹ *Ibid*, 1840

¹¹⁰ Chantal R. Walker. (2014). *Piyahu Nadu - Land of Flowing Waters: The Water Transfer from Owens Valley to Los Angeles 1913-1939* (Master's thesis), 6.

Valley and Los Angeles Water Controversy as I knew It” are settler biographies that Walker used to show the diverse literatures that erased of the Nüümü in the Owens Valley water narrative.¹¹¹ As Walker explained, “authors have used the Owens Valley saga to assess the environmental and economic causes and consequences of water diversion. Yet in too many of these histories, scholars ignore the Owens Valley’s indigenous inhabitants.”¹¹² Erasure is also a function of oligarchical hegemony, as oligarchs need their constituents to focus on the speculative economy and the prospects of wealth.

“At first glance, it seems surprising that L.A. decided to maintain a municipalized water and power system in this context. However, as it will become clear, just as in the 1920s, municipal water and power services were not (mainly) a result of a belief in the inherent benefits of serving the public interest, but rather a means to serve private businesses efficiently.”¹¹³

The quest to municipalize was never about giving the power back to the people; rather, it was about deceiving the masses to function to believe that they were politically and fiscally unifying as a city, when in reality they were propagating domination by the oligarchy, which, in turn contributed to their own domination.

The Los Angeles Department of Water and Power as a Neoliberal Hegemonic Force

Despite the fact that many municipalities in California were forced to deregulate through of AB1890 in 1996¹¹⁴ and thus break up their monopolies, “in 1997, the L.A. municipal council

¹¹¹ Ibid., 6-7.

¹¹² William J. Bauer, Jr. "The Giant and the Waterbaby: Paiute Oral Traditions and the Owens Valley Water Wars." *Boom: A Journal of California* 2, no. 4 (2012): 104-17. doi:10.1525/boom.2012.2.4.104.

¹¹³ MacKillop, Fionn, Boudreau, Julie-Anne 2008. “Water and power networks and urban fragmentation in Los Angeles: Rethinking assumed mechanisms,” *Geoforum* Volume 39, Issue 6, 1839.

decided not to deregulate” the LADWP.¹¹⁵ It was in the Reagan era when deregulation and privatization started to pervade as the dominant popular hegemony for the entire country. Market logic abusively shape political economies and has prevailed as the dominant hegemony to this day. Despite the fact the city did not find it in their best interest to make water a competitive market, governance of the LADWP had to transform in order to maintain existing power structures. DWP did engage in internal restructuring to enhance competitiveness, to better compete with deregulated areas outside of their jurisdiction. DWP was concerned with losing their commercial and industrial sector due to higher rates. The rates that commercial and industrial sectors pay, in turn, subsidize residential water use. It was in the late 90’s that the DWP began to overtly conduct itself as a business, and it did so by convincing the people that “the complexity of the legal apparatus concerning water was too great to attempt to break up the supplier.”¹¹⁶ Though LADWP was not disbanded to give way to obvious neoliberal practices, it created distinct transformative neoliberal policies that enables it to hide behind the people of Los Angeles.

Reforms approved by the L.A. city council allowed the DWP to charge non-voters more (those they supply water to that are outside of the voting district of Los Angeles) in order to subsidize voting residents water bills. A political platform that served city officials seeking to lure in voters with promises of subsidized water rates. As Purcell (2009) notes, “Even as neoliberal doctrine propounds a minimal state, actual practices of neoliberalization necessitate significant state intervention in order to facilitate the accumulation of capital.”¹¹⁷ In the case of the City of

¹¹⁴ California Legislature unanimously voted in 1996 to deregulate the electric power market. This crippled investor owned utilities such as Sand Diego Gas and Electric

¹¹⁵ MacKillop, Fionn, Boudreau, Julie-Anne 2008. “Water and power networks and urban fragmentation in Los Angeles: Rethinking assumed mechanisms,” *Geoforum* Volume 39, Issue 6, 1839

¹¹⁶*Ibid*, 1840.

