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Publication Date

2026-05-01

Peer reviewed|Thesis/dissertation

Shí Naashá: Land and Sovereignty in the Navajo Nation

By

Kendrick Manymules

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Geography

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Jon Kosek, Chair

Professor Sharad Chari

Professor Andrew Curley

Spring 2026

Abstract

Shí Naashá: Land and Sovereignty in the Navajo Nation

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This dissertation examines the question of land and its relationship to sovereignty in the Navajo Nation. I argue that to understand contemporary questions related to land in the Navajo Nation, such as issues surrounding natural resource extraction, it is necessary to understand land as an historical product. The overarching question is, how have Diné people conceptualized land at different moments as a strategic response to settler colonial transformations in their lives? I explore this question through the frameworks of Marxist geography, critical Indigenous studies, and agrarian studies.

The overarching question is further disaggregated to three figures of soil, sheep, and fences to ask questions of different historical conjunctures in Diné worlds. Through soil, I ask, how did scientific practices of soil and moisture conservation set the preconditions for broader transformations in land? Through sheep, I ask, how did ideas of improvement alter relationships to land through processes of rug commodification? Through fences, I ask, how did practices of partition and fencing during the so-called Navajo-Hopi land dispute contribute to emerging Diné subjectivities that expressed kinship with a global dispossessed?

I engage with Diné critique to understand how, at different moments, Diné analyzed the conditions of their dispossession. Through engagement with these critiques, I offer an understanding of Dinéness that is produced in concrete moments as relationships to land are transformed.

For shik'éeí dóó shidine'é

TERMS AND ABBREVIATIONS

AEC: Atomic Energy Commission

BF: Bennett Freeze

BAI: Bureau of Animal Industry

BIA: Bureau of Indian Affairs

CCC: Civilian Conservation Corps

DA: Demonstration Area

Dinétaḥ: Traditional homelands of Diné. Often demarcated geographically by the six sacred mountains—Sisnaajiní, Tsoodzil, Dook'o'oshíisd, Dibé Ntsaa, Ch'óol'í'í, and Dziłná'oodilii—spanning Arizona, New Mexico, and Colorado. *Used interchangeably with Diné bikeyah in this dissertation.*

FJUA: Former Joint Use Area

HPL: Hopi Partitioned Lands

IRA: Indian Reorganization Act

JUA: Joint Use Area

Land Settlement Act: Navajo-Hopi Land Settlement Act of 1974; Public Law 93-531

LMU: Land Management Unit

MSDA: Mexican Springs Demonstration Area

NNC: Navajo Nation Code

NPL: Navajo Partitioned Lands

NRPA: Natural Resources Protection Act of 2005

OIA: Office of Indian Affairs

ONHIR: Office of Navajo and Hopi Indian Relocation

SCS: Soil Conservation Services

WARP: Western Area Regional Plan

LIST OF FIGURES AND TABLES

FIGURE 1 Pinyon Plain Mine Haul Route	2
FIGURE 2 Plant-Soil Root Depth Correlation of Various Species	23
FIGURE 3 Polacca Day School Students Planting Trees	25
FIGURE 4 Outline of Breeding Program For 1950-51	42
FIGURE 5 Mexican Springs Navajo Indian Reservation	57
FIGURE 6 Navajo Nation, Hopi Nation, and Joint Use Area	62
TABLE 1 Summary of Demonstration Areas	48
TABLE 2 Bennett Freeze Housing Needs	70
TABLE 3 Land Management Unit 1 Gross Income	74

ACKNOWLEDGEMENTS

Ahéhee' nitsxaago

Much of this dissertation was written on the lands of the Chochenyo speaking Ohlone peoples on the territory of xučyun and in Dinétah.

Thank you to my committee. Their work advising during my writing of this dissertation and the often-thankless task of sending reminders helped me stay attuned to finishing my PhD. Thank you to Dr. Sharad Chari for always reminding me of the political stakes of grammar and for avoiding the neutrality of passive voice. Dr. Chari's seminar on Gramsci also provided me the space and time to think through Gramsci and apply a Gramscian analysis to the Navajo Nation. Thank you to Dr. Andrew Curley for his insights on Navajo politics and for the helpful suggestions on the connections between history and contemporary Navajo life. Finally, thank you to my dissertation chair and mentor Dr. Jake Kosek. Dr. Kosek constantly reminds me of the multiplicity of ways I can inhabit the university and the generosity of learning.

I want to especially thank my colleagues and fellow graduate students. The community of intellectuals I've been surrounded by over the past six years has been incredibly inspiring and motivating. The community I entered the program with provided an incomparable model of critical inquiry and commitment to learning that constantly inspired me. Thank you to Juleon Robinson, William Carter, and Annie Lloyd. As I progressed through the program, other intellectuals and scholars have likewise modelled the care and commitment to rigorous study that awes me. Thank you to Ailén Vega and Sherine Ebadi for taking the time and energy to organize spaces to write in community. These moments made the writing process less lonely and intimidating. Thank you to Sibahle Nduwayana, Sophia Perez, Julia Chang, Anam Mehta, Yanabah Jacques, and Adam Hasan for their warmth, generosity, and fun.

In addition to the superb members of my dissertation committee, I am appreciative of the mentorship and guidance I have received from other staff and faculty. At UC Berkeley, Dr. Beth Piatote provided excellent guidance on applying to grants and fellowships. Dr. Shari Huhndorf and Dr. Jovan Scott Lewis were fantastic committee members on my qualifying exam. Dr. Huhndorf provided capacious guidance for thinking about Indigenous space and culture and always listened to my thoughts on their mediation by capitalism. Dr. Lewis always provided sharp comments and helped sharpen my thinking on sovereignty. Dr. Nancy Lee Peluso and Dr. Colleen Lye have also provided immense support in my thinking on political ecology and Marxist thought, respectively. Their seminars were helpful spaces for thinking about these fields without depoliticizing their content. Dr. Tom Biolsi always provided an open door for me to discuss my research ideas in whatever messy form they were in. Dr. Biolsi was also always willing to write letters on my behalf and believed in my abilities as a scholar.

I would have been unable to complete my graduate studies without the community of Indigenous scholars and educators in the Indigenous Graduate Student Association (IGSA) and the Native American Student Development team. IGSA members always listened to my complaints about graduate school with a deep understanding of the sometimes absurd moments at Berkeley. I owe an especial recognition toward Royale Williams, Larissa Nez, Talia Dixon, Natasha Beepath, Dr. Tvetene Carlson, and Dr. Val Sierra. Phenocia Bauerle always stopped to chat to check in on me and to see if there was anything she could do to make graduate school less of a burden. Thank you to the NASD interns who work to keep the Native American Community Center running.

Very early ideas in this dissertation were first shared with the Native Food, Energy, Water Systems Alliance in the Indigenous Excellence professional development seminar. Natasha Beepath and Breytan Martin did a fantastic job fostering a supportive environment for colleagues to share work and provide feedback. As a guest presenter, Dr. Cutcha Risling Baldy provided comments on a draft proposal. Dr. Baldy read and reviewed my early thoughts on parts of this dissertation with immense care and provided helpful comments and advice as I continued to develop my thinking on ideas in this dissertation.

No one really teaches you the craft and technique of writing while in grad school. For organizing a wonderful semester showing me different writing techniques and setting a goal for myself, I owe an immense gratefulness to Dr. Desiree Fields. Dr. Fields provided the space and structure to make the first clicks and clacks of my keyboard. Without her seminar, I would still be in a state of writing paralysis. In addition to Dr. Fields, I am deeply appreciative of the other seminar participants for sharing their writing and providing comments and feedback on my own: Juleon Robinson, Sherine Ebadi, Taesoo Song, Alli Appelbaum, Xander Lenc, Gabriela Paredes, Michael Virtucio, and Lucas Batista. I always left our sessions amazed and inspired by everyone's work and commiserating in the anxieties around the writing process helped to assuage a lot of my own doubts. The comments of Dr. Fields and the seminar participants were especially helpful as I planned the second and third chapters.

While my third chapter is different than I originally planned, early ideas in that iteration were received with generosity and rigor from the UC Anticolonial Marxisms group. The workshop "Afterlives of the Tricontinental" provided an exciting opportunity to present and discuss in a community of anticolonial intellectuals. Thank you especially to Dr. Yousuf Al-Bulushi for critiquing and reviewing my work at such an early stage.

Thank you to Dr. Catherine (KT) Albiston, Vethea Cole, Pamela Erickson, and the Berkeley Empirical Legal Studies (BELS) Fellowship. As organizers of the BELS fellowship, they provided the support for me to think through the antagonisms of Indian law in Diné lives. The workshops with the other BELS fellows also provided opportunities to hear other scholars' amazing work. Thank you to Margot Lipin, Sebastián Puerta, Marlena Robbins, Emily Reich, Matt Brundage, Nandina Babic, Emily Martin, and Violet Spurlock. An especial thanks is owed to Violet for providing commentary and serving as respondent to an iteration of the third chapter.

Much of the material in this dissertation was grounded in the archival experiences of Diné people. Without the assistance of the several archivists I've had the pleasure of working with, I would have been unable to locate those experiences and revitalize the analyses of the Diné people who guide this dissertation. I am especially thankful to James Huntoon at the National Archives at Riverside, Cody White at the National Archives at Denver, Nik Kendziorski at the Center for Southwest Studies at Fort Lewis College, Linda Curtis at the Navajo Nation Library, and the many staff at the special and archival collections at Northern Arizona University, Arizona State University, and the University of New Mexico. Thank you also to the several staff at the National Archives in Washington, DC and College Park, MD. In addition to these archives and the people who assisted me in navigating the immense collections, I am also indebted to the staff at the Navajo Nation Museum and Library.

Several educators have offered themselves in my personal and professional development. Evelyn Begody quite early on challenged me to always have goals that outsized my own aims. I owe my whole academic trajectory to Evelyn Begody. While at MIT, Dr. Sophia Cisneros took on the insurmountable task to craft and cull an Indigenous community at MIT. If there is any reason why I was able to make it through MIT, it is because of Dr. Cisneros' tireless labors. Crystal Rizzo and the North American Indian Center of Boston (NAICOB) provided opportunities for me to engage with the Boston Native community and mentor young students. Dr. Justin Steil listened to my half-baked ideas about political theory during early morning drives to Norfolk, MA. I am unsure how Dr. Steil juggles all he does, but his tireless efforts inspire me.

To the friends and comrades everywhere, thank you. Andy always listened to my thoughts and makes a yummy cold noodle salad; Marlon is a keen listener and problem solver and makes delicious cinnamon buns; Pedro always provides a couch to crash on and motivated me to first start running; Yazmin is my tireless advocate and reminds me to be kinder to myself; Howie is always there for his friends and reminds me that friendship is a way of life. Thank you all for making the world feel less large and the night less dark.

While thanked in earlier moments, Royale Williams, Larissa Nez, Yazmin Guzman and Adam Hasan deserve special recognition for always being there for me. The burdens of alienation and exploitation will be everywhere I run, but you all lighten that load and provide examples of ways of being in the world that are more honeyed.

Finally, my life is daily reproduced through the support from my family. I owe everything to my mother, sister, and niece.

Ahéhee' t'áá ánóltso

TABLE OF CONTENTS

ABSTRACT	1
TERMS AND ABBREVIATIONS	ii
LIST OF FIGURES AND TABLES	iii
ACKNOWLEDGEMENTS	iv
PREFACE	viii
INTRODUCTION	1
THE DINÉ LAND QUESTION	1
SOME GUIDING THEORETICAL CONCEPTS	4
NOTES ON METHOD	7
CHAPTER OUTLINE	9
CONCLUSION	10
CHAPTER 1 SOIL	12
INTRODUCTION	12
SOIL SCIENCE	16
“[T]HE WHOLE NAVAJO RACE WILL BE DOOMED TO THE MOST DISASTROUS CONSEQUENCES”	20
SOILS AND DINÉ POLITICAL ORDERS	26
CONCLUSION	32
CHAPTER 2 SHEEP	34
INTRODUCTION: THEFT IN TWO SCENES	34
MANAGEMENT, IMPROVEMENT, AND THE SOUTHWESTERN RANGE AND SHEEP BREEDING LAB	39
“I AM GOING TO TAKE MY HAMMER TOMORROW MORNING AND START UNDOING THAT FENCE”:	
DEMONSTRATION AREAS AND LEGAL MODES OF INDIANNESS	47
CONCLUSION: WASTE/IMPROVEMENT AND THE FRUSTRATIONS OF SETTLER COLONIAL MODES OF POWER	56
CHAPTER 3 FENCES	61
INTRODUCTION	61
DIVIDING THE LAND: A BRIEF HISTORY OF THE NAVAJO-HOPI LAND DISPUTE	63
BORDERS AS ORDERING REGIMES AND THE SPECIFICITY OF DINÉ/HOPI LIFE	66
WARP, NAVAJO THAW, AND THE TECHNICAL APPROACH TO SOVEREIGNTY	68
BIG MOUNTAIN DINÉ AND THE REFUSAL OF PARTITION	72
CONCLUSION	77
CONCLUSION: CONSENT NOT TO KILL A UNIVERSE	79
BIBLIOGRAPHY	82

PREFACE

Diné means the people. The very idea of being Diné is transmitted through oral history, most notably *Diné bahane'* (creation history). For many Diné, oral history is “living history”, such that the traditions and customs transmitted establish proper relations between other people and more-than-human actors.¹ Indeed, for Diné, the current world is produced through the movement from disharmony to harmony. We have moved through previous iterations of the world to the current one, where Diné emerged in *Dinétah*, the Diné homelands demarcated by the four sacred mountains in the current Southwestern United States. *Dinétah* demarcates both the traditional Diné homeland as well as marks an ethical framework for how one ought to be in the world. To be sure, this space marks a “bond between the land and the people.”²

Upon release from the Bosque Redondo military incarceration (*Hwéeldi*) in Southeastern New Mexico, Diné traveling back to *Dinétah* sang a song. The song, *Shí Naashá* (I am walking, traveling), something of a hymn and prayer, was sung by Diné to express deep elation upon returning to their homelands after colonial assault. More than that however, Diné sang the song to convey a walking towards freedom (*ahala gó naashá*: I am walking to freedom); the geography of freedom for Diné was *Dinétah*. Return, the walking towards freedom, reestablished that bond between Diné and the land, where headman and negotiator Barboncito reflected, “After we get back to our country [...] the Navajos will be as happy as the land”.³ Even as Diné would return to their homelands under less intense forms of colonial intervention and management, however, their lives would nonetheless be conditioned by it.

In this dissertation, “*Shí Naashá*: Land and Sovereignty in the Navajo Nation”, I interrogate moments in Diné history to ask questions of land in the Navajo Nation and its relationship to sovereignty. In particular, I ask questions of how land is historically produced by Diné at different moments as strategic responses to the incursions and transformations wrought by settler colonialism. Such a claim raises complex questions regarding the meaning of freedom for Diné then. As this dissertation will show, even as culture recalls a Diné way of being in the world as being with the land, how do Diné contend with the latter’s historical production at different moments? As a Diné scholar, this question might be posed in a more blunt and political manner, what kind of past is obliged from the anticolonial future I demand?⁴

As abolitionist and geographer Ruth Wilson Gilmore would have it, “freedom is a place”.⁵ I engage with the question of land as a historical and political object to understand this place of freedom for Diné. Even after Diné struggled for return to *Dinétah*, I suggest, the “relationships of un-freedom consolidate[d] and stretch[ed]” through various processes of propertization and commodification of land.⁶ In short, this dissertation asserts that even as Diné sang a jubilee of their walking to freedom through

¹ Klara Kelley & Harris Francis, *A Diné History of Navajoland* (Tucson: University of Arizona Press, 2019), 3.

² Ibid.

³ Peter Iverson, *Diné: A History of the Navajos* (Albuquerque: University of New Mexico Press, 2002), 8.

⁴ This question is adapted from David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004), 7.

⁵ Ruth Wilson Gilmore, “Abolition Geography and the Problem of Innocence” in *Abolition Geography: Essays towards Liberation* (New York: Verso, 2022), 471-495, 474.

⁶ Ibid, 475.

their return to Dinétah, the time between that return and the present moment must contend with the historical production of that land as something other than it is.⁷

⁷ Gilmore notes, “[I]nstead of imagining the persistent reiteration of static relations, it might be more powerful to analyze relationship dynamics that extend beyond obvious conceptual or spatial boundaries and then decide what a particular form, old or new, is made of, by trying to make it into something else. This—making something into something else—is what negation is” (475).

INTRODUCTION

The Diné Land Question

In 2005, the Navajo Nation Council passed the Diné Natural Resources Protection Act of 2005 (NRPA). The act served two important purposes related to natural resources and Diné governance. First, in recognizing uranium mining's "damage to the culture, society, and economy of the Navajo Nation"⁸, the act prohibited all future mining and processing of uranium and its byproducts in the Navajo Nation. Secondly, the act also amended Title 18 (Mines and Minerals) of the Navajo Nation Code (NNC) to reflect the use of Fundamental Law of the Diné (Diné bi beenahaz'annii) in guiding an ethical relation to the natural world.⁹ Whereas before the NRPA was passed the language in Title 18 of the NNC was primarily administrative and concerned with permits, leasing, and occupational safety, the amendment enabled a consideration of Diné Fundamental Law vis-à-vis mining. One can interpret, then, that the NRPA was an attempt to situate the history and use of natural resources in the context of the epistemic and ontological conditions of Diné life as structured by "values, norms, customs, and traditions [...] which produce and maintain right relations, right relationships, and desirable outcomes in Navajo society."¹⁰ Years later, in 2024, the mineral company, Energy Fuels, would stir anxieties and frustrations from Diné as they attempted to transport uranium ore through the Navajo Nation from the Pinyon Plain Mine just outside the reservation to the White Mesa milling site in Southern Utah, as shown in Figure 1. Ultimately, the inability of tribal leaders to restrict transport of the uranium ore through the reservation was because of jurisdictional issues over State Routes 89 and 161, where state and federal agencies held the right of way. While NRPA prohibited the transport of uranium through tribal lands, such authority did not extend to the roads, where state and federal agencies held such authority.

⁸ "An Act Relating to Resources, and Diné Fundamental Law; Enacting the Diné Natural Resources Protection Act of 2005; Amending Title 18 of the Navajo Nation Code", Resolution of the 20th Navajo Nation Council, Third Year, 2005. Accessed 16 Feb 2026 from: <https://www.nrc.gov/docs/ML0721/ML072150173.pdf>

⁹ The idea of Diné bi beenahaz'annii (Fundamental Law of the Diné) can be understood through both its statutory and traditional or cultural senses. The former, adopted by the Navajo Nation Supreme Court in 1990, includes both customs and traditions from Navajo thought as well as the rights included in the Treaty of 1868, the Navajo Nation Bill of Rights, and several other legal documents. The latter is understood through the Navajo philosophy of hózhó, as an process or practice to be in right relations. For more see, Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009).

¹⁰ Austin, *Navajo Courts and Navajo Common Law*, 40.

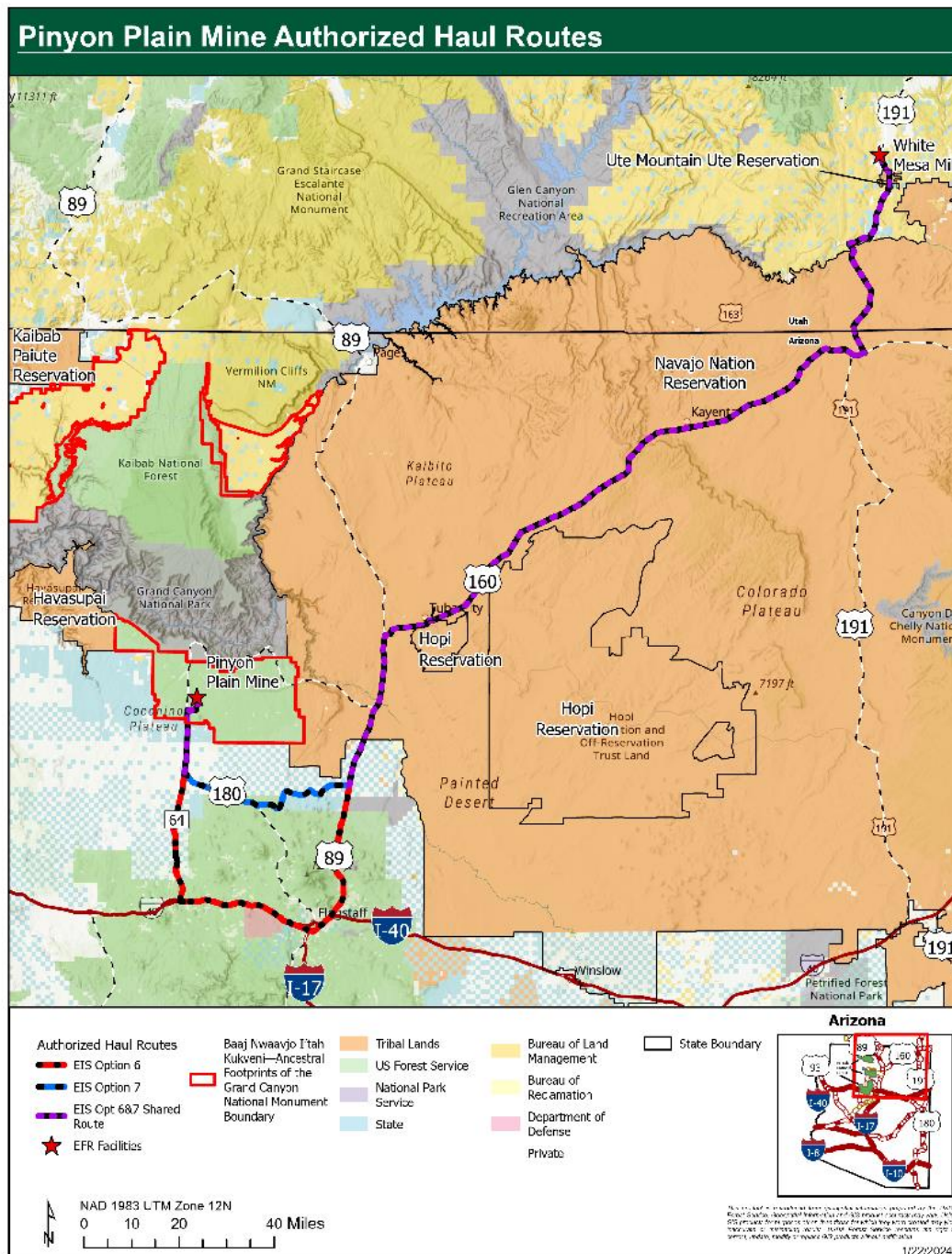


Figure 1: Pinyon Plain Mine Haul Route. Source: Forest Service, U.S. Department of Agriculture (<https://www.fs.usda.gov/ro3/kaibab/forest-products/nonwood-products/pinyon-plain-mine-formerly-canyon-uranium-mine>)

Despite the NRPA’s codification of an ethical framework for governance, the decision of tribal leaders to negotiate with Energy Fuels was the result of a recognition of the “nested” nature of sovereign power under settler colonialism, expressed through

the legal doctrine of preemption.¹¹ Nevertheless, Diné, particularly those along the transport route, gestured to this ethical framework with the land in their opposition to the uranium hauling. Namely, the production and maintenance of right relations for Diné was conceptualized through *doo nal yee dah*: those substances which “are harmful to the people [and] should not be disturbed”.¹² This worry over those substances which produce negative relations has been rearticulated in different ways in concerns over other extractive industries in the Navajo Nation, such as oil and natural gas. More recently, the closure of the Kayenta Mine in the Western Navajo Nation, has prompted concerns over reclamation and clean-up, namely related to air and water quality.¹³ For residents affected by the Kayenta Mine, the failure to adequately address clean-up violated the trust responsibility between the Navajo Nation and the United States. Indeed, while the specificities of coal and uranium ultimately entailed distinct outcomes and consequences, those processes for Diné overlapped in the problematic of diminished lands and lives. However, the relationship between extraction of natural resources and Diné life is not a simple relation that reiterates tropes of ecological Indians where Diné clamor for the protection of the environment as such. The defense of the centrality of coal in Navajo life is one such case.¹⁴ Whereas the extraction of uranium was understood by Diné as violating fundamental and natural laws surrounding what it means to be Diné, the extraction of coal was understood as enabling those practices within Diné lands. Indeed, what it means to be Diné in both instances was a concrete expression in a concrete situation, where understandings of land and natural resources was conditioned by particular conjunctures of Diné society.

This dissertation is an examination of land and its historico-political production in the Navajo Nation.¹⁵ In order to understand recent phenomena related to land—such as the conflict over uranium ore and its transportation and the problem of environmental reclamation—in the Navajo Nation it is necessary to first trace its historical emergence under conditions of settler colonialism. To follow this trajectory, I engage with three figures—soil, sheep, and fences—that enable an understanding of how transformations in land as property emerged as a “patchworked” process in specific times and spaces of Dinétah.¹⁶ Through the three figures, I ask how are political logics of land reworked at different moments through processes of soil management, sheep and livestock improvement, and development? However, rather than understand these concepts as discrete processes, I suggest that there is some commensurability and interaction in how they sustain the political and economic logics of property in land

¹¹ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014).

¹² “An Act Relating to Resources”

¹³ “Resources and Development Committee focuses on reclamation and community concerns with proposed Peabody renewal application”. 25th Navajo Nation Council Communications, February 09, 2026.

¹⁴ See for example, Andrew Curley, *Carbon Sovereignty: Coal, Development, and Energy Transition in the Navajo Nation* (Tucson: University of Arizona Press, 2023). In particular, the idea of Navajo coal workers deploying a Diné ideology of t’áá hwó ají t’éego to rationalize ongoing operations of coal mines.

¹⁵ The Navajo Nation was formerly known as the Navajo Indian Reservation. In 1969, the tribe changed its name to the Navajo Nation to signal growing attitudes towards self-determination. In this dissertation, I try to stick to terminology of the times I discuss (e.g., during analysis of the 1930s, I utilize Navajo reservation while any time after 1969 I utilize Navajo Nation).

¹⁶ Nasser Abourahme, *The Time Beneath the Concrete: Palestine between Camp and Colony* (Durham: Duke University Press, 2025), 21.

alongside shifting conceptions of sovereignty. It is my claim that as these processes affect how land is made, those changes in how land is rendered also alters understandings of sovereignty. Even so, this “production of sovereign landscapes”¹⁷ invariably must contend with the multiplicity of actors involved in the production of the land, including “traditional” Diné and tribal officials.¹⁸ The relationship between land and sovereignty for Diné is internally related such that the existence of each “manifest[s] through qualities that are its relations to [the] other”.¹⁹ In short, to understand something of the operation of sovereignty, it is necessary to understand conceptions in land as they change over time. To do so is to understand how Diné people act within the historically determined social structures of settler colonialism and capitalism.

Some Guiding Concepts

In my analysis, this dissertation is guided by approaches to land and sovereignty from Indigenous Studies. Additionally, I complement those approaches with insights from agrarian Marxists to attend to the relationship between land and capital. In short, I try to understand the historical reconstitution of both land and sovereignty through processes of capitalism and settler colonialism by staging a dialogue between Indigenous Studies and Agrarian Marxism. This blueprint allows me to ask questions of Diné society as a “continuously evolving process in and across *time*”²⁰, rather than as a stagnant formation. The concepts help me to approach my analysis through the particular role of land for Indigenous peoples as foundational to systems of knowledge and being that is nevertheless imbricated in global processes of capital accumulation and the valorization of value.

Land

Land foregrounds the experiences of Indigenous peoples under processes of settler colonialism. Under settler colonialism, land guides the structure of invasion as it is transformed into territory, “settler colonialism’s specific, irreducible element.”²¹ Even so, in reducing the project of settler colonialism to the project of territoriality is to miss the historical development by which land was made into territory. Territory is a point of arrival, in which “a whole historical development is already ‘summed up’.”²² As response, Indigenous theorists have worked to offer analyses of land as animating the practices and institutions of Indigenous peoples and the coproduction of U.S. systems of

¹⁷ Clint Carroll, *Roots of Our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis: University of Minnesota Press, 2015), 33.

¹⁸ I utilize “traditional” cautiously to signal the ways that Diné subject formation is historically conditioned. See for example, Melanie K. Yazzie, “Narrating Ordinary Power: Hózhóójí, Violence, and Critical Diné Studies” in Lloyd L. Lee (ed.), *Diné Perspectives: Revitalizing and Reclaiming Navajo Thought* (Tucson: University of Arizona Press, 2014), 83-99. What is more, I dispute the ahistoricization implied by tradition as it references an “authentic past” that obfuscates operations of power in Native communities. See for example, Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011).

¹⁹ Bertell Ollman, *Dance of the Dialectic: Steps in Marx’s Method* (Chicago: University of Illinois Press, 2003), 44.

²⁰ Stuart Elden and Adam David Morton, “Introduction: From the Rural to the Urban and the Production of Space” in Henri Lefebvre, *On the Rural: Economy, Sociology, Geography* (Minneapolis: University of Minnesota Press, 2022), ix-xlvi, xix.

²¹ Patrick Wolfe, “Settler colonialism and the elimination of the native” in *Journal of Genocide Research* 8(4) (2006), 387-409, 388.

²² Stuart Hall, “Marx’s Notes on Method: A ‘Reading’ of the ‘1857 Introduction’” in Gregor McLennan (ed.), *Selected Writings on Marxism* (Durham: Duke University Press, 2021 [1974]), 22, 19-61.

domination such as imperialism and racism.²³ These theorizations work to consider Indigeneity beyond its annihilation and instead consider how land is the foundation for Indigenous systems of governance, thought, and social organization that shifts alongside transformations in settler colonial political economy.²⁴

Indigenous scholars such as Leanne Betasamosake Simpson and Glen Sean Coulthard understand land as central to Indigenous thought and practice.²⁵ For these theorists, such approaches to land counter the production of abstract space under capitalism.²⁶ The abstraction of space enables the commodification of land by “tend[ing] towards homogeneity, towards the elimination of existing differences or peculiarities”.²⁷ Nevertheless, just as the capitalist mode of production harbors its own contradictions, Indigenous theorists reveal the contradictions of its produced of space. In the drive toward homogeneous, abstract space, old spatial practices are dissolved for new ones.²⁸ We see this clearly in the changing forms of relation to land throughout this dissertation, but also through the example of uranium transport. In producing the reservation as a stratigraphic space of multiple, competing jurisdictions, certain relationships to land were prohibited and new ones enforced. This new space of the reservation accentuated the difference of the Diné space of Dinétah. In this dissertation, land serves as a guiding analytic to understand how even as settler colonialism produces particular spaces, Diné nevertheless improvise novel spatial practices to adjust and negotiate that contradictory space.

Sovereignty

Similar to discussions on land, the approach to sovereignty utilized in this dissertation foregrounds the experiences of Indigenous peoples under U.S. settler colonialism. That is, I think through sovereignty as a unique category constituted through the experiences of conquest. In doing so, I analyze sovereignty not as a taken-for-granted unit of analysis inherited through Westphalian and monarchical histories, but as a particular formation that emerged under the particular historical and material conditions of U.S. settler colonialism.²⁹ This analytic approach to sovereignty is situated in Indigenous political thought that challenges the very nature of sovereignty, positing

²³ See for example, Joanne Barker, “Territory as Analytic: The Dispossession of Lenapehoking and the Subprime Crisis” in *Social Text* 36(2(135)) (2018), 19-39.

²⁴ On the work to exceed the limits of (white) settler colonial studies, see Tiffany Lethabo King, *The Black Shoals: Offshore Formations of Black and Native Studies* (Durham: Duke University Press, 2019). On the idea of land as constituting the foundations of alternative political economies, see K-Sue Park, “Money, Mortgages, and the Conquest of America” in *Law & Social Inquiry* 41(4) (2016), 1006-1035.

²⁵ Simpson refers to the centrality of story and land as ‘land as pedagogy’, Leanne Betasamosake Simpson, “Land as pedagogy: Nishnaabeg intelligence and rebellious transformation” in *Decolonization: Indigeneity, Education & Society* 3(3) (2014), 1-25; Coulthard refers to this role of land “as system of reciprocal relations and obligations” as “grounded normativity”, Glen Sean Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

²⁶ Mishuana Goeman, *Mark my Words: Native Women Mapping Our Nations* (Minneapolis: University of Minnesota Press, 2013).

²⁷ Henri Lefebvre, Donald Nicholson-Smith (translator), *The Production of Space* (Oxford: Blackwell, 1991), 52.

²⁸ Ibid.

²⁹ Adom Getachew speaks of the ways that the idea of self-determination was likewise rendered intelligible through the particular histories and conditions of Third World decolonization. Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton: Princeton University Press, 2019).

colonial sovereignty itself as “countersovereignty” affirmed through the violence of dispossession and conquest.³⁰ In asserting sovereignty against this mode of countersovereignty, Indigenous theorists emphasize political relations of refusal in contrast to the colonial politics of recognition.³¹ In refusing the political orders through an assertion of sovereignty, Indigenous theorizations of sovereignty ask us, in asserting sovereignty, what “kinds of Indigeneity” are we being accountable to?³² The question of accountability ensures an interpretation of Indigenous political orders as always mediated by history, rather than standing outside it. It is to “take stock of how [Indigenous peoples] internalize colonial values”.³³

While the above description characterizes the ways that Indigenous approaches to sovereignty offer a structural critique of settler colonial political orders, such critiques also articulate constructive projects that orient Indigenous political objectives toward forms of self-government and nation building.³⁴ That is, Indigenous critiques of sovereignty target both the institutional forms and the conceptual logics of sovereignty itself.³⁵ The institutional critique of sovereignty challenges the settler state’s claims on absolute political rule, while the conceptual critique challenges the ideas and practices that are entailed in that assertion.³⁶ Both the institutional and conceptual challenges to sovereignty were at play during the issue of uranium transport, as Navajo Nation Environmental Protection Agency director Stephen Etsitty asked, “How can we push back? How can we fight? [...] What does this mean for our sovereignty?”³⁷ In historicizing different moments whereby colonial sovereignty was asserted through practices of territory- and property-making, this dissertation asks questions of how sovereignty became murky and vertiginous through the transformation of Diné social relations.

Agrarian Studies

While the concepts of land and sovereignty foreground the histories and theorizations of Indigenous peoples, I complement their readings with approaches from Agrarian Studies. In staging this dialogue, I illuminate how land and sovereignty, even as they retain a particularity for Indigenous peoples, nevertheless develop in relation to capitalism. For Agrarian Studies scholars, the relationship between capital and

³⁰ Manu Karuka, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkeley: University of California Press, 2019).

³¹ On refusal, see Simpson, *Mohawk Interruptus*; on the colonial politics of recognition, see, Coulthard, *Red Skin, White Masks*.

³² Joanne Barker, “Introduction: Critically Sovereign” in Joanne Barker, editor, *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies* (Durham: Duke University Press, 2017), 35, 1-44.

³³ Jennifer Nez Denetdale, “Return to ‘The Uprising at Beautiful Mountain in 1913’: Marriage and Sexuality in the Making of the Modern Navajo Nation” in Joanne Barker, editor, *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies* (Durham: Duke University Press, 2017), 92, 69-98.

³⁴ See for example, “place-based resurgences and nationhoods” in Leanne Betasamosake Simpson, *As We have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis: University of Minnesota Press, 2017), 193.

³⁵ David Myer Temin, *Remapping Sovereignty: Decolonization and Self-Determination in North American Indigenous Political Thought* (Chicago: University of Chicago Press, 2023).

³⁶ Ibid; See also, Paul Nadasday, *Sovereignty’s Entailments: First Nation State Formation in the Yukon* (Toronto: University of Toronto Press, 2017).

³⁷ Shondiin Silversmith, “We were duped’: Uranium shipments begin across Navajo land” in *AZMirror*, February 14, 2025: <https://azmirror.com/2025/02/14/we-were-duped-uranium-shipments-begin-across-navajo-land/>

agriculture is scrutinized as distinct from the development of industrial capitalism. I extend the methodological and conceptual insights from the field to understand how land as central to Diné life as it is historically constituted through processes of capitalist accumulation and settler colonialism.

The classical agrarian question essentially sought to understand the penetration of capitalist social relations in the countryside during the late nineteenth century, by leading Marxists such as Karl Kautsky and Vladimir Lenin.³⁸ Both Kautsky and Lenin sought to understand the role of the peasantry in social change.³⁹ While both showed the peasantry tended toward forms of social differentiation, Lenin assumed that the peasantry would wither away as capitalist development would lead to increasing proletarianization and increased concentration of land. Indeed, as part of this process of “depeasantization” in the transition to capitalist agriculture, Kautsky, and later A.V. Chayanov, critiques forms of peasant “self-exploitation” of the peasant family.⁴⁰ These insights from the classical agrarian question have been supplemented by other agrarian questions as capitalism has developed and displaced the role of the peasantry as a political agent.⁴¹ In short, thinkers of the classical agrarian question located the centrality of land in their analyses of the development of capitalism.

The insights from agrarian studies structure my analysis through its central analytic of the processes of land alienation. I utilize these insights to think about settler colonialism as a constitutive process of capitalist transition that transforms land tenure systems. I find this approach useful for thinking about land as the conceptual and methodological approach stresses land-based subsistence practices under capitalism as a single process of development. That is, the approach does not situate those practices as outside the system of capitalist development, nor do those practices become entirely subsumed within that frame. Rather, an agrarian studies approach allows me to analyze their co-constitution in relation to each other.⁴² As my third chapter will show, the relationship between the social, political, and economic elements of agrarian transition were mediated by novel forms of land delineation and jurisdiction in the Western Navajo Nation. I show how competing agendas to structure those elements in particular ways led to different visions of sovereign development.

Notes on Method

The dissertation relies primarily on archival methods. In particular, I have consulted records from the Bureau of Indian Affairs (BIA) and the Soil Conservation Services (SCS). My central aim in the dissertation has been to understand how forms of Diné political power have been shaped by the institutions of the federal government. I have highlighted these two organizations as central to the development of Diné political power that this dissertation analyzes. Namely, the two agencies contributed practices and ideologies that located Diné political and economic power in forms of land use even

³⁸ Sam Moyo, Praveen Jha, and Paris Yeros, “The Classical Agrarian Question: Myth, Reality and Relevance Today” in *Agrarian South: Journal of Political Economy* 2(1), 93-119.

³⁹ Karl Kautsky, *The Agrarian Question, Vol. I* (London: Zwan Publications, 1988); Vladimir Lenin, *The Development of Capitalism in Russia* (Moscow: Progress Publishers, 1977).

⁴⁰ A.V. Chayanov, *On the Theory of Peasant Economy* (Madison: University of Wisconsin Press, 1986 [1925]).

⁴¹ Henry Bernstein, “Is There an Agrarian Question in the 21st Century?” in *Canadian Journal of Development Studies* 27(4), 449-460.

⁴² For an example of such an approach, see for example, Phillip McMichael, *Settlers and the Agrarian Question: Capitalism in Colonial Australia* (Cambridge: Cambridge University Press, 2009).

as they had different goals regarding how to reconfigure and transform Diné land use. I read these divergences and convergences in federal power to better understand the technical and legal discourse of settler colonialism's relationship to Dinéness as a space to be shaped through relations of property in land.

Alongside the BIA and SCS records, I complement the archival sources from those institutions with speeches and testimonies from Diné people to argue that Diné have navigated U.S. settler colonial power as a discontinuous development in their lives.⁴³ In other words, rather than a record of pure domination, the archival records from Diné highlight settler colonialism as a form of power that is ordinary, one that is constantly confronted and reconfigured by Diné.⁴⁴ By putting the two sources in dialogue with each other, my aim is less to contrast a pure Diné identity that operates against the work of a bureaucrat, technician, or even tribal official, but rather to understand how this relation of forces mediates a certain understanding and way of being in the world. That is, I am interested in how Diné people engage with and improvise concrete practices of Dinéness in concrete situations that are “flexible and polysemous enough that they can be selected, assembled, and deployed in different ways”.⁴⁵

Finally, and more theoretically, this dissertation employs a historical materialist framework to understand the land question as historical process in motion. I am interested in exploring how an analysis of land as a political object opens up interesting questions surrounding political and economic power for Indigenous peoples in the contemporary moment. In short, my analysis is based on an understanding of land in the context of the social relations that historically determine it. This method enables me to understand how the question of land is mediated by relations of ownership and exploitation as relations of domination that Diné navigate by improvising novel practices in relation to changing material and social relations. My aim in utilizing this framework is not to displace the concept of Dinéness or the importance of land, but rather to understand how historical and material conditions enable certain practices of Dinéness. Henri Lefebvre utilized a “progressive-regressive model” of inquiry, to understand the production of space. In this method, a series of analytical moves are made. First, one analyzes the past to understand the present. Then, one uses understandings of the contemporary moment to understand the past. After, the interrelations between past and present help us to understand the future, the possible.⁴⁶ Through this method, it is my intention that the histories explored in this dissertation provide insights into the issues orbiting resource extraction in the Navajo Nation today, just as those contemporary conditions inform my analysis of the present as well. This relationship might then help me to understand something of the future of land as forms of increasing ecological worries—namely drought—plague the Navajo Nation. In short, I am less interested in the thingness of land than I am in understanding the processes and

⁴³ Yazzie, “Narrating Ordinary Power”.

⁴⁴ Ibid.

⁴⁵ Jean Dennison, *Vital Relations: How the Osage Nation Moves Indigenous Nationhood into the Future* (Chapel Hill: University of North Carolina Press, 2024), 8.

⁴⁶ Elden and Morton, “Introduction”; Tilman Schwarze, “Towards a Lefebvrian Methodology for Empirical Research” in *Space, Urban Politics, and Everyday Life* (Switzerland: Springer International Publishing, 2023), 73-109.

relations that constitute it in certain forms and how this historical constitution is related to conceptualizations of sovereignty.

Chapter Outline

In Chapter One, I analyze soil and moisture conservation efforts during the 1930s and 1940s. I argue that Diné bikeyah was transformed as a space of settler colonialism. Federal officials with the Erosion Service highlighted Diné land uses as causing increasing siltation in the Boulder Dam (now Hoover Dam). To protect this spatial fix of infrastructure, federal officials sought to transform and restructure Diné relationships to land. In particular, concerns over soil erosion motivated a new project of soil science, or pedology, that sought to classify soils according to a knowable and thus alterable object of management. I discuss competing projects of soil science as contingent processes that contributed to different political and economic projects. At the level of the Navajo reservation, the project of soil science prompted Erosion Service scientists and Indian Affairs agents to understand land as manageable through the concept of carrying capacity as an ideal condition that governed livestock holding for Diné families. While previous studies have done well to understand the impacts of this era for Diné through various categories, I analyze this era for its establishing of the preconditions for land as property through the abstraction of land as soil.⁴⁷ I engage with Diné families' opposition to the new forms of permitting that functioned as forms of rent extraction to show how this rearticulation of land as soil enabled broader transformations in Diné social systems.