Los Angeles, it is the elected city council members that permit and encourage the neoliberalization of the LADWP. The people of Los Angeles are unknowingly propagating a political rationality of cost saving that includes “a range of monetary and social policies indifferent towards poverty, social deracination, cultural dissemination, long term resource depletion and environmental destruction.”¹¹⁸ To some extent, the Angeleno interest is mildly protected at the detriment of indigenous people. However, many Angelenos simply do not know how their water use impacts others, and it is the current neoliberal hegemony that thrives off of this lack of information. “Therefore, to understand neoliberalization not just as a concrete policy agenda to retrench welfare and assist capital, but also as a successful ideological project to establish neoliberal assumptions as dominant.”¹¹⁹ In Los Angeles, the dominant assumptions are fueled by lack of water education of the people of Los Angeles. This is especially concerning because the city’s citizens could exercise power through their vote. The ability to disseminate counter hegemonic narratives among the voters of L.A. becomes a key strategy toward empowerment for the tribal communities in Los Angeles and Payahuunadü.

Why Counter Hegemonic Politics Matter in Los Angeles?

Tribally led counter hegemonic politics in the case of Los Angeles water are geared towards leading the people of Los Angeles to “establish different particulars and universals.”¹²⁰ For native

¹¹⁷ Purcell, Mark, 2009. “Resisting Neoliberalization communicative planning or Counter Hegemonic Movements,” 140.

¹¹⁸ Purcell, Mark. 2008. *Recapturing democracy: neoliberalization and the struggle for alternative urban futures*. New York: Routledge. 38.

¹¹⁹ *Ibid.*, 143.

¹²⁰ *Ibid.*, 143.

peoples, those new universals would center around reciprocity and relationship with water and land. In the various spaces I occupy as a Tongva scholar who works closely with Nüümü communities, this is same messaging for both communities. Because popular hegemony is ever changing and never permanent, Mark Purcell believes that “counter-projects are possible; indeed [and] they are inevitable.” Counter hegemonic struggles aim to achieve a transformation of existing power relationships, something to which Tongva and Nüümü communities commit themselves to, to protect and restore water.

One cannot underscore enough the role of institutions in this process of internalizing belief systems and fragmenting community consciousness on behalf of the ruling class. Institutions do not only benefit the ruling class, but also are used by marginal groups to construct their political rhetoric to transform existing power relations. To showcase this point, I take a closer look at native based institutions like the *Owens Valley Indian Water Commission (OVIWC)* and the *Gabrielino Tongva Spring Foundation* that have taken on that challenge of changing hearts and minds in Los Angeles concerning water and native peoples. A distinguishing characteristic of the organic intellectual is that it exists in both the dominate class and the labor class and in this case, the native community. The primary responsibility of a native organic intellectual is to articulate the political significance of their ancestral knowledge. Organic intellectuals need to know the configuration of the social group in order to identify ideological differences and cleavages, something native communities do naturally because of the stark contrast in value systems.

On March 3, 2018, The Los Angeles Daily News published an op-ed piece entitled “Los Angeles’ new ‘Mulholland moment’ for safe and adequate water: Eric Garcetti,” in which the current Mayor of Los Angeles outlined the “Sustainable City pLAN.” The plan commits to reducing the importation of water by 50 percent by 2025. Garcetti says, “I call for a second Mulholland

moment: just as our city’s greatest water engineer built out the brilliant infrastructure to deliver water to our growing city over a century ago, we have launched a second opportunity to reimagine our water infrastructure.”¹²¹ Garcetti’s push to continue the trajectory of the narrative cultivated by the LADWP that praises the work of William Mulholland, exposes Garcetti to be an intellectual of the ruling class in Los Angeles. The beginning stages of reimagined infrastructure” that the Mayor Garcetti foreshadowed came to pass last November (2018), with two-thirds of the city’s voters passing Measure W; a parcel tax that would go to projects dedicated to capture and clean storm water.¹²² To a mainstream audience this may represent a step in the right direction for the city in the face of climate change, but the fact remains that a settler narrative has supported the continued trend of large scale infrastructure that has proven detrimental to lands, water, and indigenous peoples. Within the settler narrative, William Mulholland has been long been heralded as “a sturdy American citizen, a self-educated engineering genius, a whole hearted humanitarian, the father of the city’s water system and the builder of the Los Angeles Aqueduct, as read from the a memorial plaque found at William Mulholland park located in Los Angeles. He has been honored with street names, parks, and multiple museum space to propagate the settler narrative that the “aqueduct marked the beginning of a modern L.A. that quickly grew from a dusty pueblo into a sprawling metropolis.”¹²³ To the original people, people whose histories predate the “dusty pueblo” and the “sprawling metropolis,” William Mulholland represents the ultimate 20th century