In Chapter Two, I discuss Bureau of Indian Affairs (BIA) and Bureau of Animal Industry (BAI) efforts to improve sheep through biological breeding experiments. I suggest that the experiments were constitutive of a project to materially and discursively transform the Diné landscape through transforming relationships to sheep. By disembedding sheep from the social worlds of Diné, the work of sheep and livestock improvement worked to commodify land through a new relationship to sheep. Ultimately, the project of management as an imposed order of the world from the BIA and SCS discussed in chapter one is reconfigured into logics of improvement that seek to operate endogenously *within* the Navajo Nation. I analyze these concepts through BIA and BAI establishment of demonstration stations throughout the reservation as new jurisdictions of ecological management. This production of juridical space was situated at an inflection point in federal Indian law and policy that shifted away from accommodation of Indigenous cultural systems in the work of governance toward forms of incorporation and depoliticization of Indigeneity as mere racial difference. As a counter to these dynamics, I read testimonies from Diné opposed to demonstration stations for their articulation of forms of Dinéness that frustrated these legal models of Indianness expressed via accommodation and termination. The work of abstraction that

⁴⁷ For histories of this era through a dependency framework, for example, see Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983). For analysis of cultural and ecological issues, see Martha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009). For a visual interpretation and contemporary revisitation, see Jennifer Nez Denetdale, *Nihi naaldlooshii doo nídínéeshgóó k'ee' qá yilzhish dooleel: Our Livestock Will Never Diminish: The Photography of Milton Snow and the Legacies of Livestock Reduction (1935-1959)* (Window Rock: Navajo Nation Museum, 2025).

translated land as soil through the scientific accent of pedology comes to be reconfigured in this moment through sheep as biological beings.

In Chapter Three, I examine the so-called Navajo-Hopi Land Dispute and the implementation of a federally mandated development freeze (the so-called Bennett Freeze) that implemented by then-Commissioner of Indian Affairs Robert Bennett in parts of the Western Navajo Nation from the 1960s to 2009. As a consequence of the land dispute, greater forms of delineation and novel land statuses such as Navajo Partitioned Land (NPL), Hopi Partitioned Land (HPL), and Joint Use Area (JUA) emerged, often sectioned off through BIA fences. I show how at this moment, the new land statuses were related to the emergence of a new mode of governance in the Navajo Nation characterized by economic development. I engage with Diné testimony from the Former Joint Use Area as they put into practice a distinct Diné identity—Big Mountain Diné—to understand how they conceptualized sovereignty beyond the juridical status attendant to the novel land statuses. The ideas of management and improvement were rearticulated in discussions on relocation that Big Mountain Diné countered with understandings of land as mediating relationships with the natural environment as they understood themselves as part of a global community of colonized peoples constituted by processes of land dispossession. Such a practice related understandings of sovereignty and its relationship to land in a register not too dissimilar to the implementation of the NRPA that opened this introduction. That is, they understood land and its relationship to sovereignty as mediated by Diné vernaculars that enabled them to form connections with a global dispossessed.

The three chapters illuminate moments when Diné people had to navigate changing forms of settler colonialism in their lives. As such, they urge us to consider Dinéness as a concrete practice that emerges under concrete conditions of settler colonial capitalism. Indeed, just as the NRPA enacted a ban on uranium mining *through* an understanding of Diné philosophies and worldviews, each moment suggests that the ideologies and processes that constitute settler colonialism operate as sublated motion.⁴⁸ That is, even as settler colonialism seeks elimination of the Indigenous, that formation invariably preserves as much as it cancels. The structure of elimination must contend with the movement of cancellation/preservation. It is in this emergent space that this dissertation offers an historicization of land to conceptualize the possibilities for understanding land otherwise through its commodification and alienation. To do so is to understand Indigeneity beyond mere epistemic difference but always as an “enduring” through and with the land.⁴⁹

Conclusion

Soil, sheep, and fences reveal the contingency of settler colonial capitalism as it contends with Diné life and worlds. Just as Diné creation story implies an ethical

⁴⁸ The concept of sublation comes from Italian communist theorist Antonio Gramsci. A helpful understanding of this concept comes from Sharad Chari, *Gramsci at Sea* (Minneapolis: University of Minnesota Press, 2023): “Gramsci’s materialist attention to the sublation—both cancelation and preservation—of prior struggles with hegemonic formations helps us see not just long genealogies of domination, but also of the persistence of the strike, abolition, internationalism, and *emergent* forms of anti-ecocidal struggle as holding the potential to storm contemporary terraqueous conjunctures” (xii, emphasis added). This attention to the sublated as contradictory motion of cancelation and preservation is helpful for understanding the indeterminacy of struggle as unpredictable yet possible.

⁴⁹ J. Kēhaulani Kauanui, “A Structure, Not an Event”: Settler Colonialism and Enduring Indigeneity” in *Lateral: Journal of the Cultural Studies Association*, 5(1) (2016).

framework for being in the world as mediated by processes of disharmony and chaos as one strives to achieve proper relations with other humans and extra-humans, this dissertation seeks to examine the Diné land question as movement and strategy from the dislocations of settler colonial capitalism. Indeed, as land is (re)produced in relation to those dislocations, sovereignty itself takes particular forms and practices.⁵⁰ Land as historically, socially, and politically conditioned allows us to understand Diné as historical actors that antagonize, acquiesce, and negotiate settler colonial capitalism. By understanding this conditioning as a historically contingent process, we can ask questions of what “ethical responsibilities” are demanded as land and sovereignty are co-constitutively produced.⁵¹ The dislocations surrounding soil, sheep, and fences reveal particular processes that Diné rendered intelligible in concrete circumstances. I revitalize their analysis and strategy to learn something of how they had a certain understanding of the changing conditions of settler colonial capitalism as a problem to be addressed in particular ways that I discuss in this dissertation.

⁵⁰ Issa Shivji writes, “The land question is an intricate component of the agrarian question, which cannot be addressed without addressing the national question.” Issa Shivji, *Accumulation in an African Periphery: A Theoretical Framework* (Dar es Salaam: Mkuki na Nyota Publishers Ltd, 2009), 83.

⁵¹ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011), 24.

CHAPTER 1: SOIL

Introduction

Soil, A Triptych

Landscape I: The Soviet Union

At the point when the Soviet Union was dismantled, the country had steadily increased the use of chemical fertilizers for agricultural production. With the threat of capitalist encroachment and a crisis in leadership, Soviet leadership under Nikita Khrushchev adopted intensive agricultural practices, wherein the soil was “doped” with “pesticides, hormones and chemical fertilizers”.⁵² Before this productivist orientation, the science of soils developed in the Soviet Union stressed the structure of soils, or their ability to conserve water and retain mineral salts.⁵³ The two competing visions of soil—as an object of chemicalization rather than as a relational component amended through the introduction of organic matter—entailed different objectives concerning conservation and environmental protection. Indeed, for the Soviets, the field of pedology, or soil science, was rooted in a dialectical conception of the world where the structure of the soil was mediated by human activity rather than an empty container for amendment. Whereas Western descriptions of soil formation emphasized soil classifications based on underlying parent material, Soviet understandings of soil stressed “the dynamic interaction of the mineral subsoil with atmospheric activity and biological activity”.⁵⁴ This dynamic perspective of soil, before the vicissitudes of capitalist encroachment, directed agroecological activity in the Soviet Union toward increasing organic matter rather than chemicalization. Soil and its fertility were cast as a problematic of economic production between the competing worlds of capitalism and socialism.

Landscape II: Canyon de Chelly, Dinétah

After several antagonisms and encroachments by Spanish settlers, Canyon de Chelly, near present day Chinle (*Ch'ini'li*), AZ, became a significant location for Diné.⁵⁵ The streams at the bottom of the canyon provided important water sources for families to grow corn and peaches and graze livestock. By the 1930s, increased concern over soil erosion in the Navajo reservation prompted SCS and Civilian Conservation Corps (CCC) work to plant tamarisk and Russian olive (*tsin libáhà*) in the canyon to stabilize the streambeds.⁵⁶ While SCS erosion work also included the planting of peach orchards in jetties and washes in danger of erosion, Russian olive growth exploded and overtook native species such as cottonwood and willow trees.⁵⁷ In fact, by the 1960s, the aggressive growth of Russian olive and tamarisk have “seriously altered stream processes creating unnatural rates of channel incision and land erosion”.⁵⁸ The initial concerns over soil erosion motivated the planting of alien vegetation guided by the

⁵² Guillaume Suing, *Communism, the Highest Stage of Ecology*. Translated by Henry Hakamäki & Salvatore Engel-Di Mauro (Olympia, London, Dublin: Iskra Books, 2025 [2018]), 61.

⁵³ Ibid.

⁵⁴ Ibid., 78.

⁵⁵ Iverson, *Diné*.

⁵⁶ National Park Service, “Cooperative Watershed Restoration Project: Tamarisk and Russian Olive Management at Canyon de Chelly National Monument, Final Environmental Assessment”, 2005, accessed 06 January 2026 from: <https://npshistory.com/publications/cach/tamarisk-russian-olive-mgt-2005.pdf>

⁵⁷ Charlotte J. Frisbie, *Food Sovereignty the Navajo Way: Cooking with Tall Woman* (Albuquerque: University of New Mexico Press, 2018).

⁵⁸ National Park Service, “Cooperative Watershed Restoration”, 16.

technical characteristics of the plant to provide a windbreak and deter erosion regardless of local forage, with costly consequences to manage the continued explosive growth of the plants today. Soil and its erosion were rendered problematic to be solved through an abstraction of plant species and the reconstitution of Diné land use.

Landscape III: The Jordan Valley

In a 1939 radio address entitled “The Eleventh Commandment”, then assistant chief of the U.S. Soil Conservation Service (SCS) Walter Lowdermilk, praised the conservation work of Jewish settlement villages in Palestine. In Lowdermilk’s assessment, a combination of “wars, exploitation, and soil erosion” contributed to the decline of the fertility of the “Near East”.⁵⁹ Lowdermilk’s belief in the redemptive qualities of Jewish settlement and agricultural practices resulting from Zionist colonization extended to his vision of soil and moisture conservation for the Jordan Valley. In his evaluation, Zionist agriculture would contribute to an augmentation of the “absorptive capacity” of Palestine for Jewish settlers, given the redeeming qualities of Zionist land relations to increase the productivity of the land.⁶⁰ For Lowdermilk, soil was tied to a biblical narrative of loss and degradation that could only be ameliorated through Zionist redemption. Lowdermilk’s role as a SCS soil scientist enabled an economic rationale of development as a mere technical matter to be accomplished through Zionist colonization that surpassed any political criteria for settlement.⁶¹ In short, Lowdermilk proffered a vision of “gigantic development” that furthered the actions of “a group of people [Jewish settlers] doing good things with the soil”.⁶² Soil and its improvement were constituted as a problem to be solved through Zionist settlement and colonization.

Soil, A Future Form

In the above image of soil, it becomes apparent that ideas of soil are tied to “desire[s] to do things with soil”.⁶³ For the Soviet Union, soil was conceived in contrast to bourgeois conceptions of a nature outside society; soil and its fertility was considered in relation to relations of production. For Lowdermilk and Gentile Zionists, soil was conceived as a homeland for Jewish settlers such that its development was a salvation for settlers and the soil. In the center of the triptych, soil, in a not too dissimilar manner as the Palestinian landscape, was dramatized through its devastation from improper Diné use. In each of the cases, soil was to be known in relation to a normative order of the world.

In this chapter, I utilize the triptych as a point of departure to understand, first, how the refracting of land through its conception as soil was a conjunctural moment for Diné social formations. This translation of soil through the language of Western pedology changed the meaning of land for Diné people in a way that had a qualitative change in the overall Diné social system. The specificity of land in a settler colonial social formation develops in a particular manner; in the first part of this chapter, I seek to understand this particularity to understand “how it develops, its real history, [a]s also

⁵⁹ Walter C. Lowdermilk, *Palestine, Land of Promise* (London: The Camelot Press, 1944), 53.

⁶⁰ Rory Miller, “Bible and Soil: Walter Clay Lowdermilk, the Jordan Valley Project and the Palestine Debate” in *Middle Eastern Studies* Vol., 39, No. 2 (2003), 55-81.

⁶¹ *Ibid.*

⁶² *Ibid.*, 72.

⁶³ Montserrat Bonvehi Rosich and Seth Denizen, *Thinking through Soil: Wastewater Agriculture in the Mezquital Valley* (Cambridge: Harvard University Press, 2025), 23.

part of what it is.”⁶⁴ Second, in positing that soil was a precondition to the social formations of settler colonial property in land, I aim to understand how Diné responded to those changes. I seek to understand the process by which settler colonial land relations developed as a moment in a broader settler colonial political order by which that “appearance” of order has a “dependence [...] upon what it excludes.”⁶⁵ In other words, even as federal institutions such as the Office of Indian Affairs (OIA) and the SCS sought to reorient conceptions of land through the frameworks of science and geology, Diné retained an understanding of the world around them that exceeded the settler colonial politics of knowability and representation embedded in those projects. This realm of Diné exclusion, I suggest, posed challenges for the SCS activities that sought to render land into soil as a project to implement settler colonial relations of property in land. The transformation of land into property was a historical process that referred to “time past but [also] to time future”⁶⁶, where that future and present form of land into property was complicated by the strategies of a Diné past and present. By better understanding this time past, we might better understand contemporary strategies of Diné ecologies discussed later in this dissertation as the time of a Diné future.

If in the first part of this chapter I detail the ways that land was qualitatively changed by refracting it into soil as a strategy of settler colonial power, in the second part, I aim to understand how Diné responded. I suggest that even as tribal members appeared to acquiesce to those transformations, it might be more accurate to read that acquiescence as a strategy to retain a form and practice of Dinéness even as it changed under different concrete conditions. This strategy was a form of movement “[a]s a commitment to ongoing change” and a way to “figur[e] out how much and in what ways to change.”⁶⁷ Indeed, the deployment of scientific standards of erosion functioned to define tribal land through its cultural and economic functions in order to establish a mode of governance alongside the political and administrative roles of the OIA.⁶⁸ The work of classifying soils functioned as “a technical complement to a political agenda.”⁶⁹ Even as the work of soil classification worked to define forms of proper land use—a geographical relation—that work was nevertheless motivated by a conception of history where the decline of Diné land suggested “continuous progress [as] the mark of settler civilization, [and] native custom [as] [...] part of nature, fixed and unchanging.”⁷⁰ Diné response and movement can thus be read as an instance of a temporal tension, “ways that Indigenous forms of time push against the imperatives of settler sovereignty.”⁷¹ Finally, soil not only named an antagonism between Diné people and federal officials, but also revealed differences in how best to accomplish the normative order desired by

⁶⁴ Bertell Ollman, *Dance of the Dialectic: Steps in Marx's Method* (Chicago: University of Illinois Press, 2003), 65.

⁶⁵ Timothy Mitchell, *Colonising Egypt* (Berkeley: University of California Press, 1988 [1991]), 167.

⁶⁶ Ollman, *Dance of the Dialectic*, 65.

⁶⁷ Jean Dennison, *Vital Relations: How the Osage Nation Moves Indigenous Nationhood into the Future* (Chapel Hill: University of North Carolina Press, 2024), 19.

⁶⁸ Mahmood Mamdani writes of the changing governance between direct and indirect modes of governance that functioned through changing definitions of land. Mahmood Mamdani, *Define and Rule: Native as Political Identity* (Cambridge: Harvard University Press, 2012).

⁶⁹ Mamdani, *Define and Rule*, 30.

⁷⁰ Ibid, 6.

⁷¹ Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham: Duke University Press, 2017), ix.

each conception of the soil. Where OIA and SCS conceptions of soil diverged reveals different maps of the “social relations and material processes [...] that shape soil’s formation.”⁷² It is my aim in this chapter to read these maps for the content of those processes to better understand how those past forms might be reconfigured in a new cartography that does not delimit the possibilities for Diné social orders.

Chapter Outline

The chapter proceeds as follows. First, I begin with a brief history of soil science and its emergence as a global project of Western modernity. The broader transformations happening at the global scale unfolded in a particular fashion in Diné bikeyah. As a consequence of this project, new frameworks of representation and calculability emerged as it related to forms of land in property. One such category that emerged was the concept of carrying capacity which presented the world in ideal states abstracted from concrete conditions of life. Pedology and geology functioned just as much as a political project as a scientific one that facilitated the introduction of the social relations of land in property; thereafter, it might be more accurate to say those forms of knowledge then functioned as an accumulation strategy that likewise worked to reproduce settler property relations. After this discussion of soil science, I move on to detail how OIA and SCS officials discussed the issue of Diné land use as degrading the landscape and their strategies and techniques of management. As mentioned briefly above, even as both institutions had diverging understandings of how to assuage the issue of soil erosion in Diné bikeyah, they nevertheless shared the problem-space of how the issue of erosion had a set of “identifiable stakes”.⁷³ Thus, even as different federal institutions had different orientations to the “Navajo problem” they nevertheless shared the epistemological conditions of settler colonial capitalism as a hope or desire to be accomplished through new regimes of soil. In the final section of the chapter, I depart from the analysis of the settler colonial conditions described above to consider how Diné people had their own hopes and desires of what to do with soil through a different set of epistemological conditions. While soil was reconfigured as a “natural and absolute”⁷⁴ object abstracted from the conditions of settler colonial capitalism, I suggest Diné people nevertheless navigated those conditions with reference to an understanding of land as always more than its technical reduction vis-à-vis soil. I concentrate my analysis on how the transformations in soil entailed social transformations in Diné political economy and social structure as it relates to gender as mutually constitutive changes.

In chapter three, I discuss the efforts of Diné and Hopi people in challenging the federally imposed land dispute and development freeze in the Western Navajo Nation. While in that chapter, I discuss the ways the novel land statuses Navajo Partitioned Land (NPL) and Hopi Partitioned Land (HPL) were constitutive to the expression of popular forms of sovereignty for Diné elders refusing relocation, I suggest that that expression of sovereignty was the result of a political development that was initiated in the 1930s during soil and moisture conservation programs in the Navajo reservation. In short, if during the so-called Navajo-Hopi land dispute new forms of land tenure constrained concrete expressions of Dinéness that were nevertheless challenged by

⁷² Rosich and Denizen, *Thinking through Soil*, 173.

⁷³ David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham: Duke University Press, 2004), 6.

⁷⁴ Henri Lefebvre, *On the Rural: Economy, Sociology, Geography*, trans. Robert Bononno (Minneapolis: University of Minnesota Press, 2022), 119.

refusals to relocate from the so-called disputed lands, that relationship between land and political subjectivity can be traced to efforts to curtail soil erosion in the Navajo reservation that I discuss in this chapter. Even today, I argue, the question of land as a technical and scientific object remains a precondition by which forms of settler colonial power operates in the Navajo Nation today. By better understanding how this moment in the 1930s still shapes how the questions related to land and the environment are posed and conceived, we may likewise begin to strategize alternative approaches as well.⁷⁵

Ideas of land as an unstable object prone to destruction by improper use to enable settler colonial property relations in land had as its precondition the rendering of land into soil to be managed. Geology, in particular soil science, emerged as a colonial modality of knowledge, which was tightly tied to settler colonial desires to manage the land. In this chapter, I explore the preconditions of sheep improvement and the Bennett Freeze as discussed in subsequent chapters and argue that before land could become private property under settler capitalism, it had to first be rendered soil.

Soil Science

In this section, I engage in a brief discussion of soil science to argue that these transformations in knowledge production reflected transformations in social relations. Science produced under soil conservation projects was instrumental in imagining and sustaining the social relations of settler colonialism. To be more precise, the declensionist narratives of degradation that animated the issue of soil erosion were constitutive practices that formed the structures of settler colonialism at this time. Geology and pedology, even as they functioned as colonial modalities of knowledge, also contributed practices and objects that constituted an ontology of settler colonialism.⁷⁶ My analysis thus is less concerned with the epistemological stakes of pedology than with the historical context of settler colonialism at this very moment that the practices of soil science contributed to. In short, the competing visions of a science of soils enabled the ontology of settler colonialism as a particular way of relating to the land as an object of management. By better understanding the specific practices and objects that constituted this ontology, we can attend to the “physical reality of the world while critically assessing the social relations in which it is situated.”⁷⁷ That is, soil science was instrumental in fashioning the object of soil that ordered the concrete political practices of the OIA and SCS.

The early work to formalize a science of soils can best be categorized through the works of three individuals, “the field’s founding fathers[:] [Justus von] Liebig,

⁷⁵ David Scott in *Conscripts of Modernity* writes: “[T]he way one defines an alternative *depends* on the way one has conceived the problem. And therefore, reconceiving alternatives depends in significant part on reconceiving the object of discontent and thus the longing that stimulates the desire for an alternative” (6, emphasis in original).

⁷⁶ This line of thinking adapts Tiago Saraiva’s work on fascist ontology. Tiago Saraiva, *Fascist Pigs: Technoscientific Organisms and the History of Fascism* (Cambridge: MIT Press, 2016). Saraiva writes, “[I] am more concerned with the historical importance of organisms for fascist regimes than with the alleged specific characteristics of doing science under fascism. Fascism is not taken as a pre-given context in which some scientists operated, but as a historical context to which scientists’ practices and objects contributed; the argument is less about fascist epistemology than about fascist ontology” (13).

⁷⁷ Alyssa Battistoni, *Free Gifts: Capitalism and the Politics of Nature* (Princeton: Princeton University of Press, 2026), 7.

[Ferdinand von] Richthofen, and, [...] [Vasiliy] Dokuchaev”.⁷⁸ Important to this discussion is the work of Liebig and Dokuchaev. Much of this work was characterized as “the study and classification of natural soils with natural histories.”⁷⁹ For Liebig, his conception of soil was part of broader discussion then happening in relation to fertility. These discussions of soil debated what were the factors that limited the growth of plants, and thus whether soils were natural or inert objects prone to the amendment or depletion by human activity. In response to Albrecht Thäer and his “humus theory”, which held that plants were limited in their growth by the presence of “humus and its ‘nutritive juices’”, Liebig articulated a “Law of the Minimum” that instead posited mineral presence as the key to soil management and plant growth.⁸⁰ In contrast to the humus theory of fertility, which held soils and plant matter as an organic whole, Liebig’s mineralist theory conceived the two as discrete entities, whereby the soil was merely a container for inorganic matter to be utilized for plant growth. This conception introduced a new way to conceive of soil and a new “set of concepts and empirical techniques that did not exist before the 1880s”.⁸¹ Before this idea of soil as separate from plant matter, the two were conceived as a unitary object. Indeed, this new conception of soil was associated with a structure of the world that sharply delineated the parameters between life and nonlife.⁸² This division is reflective of a broader trend in Western political thought characterized as dualism, often traced to René Descartes. The cartesian logic between mind and body extends to a division between the political and the natural, such that the former is “distinctly human” (mind) while the latter operates as “the passive backdrop against which [human action] play[s] out.”⁸³ To be sure, just a few years before Liebig conceptualized the idea of soil as amenable to human action, John Powell, in 1869, would chronicle his journeys through the Grand Canyon and the Colorado Plateau. As Powell traversed the canyons and passed through both Zuni and Navajo lands, his transition through this “land of beauty”⁸⁴ would be an exercise in marveling at the “wonderful geologic structure[s]”⁸⁵ in anticipation of then arriving once again in “civilization” at the military forts polka-dotting the Southwest.⁸⁶ For both Powell and Liebig, the soil and the geologic marked the space of nonlife.⁸⁷

While the concept of soil conceptualized by Liebig through his Law of the Minimum envisioned soil as an empty container whose fertility could only be improved through chemical amendments, Dokuchaev held a different conception of soil. The latter’s understanding emerged under the context of soil science done in Russia in the 1870s. For scientists at this time, soil was more than the geologic matter of its parent

⁷⁸ Tiago Saraiva, “Black Science: Amílcar Cabral’s Agricultural Survey and the Seeds of African Decolonization” in *Isis* 113(3), 2022, 597-609, 602.

⁷⁹ Rosich and Denizen, *Thinking through Soil*, 17.

⁸⁰ Greta Marchesi, “Justus von Liebig Makes the World: Soil Properties and Social Change in the Nineteenth Century” in *Environmental Humanities* 12(1), 2020, 205-226.

⁸¹ Rosich and Denizen, *Thinking through Soil*, 60.

⁸² *Ibid.*

⁸³ Battistoni, *Free Gifts*, 4.

⁸⁴ John Wesley Powell, *The Exploration of the Colorado River and its Canyons* (New York: Dover Publications, 1961), 354.

⁸⁵ *Ibid.*, 355.

⁸⁶ *Ibid.*, 354.

⁸⁷ Elizabeth Povinelli describes this space as “The Carbon Imaginary [as] the pulsing scarred region between Life and Nonlife[.]” *Geontologies: A Requiem to Late Liberalism* Durham: Duke University Press, 2016), 38.

material but also had “a genetic base” that was inherited “from weathered rock, climate and vegetation”.⁸⁸ In establishing a soil classification system, Dokuchaev formalized soils to be a function of the following soil forming factors: pattern of parent rock, climate, vegetation, age of country, and topography.⁸⁹ While Liebig’s work functioned to harden the boundaries between life and nonlife—between the human and the natural—Dokuchaev’s concept situated soil formation as an active development under the process of those five soil forming factors. Influenced by geologist Charles Lyell, Dokuchaev considered past and present geologic processes as linked, such that, to understand contemporary processes, one could turn to the past. Consequently, both conceptions of soil entailed different visions of how the world could be ordered, as evidenced in the inheritances Russian pedology bestowed upon the Soviet Union and the country’s strategy for extensive agriculture. While Liebig’s idea of mineralization severed the soil from the plant material in order to emphasize the plant’s economic functions of growth and production, Dokuchaev’s idea of soil types as the combined effect of different factors including climate and age of terrain allowed for an idea of soil as only understandable through its geographic and historical specificity.

In contrast to Dokuchaev’s idea of soil as always in development, Liebig’s idea of soil arrested that development to only a moment in time as the soil was readied for crop production. In the following discussion on carrying capacity, we will see how this idea of soil as mere container for human improvement had resonance with that idea of carrying capacity. Indeed, the changing meanings behind carrying capacity follow a parallel development of changing ideas of soil where both concepts converged in an understanding of an ideal and abstract environment. This step of abstraction served political and economic projects as they rematerialized nature in “newly formed social collectives.”⁹⁰

Carrying Capacity

The ideas of soil theorized by Liebig and Dokuchaev had consequences for ideas of agricultural production for both the capitalist world and the Soviet project of socialism. For each country, ideas of management and increasing productivity were related to how one conceived of the soil in the first place. Concomitantly, those ideas were tied to ideas of how to order and govern. Just as the reproduction of a nation was tied to soil and its management, carrying capacity would emerge as a category of pedology associated with (mis)management and the hopes of a nation. In narrativizing the problem of soil erosion for Navajo lands, *The Saturday Evening Post*, a popular American magazine, would lament soil erosion and overgrazing as civilizational problems. This tragedy would be the consequence of an ever-growing herd of sheep crammed onto a diminishing land base. The idea of carrying capacity would be presented less as an ecological cum mathematical concept than a historical one, in which, “If the Navajos were acquainted with the works of Oriental historians and the researches of climatologists, they would know that the hoofs and teeth of flocks like theirs have for more than 3000 years literally trampled empires into dust and ground

⁸⁸ Elena Rusakova, Elena Sukhacheva, and Alfred E. Hartemink, “Vasiliy Dokuchaev – A biographical sketch on the occasion of his 175th birthday” in *Geoderma* 412, 2022, 1-19.

⁸⁹ Ibid.

⁹⁰ Saraiva, *Fascist Pigs*, 12.

kingdoms to pieces.”⁹¹ The problem, then, would reiterate the condition of carrying capacity as a transhistorical phenomenon, unaltered by the conditions of social or historical context.

The concept of carrying capacity, historically, has denoted several things. As the concept has migrated from physical to natural systems, this wide applicability of meaning has caused considerable conceptual clumsiness. Early applications of the term can be traced to use in logistics and shipping, where it was originally called “payload.”⁹² In this context, as in other mechanical systems, the concept was intended to convey “the amount of *X* that *Y* was *designed* to carry.”⁹³ Later, in the 1870s, the concept would be applied to natural systems in the context of range and game management. In this context, carrying capacity retained some of its original meaning held from physical systems, only extended to include animals and humans. As the concept came to predominate in rangeland management, however, it soon came to mean a fixed number a given land or range could said to “carry”. In this circumstance, however, ambiguities around the term became especially pronounced as the conviction of management as capable of improving the capacity of a range rubbed up against the original meaning of carrying capacity as a fixed amount a certain range could be said to support. One attempt to clarify this paradox was to delineate a range’s “actual” versus “original” carrying capacity, where the latter was a fixed, ideal state, whereas the former reflected “current conditions and could be increased by investments in revegetation, artificial water sources, or emergency forage supplies.”⁹⁴

The developments and shifts behind the application of carrying capacity emerged during a period of ecological crisis vis-à-vis severe overgrazing in Australia and New Zealand from 1873-1893.⁹⁵ Liebig’s notion of the minerality of soil would precede that development by nearly three decades. Nevertheless, the idea of soil as a warehouse for chemical amendments reflected the techniques and tactics of grazing and range management as a puzzling exercise whereby a fixed landscape could be improved through infrastructure and proper use and management. It is in this shared space of the development of capitalist modernity that soil was transformed into a form of earth that enabled settler capitalism through its abstraction as inert yet calculable. This served as the precondition for other forms of settler colonial management as it developed in the Navajo reservation. As we will see in the next section, soil and carrying capacity, in their historical becoming under settler colonialism, are “aspects of each other.”⁹⁶ In this process, soil and carrying capacity as moments of abstracted space are results and preconditions of the historical process of settler colonialism—both function as preconditions for forms of land in property but are also the result of that social relation. In the next section, I discuss the techniques of OIA and SCS officials in range management as instances of this process of becoming. By turning to these techniques

⁹¹ Walter V. Woehlke, “The Battle for Grass” in *The Saturday Evening Post*, November 25, 1933. E. Reeseman Fryer Papers, Box 1, Folder 11, Record Group 1, Fort Lewis College Center of Southwest Studies, Durango, CO.

⁹² Nathan F. Sayre, “The Genesis, History, and Limits of Carrying Capacity” in *Annals of the Association of American Geographers* 98(1), 2008, 120-134.

⁹³ *Ibid*, emphasis in original, 123.

⁹⁴ *Ibid*, 124.

⁹⁵ *Ibid*.

⁹⁶ Ollman, *Dance of the Dialectic*, 116.

and tactics, we get a better sense of “what had to happen for [the situation] to acquire just these qualities”.⁹⁷

“[T]he whole Navajo race will be doomed to the most disastrous consequences”⁹⁸

In consultations over the so-called “Navajo problem”, federal officials and technicians would invariably narrativize the cessation of the Navajo tribe itself as tied to the problem of erosion. In this story, carrying capacity would illuminate the anxieties of the officials over rangelands in the Southwest. For SCS officials, Navajo overgrazing and the overpopulation of the range, if left unchecked, would pose “the most disastrous consequences.”⁹⁹ The geometry of carrying capacity led the officials to believe that “[n]othing but herd reduction or a sudden change in climate which will double or treble the present scanty rainfall can save the range.”¹⁰⁰ Salvation would come from the techniques of conservation and land management in contrast to Diné practices which could only “set medicine men working for [rain].”¹⁰¹ Indeed, where shifting OIA attitudes that sought accommodation of Indigenous practices and customs would fall short, the tools of geology, enunciated through the framework of carrying capacity, would function as a colonial largesse that replaced the eliminatory practices of federal intervention in the eyes of officials and technicians as a gift that could save the Navajo tribe itself. To be sure, the invocation of the failures of Diné ceremony to bring a change to the Navajo problem speaks to mode of colonial power that operates through the allowance of difference. That doubt surrounding Diné ceremony is an “inability [...] to believe [which] is exactly what allowed [OIA/SCS officials] to enjoy ‘authentic difference’ without fundamental changes to the metaphysics of the law”.¹⁰² This doubt—tethered to the anxieties over soil erosion—indexes a “performance of sovereignty”¹⁰³ for OIA/SCS officials that “generate[d] political paralysis”¹⁰⁴, which they attempted to resolve through a menu of techniques from soil science and geology. In this section, I detail how this feeling of sovereignty as doubt or anxiety was connected to various practices, techniques, and objects that contributed to the political project of settler colonialism. In short, it is not that the turn to technical solutions acted to depoliticize the question of soil erosion, but that they constituted specific practices that contributed to the ontology of settler colonialism as a gift.

Surveying

Among the techniques utilized by SCS officials were surveys—both aerial and field—that assessed the state of land to be improved. The surveys did not seek to guide administrative action but rather served as the precondition for the OIA to establish new boundaries in the reservation via land management units (LMUs). That is, a new mode of governance via the LMUs was tied to the creation of novel land statuses that

⁹⁷ Ibid, 118.

⁹⁸ “Robert Marshall memo to John Collier, September 4, 1933”. Box 12, Navajo Grazing, 1933, Office Files of Commissioner of Indian Affairs John Collier, Records of the Bureau of Indian Affairs RG 75, National Archives Building, Washington, DC.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Povinelli, *Geontologies*, 34.

¹⁰³ Deborah Thomas, *Political Life in the Wake of the Plantation: Sovereignty, Witnessing, Repair* (Durham: Duke University Press, 2019), 23.

¹⁰⁴ Ibid, 24.

multiplied forms of supervision for land management. Initial surveying was done in 1934 as aerial surveys of the entire reservation, first, then field surveys of select range lands. Thereafter, in 1935, inventories of water spreading or runoff and farm lands were done.¹⁰⁵ For the OIA, the surveys were “designed to determine the nature of human dependency on resources contained within each district [...] [and] the variability of this dependency.”¹⁰⁶ Nevertheless, as already stated, the information gathered from the surveys only served an analytical function to demarcate new boundaries. The reconnaissance reflected a palliative to the doubt expressed over erosion through the production of certainties secured through surveying. Such a remedy sought to produce a “continuous theater of certainty” by establishing the physical world as an absolute other to the realm of geological knowledge produced.¹⁰⁷ This order of the world, in short, depended on the knowledge from surveys to establish “a realm of the conceptual” that gestured to an associated “‘real world’ outside.”¹⁰⁸ This strict division not only reduced the land to soil types and erosion impact, but also produced a Diné personhood that was assumed to have a mind capable of representation and a material body meant to carry out the plan or framework of that representation. In practice, this meant an assumption from BIA officials that Diné would alter pastoral practice to align with the new boundaries. The land became that which was to be represented through its soil type and impact of erosion to then be managed and assessed for infrastructural investment. The effect was the elimination of the Diné as Diné as the land was reconstituted first into soil types then LMUs through the practice of surveying.

At a more concrete level, the information culled from surveying guided the new strategy of accommodation. Whereas prior interventions to curb grazing in the Navajo reservation were unilateral, large-scale reductions of entire herds, surveying of land conditions enabled a new orientation of adaption. To be more precise, the level of dependency on natural resources of each LMU assessed from the surveys facilitated the gradual transition to a mixed economy. Reduction would only constitute “a single aspect of a solution which ha[d] a multiple nature”¹⁰⁹ and would now take place in those areas where a replacement income could be secured through means other than the land. Nevertheless, the boundaries demarcated by the eighteen LMUs and the new mode of governance associated with its livestock permitting system worked to stop the fluid land tenure system by containing transhumance to particular districts.¹¹⁰

Revegetation

Whereas surveying only served to gather information to guide analysis of Navajo lands, conservation action enacted concrete techniques such as revegetation to curb concerns over erosion. Revegetation was connected to a Liebigian notion of soil as an empty container for plant growth. Indeed, the categorization of soil into different soil

¹⁰⁵ “Statement of the Present Plan of Land Management on The Navajo Reservation”, Box 19, Folder 105.6: Correspondence Relating to Agreements Covering Work by the SCS on Indian Lands; TC-BIA-Albuquerque, New Mexico; Records of the Soil Conservation Service RG 114; National Archives at College Park, College Park, MD.

¹⁰⁶ Ibid, 2.

¹⁰⁷ Timothy Mitchell, *Colonising Egypt* (Berkeley: University of California Press, 1991), 178.

¹⁰⁸ Ibid.

¹⁰⁹ “Statement of the Present Plan of Land Management on The Navajo Reservation”.

¹¹⁰ Wade Campbell, “Na’nilkad bee na’niltin – Learning from Herding: An Ethnoarchaeological Study of Historic Pastoralism on the Navajo Nation” in *Kiva: Journal of Southwestern Anthropology and History* 87(3) (2021), 295-315.

types served as the precondition for the work of revegetation. After soils were classified throughout the reservation, SCS officials planned to try different combinations of plants and grasses on the different soil types. Machinery would be utilized to make different soils amenable to different plant material. This work, while operating with a degree of uncertainty around specific techniques, nevertheless sought a conformity of conditions for the planting of new vegetation where the danger of erosion was outstanding. In particular, the process utilized a “soil-conserving machine, which [dug] 10,000 holes per acre for trapping rainwater”.¹¹¹ The purpose of fallowing the earth was to ready the ground for new plant growth of varieties untried in the reservation before. For SCS officials, the novelty of the plants represented a mode of experimentation, such that while “[they] did not know what might be accomplished with various grasses and plants that have not been tried in this region [the Navajo reservation] [...] [they would] not know what might be accomplished until such plants have been definitely tried out on the various soil types of the region.”¹¹² The faithfulness in new plants to ameliorate the erosion conditions would invariably lead to an overgrowth of invasive species such as Russian olive and tamarisk, as discussed in the beginning of this chapter. Nevertheless, for SCS officials, a variety of plants were grown less for their ability to substitute or supplement native forage for sheep, but rather to disarticulate the Diné landscape from the shepherding economy. More precisely, certain plants were of interest for SCS technicians because of their capacity to establish deep root systems to dampen erosion and improve soil structure. The concrete practice of revegetation, then, was connected to an abstraction of space that disarticulated the plant and its roots from the soil. As shown in Figure 2, one way that grazing conditions were assessed was through plant root depth. Forage species, such as black grama (tł’ohnást’asłizhinií), were depicted as being particularly vulnerable to overgrazing while “common invaders”, such as Three Awn and Snakeweed, are shown as ambivalent to overgrazing because of their expansive and fibrous root systems. These depictions reflect the principle of carrying capacity as an ideal state that is nevertheless able to be surpassed by human activity through proper use and management.

¹¹¹ “H.H. Bennett memo to John Collier, August 24, 1933”. Box 20, Stock Reduction and Range Control, Office Files of Commissioner of Indian Affairs John Collier, Records of the Bureau of Indian Affairs RG 75, National Archives Building, Washington, DC.

¹¹² Ibid.

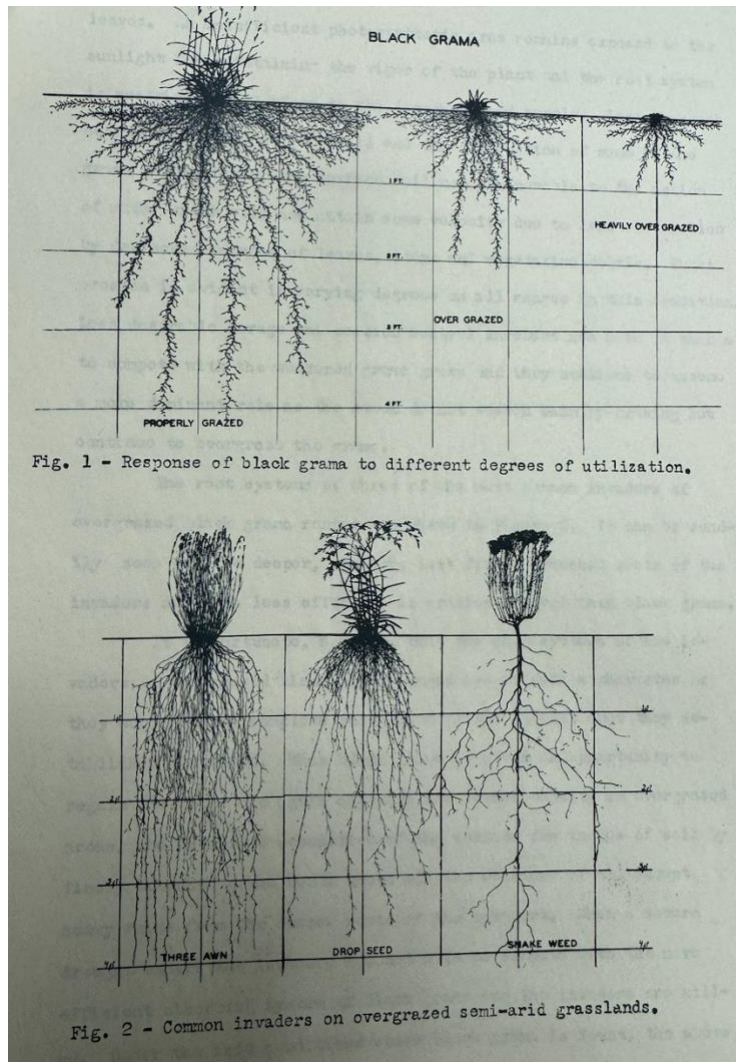


Figure 2: Plant-Soil Root Depth Correlation of Various Species. Source: National Archives and Records Administration, Denver.

Day schools

While the prior practices just described depended upon the actions of technicians, engineers, and other experts to enact a program of land management, the use of more quotidian practices were also utilized by the SCS and OIA. Namely, day schools contributed to that program by instructing young students. The schools were meant to demonstrate for students the proper techniques of conservation as a supplement to “customary” lessons such as mathematics and English. This intervention was part of a broader agenda by the Indian service to work toward the Navajo as “self-supporting, organized and [capable of] individual self-help”.¹¹³ Indeed, the use of day schools as sites of demonstration also characterized a divergence in aims for the OIA and the SCS, namely, “that Navajo consciousness and Navajo self-activity are to the Indian Service practically the end in themselves, while to the Soil Erosion Service they

¹¹³ “Some Items About Soil Erosion and Navajo Administration Relationships”, Box 19, Folder 105.6: Correspondence Relating to Agreements Covering Work by the SCS on Indian Lands; TC-BIA-Albuquerque, New Mexico; Records of the Soil Conservation Service RG 114; National Archives at College Park, College Park, MD.

are the only instrumentality which can get or keep [...] the sought-for physical results.”¹¹⁴ The broader goal the SCS strove was to “sav[e] and rehabilitat[e] the land.”¹¹⁵ For the OIA, “self-help” and “self-supporting” persons were to be self-possessed individuals who craved and desired health and schooling as entailments of citizenship, which were the broader function of the day schools.¹¹⁶ For the SCS, that cultivation of citizenship mediated the goal to save and rehabilitate the land precisely by modifying what Diné understood to be conditions of citizenship. Thus, incorporation into U.S. citizenship hinged upon a conceptual transformation that changed how soil was understood as a technical object to be isolated from use.