¹²¹ Eric Garcetti, “Los Angeles’ new ‘Mulholland moment’ for safe and adequate water: Eric Garcetti.” The Daly News. March 3, 2018. <https://www.dailynews.com/2018/03/03/los-angeles-new-mulholland-moment-for-safe-and-adequate-water-eric-garcetti/>

¹²² Measure W was approved by two thirds of Los Angeles voters November 2018. This tax estimate to raise at least 300 million dollars per year by taxing 2.5 cents a square foot of impermeable space.

¹²³ Eric Garcetti, “Los Angeles’ new ‘Mulholland moment’ for safe and adequate water: Eric Garcetti.” The Daly News. March 3, 2018. <https://www.dailynews.com/2018/03/03/los-angeles-new-mulholland-moment-for-safe-and-adequate-water-eric-garcetti/>

colonizer. He has become the face of displacement and subsequent loss of culture, language, and ancestral landscapes. This most popular and pervasive narrative detailing LA water, uplifts a speculator's notion of sustainability that erases the violent history for dispossession that native communities who lived in reciprocity with their land for thousands of years before contact. Alan Bacock, water coordinator for the Big Pine Paiute Tribe says it best, "when you rely on the environment for all that you have, you're going look for ways to make it sustainable. Of course, "sustainability" is a buzzword now, it was just a way of life for our people back then."¹²⁴ It is during this crucial time of sustainable planning that indigenous people from Los Angeles and Payahuunadü who have the ancestral understanding of true sustainability must be the prime counter hegemonic force that offers a new normative vision for the future of water in the city.

Counter Hegemonic Politics in Los Angeles Water: Inserting and Asserting the Nüümü Perspective

The struggle for water rights for the tribal communities in Payahuunadü represent the transformation of existing power relationships that deny them their water rights in the present day. Not only have these communities endured generational trauma from two separate and violent colonizations, but they also must contend with the continual degradation of the land by LADWP occupation. Counter hegemony offered by the tribes, condemns the way in which the current hegemony commodifies land and water. In order to debunk the logic of neoliberalism, offering alternative narratives alone was not enough; the tribes had to develop institutions that could lead the charge in water rights claims while unifying their narrative.

The Owens Valley Indian Water Commission (OVIWC) is an intertribal organization that represents a counter hegemonic institution. The OVIWC represents the tribal communities in the

¹²⁴ <http://aridjournal.com/a-paiute-perspective-owens-valley-water-jenna-cavelle/>

valley that have been denied water rights for generations. The organization is composed of Bishop, Big Pine and Lone Pine tribes whose water rights are related to the 1939 land exchange. There are two other tribes¹²⁵ in the valley that do not have representation in this organization due to the tribes named in the land exchange. The three tribes whose land bases were established in 1939 rely on the OVIWC to unite tribal voices in the water rights claims and emerging social justice movement. The OVIWC was founded in January 19, 1992 to protect waters that sustains all life within the Owens Valley.¹²⁶ As the organization's website explains, "The board of the Tribal consortium consists of six (6) members, two (2) from each member Tribe. All board members have extensive experience in Tribal governmental operations, and all have served on their respective governing bodies. Half of the Commission's Board of Directors are elected Tribal Council members/officers."¹²⁷ From its outset, the OVIWC has served the intertribal community as the hub of Nüümü counter hegemonic struggle. The current director of the OVIWC is Teri Red Owl who has made it a priority to make sure the tribes are visible in LA.