The goals of the OIA and the SCS were to be accomplished through the reorganization of “Navajo economic life” away from the sheep-based economy to save the land from grazing by means of pedagogical instruction in the skills for market exchange.¹¹⁷ Just as surveying contributed to the economic reorganization of Diné life through an emergent mixed economy, the role of day schools enabled the transformation of Diné subjectivity as a process of shifting the terms of social belonging. As just briefly mentioned, the goal of self-activity fostered inclusion into a new regime of citizenship for Diné which depended upon an epistemological break with the meaning of land and earth for Diné. The work of day schools supported this process such that the meaning of Dinéness was incorporated into an emergent form of nationalism whereby the endangerment of Diné lands as the endangerment of Diné themselves could only be ameliorated through the conservation of natural resources; to continue to be Diné was to safeguard “American” resources in order to save the land. Concretely, the day schools supported this process through adoption of conservation measures into curricula. Namely, students in OIA schools endeavored to plant nurse trees and other revegetation crops in addition to taking a conservation pledge that read, “I give my pledge as an American to save and faithfully to defend from waste the natural resources of my country – its soil and minerals, its forest, waters, and wildlife”.¹¹⁸ The pledge thus functioned to interpellate Diné and Hopi children into an American identity by means of disciplining forms of land use. This disciplining unfolded under the historical and spatial specificity of Diné lands conceived as a site of degradation. By disaggregating the land as a package of natural resources to be conserved and defended from waste, the day schools fostered a “form of life”¹¹⁹ that was organized according to the productive potential of conservation measures. Students were encouraged to develop projects to implement principles of conservation and resource management. For example, in the Polacca Day School, students developed a project to highlight the work of stream bank protection by tree planting, as shown in Figure 3. In an appraisal of such measures, the 1952 Annual Narrative of the SCS noted

[The students] selected their project site by choosing a place that would include the greatest number of conservation measures. The site selected is below the

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ “Conservation Pledge”, Box 13, Folder 1230-06: Keams Canyon – Soil + Moisture Conservation Annual Narrative, 1952, Tuba City Branch of Land Ops, Central Classified Files, 1934-1970; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Denver.

¹¹⁹ Robert Nichols, *Theft is Property! Dispossession and Critical Theory* (Durham: Duke University Press, 2020), 77.

Wepo Farm Area, just a few miles from Polacca. They selected this site as it afforded the following conservation practices: Stream bank protection, Channel bottom protection, reduction in wind erosion on farms lands, reduced runoff on farm and range land, a refuge for wildlife, and future use as fence posts and domestic fuel.¹²⁰



Figure 3: Polacca Day School students planting trees in conservation program. Source: National Archives and Records Administration, Denver.

The schools thus functioned to articulate pedagogies of land as resource with the practices that would further such a conception of the world. These practices were not mutually exclusive acts that proceeded apart from the techniques of surveying and revegetation but rather constituted a constellation of co-constitutive practices that concretized the aims of the SCS and OIA as “a historically specific transition from one form of [Diné] social organization to another.”¹²¹

*Conclusion: Soil as a Prelude to the Program of Complete Order*¹²²

As the discussion on soil science has shown, ideas surrounding soil are related to desires with what to do with that soil. During the 1930s, this desire emerged during a time of great anxiety for the United States, both surrounding capitalist production and the environment. The Dust Bowl perhaps best encapsulated this anxiety and worry that animated conceptualizations of soil as a matter of national security.¹²³ These concerns motivated the work of soil science as a taxonomic project that would grant certitude to

¹²⁰ “Education: Stream Bank Protection”, Box 13, Folder 1230-06: Keams Canyon – Soil + Moisture Conservation Annual Narrative, 1952, Tuba City Branch of Land Ops, Central Classified Files, 1934-1970; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Denver.

¹²¹ Nichols, *Theft is Property!*, 77.

¹²² “Program of complete order” is a riff of Frantz Fanon’s oft-cited phrase, “Decolonization, which sets out to change the order of the world, is, obviously, a program of complete disorder.”

¹²³ Rosich and Denizen, *Thinking through Soil*.

soil formation as a knowable process. As the globality of soil erosion would localize to the Navajo reservation, the conceits of a knowable world to be divided into a representable object and an untouchable external world would impugn the practices of Diné as destructive. For SCS pedologists, the inheritance of science produced during the 1930s moment of crisis would work to transform the worlds of Diné. Armed with various practices such as surveying, revegetation, and pedagogical intervention, erosion control in Diné lands would proceed apace under the conviction that there was an “objective truth and universal laws of the external, real world”.¹²⁴ This moment marked a reorganization of relations of production as well as relations to land that was invariably disguised as a corrective to the degradation and decline of Diné pastoralism. In offering a mode of apprehending the world as able to be saved through proper management and conservation techniques, soil science ought to be characterized as a “political worldview [...] ma[d]e real in its ideas and institutions under the guise of a transcendent reason and universal truth.”¹²⁵ In the next section, I show how Diné people confronted this project precisely as a process to reorganize their social systems to the new productive potentials of an emergent Keynesian economy. The conceptualization of soils and their taxonomy served as the prelude to this project.

Soils and Diné Political Orders

While much of the work to articulate soil formation as a knowable and ascertainable process was related to matters of national security as it pertained to global processes of environmental crisis and capitalist production, the work of soil science was also related to local transformations in federal Indian jurisprudence. In particular, soil erosion as a process whereby land was “blowing away at a terrible speed” accented the trust relationship that tethers the federal government and Indigenous tribes.¹²⁶ That relationship, best surmised in the idea of tribes possessing a unique government-to-government relationship with the federal government, instituted legal accountability for Indian beneficiaries from the federal government.¹²⁷ In the previous section analyzing how soil science was a practice constitutive of the ontology of settler colonialism vis-à-vis the OIA and the SCS, I showed how those institutions utilized the conceits from soil science to enact a program of complete order for the Navajo Nation; soil science “enables” a way of knowing Diné worlds “and then reifies” that way of knowing through certain practices related to the soil.¹²⁸ This reification was concretized through the trust relationship as it related to use and occupancy of the land held in trust that is the reservation. Indeed, in deliberations over the promulgation of new general grazing regulations in 1936 that mandated stock limits via grazing permits, officials invoked a continuity between the regulations and the Navajo Treaty of 1868, noting the language of use and occupancy codified in the treaty.¹²⁹ That idea of use and occupancy animated

¹²⁴ George E. McCarthy, *Shadows of the Enlightenment: The Hidden Politics and Ideology of the Natural and Social Sciences* (New York: Monthly Review Press, 2025), 28.

¹²⁵ Ibid, 30.

¹²⁶ “Morning Session: January 19, 1938”, Box 39, Folder 064: Minutes of Navajo Tribal Council Jan. 17-20, 1938, Navajo Area Office, Central Classified Files, 64-64; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Denver.

¹²⁷ Charles F. Wilkinson, *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (New Haven: Yale University Press, 1987).

¹²⁸ David J. Carlson, *American Indian Autobiography and the Law* (Chicago: University of Illinois Press, 2006), 15.

¹²⁹ “Morning Session: January 19, 1938”.

a conditional form of sovereignty that was enacted through an understanding of soil to be safeguarded for future generations of Diné and the entire country. In this section, I analyze Diné responses to the imposition of federal grazing regulations to understand how those regulations were understood as attacks on their reproduction as Diné.

Discussions over General Grazing Regulations

In the same meeting where Indian Commissioner John Collier, Assistant Solicitor Mr. Cohen, and Indian Service attorney Mr. Brophy discussed the relationship between the grazing regulations and federal trust responsibility, the tribal council provided insight on their perceptions of the grazing issue. While large stockowners such as Chee Dodge voiced acquiescence to the new grazing regulations, other members of the council voiced skepticism over the regulations. For these members, the issue of livestock was connected to a broader question of Diné reproduction.

For council member Benny Tohe, while he acknowledged the roles that livestock raising and agriculture served in enabling Diné livelihoods, he also recognized the adjustments necessary for Diné to make a living under changing conditions. Namely, Tohe recognized the role school and education played in supporting the livelihood of Diné, but also noted the challenges faced given the lack of school infrastructure and curriculum development. Indeed, for Tohe, the challenges in enforcing the grazing regulations was also connected to the issue of education, such that Diné “do not have a school that is up to the State standards, [so] it will take all that time for us Indians to learn about these [grazing] regulations that the Government is trying to lead us into.”¹³⁰ Even as stockowners were uninstructed in the minutiae of the grazing regulations, Tohe also recognized the lack of schools in enabling a shift away from the livestock economy. He notes,

“[O]ur young Indian people are not getting the proper education as to compete with the white people in taking a position or holding a job that will get them away from this livestock raising and other things. If they would institute a school where our young people could get necessary education, it would help. They could hold jobs that would take care of quite a number of our young people, but the way our education system is now, they are not getting the right training, and they just go back to the reservation and start livestock raising and other enterprises of that kind.”¹³¹

For Tohe, the question of grazing and the implementation of new regulations around it was a moment of discontinuity between past, present, and future. This discontinuity served to limit the ways that Diné could reproduce themselves given the restrictions on grazing and the narrowing of other means to do so. He recognized that as understandings of land changed through the framework of soil, Diné social orders would likewise undergo uncertain transformations. His plea for education differs from the use in the day schools to further the work of conservation in that Tohe was making a claim on education and training as aspects of “Indigenous state transformation”¹³² rather than as a reproductive device for forms of landed property and relations of dependency with

¹³⁰ “Evening Session: January 19, 1938”, Box 39, Folder 064: Minutes of Navajo Tribal Council Jan. 17-20, 1938, Navajo Area Office, Central Classified Files, 64-64; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Denver.

¹³¹ Ibid.

¹³² Clint Carroll, *Roots of Our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis: University of Minnesota Press, 2015).

the federal government. Indeed, what Tohe calls attention to through the call for better education is the strange nature of the trust relationship in enabling forms of dependency for Diné at the same time that self-activity and self-consciousness as goals are evoked. In Tohe's account, this relation of dependency has both administrative and technical features, what may be termed the relational or "structuring mechanisms" of the dependency relation.¹³³ In this process, the devastation of the Diné livestock economy was not an entirely straightforward process for the incorporation of Diné into a regional wage labor economy; rather, the eventfulness of livestock reduction was only one genre of incorporation constitutive of a broader process of social change and underdevelopment. Tohe's insistence on the failures of the federal government to provide adequate training and education at the same time that livestock subsistence is undermined and regulated renders Diné resistance to those policies less as cultural or ethnic attachments and instead as questions of political economy and social reproduction—that resistance is a challenge to the development of underdevelopment, wherein Diné are left with little to no recourse to reproduce themselves.

Permitting and Transformations in Family and Gender

While the above discussion concentrated on the ways that new regimes of permitting and administrative control functioned to condition and constrain Diné ability to reproduce their social and economic orders, livestock permitting also entailed transformations in how Diné families were organized. The new taxonomies of soil and their correlate classifications of erosion status were technologies that had "specifically capitalist [and colonial] social effects"¹³⁴ that reflected relations of dependency. That is, the re-ordering of Diné worlds along the boundaries of the LMUs represented a specifically settler capitalist form of land tenure, rather than a pure model of universal development and management. What is more, these social effects were not entirely reducible to matters of the economy in a strict sense but also entailed transformations in the broader social system of Diné. One such effect was the organization of gender and households in Diné worlds, specifically as it related to the dynamics of production and reproduction.

Discussions of how gender and family dynamics were affected by the new understandings of soil were most prominent in discussions over the permitting system. Before the grazing regulations, Diné would often group family herds together in "matrilocal communities of extended families".¹³⁵ After the permitting system, however, families—often those with large herds—would try to navigate the restrictions on herd numbers by splitting the livestock up between family members to meet the allowable number of sheep units designated on their grazing permits (*dibé bi naaltsoos*). An additional strategy employed was to attempt to transfer grazing district jurisdictions after marriage. The Indian Service would try to litigate these matters in the negative, often expressing doubt over the range's ability to absorb any more stock numbers. It is

¹³³ Andrew Curley, "Dependency Theory and Indigenous Politics" in Beverley Skeggs, Sara R. Farris, Alberto Toscano & Svenja Bromberg (eds.) *The SAGE Handbook of Marxism* (Thousand Oaks: SAGE Publications, Inc., 2022), 1150-1166.

¹³⁴ Ruy Mauro Marini, *The Dialectics of Dependency*, Amanda Latimer and Jaime Osorio (eds), Amanda Latimer (translator), (New York: Monthly Review Press, 2022), 150.

¹³⁵ Martha Weisiger, *Dreaming of Sheep in Navajo Country* (Seattle: University of Washington Press, 2009), 22.

worth citing two incidents that are representative of each strategy Diné utilized to negotiate the new forms of administration and management enabled by the LMUs.

In a July 1941 meeting of the District 4 grazing committee, delegates were deliberating over requests for new permits. To begin, the committee considered the case of Bizah Halone Bekis, who wanted to split his herd with his son, who had helped raise the livestock since childhood. The Indian Supervisor Fred W. D'Albini confused his request as a demand to split his permit with his son. In D'Albini's perspective,

I don't think the permit should be split. I remember several others who, during the horse hearing, wanted the council to split their permits, and give a permit to the sons, but this wasn't done even though the sons in some cases had been married for several Months [sic], so I see no reason for this man's son to have a separate permit simply because he is the son of a big owner and Councilman. If the big owners are allowed to split their [permits] there will be no chance for the little owners, as the maximum limit according to carrying capacity is only 72 sheep units, and every time a permit is split the [maximum] limit will come down a certain percent, so that if enough permits are added to our list our maximum limit could possibly fall as low as 30 or 40 sheep units.¹³⁶

The conversation between D'Albini (FD) and Bizah Halone Bekis (BHB) would continue, BHB: My son had a stock record as of 1936, and Howard Gorman told me that my son should have a permit since he has a 1936 stock record, though his sheep were dipped with mine in the years 1937-39 and 40. Howard told me that there shouldn't be much trouble settling this permit. I am thinking of cutting my sheep down to 350 and want to give my son his sheep.

FD: After you give your son his sheep you will not have but 350 head left.

BHB: That's right.

FD: But the sheep will be on the range.

BHB: I am not trying to cut down my sheep in that way but since the sheep belong to my boy I would like him to have a permit.

[...]

BHB's son, Deswood Atsitty (DA): I worked hard for these stock, and now I am trying to get a permit for them. Howard Gorman told us when we were in Window Rock to bring the case back to Dist. 4 Delegates, and that he was pretty sure they would recommend a permit for me. I was married in November.

FD: Maybe that's the reason the council wouldn't give you a permit during the horse hearings since you weren't married at that time.

[...]

BHB: It is probably misunderstood, we don't want to split our permits.

FD: But you want to split the herds.

BHB: Yes but I don't want to split my permit, and when I talked with Howard Gorman, he told me that it was best not to split my permit but to make another permit.

Glownizini (councilman): We were told that the Delegates have authority in cases like this, so I am in favor of [issuing] a permit to this young couple, as the stock belonged to this boy since he was a very young boy. I want to plead this case with

¹³⁶ "District 4 Council Meeting: July 24, 1941", Box 39, Folder 069: District 4, Navajo Area Office, Central Classified Files, 64-64; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

[General Superintendent] Mr. Fryer and ask him to issue these young people a permit.

[Delegates] Black Mustache and Chissi agreed with Glownizini.¹³⁷

In attempting to acquire a permit for his son, Bizah Halone Bekis was misinterpreted as wanting to “split” or diminish the number of allowable sheep units on his permit. While Bizah and other council members recognized the structure of Diné stockholding as a shared enterprise among extended family members, the Indian Bureau officials struggled to understand this ownership through the collective. Instead, what the permitting system reinforced was the centralization of ownership in heads of households, often men. In this instance, permitting affected the form the family could take for Diné, where marriage now mediated the ownership of sheep and other livestock. In other instances, marriage as the mediator of the family form would affect Diné livestock holding in similar yet distinct ways.

In the same meeting, a District 5 resident, Herbert Curley, would try to navigate the restrictions on livestock holdings by a geographic shift in permits, from District 5 to District 4. The deliberations between Curley (HC) and the council members proceeded as follows,

HC: The reason I came before the Delegates is to try and have my permit transferred from Dist. 5 to Dist. 4. I have been married on Dist. 4 and I wanted to include my wife’s sheep on my permit if it is transferred to Dist. 4.

FD: Your wife is Todechini Nez’s daughter another big owner who’s [sic] herd you are trying to split, It is just like I told the Council last night, the more permits we add to our list the less our max. limit will be. I don’t think that any of these permits will be granted because it is against regulations.

Chissi: What does the Supervisor think of transferring this permit from district 5 to district 4.

FD: I think the same as I do about the permit we discussed last night, I think NO as the more permits we add the smaller our maximum limit will be, it is already as low as 72, which is pretty low.

Chissi: There are only a few couples like this, who are asking for a permit, and I don’t think that they should be refused.

FD: There are only a few herds with over 350 sheep units and all that few are trying to split their herds now.

Chissi: The reason I am in favor of these young people having a permit is because Mr. Fryer told us last fall that we delegates had some authority of these matters, and that if we got rid of more horses we could add more sheep to our district.

BHB: Howard Gorman told Herbert Curley that it was up to Herbert Curley whether he wanted to transfer his permit, and then it is up to the delegates of District #4 to decide whether he can transfer his permit into that District. We were told by the Chairman of the Tribal Council that these young people who are trying should be given some preference. It is agreeable with all the council, Herbert Curley transfer his permit to District #4.

FD: Each new permit you add you cut your own maximum limit down, a certain amount.

¹³⁷ Ibid.

Considerable discussion followed concerning the removal of some of the families on the northern part of the district from the permittee list, in order to make room for new permittees.

It was pointed out to the delegates that, it was they who had given these permits during the horse hearings and that the records of the people mentioned, showed them as liveing [sic] on District #4. The whole discussion pointed to the probability of the delegates trying to remove a legitimate permittee.¹³⁸

In the case of Curley, the permitting system functioned to shift the matrilocal dynamics of Diné family structure to male heads of household. However, OIA officials still struggled to accept this from of property holding as the range's carrying capacity would struggle to accept increased livestock incurred from marriage. In the case of Bizah Halone Bekis and his son, the family requested a new permit for the son who had raised the livestock since childhood—the permit would merely institutionalize this ownership when the son became the head of the household upon marriage. For Herbert Curley, on the other hand, a spatial fix was sought that challenged the facticity of the new LMUs. The contingency of the districts, in Curley's perspective, could be negotiated through the terms of marriage and kinship. Nevertheless, in both cases, we get a sense of the relationship between land and governance as it relates to the processes of Diné social reproduction in terms of gender and the family form.

For both parties, the negotiation of the new grazing permitting system was tied to the ideas of use and occupancy. In particular, under the promulgation of the general grazing regulations under discussion, owners wishing to graze livestock above the range's carrying capacity would be required to pay a grazing fee. This fee was seen as a form of rent on the land.¹³⁹ The imposition of rent altered the ways that Diné families could transform and maintain themselves, or their mode of social reproduction. Namely, rent reflects the distribution of surplus value and requires as preconditions for its existence surplus profit and institutions of landed property.¹⁴⁰ The two preconditions can be seen as “elements of the structure of a capitalist mode of production”¹⁴¹ in the specific setting of settler colonialism. In order for these elements to be set into historical motion, the logic of transhumance Diné land tenure had to be restricted to patriarchal households. Thus, the form of family organization that was instituted through the LMUs as a mode of rent extraction was connected to transformations in Diné social reproduction. The centralization of Diné herds under a patriarchal organization of the family was connected to transformations in labor processes such that strict divisions in work and life structured the new division of livestock holdings. In other words, as the distribution of livestock became mediated by the new grazing districts, understandings of life became disaggregated from seasonal rotation and care and became oriented toward the production of value vis-à-vis the enumeration and tabulation of sheep as resources.¹⁴² As we will see in the next chapter, even as this separation between work and life manifested in the sheep economy, such a separation was never fully accepted by

¹³⁸ Ibid.

¹³⁹ “Morning Session: January 19, 1938”.

¹⁴⁰ Fernando Coronil, *The Magical State: Nature, Money, and Modernity in Venezuela* (Chicago: University of Chicago Press, 1997).

¹⁴¹ Lise Vogel, Kirstin Munro, ed., *The Contested Domain: Selected Writings on Marxism and Feminism* (London: Pluto Books, 2025), 76.

¹⁴² Ibid.

Diné. Indeed, the separation of livestock as “alien independent existences”¹⁴³ required for the reproduction and expanded reproduction of capital faced a barrier through the Diné belief of *dibé éí ííná* (sheep is life). While earlier studies have shown how livestock reduction policies impacted Diné women, the interpretation of forms of family organization help us to understand this process as constitutive to the historical motion of capitalist development. Indeed, these impacts will persist yet in an altered form as the conditions of the Bennett Freeze placed restrictions on modes of Diné social reproduction, as we will see in chapter three.

The material transformations enabled through the delineation of new boundaries through the LMUs hinged upon the conceptual transformation initiated through a new understanding of the world through the taxonomies of soil. This novel representation of the world ushered in categorizations of soil that were acted upon through practices thought to improve and manage the soil. These practices instituted relationships to land that delimited the possibilities for Diné social reproduction. This understanding of soil helps us to understand the particularity of Diné historical and geographic conditions in enabling forms of settler colonial capitalism. As such, the way land is understood as a movement from its abstraction as soil to the concrete form of property in land helps us to understand the particularity of land itself under conditions of settler colonial capitalism as a “rich totality of many determinations and relations.”¹⁴⁴ As we saw in the challenges posed by Benny Tohe, Bizah Halone Bekis, and Herbert Curley, these relations were negotiated by Diné in ways that challenged the pure geologic matter and scientific expressions of carrying capacity.

Conclusion

In this chapter, I analyzed how conceptions of soil through the project of pedology and geology were preconditions to several practices that constituted the ontology of settler colonialism. In particular, I have shown how the ideas of soil as solely a natural category contraposed to human activity enabled a discourse of degradation that scrutinized Diné practices as in need of amelioration. As we will see in the next chapter, these ideas were rearticulated to sheep as capable of improvement in ways that reorganized Diné social formations. This discussion allows us to better understand in following moments how the transformation of land into soil served as one precondition for forms of relationships based on commodity and property forms to emerge. In particular, as I examine sheep improvement and the so-called Navajo-Hopi land dispute in the rest of this dissertation, the ways that land was rendered into soil and its taxonomies served as the precondition to new forms of governance in the Navajo Nation. One strategy utilized for this settler production of space was to enunciate soil for its geologic matter in ways that constituted its natural history as separable and distinct from human history.

In this analysis, to become soil was to restrict other possibilities of what was to be done with the land. Rather than understand the natural processes occurring with soil formation and erosion as connected with the political and economic systems of settler colonialism, these histories were cleaved from each other in ways that sought to reproduce the commodity relations of surplus and rent extraction. These aims were rearticulated in the projects of sheep improvement and dispute between the Navajo and

¹⁴³ Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy (Rough Draft)* (New York: Penguin Books, 1973 [1857]), 461.

¹⁴⁴ Marx, *Grundrisse*, 100.

Hopi nations during the so-called land dispute. The ultimate consequence of such a project was to disarticulate understandings of ecological crisis as divorced from the system of capitalist production and settler colonialism. Indeed, the latter were seen as panaceas to the problems of erosion and a diminishing livestock economy, rather than its causes. This reiteration of land cum soil as degrading helped to institute a mode of governance tied to categorizations of land as either improvable or spaces of waste yet always tendential to forms of property making. As the next chapter will show, such logics were rearticulated as shifts in federal Indian law and policy were likewise changing. Subsequent chapters of this dissertation will attempt to illuminate this dynamic.

CHAPTER 2: SHEEP

Introduction: Theft in Two Scenes

In 2001, a clueless man, Ted Kuntz, exchanged the sentimental value of a familial heirloom for up to \$500,000. Kuntz, in a filming of the BBC television program *Antiques Roadshow*, brought in for appraisal a rug formerly owned by his grandmother. The rug—which his grandmother had acquired from a frontiersman by way of infamous Indian agent Kit Carson—was an early product of Navajo weaving emphasizing simple patterns and colors, as opposed to the bold and complex geometries of more recent eye dazzlers or regional variations. That the rug had fallen into Kuntz’s hands through the violent act of Carson’s theft did little to temper his elation.¹⁴⁵ The very sale of the rug had devoured questions of its particularity and conditions of existence; instead, the rug’s historicity only mattered insofar as it was dubbed “a national treasure” to be auctioned. While Kuntz would eventually sell the rug to a private seller to be curated in the Detroit Institute of Arts,¹⁴⁶ such curatorial acts abstracted the rug away from the processes of the Diné livestock economy that facilitated trade and diplomacy with other Indigenous nations as well as the ecological knowledge that enabled the collection of wool and vegetal dyes to be processed into the rug itself. Carson’s theft of the rug exceeded its own materiality as it became a commodity.

More than a decade later, in 2014, the site of the auction house would once again enact a relation of exchange between stolen Diné material culture and the money form. Despite disagreements by both the Navajo and Hopi Nations, the Paris auction house, Drouot, put up for sale several ceremonial masks and artifacts of Navajo, Hopi, and Pueblo provenance. While it is unclear how the artifacts arrived in Paris, requests to prohibit their sale were unheeded, as Drouot claimed the legality of their possession and thus their right to dispose through just sale by auction. The Navajo Nation, in defense and care for these objects as “living and breathing beings”, participated in the auction to purchase seven of the ceremonial masks to the tune of over \$9,000. In contrast, Hopi officials refused to participate in the drama of capitalist exchange, noting the sacrilegious nature of the affair.¹⁴⁷ The masks, which were constructed and dyed from a variety of earthen materials within the boundaries of Diné bikeyah, could only be purchased and collected as an object of art because their theft prevented their disassembly and return to the earth, as is the ceremonial custom for the masks.¹⁴⁸ In other words, whereas Diné and Hopi regarded the masks as both the land itself to be returned after the completion of ceremony and thus a structuring agent that orders their relationships to land through that ceremonial function, the auction house could not conceptualize this particular understanding of land and one’s relation and obligation to it because of the commodity form.

While the latter case regarding the ceremonial masks implies dynamics of colonial theft and plunder characteristic of acts dispossession, such an indictment in the

¹⁴⁵ Tom Meisfjord, “What Happened to the Iconic Navajo Blanket From Antiques Roadshow?” *Grunge*. August 17, 2020. <https://www.grunge.com/170211/what-happened-to-the-iconic-navajo-blanket-from-antiques-roadshow/>

¹⁴⁶ Ibid.

¹⁴⁷ BBC, “Navajo tribe buys back sacred masks at Paris auction”, 15 December 2014. <https://www.bbc.com/news/world-us-canada-30484533>

¹⁴⁸ Thomas Adamson & Felicia Fonseca, “Navajos buy back sacred masks at Paris auction”, *Associated Press*, December 16, 2014. <https://apnews.com/general-news-03634235b51b4e378932f8cfbabcc092#>

case of the rug—despite the mediation of Kuntz’s possession by way of Kit Carson—is less clear. Even as resistance to the sale of the masks was disregarded by recourse to the language of French sovereignty and legality, no such indictment or confrontation was proffered to the auction of the rug. In fact, Kuntz’s possession and eventual disposal of the rug for curation in an art museum was eclipsed by the ethnographic spectacle of his weepy elation at the rug’s valuation—an endearing monetary feat akin to winning the lottery. Although the ceremonial nature of the masks helps to disclose the conflict between land, commodity, and sovereignty as both the Navajo Nation and the Hopi Nation disputed their sale, the ordinariness of the rug concealed the naturalization of commodification and the consequent legitimation of settler colonialism. Nevertheless, if we situate the rug in its historical specificity as facilitating diplomacy through trade between Diné and Ute peoples, then its sale and the eventual evolution of Diné weaving likewise raise questions regarding its becoming a commodity and the historical transformations in Diné sovereignty.

As with the ceremonial objects at the auction house, I suggest that the rug’s auction replicates an inheritance of colonial theft staged at the intersection of commodity and sovereignty. That is, in both cases, the violence of the colonial capitalist state is transmuted into the money form in a way that challenges the sovereignty of the Navajo Nation, a process we can understand through the analytic of primitive accumulation.¹⁴⁹ Even so, this formation of capital “without any birth-certificate” still risks positing such acts as mere preludes to the genesis of industrial capital.¹⁵⁰ Instead, we might ask how settler colonial histories that reorganized Diné relations with and conceptions of land that produced the masks and the rug be “seen as a *totality*, a narrative with its own coherence [and] forms”¹⁵¹. Among the forms and elements in that totality, it is imperative that, in addition to the brutality and outright violence of ethnic cleansing campaigns, forced relocation, and incarceration, we also understand that “technical work [to] build institutions to support markets and jurisdictions”, which included the work to reshape understandings of land for the formation of local and global arts markets that the rugs and masks were circulating in.¹⁵² While both sites of sale express different ways that land is historically conditioned by diverse processes of settler colonial dispossession, my focus in the following will be on the conditions and possibilities of rug production because of the ways that the sale of Diné rugs has become a quotidian process, even today. My aim is to understand this banalization where Diné weaving becomes a commodity rather than an instrument of reproduction that “instruct[s] one in how to live well.”¹⁵³ That is, I ask questions of “the context [and] the *dirt* of the object”¹⁵⁴: the embeddedness of wool production in settler colonial policies of livestock management and, relatedly, the ideas of improvability of Diné sheep at the same time as remedy. The rug—or more accurately, its sale for such exorbitant

¹⁴⁹ Karl Marx, *Capital: A Critique of Political Economy, Volume I* (New York, NY: Penguin, 1992 [1867]).

¹⁵⁰ Ibid, 920.

¹⁵¹ Jairus Banaji, *Theory as History: Essays on Modes of Production and Exploitation* (Chicago, IL: Haymarket Books, 2010), 44, emphasis in original.

¹⁵² K-Sue Park, “Property and Sovereignty in America: A History of Title Registries & Jurisdictional Power” in *The Yale Law Journal* 133(5) (2024), 1496.

¹⁵³ Jennifer McLerran, *A New Deal for Navajo Weaving: Reform and Revival of Diné Textiles* (Tucson, AZ: University of Arizona Press, 2022), x.

¹⁵⁴ Eunsong Kim, *The Politics of Collecting: Race and the Aestheticization of Property* (Durham: Duke University Press), 11.

amounts—might be seen as the *dénouement* of U.S. settler colonialism, the final outcome of processes whereby land is reworked as commodity. In short, in this chapter, I argue that the project of land management discussed in chapter one is reconfigured into logics of improvement that work to transform Diné understandings of land as commodity. This transformation is accomplished through the decontextualization of sheep from the Diné “earth-worlds” that give them specific meaning and the consequent recontextualization of sheep into new juridical cum scientific spaces of laboratories and demonstration areas (DAs) to be improved for market production.¹⁵⁵

In this chapter, I use the sale of the rug as a point of departure to think through several arguments regarding the relationships between land, commodification and sovereignty in the Navajo Nation. First, I argue that Diné understandings of land encompass more than the physical surface or subsurface, as discussed in the previous chapter, but is better understood as an ecology of beings, including, but not limited to, sheep, conceptions of the sacred, and the natural environment. I claim that this understanding of land, initially transformed through the land management projects of soil and moisture conservation programs, was further reconfigured at this moment by transforming relationships with sheep through sheep improvement experiments. Sheep themselves became important to address as an issue of soil erosion and conservation alongside the soil itself. Second, I suggest that the prior logics of management were reconfigured into an ideology of improvement that reflected changes in federal Indian law and policy during the 1940s and 1950s as a changing project from reorganization to termination. To be more precise, management, which emphasized the proper utilization of natural resources through the scientific principle of carrying capacity, was enacted through forms of supervision and administrative oversight from the Bureau of Indian Affairs (BIA).¹⁵⁶ On the other hand, improvement was motored by forms of valuation and assessment of products for market exchange, such that this improvement was to come from Diné themselves. The latter is commensurate with the goal to dissolve Indigenous nations into a multicultural fabric as they become producers of commodities. Rugs no longer function as a relationship with land but rather become objects to be collected and auctioned. This valuation and its augmentation depend upon ideas of improbability of sheep.

Nevertheless, earlier moments of land management that reconfigured land as a scientific object through its construction as soil served the preconditions for this moment by producing land as an object to be saved and managed where Diné, in contrast, were transforming the land into wastelands. A colonial mode of sovereignty was legitimized through this “saving” of the land by removing it from Diné use and putting it under the administrative control of the BIA and the Soil Conservation Service (SCS) which invariably resulted in strained Diné and federal relations as the so-called salvation efforts resulted in mass slaughter of Diné livestock. The logic of improvement,

¹⁵⁵ “Earth-worlds” from Bikrum Gill, *The Political Ecology of Colonial Capitalism: Race, nature, and accumulation* (Manchester, UK: Manchester University Press, 2024). Gill defines earth-world(ing) as a “form of socio-ecological practice and knowledge, and non-human earth-system properties such as soil fertility and mineral deposits. It is out of these earth-worlding capacities [...] that the contact zones were opened as life-provisioning gifts enabling the survival of late arriving European peoples” (99).

¹⁵⁶ The BIA was formerly known as various names such as Office of Indian Affairs, the Indian office, the Indian service, and the Indian bureau, until the agency was renamed and consolidated as the BIA in 1947. In this chapter, I utilize BIA as an umbrella for its current apparatus as well as the various formations that preceded it.

consequently, sought to accommodate Diné sheep relations insofar as that relationship was subservient to the market. This abstraction of sheep required that land become more rigid through the jurisdictional category of the DA and is less an ecology of beings that necessitates a practice of care and responsibility. In short, land becomes tendential to the commodity form through the logics of improvement, whereas before it was merely an object to be saved.

Chapter Outline

The chapter proceeds as follows. I first examine BIA and Bureau of Animal Industry (BAI) livestock improvement experiments that ran from 1935-1966. Specifically, I analyze the 1940 Progress Report of the Mexican Springs Demonstration Station and the Fifteenth Annual Report of the Southwestern Range and Sheep Breeding Laboratory and correspondences between BIA and BAI officials regarding the laboratory's potential closure in 1953. The two reports focus on livestock management and livestock improvement, respectively, as central interventions in the land use problem of Diné grazing. I read the reports to better understand how the ideas of management and improvement reflected "[t]he concrete processes by which capitalist relations evolved" for Diné people, without dissolving or subordinating those processes into the abstract identity of capitalism.¹⁵⁷ Here, improvement transfigured the geographic relation of settler colonialism as a question of land and territory into a temporal (or spatio-temporal) relation in which the allegedly outdated and malignant practices of a Diné past could be overcome with the scientific and calculated techniques of a U.S. settler present and future.¹⁵⁸ Time and its alibi, improvement, then, help to eclipse the social conditions of rug production as relationships with land and sheep for an idea of intrinsic market value in the sheep via wool production that can be increased through improvement projects.¹⁵⁹ In doing so, improvement as an ideology of settler colonialism worked to both materially transform Diné landscapes but also conceptually transformed their relationship with sheep by making them objects in order to commodify elements of Diné earth-worlds. This dual material and conceptual transformation was enacted through the spatial and legal form of DAs.¹⁶⁰

Next, I turn to an analysis of the DAs. While the DAs were established in the 1930s as part of various federal investments known as the Indian New Deal, they gained a new salience as they functioned in the broader project of improvement, specifically through the lab experiments that worked to improve sheep. These areas functioned as legal spaces with specific land use regulations separate from the rest of the reservation that sought to regulate the land through "demonstration" of "proper" techniques. In doing so, land and sheep no longer are beings one strives to have proper relations with but instead become objects that can be commodified through their improvement toward

¹⁵⁷ Banaji, *Theory as History*, 332.

¹⁵⁸ This argument is guided by Kim, who draws on Seneca theorist Mishuana Goeman and Chickasaw theorist Jodi Byrd. Kim writes, "[The] maintenance of property is afforded through the dynamic of colonial time. As Indigenous critical theorists such as Mishuana Goeman and Jodi Byrd have demonstrated, discussions of settler colonial structures solely through time-based frameworks are limited by the discourse of progressive history and its articulations of past, present, and future. The undercurrents of time-based framings make inevitable the continuous presence of the colonial order" (10).

¹⁵⁹ Marx calls this concealment of the social character of production commodity fetishism, such that relations between producers appear to be relations between products.

¹⁶⁰ Material-conceptual landscape transformation from Gill, *The Political Ecology of Colonial Capitalism*.

a future valuation. The legal form of the DA complements the commodity form of the rug. Thus, I analyze the DAs as legal objects that complemented federal aims of termination through the cultivation of a global market for rugs enacted through the aims of the sheep improvement experiments. Nevertheless, even as DAs served as legal infrastructure to commodify sheep through the ideology of improvement, Diné communities petitioned for their eradication because of the enclosure that removed the land from their use. I read these testimonies as performing two functions. First, they suggest the nonsense of value and offer an ethics of “proper” use that comes from care for sheep. Second, and as consequence of the first, this ethics articulates forms of Dinéness that frustrate legal models of Indianness expressed via termination as mere racial difference. Even though federal efforts to improve sheep reflected a scientific-technical transformation of the weaving process, these efforts could not suspend “all inherited or existing labour-processes”¹⁶¹ of the weavers, who were able to consult a different predication of subjectivity based on the ideas and practices of Dinéness.¹⁶²

Next, I conclude by considering improvement in relation to its dialectical other, waste or deterioration. That is, I consider the two as vital strategies that work to legitimize settler colonial power as they regulate relationships to land. I read the material and conceptual landscape transformations exemplified by the DAs as a particular settler colonial capitalist social formation that works to structure relationships to land to more sharply distinguish the human and natural environments. Specifically, whereas the idea of improvement drives the transformation of sheep into objects to intensify commodification of rugs, waste and wastelanding work to create zones of exceptions where natural resources (namely uranium) can be extracted. Rather than operate as distinct processes, however, the two work co-constitutively to consolidate settler sovereignty through the regulation of land use through the imperatives of capitalist accumulation. Indeed, as land becomes more regulated as either sites of commodity production or natural resource extraction, Diné become more disembedded from their system of land relations. As we return the scene of Kuntz, then, we might understand how the co-constitutive logics function as more than instruments of accumulation but are reflective of broader practices of settler colonial sovereignty.

I connect this analysis on waste and improvement with the renaming of a rug in 2025. I briefly engage with this moment as an exemplar of the practices of material and conceptual transformation wrought by both improvement and waste to consider their lasting effects at the register of the ecological and epistemological.¹⁶³ The rug, a product of the combined efforts of Julia Joe, her daughter Lillie Joe Hill, and several community members from Lower Greasewood, was formerly named after Indian trader Lorenzo Hubbell Jr. In September 2025, however, the rug was renamed Diyogí Tsoh (big rug), reflecting the rug’s dimensions at a massive 21 ft x 33 ft and 250 lbs. While the renaming of the rug was the result of community pressure to accurately reflect the efforts of the

¹⁶¹ Banaji, *Theory as History*, 280.

¹⁶² Gayatri Spivak writes of capital’s predication of the subject through labor-power. I extend her insights here to think about the particular discontinuities in a settler colonial circuit of accumulation related to Diné subjectivity. The ethics toward sheep and land signal such discontinuities, where even as Diné weavers produce rugs to be bought and sold as commodities, the care and affection toward sheep cannot entirely reduce their practices to the production of commodities. For more, see Gayatri Spivak, “Scattered Speculations on the Question of Value” in *Diacritics* 15 (4) (1985), 73-93.

¹⁶³ Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis: University of Minnesota Press, 2015).

Joe family and the Lower Greasewood Kinlichii'nii clan rather than Hubbell, such recognition nevertheless abstracted from the conditions where the weavers wove the rug as the rug remained a curatorial object in different museums, where it eventually is now on display at the Alfred Mion Museum in Winslow, AZ.¹⁶⁴ I argue that such acts of recognition facilitated through curation function alongside the forms of valuation exchanged at the auction house, each commensurate with the logic of termination as a mode of abstraction to dissolve political status through its positing as mere cultural practice. This affirmation functions to conceal the forms of ecologically concrete labor required by weavers to produce the rug. I argue that the renaming of the rug, even as it leaves broader dynamics of unequal exchange intact, tells us something of the infrastructure of settler colonial power as a persistent yet frustrated social formation. As I discuss in the conclusion, the Kinlichii'nii weaver's production of the rug suggests something of Diné relations with land that are in excess of the commodity form.

Management, Improvement, and the Southwestern Range and Sheep Breeding Laboratory

"You know, there's a considerable amount of expertise that goes into buying these rugs. These people [buyers of rugs] measure them [the rugs] and then I've seen them fold them across diagonally. I've seen them fold them in half and watch their patterns. And if there's a little dip in the pattern from the straight edge on a folded side, you know, they may or may not have an interest in it."

- Indian trader, quoted in *Weaving Worlds*¹⁶⁵

The Southwestern Range and Sheep Breeding Laboratory (hereafter, Sheep Lab) was established in 1936 as an intervention in the persistent Navajo grazing problem.¹⁶⁶ Namely, the Sheep Lab engaged in practices of improvement as one part of a broader campaign orbiting around that land use problem, with various efforts that ranged from genetic experiments to "determine the type of sheep that could best fulfill the specific needs of the Navajo" to vaccination campaigns to eradicate diseases such as scabies and sore mouth disease.¹⁶⁷ While livestock management was a campaign launched by the BIA across several tribal jurisdictions, the history of sheep and livestock reduction as a particularly contentious endeavor across the Navajo agencies animated the goals of the Sheep Lab. Indeed, the drama and tragedy of livestock reduction, which reached its apogee in the late 1930s with the wholesale slaughter of large sheep and goat herds, had strained Diné relationships with the BIA. Nevertheless, while livestock management was guided by an uncompromising belief in the ecological sciences—primarily the concept of carrying capacity—the objectives of the Sheep Lab sought management by other means than numerical reduction. That is, the Sheep Lab sought to add to the techniques of management through the supplement of the genetic and biological sciences as practices of improvement. While the lab activities were guided by the principle of carrying capacity of the range, the goals marked a departure from prior activities through the focus on sheep themselves as sites of intervention.

Specifically, the lab sought "the development of types of sheep which are adapted to the semi-arid range conditions of the southwest, and to the economic requirements of

¹⁶⁴ Dustin Roberto, "Diyogí Tsoh: 'Hubbell-Joe Rug' gets Diné name at Affeldt Mion Museum" in *Navajo Times* Vol. LXIV, Number 39, September 25, 2025.

¹⁶⁵ *Weaving Worlds*, directed by Bennie Klain. (Vision Maker Media, 2008).

¹⁶⁶ McLerran, *A New Deal for Navajo Weaving*.

¹⁶⁷ Ibid, 156.