As Purcell (2009) explains, the goal is to influence a new reality "that can destabilize the current hegemony and establish an alternative one."¹²⁸ The Nüümü have used various media outlets and political actions to give life to their indigenous knowledge systems and historical reaction to the water grab, as well as to the contemporary effects of DWP's policies. DWP policies have not restricted the agency's ground water pumping. Over pumping in the Payahuunadü by the

¹²⁵ Benton and Fort Independence tribes

¹²⁶ <https://www.facebook.com/pg/OwensValleyIndianWaterCommission/about/>

¹²⁷ <http://oviwc.org/water-rights-crusade.html>

¹²⁸ Purcell, Mark, 2009. "Resisting Neoliberalization communicative planning or Counter Hegemonic Movements," 158

LADWP has left an arsenic rich dried riverbed exposed and has caused the Owens Valley to become one of the largest producers of air pollution, especially dangerous particulate matter 10 (pm10), in the country. These chemicals became the basis of a public health crisis because the dust is whipped up by wind. During the development of 1990 Clean Air Act amendments with which the national standards were established, the United States Congress specifically developed the standard to control the contamination of pm10 for both Owens Lake and Mono Lake, the other major lake in the valley.¹²⁹ The Environmental Protection Agency (EPA) reports that there are over 50 times a year where pm10 levels are above the national standard¹³⁰. A case in 2012 cited that a stage two health advisory was ordered to respond to pm10 being measure at 1362 ug/m3 on the Lone Pine reservation that is almost ten times the national level. Kathy Jefferson Bancroft, Tribal Preservation Officer for the Lone Pine Paiute Shoshone tribe works closely with the dried riverbed to preserve cultural artifacts that remain there and to problematize the way in which the DWP has mitigated the dust. She has been featured in dozens of interviews and panels to give light to the health issues and cultural resources of the dry riverbed to expose what best practices would look like.

By citing national policies and environmental health hazards, the tribes have embarked on a counter hegemonic project that is grounded in environmental justice frameworks. As Alan Bacock, water program coordinator for the Big Pine Paiute tribe stated, “we deal with the highest air pollution levels in the nation for [airborne] particulate matter, we look at springs that are dried up, we look at animals that are either extinct or now endangered because a group of select people

¹²⁹ U.S. House of Representatives, 1990. U.S. House of Representatives Committee on Energy and Commerce. Clean Air Act Amendments of 1990, House of Representatives Report No. 490, Part 1, 101st Congress, 2nd Session, page 265 (May 17, 1990).

¹³⁰ 1999 ANNUAL REPORT U.S. Environmental Protection Agency Pacific Southwest/Region 9 EPA-909-R-00-00130

in power throughout the last 100 years—in their desire to manage this place for themselves—have only managed to destroy this area.”¹³¹ The tribes have their scientist and experts that have aided in their counter hegemonic struggle.

Media is another tool used by the tribes. “*Paya* which its director describes as “a documentary film [...] that sheds light on the pre-history of America’s longest-lived water war through the untold story of Paiute Native Americans and the vast irrigation systems they engineered,”¹³² also sheds light on this contemporary health hazard. The documentary reflects the concise counter narrative that has been fostered by the OVIWC. This documentary has introduced a broader audience to the Paiute perspective, and it has contributed to changing conceptions of common sense for people in the Owens Valley and Los Angeles. Another example of inserting the Nüümü perspective into popular consciousness through media comes in the form of a popular self-guided audio tour through the Owens Valley. *THERE IT IS- TAKE IT, Owens Valley and the Los Angeles Aqueduct, 1913-2013*, describes itself as “controversial social, political, and environmental history of the Los Angeles Aqueduct system,”¹³³ that one can listen to on the way to the Owens Valley via the 395. The 90-minute-long tour tells stories of the aqueduct from various perspectives. What makes this project unique is the tribal involvement within this story telling process. The more typical practice for such projects, is to focus on the white farmers and settlers who have engaged with their own battle with the DWP. While the project aligns with that normative approach, it also departs from it by having a tribal perspective. Two members of the tribal communities from the valley share their narrative among 15 other individuals. Harry

¹³¹ <http://aridjournal.com/a-paiute-perspective-owens-valley-water-jenna-cavelle/>

¹³² <http://aridjournal.com/a-paiute-perspective-owens-valley-water-jenna-cavelle/>

¹³³ <http://thereitistakeit.org/>

Williams and Alan Bacock, who were both featured in *Paya*, also participate in this project and insert the narrative they have helped develop with the OVIWC. The reiteration of the tribal narrative by certain individual's mirrors Gramsci's conception of the organic intellectuals who spearhead counter hegemonic paradigm shifts by creating the language and narrative that become the new universals.