Navajo Indians and other sheepmen (*sic*) of this area.”¹⁶⁸ To accomplish this goal, the lab carried out four primary research projects:

- 1) Improvement of Navajo sheep by linebreeding and selection in the Navajo strain.
- 2) Improvement of Navajo sheep by crossbreeding and selection for the production of wool suitable for both hand and commercial methods of manufacture.
- 3) Improvement of Navajo sheep by crossbreeding and selection for range production of wool and lambs suited to market requirements.
- 4) Development of an efficient method of selecting animals used in the program of the Southwestern Range and Sheep Breeding Laboratory.¹⁶⁹

In short, the research projects of the lab sought to breed, by a variety of methods, different sheep other than the Navajo Churro sheep for purposes of wool production and meat for household and market consumption, with wool production taking precedence.¹⁷⁰ In 1934, before the Sheep Lab began operations, Robert Youngblood, agricultural economist at the U.S. Department of Agriculture, had conducted a study on the Navajo rug economy. Youngblood had found that, because of increased crossbreeding of the Navajo churro sheep with other breeds (particularly Merino sheep), wool had become too unmanageable for weavers to produce marketable rugs.¹⁷¹ The Sheep Lab began operations as part of the series of Indian New Deal investment economic development projects articulated in the Indian Reorganization Act (IRA) of 1934, spearheaded by Commissioner of Indian Affairs, John Collier.¹⁷²

While the first goal employed line breeding to Navajo Churro sheep, the aim of the Sheep Lab was not to reproduce that sheep for its own sake, but rather to direct the progeny from this line breeding to be crossbred in the other research goals.¹⁷³ To accomplish their objectives, lab employees abstracted various sheep breeds in a diagram similar to a Punnett square, as shown in Figure 4. In this abstraction, certain difficulties would arise, as the technicians noted that breeds such as Lincoln and Cotswold faced fertility challenges due to the climatic conditions of the Southwest.¹⁷⁴ This difficulty would affect research goals 2 and 3 above, which focused on developing strains of sheep for wool production based on different wool grades.¹⁷⁵ Research goal 2 focused on “efficient production” of strains to produce wool of grades 46s, 48s, and 50s for hand

¹⁶⁸ “Fifteenth Annual Report of the Southwestern Range and Sheep Breeding Laboratory, Fort Wingate, New Mexico”, Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁶⁹ *Ibid*, 2.

¹⁷⁰ McLerran, *A New Deal for Navajo Weaving*, 167.

¹⁷¹ Donald Parman, *Navajos and the New Deal* (New Haven: Yale University Press, 1976).

¹⁷² *Ibid*.

¹⁷³ “Fifteenth Annual Report”, 12.

¹⁷⁴ *Ibid*.

¹⁷⁵ Wool grades are established through a variety of classification schemes. For the Sheep Lab, the grading system employed was the spinning count classification system. In this system, wool is graded based on the number of hanks (coils of yarn equal to 560 yards) that can be spun from a pound of wool. Finer wool has a higher spin count and thus one can spin more hanks of yarn from a finer wool than a coarser one. For more, see Marcy Ward and Victor Flores, “Guide B-409: Understanding Wool Grades”, New Mexico State University College of Agricultural, Consumer and Environmental Sciences, Accessed from: https://pubs.nmsu.edu/_b/B409_Revised.pdf

weaving and commercial production.¹⁷⁶ Research goal 3, which focused on production of coarser strained wools, was added in 1948, as the lab recognized the declining use of hand weaving compared to commercial production. The tension between hand use and commercial production implied a legitimizing conflict for the lab. Namely, even though Diné weavers preferred the long fibers obtained from the Churro sheep to clean, card, and spin, lab directors found the variability in wool from those breeds to be “the most objectionable characteristic from a commercial standpoint.”¹⁷⁷ The lab nevertheless consulted local weavers to determine that a hybrid breed of one-eighth each of Cotswold, Columbia, and Lincoln, one-sixteenth Corriedale, three-sixteenths Romney, and three-eighths Navajo Churro was the best breed mixture for wool production for both hand and commercial production.¹⁷⁸ Ultimately, the wool from this breed of sheep in addition to the sheep themselves, were distributed throughout reservation communities through the DAs and trading posts.¹⁷⁹ Even though weavers were preferential to the wool from Navajo Churro, lab officials found the hybrid sheep fulfilling a comparable role. Importantly, the Navajo Churro as a referent for the lab activities implies a mode of adaptation and accommodation from BIA activities at this time. Indeed, improvement operated from an understanding of a Navajo past that could be made better (that is, improved and not entirely eliminated) through the science of the lab. The commodity form of the rug depended on mode of Indianness with an authentic or traditional past that served as the referent for practices of improvement. The technical classification of wool grades helped to situate an original mode of rug production in relation to an improved form that could also be adapted for commercial purposes. This process depended on the material and conceptual transformations in Diné land through management and improvement, respectively, as co-constitutive processes with distinct logics. Even though the lab depended on both logics, they operated from different relationships to land.

¹⁷⁶ “Fifteenth Annual Report”, 20.

¹⁷⁷ Sheep Lab director James Cooper, quoted in McLerran, *New Deal for Navajo Weaving*, 171.

¹⁷⁸ McLerran, *New Deal for Navajo Weaving*, 181.

¹⁷⁹ Ibid.

OUTLINE OF BREEDING PROGRAM FOR 1950-51 BREEDING SEASON				
<u>Number of Breeding Group</u>	<u>Breeding of Rams</u>		<u>Breeding of Ewes</u>	<u>Approx. No. of Ewes</u>
1	N	x	N	156
8	$C_2 \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right)$	x	K x N	165
9	K x N	x	$C_2 \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right)$	123
10	$R_1 \times N$	x	$L \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right)$	146
11	$L \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right)$	x	$R_1 \times N$	116
12	T	x	$\left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right)$	205
13	$R_2 \times N$	x	$\left[\begin{matrix} T \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right) \\ D \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right) \\ M \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right) \end{matrix} \right]$	35
15	R_2	x	N	156
16*	$\left[K \times N \right] \times \left[C_2 \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right) \right]$	x	$\left[C_2 \times \left(\begin{matrix} C_1 \times N \\ R_1 \times N \end{matrix} \right) \times \left(\begin{matrix} R_1 \times N \\ C_1 \times N \end{matrix} \right) \right] \times \left[K \times N \right]$	
TOTAL				1167
<u>Code of Symbols for Breeds</u> C_1 - Corriedale K - Columbia R_1 - Romney C_2 - Cotswold L - Lincoln R_2 - Rambouillet D - Debouillet M - Merino T - Targhee N - Navajo				
* The breeding of the rams may be the reciprocal of that shown in Group 16. The same is true for the ewes.				

Figure 4: Outline of Breeding Program for 1950-51 Breeding Season (Source: "Fifteenth Annual Report")

The early stages of livestock management were subservient to the broader goals of erosion control, with the consequence that scientific rationales were utilized by conservation employees to intervene environmental engineering solutions such as flood control structures based on run-off and diversion flooding studies.¹⁸⁰ At the same time, Diné families were asked by the same officials to volunteer livestock to be fenced in DAs to be instructed in "proper" stock raising as a way to yield the best economic return on the market for their livestock.¹⁸¹ Such efforts, while rooted in John Collier's approach to accommodate Indigenous culture in the work of Indian administration, nevertheless

¹⁸⁰ "A Progress Report of the Livestock Demonstration Conducted by Operations in Cooperation with the Navajo Experiment Station at Mexican Springs on the Navajo Reservation with Brief Reference to the Research Program", United States Soil Conservation Service, Region 8, 1940, accessed 22 September 2025 from: <https://archive.org/details/CAT31288476>

¹⁸¹ Ibid, 4.

reflected federal Indian policy efforts at termination that sought to dissolve Indigeneity into mainstream U.S. society, since the establishment of an ideal grazing area segregated from the conditions of Navajo life functioned as a pedagogical tool for market exchange. Indeed, we get a sense here of how different practices of Indian law and policy functioned with different aims yet nevertheless overlapped and often contradicted each other. This contingency was reflected in the techniques of management and improvement.

Range management was an intervention on the physical environment as worsening erosion and siltation were targeted on the reservation.¹⁸² The physical interventions on the landscape reworked Diné land use patterns as broader efforts of economic development through Navajo labor via the IRA of 1934. As Navajos were tasked with implementing the environmental engineering projects themselves or giving community consent to the projects, management and improvement worked as co-constitutive and overlapping techniques. For example, in establishing the Mexican Springs DA, community members signed an agreement with some of the following provisions:

1. That the Indians receive an annual payment of five cents (\$0.05) per month for each sheep or goat, and twenty cents per month for each horse or cow for every month not to exceed six months, that they would ordinarily graze them in fenced area;
2. That one member of each family living within the fenced area be given six months of employment, of five days per week, during every year in which their stock is excluded from the area[.]¹⁸³

Other provisions asked for by community members included the requirement to make infrastructural investments such as water wells, sheep dipping vats, and community schools. This aspect of community assurance and consent would pose problems for the Soil Erosion Service and signaled slight distinctions between management and improvement. While management mostly took the form of physical investments to the landscape, improvement functioned through a conceptual register regarding ideas about the land and environment and its use. However, Diné ideas of how sheep and other livestock were central to their lives complicated efforts at erosion experiments. The Erosion Service would come to recognize those ideas as putting their work in a fragile state and their authority as really being “a slender thread of [...] control”.¹⁸⁴ This complicated the guiding conceit of improvement, namely that reorganization of Diné land use practices could be altered by transforming those practices from ecological relations into commodity relations for the market. Sheep improvement functioned in this way as a burgeoning market for Navajo rugs as “one-of-a-kind objects” was tied to the idea of Navajo weaving being at its peak during the era of production of chief blankets (the type of “national treasure” auctioned by Kuntz).¹⁸⁵ In other words, a

¹⁸² Ibid.

¹⁸³ “Meeting: Mexican Springs Chapter, July 15, 1933”, Box 124, Folder 340.1: Mexican Springs Experiment Station; Navajo Area Office, Central Classified Files, 337-340.1; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁸⁴ “Hugh Calkins memo to Mr. H.H. Bennett”. Box 124, Folder 340.1: Mexican Springs Experiment Station; Navajo Area Office, Central Classified Files, 337-340.1; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁸⁵ McLerran, *New Deal for Navajo Weaving*, 198.

proprietary claim or style was established on Diné weaving practices themselves that helped to distinguish their products in a global commodity market. Whereas management could best be conceptualized as a project to supervise or govern Diné land use as a constitutive problem affecting large scale regional investments such as the Boulder Dam, improvement was conceptualized as being beneficial to the Navajo tribe itself, where the existing practices of weaving could be adapted to the needs of a burgeoning market for Diné textiles and crafts to benefit the Navajo economy.¹⁸⁶ The ideological conceptions that guided federal mediation into the Navajo land problem—management and improvement—worked as a dual project to materially and conceptually alter the landscape. Nevertheless, those ideological conceptions faced the challenge of becoming materially effective because of the broader “field of political and social forces” of the Second World War and the New Mexican cattle and livestock industry.¹⁸⁷

As the correspondences regarding the fate of the lab show, operations at the lab faced difficulties primarily due to the withdrawal of large parts of the land to the War Department during the Second World War.¹⁸⁸ At this point, the shrinking and degrading land base for range and grazing operations of the lab necessitated subsuming the initial aims centered around Navajo sheep improvement to the interests of the broader cattle industry in New Mexico, as revealed in a Modified Agreement in 1949 that had divested any interest in the improvement of the Navajo Sheep itself, but instead directed the aims of the lab to the Southwest writ large.¹⁸⁹ In short, operations at the Sheep Lab faced difficulties because questions of the land where the lab was located was deemed to have little economic value, as established through the concept of carrying capacity. Ultimately, the Sheep Lab would face the same initial problem of overstocking the range that they sought to correct through the formation and activities of the lab. As this valuation became apparent, the fate of the lab became subject to which bureaucratic arm of the federal government—the BIA, the Department of Agriculture, or the War Department—might benefit most from the land, especially given the federal investments of \$500,000 up to that point.¹⁹⁰ While the Sheep Lab had been using land bestowed from the War Department, the latter required the land for the storage of military supplies during the Second World War.¹⁹¹ In this discussion, while prior investment and improvement mandated the search for a new beneficiary, the tricky question of land ownership complicated federal efforts to extend the range operations for the Sheep Lab through the purchase of private land in New Mexico. In particular, New Mexico senator

¹⁸⁶ “Ancient and Accepted Scottish Rite of Freemasonry E.R. Fryer speech”, E. Reesman Fryer Papers, Box 1, Folder 20, Record Group 1, Fort Lewis College Center of Southwest Studies, Durango, CO, 4.

¹⁸⁷ Stuart Hall, “The Problem of Ideology: Marxism without Guarantees” in Gregor McLennan, editor, *Selected Writings on Marxism* (Durham, NC: Duke University Press, 2021 [1983]), 153, emphasis in original.

¹⁸⁸ “Fifteenth Annual Report”

¹⁸⁹ “Memorandum to Mr. Harper”, Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁹⁰ “Memorandum to Mr. Grandstaff”, Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁹¹ “Memorandum from E.R. Fryer to Jerrie Lee”. Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

Dennis Chavez highlighted the antagonistic relationship between federal and public lands, on the one hand, and private and state lands, on the other.

In Chavez's assessment, it did not matter to which federal department the land would come under the jurisdiction of, since "Uncle Sam owns all of the land, whether it be Forest Service, National Park Service, Indian Bureau, Bureau of Grazing, or any other agency of the Government."¹⁹² While the success of the Sheep Lab's goals in developing a new breed of sheep for the arid conditions of the Southwest depended on securing more range land, this goal mattered little to Chavez, who in fact saw the continuity of the lab operations as undermining "the Garcia's, the Mirabal's, the Tafoya's"¹⁹³—those small New Mexican ranchers whose livelihoods were under threat from the lab's search for more range land. What is more, Chavez lamented how any further acquisition of land for the operations of the lab—the seizure of state land to be newly designated federal land—would pose financial difficulties for the state of New Mexico, as those lands would no longer be subject to taxation. What Chavez's comments gesture at is the relationship between colonial sovereignty and its consequent jurisdictional apparatus. More precisely, while Chavez insisted on the jurisdictional facticity of federal power in bestowing an absolute ownership of land, his comments highlight "second-order questions about the various kinds of institutions a given society might develop to govern most effectively, and the way it divides jurisdictional power among them."¹⁹⁴ In the Southwest, then, grazing rights emerged as a local institution that facilitated the delegation of power at various levels, from the families Chavez mentions who depend on the land to graze their livestock to the state of New Mexico which depends on the land for taxation and to the various departments and bureaus deliberating on continued lab operations. This delegation of power presented a problem for affirming the first order jurisdictional fact of ownership related to establishing and enforcing laws in that absolute space of territory.¹⁹⁵ The problem of affirmation came from the nature of settler colonial sovereignty that crafted the land as object to be cared for and saved. In producing the land as an object to be saved, Diné themselves were also reaffirmed as domestic dependents requiring the inculcation of proper land use that would see them as commodity producers. In trying to fulfill this aim, however, there was a mismatch between the social and political forces in the Southwest, where Chavez felt that the trust relationship between the federal government and Indigenous people undermined New Mexican residents.

Chavez's concern regarding small New Mexican livestock owners was part of a broader opposition to Navajo land claims, which found an earlier expression through his blocking of further expansion of the Navajo reservation boundaries in 1939.¹⁹⁶ Indeed, Chavez did not oppose the lab aims and activities, but only the need for more land, which he saw as undermining New Mexico residents. More precisely, he saw the request for more land to continue lab operations as connected to the problem of Navajos as

¹⁹² "Letter Sent by Senator Dennis Chavez to Mr. M.L. Woodard". Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

¹⁹³ Ibid.

¹⁹⁴ Park, "Property and Sovereignty in America", 1492.

¹⁹⁵ Ibid.

¹⁹⁶ "Letter Sent by Senator Dennis Chavez to Mr. M.L. Woodard".

people who “can’t be moved” due to treaty obligations.¹⁹⁷ This political status of Navajos for Chavez was an economic problem that annulled land taxation and would “make it that much harder on the taxpayers of the State.”¹⁹⁸ In response, Gallup, NM Chamber of Commerce Secretary M.L. Woodard would try to assuage Chavez: “It is true, the purchase of land would reduce our tax rolls slightly, but the laboratory, as an asset to Gallup and McKinley County, is much greater than the taxes from the land.”¹⁹⁹ What is significant about this exchange is Woodard’s work with the Chamber of Commerce and later as a trader and owner of an Indian Arts and Crafts Store.²⁰⁰ We can imply Woodard’s attempt to persuade Chavez on the “asset” of the Sheep Lab was related to its furnishing wool for rugs to be traded and later sold at his store. Whereas Chavez saw the political status of Diné land as an obstacle to the New Mexico economy, Woodard envisioned that that political status could be leveraged as an economic asset through its rendering as culture vis-à-vis rug production. The geographic relation of settler colonialism could be overcome with a temporal one through the ideas of improvement as accommodating the furnishing of distinct Navajo commodities. Just as Ted Kuntz’s rug fetched exorbitant amounts because of its representation as a masterpiece of Navajo weaving as a national treasure, we can imply that Woodard saw a mode of accumulation through the rendering of Diné culture through the commodity form.

We see, then, how various forces came together that complemented, contradicted, and overlapped with each other. Ideologically, ideas surrounding improvement as a source of “salvation” helped to mediate claims to ownership of land for various parties.²⁰¹ Politically and economically, a juridical structure of property in land shaped institutions around grazing rights and land use. As these forces rubbed up against each other, land was reconfigured as a site of struggle, particularly as it related to the continuation of the lab operations. The struggle over land was conditioned by its enclosure as a site of experimentation or demonstration through the DAs. Even though Diné community members acquiesced to the formation of these spaces, they would come to contest their operations, as I will show in the next section. As sites with specific land use regulations apart from the rest of the reservation, the DAs worked alongside federal Indian law projects of termination to shape Diné land use practice. That is, the legal space of the DAs worked to complement the legal mode of Indianness as multicultural supplement enacted in termination policy. Against this mode, however, Diné relations with sheep exceeded their production as mere biological beings and disturbed the legal mode of termination. In doing so, the concrete practices of Diné life frustrated the abstract model of Indianness codified in Indian law.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ “Letter Sent by Mr. M.L. Woodard to Senator Dennis Chavez”, Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²⁰⁰ “Tom Woodard Interview”. United Indian Traders Association Oral History Interviews. Northern Arizona University Cline Library Special Collections. Accessed 04 March 2026 from: <https://library.nau.edu/speccoll/exhibits/traders/oralhistories/woodard.html>

²⁰¹ “Letter Sent by Mr. M.L. Woodard to Senator Dennis Chavez”.

“I am going to take my hammer tomorrow morning and start undoing that fence”²⁰²: Demonstration Areas and Legal Modes of Indianness

“When you had a rug to an Anglo person, they like to poke at it and overanalyze the art. I often wonder why we still get such cheap offers.”

- Helen Bedonie, quoted in *Weaving Worlds*²⁰³

The initial goals of the Sheep Lab sought to depart from prior federal interventions in the Diné land and livestock question. Whereas those earlier interventions invariably led to the mass slaughter of Diné herds, regardless of herd size, the interventions of improvement located reduction through qualitative rather than quantitative means as lab technicians worked to create a hybrid sheep. Just as the land itself was classified along a continuum of productiveness vis-à-vis its erosion status, sheep were likewise assessed through a framework of valuation. Such a classification reduced sheep to machine-like creatures that *could* produce a maximum poundage of wool of specified texture given improvement. This ultimately reduced the practice of weaving to commodity production, where the valuation of a rug was measured through a combination of technical and aesthetic qualities. This valuation was not only an alien, if mockable, practice for Diné, but also represented a failed promise. That is, even though federal officials would tout the virtues of improvement as ultimately benefiting the tribal economy via the work of the rug producer, any promises were ultimately elusive as forms of unequal economic exchange refurbished the putative theft of a deteriorating landscape into the overanalyzing practices of an arts buyer. As this section will show, improvement depended upon a conceptual transformation that was contingent on Diné themselves to understand the work of conservation as beneficial to their communities. As some communities would come to recognize the DAs as antagonistic to their wellbeing, however, they would petition for their abolition. The agreement of DAs as depending on community consent suggests a model of Indian law hinging on subjective transformations that were ultimately frustrated by the concrete practices of Dinéness. As Helen Bedonie would come to recognize, the production of rugs under this legal model was tied an economic structure of accumulation. In this section, I analyze the formation of the Mexican Springs DA (MSDA) for these dynamics.

DAs were spaces that transmuted Diné “earth-worlds”²⁰⁴ into spaces of measurement, observation, and control as federal anxieties heightened over exacerbating erosion and siltation in the Western United States.²⁰⁵ In addition to fencing off sections of land to demonstrate techniques in livestock management, the areas were also selected for purposes of replanting grass and pasturing Sheep Lab rams and sheep.²⁰⁶ The stations spanned the reservation, with major stations in Mexican Springs, NM, Ganado, AZ, and Mariano Lake, NM. In 1942, the running total acreage

²⁰² “July 1944 District Council Meeting”, Box 39, Folder 064: Minutes of Meeting July 17-19, 1944; Navajo Area Office, Central Classified Files, 64-64; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²⁰³ *Weaving Worlds*, Klain.

²⁰⁴ Gill, *The Political Ecology of Colonial Capitalism*, 103

²⁰⁵ “A Progress Report of the Livestock Demonstration”.