Since the leadership comes from the community it represents, it mirrors Gramsci's conception of the organic intellectual. As mentioned above, two members of each tribe serve on the board of directors, and many of the tribes' organic intellectuals have served a term in the OVIWC. Organic intellectuals have the fundamental task of making the language of the counter hegemonic narrative accessible for the masses. One such organic intellectual who has represented the tribal voice in the Owens Valley water narrative is Alan Bacock. He has been pivotal in bridging the narrative for people outside the tribal community in order to leverage the tribes water rights claims. His participation in more recognized environmental movements has increased awareness of the Nüümü narrative. He has served as a part of the core team member for the Walking Waters organization, which is composed of global and regional activists who attempt to restore relationships with water. Their primary goal is to raise awareness for water issues, and it has been used as a platform for Bacock and other tribal members to build alliances with different communities. Bacock and other tribal members have used the momentum from the popularization of their narrative as well as the press from protest the Dakota Access pipeline at Standing Rock to assert rights claims that have produced real change. On March 21, 2017, members of the Big Pine Tribe traveled to Los Angeles to appear at LADWP commissioners meeting, to demand that a broken pipe that had been non-operational for two years be fixed immediately. This pipe supplies water for irrigation on the Big Pine reservation. The commissioners heard public comment from

32 people, both tribal members and allies also who find themselves disadvantaged by the LADWP hegemony. The meeting concluded with commissioner Christina Noonan offering to personally pay for the pipe to be fixed. This action is reflective of the power that the counter hegemonic narrative has given the tribes, both through their direct action and those of other Indigenous people: reaction to press coverage of Standing Rock put political pressure on the commission to do the right thing and fix the pipe. The pipe was fixed in April of 2018. Having institutional support from the OVIWC has enacted a shift that strays away from the current hegemony to offer a narrative that more people in Los Angeles can relate to and be encouraged to mobilize around. This event marks the first time that the tribes entered a meeting with the LADWP with local allies.

Counter Hegemonic Politics in Los Angeles Water: Inserting and Asserting the Tongva

Perspective

“IITAR KOY CHINUUHO’ PAHAAYT- Coyote and the Little River” – As told by Virginia Carmelo (Tongva)
Coyote said, “I am very good, I am ahead of all others”
One Day Coyote Came to the edge of a small river
He saw the river flowing quietly
Coyote said “Little river! Let’s race!”
The river did not say anything, just kept flowing
Coyote ran fast. The river just flowed
Coyote ran, the river flowed. Later, Coyote got tired.
The river just flowed
Coyote lost; the river beat Coyote.
Coyote was very sad. He said, “Perhaps, I am not very good...”¹³⁴

Los Angeles is the traditional and cultural territory of the Tongva people. In 2019, it is hard to imagine that Tongva water stories like IITAR KOY CHINUUHO’ PAHAAYT were once a central community understanding day Los Angeles. The story told by Virginia Carmelo is featured in a public art project at the Lincoln Heights/ Cypress Park station, which is in close proximity to the Los Angeles River. Despite the mounds of concrete that now line the river as it flows through 17

¹³⁴ Julia Bogany, *Tongva Women Inspiring the Future* (Pomona: Media Arts for Social Justice, 2017), 11-12.

cities, native communities rely on these stories as direction to maintain a spiritual, ceremonial, and cultural relationship with their ancestral waters.¹³⁵ The Tongva fight to protect and restore what many in Los Angeles consider a “dead river.”¹³⁶ Much like the Coyote, Los Angeles County, the Army Corp of Engineers and various developers who pushed for the channelization of all sacred rivers¹³⁷ are now pushing for a multimillion dollar river revitalization effort.¹³⁸ County-wide water planning efforts have historically left the Tongva community out of the discussion. As discussed in earlier sections, in Los Angeles, settler hegemony has historically cultivated mainstream attitudes towards local and imported water resources. Over time, like the coyote, the destructive undertakings that changed the natural current have proven to be unsustainable. Blake Gumprecht describes the river today as a place that is lined with chain-link fence and “barbed wire line its course. Shopping carts and trash litter its channel. Little water flows in the river most of the year and nearly all that does is treated sewage and oily street runoff.”¹³⁹ That is not how the Tongva know this river. Tongva elder and educator Julia Bogany explains that “from our creation, our people (Tongva people), looking out to our land is like looking into a mirror, our land and waters

¹³⁵The Tongva community are people of land and sea. The geographic diversity of their homeland includes mountains, valleys, foothills, wetlands, coastland and islands. For this thesis I choose to examine the Los Angeles River, but a more extensive project can be and needs to be done about the protection the Tongva community engages on behalf of the Ocean.

¹³⁶ Referencing a popular argument extended by geographer Blake Gumprecht in his book *The Los Angeles River Its Life, Death and Possible Rebirth* (1999).

¹³⁷ The Tongva community has four sacred rivers within their traditional homelands: The Santa Ana River, The San Gabriel River, The Los Angeles River and the Rio Hondo. Some of these rivers are shared rivers are shared spaces with other tribal communities like the Acjachemen and the Tatavium.

¹³⁸ Multiple local and state measures have been approved for revitalizing the Los Angeles River. One such grant coming from proposition 1 funding - The Santa Monica Mountains Conservancy received a \$49 million award to restore the upper 40 miles of the river (<https://www.dailynews.com/2017/07/07/la-river-rehab-just-got-a-100-million-boost-heres-how-it-will-help/>)

¹³⁹ Blake Gumprecht, *The Los Angeles River Its Life, Death, and Possible Rebirth* (Baltimore: The John Hopkins University Press, 1999), synopsis.

are a reflection of who we are, our health, spiritual, mental and physical.”¹⁴⁰ By establishing attitudes and relationships that do not compete with the natural flow of the waters but embraces it as a part of community reflection, it is unsurprising the local native communities were able to thrive thousands of years before contact in the Los Angeles Basin. Waves of colonization have negatively transformed these relationships and attitudes. They are currently dominated by neoliberal hegemonic forces that have proved themselves “not very good” for people, animals and ecosystems

Within Los Angeles, the Tongva community exercises their ancestral obligation to protect and preserve natural springs at Kuruvungna Springs Cultural Center and Museum located at University Highschool in the middle of the bustling West L.A. neighborhood. The eight natural springs occupy a two-acre space that produces twenty-two thousand gallons of water a day.

¹⁴¹ Kuruvungna translates to “where the sun hits your face.” The Gabrielino / Tongva Springs Foundation is a non-profit whose mission is to protect the Spring while providing outreach and educational programing concerning the Tongva community. Like the OVIWC, the Springs foundation began in the early 90’s and has served as a site for tribal counter hegemonic politics for the Tongva Community. An example of this is their yearly event that strategically takes place the day before Columbus day called “ *Kihaayy Paar Kuruvungna*”, the “*Celebration at the Waters of Kuruvungna*,”¹⁴² This community event undermines the dominate hegemonic forces by offering workshops, songs and dances to better help native and non-native participants understand the importance of the Springs, specifically, and water in Los Angeles in general. The Springs

¹⁴⁰ Shared during *Indigenous Reflections on Climate Justice -Building a Sustainable Future Together* panel. Pitzer College, December 3, 2018

¹⁴¹ Claudia Jurmain and William McCawley, *O, my ancestor recognition and renewal for the Gabrielino-Tongva people of the Los Angeles area* (Berkeley, Hey Day Books): 211.

¹⁴² http://gabrielinosprings.com/wpsite/?page_id=242

Foundation uses this day to build community and educate the public about Tongva culture and history. The celebration of land and water undermines current hegemony in Los Angeles. The hegemonic forces that uplift Columbus Day are the same that honor William Mulholland by giving him a memorial park. It is the norm in settler societies to celebrate patriarchal dominance over land and water. The 2018 *Kihaayy Paar Kuruvungna* was particularly special because it coincided with the abolishment of Columbus Day and the first ever Indigenous People's Day.

It is female-led indigenous organizing that has contributed to counterhegemonic projects like *Kihaayy Paar Kuruvungna* and many others in the city. The current President of the Kuruvungna Springs, Julia Bogany represents one of the tribes most visible organic intellectuals. In addition to being President of the Springs, Julia is the Cultural Consultant for the Tongva tribe as well as an educator and activist who has used her platform to combat Tongva erasure for over forty years. Her website, <http://www.tobevisible.org/julia-bogany.html>, offers a range of resources like maps of art and cultural sites that are significant to the Tongva community. The maps offered under the history tab showcase a range of art projects that include art installations and YouTube videos that insert the Tongva culture into the aesthetic of the city. This is important because the website directly combats pervasive cultural erasure to assert Tongva connection to place. In recent times Ms. Bogany and other members of the Tongva community have engaged in counter hegemonic struggles to make a critical intervention in the City's Los Angeles River Revitalization efforts. She and other members rely on various strategies to become more visible within their homeland as to petition for political representation.

Even as media and visual representations long have been tools of settler hegemony, art projects have become one such way that the Tongva community has engaged with counterhegemonic movements. In Los Angeles. Art has the capacity to reach other marginalized

communities (such as low income or people of color) that other strategies seldom recognize. Mark Purcell believes that “marginalized communities and disadvantaged groups will need creative and deeply political strategies to undue the current hegemony.”¹⁴³ Art, like music, has been one of the most impactful strategies. Rapper Jessa Calderon (Tongva Chumash) writes and produces music that uplifts counter hegemonic messages to mainstream audiences in Los Angeles to directly combat Tongva erasure. One of her songs “Injustice” starts off by proclaiming “It wouldn’t be LA without Mexicans, but yo, it wouldn’t be LA without Tongva land. This introduction is a play on Tupac’s famous song “To Live and Die in LA.” Her consciousness building rap has earned her the title of the “Native American female Tupac”¹⁴⁴ Ms. Calderon’s presence as a musical artist has uplifted Tongva connection to place to an audience who might have never been exposed to Tongva history. Musical interventions have aided in increasing visibility for the tribe. Ms. Calderon is a mother, rapper and one of the most visible Tongva activist and organic intellectuals who has prioritized building relationships with various groups in Los Angeles.

Conclusion – A Political Prayer

The planning for the future of water in Los Angeles is rapid underway. Between Mayor Garcetti’s “Sustainability City pLAN,” that commits to reducing the purchase of imported water by 50 percent by 2025 and the multimillion dollar plan to revitalize the LA River, it is vital to gauge tribal engagement and the histories that contribute to the lack there of. My activism and experience in organizing in Los Angeles has exposed me to the rapidly changing landscape and power structures and have inspired me to understand the history that marginalizes tribal communities. This thesis was written with hopes of exposing the histories and legal dispossession

¹⁴³ Purcell (2009) 159.

¹⁴⁴ “Reset Button Issue.” *TNE Magazine*, March 2018.

that have produced asocial and political injustices for native communities in and around Los Angeles. After the Los Angeles City Council's passage of Indigenous Peoples Day in August 2017,¹⁴⁵ the visibility of the Tongva and Nüümü communities have increased and created a sense of social accountability that has been primarily fixated on recognition. Many in Los Angeles now recognize the Tongva as the first people of the Los Angeles basin, which is a vast improvement from the invisibility that has been the norm; but despite this improvement in visibility, recognition fails to confront political and structural injustices that impact the tribes' ability to function as a sovereign nation. My work in and outside the classroom seeks to understand and address this issue. I present this thesis as a written portion that will be thoughtfully expanded upon in my Ph.D. journey in Urban Planning.

I pray that I can address issues presented in this thesis more effectively as a Ph.D. student. I pray that my community continues to build coalitions with other marginalized groups in Los Angeles. I pray that the rivers in my homeland are recognized as living beings, like they have done for the Whanganui River in New Zealand. I pray that Tongva and Nüümü communities become the rightful leaders in the City's shift towards sustainability and that we can restore and heal our homelands with the guidance of our ancestors.

¹⁴⁵ <http://www.latimes.com/local/lanow/la-me-ln-indigenous-peoples-day-20170829-story.html>

The Los Angeles City Council voted to eliminate Columbus Day to "commemorate indigenous, aboriginal and native people."

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