²⁰⁶ “Morning Session, January 17, 1938”, Box 39, Folder 064: Minutes of Navajo Tribal Council Jan. 17-20, 1938”; Navajo Area Office, Central Classified Files, 64-64; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside, 10.

utilized by the DAs across different reservation agencies and their associated carrying capacities measured against their actual stocking numbers are enumerated in Table 1.²⁰⁷

AREA	ACREAGE	CARRYING CAPACITY	STOCKING
GANADO	7800	412	1323
MEXICAN SPRINGS	43744	2008	1696
STEAMBOAT	24526	1369	1350
KLAGETOH	3899	265	265
MOHAVE	10508	96	100
TOTAL	90477	4150	4734
CHILCHINBETO	16586	531	130
FRAIZER	5627	167	
KAIBETO	16646	644	584
LEUPP	6621	247	83
NAZLINI	19834	625	655
PINON	10163	404	859
TUBA CITY	28446	737	853
MARIANO LAKE	7005	492	444
SHEEP DIP	9558	429	320
TOTAL	120486	4276	3928
GRAND TOTAL	210963	8426	8662

Table 1: Summary of Demonstration Areas. Source: "Minutes of Navajo Tribal Council June 22-24, 1942"

The initial agreement of the MSDA depended on a community agreement between the Mexican Springs (Nakaibito) community and the Erosion Service. In addition to the two provisions mentioned above, regarding annual payment for sheep removed from pasture and guaranteed employment, the agreement also listed the following requests made by the community:

- That a stock run-way shall be constructed across the area in the vicinity of the Gallup-Shiprock highway;
- That water will be developed for stock outside the fenced area, to replace water made inaccessible by the fencing;
- That the Indians may continue to live on the area and use their farms which the station will help them develop.
- That the Indians may continue to use the roads inside the fence for which purpose gates will be provided except that stock may not be driven thru the area.
- That the government constructs a day school at Mexican Springs as soon as funds are available.

²⁰⁷ The table reports the carrying capacities of the various areas in Sheep Units Year Long (S.U.Y.L.) as the number of sheep units a given acreage of forage could support for a year. A sheep unit is a particular animal unit (AU) used in rangeland management based on an equivalency with one adult cow. One sheep unit is 0.25 AUs.

- That water be made available to the Mexican Springs Chapter House and Community bath house;
- That a telephone will be installed at the Mexican Springs;
- That the government try and find funds for the construction of a sheep dip on top of the Chuska Mountains provided that the Bureau of Animal Industry approves;
- That in case of dissatisfaction with the way which the government carries out the above provisions, the committee of the Navajo Council on irrigation and farming will act as arbiter, and upon its recommendation and the vote of the entire Chapter, this agreement will be ended.²⁰⁸

Importantly, the establishment of the DAs as an agreement between the erosion service and the community suggests a legal form of “contractarianism”.²⁰⁹ That is, the legitimacy of the DAs as a site of enclosure stemmed from the consent granted from the Mexican Springs chapter. This idea of consent maintained an assumption regarding “a normative universe of shared meanings”, based on the mutual agreement that the land needed to be conserved and improved.²¹⁰ This assumption was guided by the settler colonial ethos of saving the land. Ultimately, however, that conviction would be regulated by the lives of Diné, who refused to grant the DA the permanent tenure to carry on its research goals. Without such “an air-tight agreement”, SCS officials’ efforts were “highly hazardous” and “jeopardized”.²¹¹ While this precarity hindered research goals, SCS officials remained assured that other community members in different locations would acquiesce to an “agreement that ha[s] teeth in [it].”²¹² This conviction came from the assumption that, wherever DA activities would be sited, “Navajos must give something in return for large scale expenditures and long-term experiments for their benefit”.²¹³ In other words, while the DAs were legal forms that located legitimacy in forms of mutual agreement between Diné and SCS/BIA, they also disseminated “modes of self-definition” that required Diné to consent to sacrifice in a self-rational way for their benefit.²¹⁴ This legal form of the DA had roots in broader transformations of federal Indian jurisprudence that occurred during the 1930s and its particular trajectory in the Navajo Nation.

During the 1930s, relationships between the federal government and Indigenous nations were undergoing vast transformations. Most notably, in 1934, the IRA was passed, which sought to end allotment of tribal lands and to grant tribal nations more authority to determine their own affairs. Central to the act was the drafting of constitutions for each nation that adopted the IRA regulations. Even though Diné would ultimately come to reject the IRA, the Tribal Council underwent reorganization in 1937 via the formation of a constitutional committee that effectively became the new council tasked with carrying out the mandates of the IRA.²¹⁵ Effectively, this council deepened the relationship between capital and land through the implementation of resource

²⁰⁸ “Meeting: Mexican Springs Chapter, July 15, 1933”.

²⁰⁹ David J. Carlson, *Sovereign Selves: American Indian Autobiography and the Law* (Chicago: University of Illinois Press, 2006), 29.

²¹⁰ *Ibid.*, 36.

²¹¹ “Hugh Calkins memo to Mr H.H. Bennett”.

²¹² *Ibid.*

²¹³ *Ibid.*

²¹⁴ Carlson, *Sovereign Selves*, 36.

²¹⁵ Curley, *Carbon Sovereignty*.

management plans and the signing of mineral leases. The council functioned not only as a political agent, but also an economic one dependent on capital.²¹⁶ In other words, the IRA in effect placed colonial cum capitalist restraints on how the Tribal Council could govern even despite Diné rejection of the act. This happened even though the IRA sought greater integration of Indian social and cultural systems into the work of administration. For the Navajo Nation, for instance, Collier cautioned the SCS to ensure that range management plans reflected the existing social units of Navajo households to be most “efficient” and “workable”.²¹⁷ Nevertheless, the required reorganization of the Tribal Council as a consequence of the IRA was denounced as “bringing Russian Communism and dictatorship” to the reservation because of the new forms of governance emerging from the land management units (LMUs).²¹⁸ For Diné, the formation of eighteen LMUs from the previous jurisdiction of six agencies enabled the diffusion of “range riders, supervisors, and [the Commissioner of Indian Affairs]” throughout the reservation.²¹⁹ This was understood as surveillance which they equated with “dictatorship” to comply with the new grazing regulations. Indeed, this sense of surveillance and dictatorship was tied to a sense of disconnect between Diné and the 1937 Tribal Council, since those “Government [sic] field men are making Indians do as stated from Window Rock.”²²⁰

These sentiments emerged from the difficulties of governance following IRA rejection. The work of the 1937 constitutional committee was to draft a document that would be utilized as the basis for further discussion on the drafting of a constitution, with the hope that the final constitution would be passed by Congress. The Secretary of the Interior failed to adopt the constitutional draft, which had delineated important powers to be exercised by the tribal council regarding several matters such as the sale and disposition of land, the regulation of trading, and prospecting and mineral leasing.²²¹ Instead, the rules that were adopted for the Tribal Council in 1937 had stripped them of any meaningful exercise of those powers delineated in the draft document, and actually retained “the tight grasp which the Secretary [of the Interior] maintained on the tribal purse strings.”²²² In effect, the Tribal Council reorganization under the 1937 rules had seized the question of what meaningful self-determination would look like under the context and constraints of Federal Indian law and policy. This was the disconnect that Diné perceived as unilateral power or “dictatorship” emerging from Window Rock, or the Tribal Council, which would be more accurate to locate in “the tight grasp” of the Interior.

The frictions between federal officials, the Tribal Council, and everyday Diné suggests competing moral orders guiding relationships to land. For federal officials,

²¹⁶ Coronil, *The Magical State*, 8.

²¹⁷ “John Collier Memo to Richard Shevky”, Box 13, Folder 038: Soil Conservation Service, 1935-1936; Navajo Area Office, Central Classified Files, 38-39; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²¹⁸ “Navajo Agitator’s Meeting, January 17, 1940”, Box 119, Folder 301: Northern Navajo Grazing - Trespass, Branding, Etc, 1940-1949; Navajo Area Office, Central Classified Files, 301-301; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Robert W. Young, *A Political History of the Navajo Tribe* (Tsaile: Navajo Community College Press, 1978).

²²² Ibid, 119.

land was an object to be saved through several development projects across the reservation as part of a broader network of New Deal-era public works projects that were coordinated between the SCS, Civilian Conservation Corps (CCC), and the BIA.²²³ The breadth of projects spanned investments in water and flood infrastructure, road improvement, and agriculture. As the projects guaranteed jobs to Navajo people to replace the losses in livelihood from earlier reductions in livestock, a credit system was implemented. Namely, advancements of wool for weaving and seeds for planting were made to the Navajo families who could not secure a job on a CCC project, with the expectation that those advancements of wool or seed be repaid upon the sale of rugs or crops, respectively.²²⁴ Importantly, then, the development projects functioned not only to make investments in the built environment (sheep dipping vats, water wells, dams, etc.) as a reflection of the welfare state investments of the New Deal, but, in doing so, also worked to instruct Diné people in the work and habits of soil conservation as projects to cultivate the subjectivities of Diné people.²²⁵ Indeed, the projects were seen as investments in the natural and built environments whose care and maintenance would ultimately become the responsibility and concern of Navajos themselves as a project of uplift to instill “the feeling that proper range control is something which they [the Navajos] can maintain by themselves.”²²⁶ Key among the projects were DAs.

DAs were constitutive of a broader historical process where the question of land reflected objective social relations between the federal government and Indigenous peoples. Rather than operate through policies of outright elimination, the social relations between the federal government and Diné would reflect ideas of improvement as made material through the CCC development projects, such as DAs. The assumption that Diné would come to accept these projects as sites of environmental transformation, despite the enclosure of good grazing land “express[es] a particular aspect of a specific historical subject”.²²⁷ This subject was the sacrificial yet rationalizing agent that would welcome the DA for its ultimate benefit of improving sheep and conserving the range. This is also the same Diné subject, unlike Helen Bedonie, who would not question the practices of overanalyzing and poking at rugs to assess its valuation as a commodity. To be sure, as Diné requested DAs be abolished, we get a sense of how the concrete practices of Dinéness frustrated against the model of Indianness expressed in federal Indian law and policy.

As Diné across the reservation called for the DAs to be abolished, the BIA came to recognize the role the Mexican Springs community could play in furthering the work of conservation. For BIA officials, the MSDA would be utilized as a site of demonstration in

²²³ “Narrative Report of Progress on the Navajo Reservation During the Month of July 1937”, Box 5, Folder 011; Navajo Area Office, Central Classified Files, 11-12; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²²⁴ Ibid.

²²⁵ “Memorandum from Walter F. Gray to Mr. John F. Farmody”, Box 201, Folder 934.1: SW Sheep Breeding Lab, 1940-1953; Navajo Area Office, Western Navajo Agency; Gallup Area Office, Navajo Agency; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²²⁶ “Aug. 1946 Report of the Coordinating Committee”, Records Relating to Navajo Soil Conservation Activities, 1933-1950, Records of the Bureau of Indian Affairs RG 75, National Archives Building, Washington, DC.

²²⁷ Evgeny B. Pashukanis, *Law and Marxism: A General Theory*, (New York: Pluto Press, 1989), Apple Books, 38.

a sense beyond demonstrating conservation techniques, but to get other Diné to recognize the benefits of the DA. BIA supervisor E.R. Fryer would assess the role Mexican Springs could play through the idea of “cooperation”, asking: “Are we using the Mexican Springs demonstration, and the influence of Mexican Springs Indians to advantage? Is there a basis of cooperation?”²²⁸ For Fryer, the use of Mexican Springs Diné as exemplars of DA benefits would enable cooperation in other communities where DAs were being scrutinized. MSDA would serve as a model for voluntary, rather than compulsory stock reduction. What this question neglected, however, was the specificity of land in different communities. Herman Bitsie, supervisor of the District 14 grazing council stressed this specificity:

There are possibly three or four of us present in this room who are very much concerned about these enclosures in District 14. Now there is not only this one at Mexican Springs but there is one at Naschitti and one between Naschitti and Tohatchi and one other, and they are taking feed from the stockmen in District 14, in District 14 where only a maximum of 61 sheep units is allowed and that is small. If these areas were made available to our stock it might add something to the maximum limit. The main purpose of us advocating taking away these enclosures is it may provide an added sheep unit to the 61 allowed in District 14.²²⁹

For Bitsie, the DA exacerbated District 14 residents’ ability to hold livestock, where they were already restricted by a “small” number of allowable sheep units. The implementation of the DAs functioned from an abstraction around reservation land as uniformly degraded, which neglected the concrete situations of various communities. Such an abstraction invariably replicated dynamics of prior livestock reduction policies where herds were reduced regardless of size. Additionally, even though the DA was touted as offering community wide benefits through the introduction of community infrastructure projects, the resulting enclosures nevertheless worked to differentiate families. In a personal plea, Bitsie would recognize how this differentiation disrupted peaceful coexistence and made it harder for Mexican Springs Diné to “help each other and talk with each other in kind words.”²³⁰ Instead of this feeling of sameness and kindness, Bitsie felt that the DA worked to separate community members, where before they “live[d] under one program and one regulation.”²³¹ This feeling was likewise felt by other Mexican Springs Diné.

Another resident, Yihe bah, bemoaned how the establishment of the area had transformed her life for the worst. She reflected,

[My father and my] home is about a mile northwest of Mexican Springs [store]. That was where I was born and where I lived. I was well-to-do. I had a good bunch of sheep and goats and horses – about 300 head. I had two hogans and a log cabin and a corral. I had good grazing for my sheep and goats and horses. I

²²⁸ “Memorandum from E.R. Fryer to Mr. Henry H. Smith”, Box 124, Folder 340.1: Mexican Springs Experiment Station; Navajo Area Office, Central Classified Files, 337-340.1; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²²⁹ “July 1944 District Council Meeting”.

²³⁰ “Herman Bitsie message to the Navajo Tribal Council”, Box 124, Folder 340.1: Mexican Springs Experiment Station; Navajo Area Office, Central Classified Files, 337-340.1; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²³¹ Ibid.

had a good living. But then the Government people came and told me I must move away from my home. They were going to put up fences and make a demonstration area. I refused to move. Then they told me it would be for five years. They said I would not lose anything as I would be paid monthly for each livestock. They said, even if I lost my sheep, I would be paid monthly anyway. However, I only got paid twice and then I didn't get paid any more. They owe me for all those months since then.²³²

Yihe bah continues,

Now the five years are long past, but I am still not permitted to go back to my grazing land and my home. The demonstration area has not improved the place where I grazed my livestock. They planted some cottonwood trees, but I don't think that helped the grass. Some of my children are educated and want to build a good home at our original homesite. That is a good location. That is where I was born and where I lived and that is where our family should have our home. It is a much better location than where we are living now. It is the place where I and my children should have an improved home. From the 300 head of livestock that I had when I was moved away from the area. I now have only 25. My permit reads for only 42.²³³

Yihe bah concludes her remarks in a plea to the tribal council,

I feel that much harm has been done me. I beg of you, our tribal councilmen, to make it possible for me to go back to my old home and my grazing land. That is where I and my family long to live. That is the best place for us. Please do not keep us away from our home place any longer. Now we are confused and unhappy. [...] Please give us this peaceful life by letting us have our old original home and grazing.²³⁴

Yihe bah's petition to the Tribal Council shares with Bitsie's testimony the feeling that the DAs disrupted peaceful coexistence among community members. This feeling speaks to a persistent tension that Diné people attempted to navigate regarding the DAs. Namely, where she speaks of her former home as a "good location", she speaks to a common impression among Diné people that the best grazing land was removed from Diné use and tenure for the government activities. For Yihe bah and others who had grown to oppose the DAs, the feelings of confusion and unhappiness gesture to the constraints on Diné sovereignty as federal Indian law was undergoing a transformation in practices. While Yihe bah would make her plea to the Tribal Council, only, Bitsie's testimony would cast a wider net of appeal that included both the council and the federal officials: "I am pleading with Sam Ahkeah, as Chairman, and Zhealy Tso, as Vice Chairman, and begging all you councilmen and all the authorities and the White Government employes [sic], to give us our grazing rights back."²³⁵ Yihe bah's feelings and Bitsie's wide net of appeal speak to something of the infrastructure of Diné sovereignty here. As the Tribal Council attempted to navigate the constraints of federal Indian law, its political form under the 1937 reorganization becomes an alien form for

²³² "Mrs. John Begay Statement to the Navajo Tribal Council", Box 124, Folder 340.1: Mexican Springs Experiment Station; Navajo Area Office, Central Classified Files, 337-340.1; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ "Herman Bitsie message to the Navajo Tribal Council".

Diné that seems commensurate with “White Government”. In addition to the MSDA, these feelings of estrangement were also enunciated in deliberations around the fate of the Mariano Lake DA as community members called for its abolition.²³⁶

The resolution drafted by the Mariano Lake community for the abolition of the DA named the emergence of uneven rights and access to the areas which had before then been a site of shared jurisdiction among the community.²³⁷ This transformation in land use developed in a surprising fashion for the community, since the original sites anticipated for selection were those “places where there was hardly any grass”, with the expectation that the denuded areas would be rehabilitated through the demonstration activities then returned to community tenure after five years.²³⁸ Instead, community members were disappointed with what were seen as empty promises as their best grazing lands were removed from their use for an indeterminate time and arrests made when residents attempted to access the enclosed lands.²³⁹ BIA Superintendent James Stewart negotiated the absolute abolition of the DA by posing the problem, not as a failure of government objectives rubbing up against the lives of Mariano Lake Diné, but as a lack of Diné cooperation and responsibility. In a rhetorical gesture, Stewart attempted to rework discontent by positing the DAs not as a space of government intervention, but as “Navajo Indian demonstration areas”.²⁴⁰ The problems of enclosure and exclusive and uneven use were not the issues that Stewart perceived, but rather that Diné in Mariano Lake did not take adequate responsibility for the ongoing operations and become the self-rationalizing subjects implied in the spatiality of the DA. Indeed, as a solution to the disagreement, he posited that the DA continue, but that it be removed from government oversight and be a “testing ground” for Navajo “ability to carry on properly [BIA-mandated] livestock management practices”.²⁴¹ In cautioning the Navajos of Mariano Lake that they “learn to crawl before [they] walk”, Stewart situated Navajos within a developmentalist framework in relation to progress as an evolutionary narrative. In that narrative, improvement logics vis-à-vis the DA would be the motor that enabled Navajos to learn to walk. That several other communities likewise passed resolutions calling for the end of demonstration activities signal that Mariano Lake nor Mexican Springs were not aberrations to an otherwise consensus on the reservation regarding the enclosure of land for the DAs.²⁴² Rather, opposition to the DAs reveal a contradiction between the practices of the BIA and SCS and those of Diné people regarding how each party conceived of sheep and land in relation to understandings of a good life. Ultimately, Diné would come to reject the DAs as antagonistic to their understandings of a good life and called for their abolition. Scott Preston, councilman for grazing district 3, would put the matter simply: “I have an enclosure in the district

²³⁶ “Morning Session, January 17, 1938”.

²³⁷ Ibid, 7.

²³⁸ Ibid, 10.

²³⁹ Ibid, 12.

²⁴⁰ Ibid, 20.

²⁴¹ Ibid.

²⁴² Another community that passed resolutions in opposition to the DAs was Red Lake, as well as a resolution considered by the council to abolish all DAs in the reservation. Red Lake likewise expressed their discontent through the terms of fencing that exceeded the agreed upon five years and lack of compensation for the forfeited land.

where I live and if we decide to do away with that I am going to take my hammer tomorrow morning and start undoing that fence.”²⁴³

Those calling for the abolition of the DAs posit improvement as a lifelong project of forging “ethical relational position[s]”²⁴⁴ with other Diné, sheep, and other extra-human actors in their pursuits for a peaceful life. This contrasted with the frameworks of improvement as development located in the public works investments made in the built and natural environment. The feelings of unhappiness and confusion that emerged in the requests to abolish the MSDA reveal something of the disjuncture between the political and the social at this moment in Diné life. The jurisdiction of the DA implemented separate land use and grazing rights for different community members that result in feelings of unease and disruptions to a peaceful life. This legal form was associated with an understanding of Diné as abstract Indians codified in practices of accommodation as producers for the market. Under that legal mode of Indianness, the colonial cum capitalist conditions of the present were divorced from the past of colonial invasion. This temporal trick posited Diné people as subjects capable of improvement, but not yet there—of needing to learn to crawl before they walk. Everyday Diné people frustrated this legal model of Indianness by invoking the centrality of sheep and livestock in their lives that surpassed improvement as a logic of valuation. Instead, they envisioned a uniformity between the political and social as the space and time of a peaceful life with their land, livestock, and their neighbors.

In the conclusion, I connect the practices of improvement with its dialectical other, waste and wastelanding, as specific iterations in a longer settler colonial process that reconfigures the social order of Indigenous peoples through changing relationships to land. While the specific goals of sheep improvement sought to biologically alter the Diné churro sheep, I argue that these practices were constitutive of a broader material and conceptual apparatus of settler colonial power that regulates the division between the human and natural environments. For Diné, sheep *could* be improved because they were first removed from the contexts and relationships that give them meaning in the broader social reproduction of Diné life and consequently placed the sheep in the context of production for the market.²⁴⁵ The DA as a historically specific legal form was central in this process as it worked to regulate Diné relationships with the land by regulating relationships with sheep as objects for commodity production.

Whereas the idea of improvement drives the transformation of sheep into objects to intensify commodification of rugs, waste and wastelanding work to create zones of exception where natural resources can be extracted. This space of exception is likewise connected to the valuation that motored improvement, as a wasteland can still be a space of valuation, but only through that extraction and processing of mineral ores. Nevertheless, I depart from this reading of waste and wastelanding in relation to the extraction of natural resources to consider it as a more flexible and iterative process to structure relationships to land alongside its constitutive other I have been discussing in this chapter, improvement. Rather than operate as distinct processes, however, the two work co-constitutively to consolidate settler sovereignty through the regulation of land use through the imperatives of capitalist accumulation. Improvement and waste serve as a handbook to disembody Diné from their system of land relations through processes that

²⁴³ “July 1944 District Council Meeting”.

²⁴⁴ Thomas, *Political Life in the Wake of the Plantation*, 126.

²⁴⁵ Gill, *The Political Ecology of Colonial Capitalism*.

enable capital accumulation, but, more than that, also reflect broader practices of settler colonial sovereignty that delimit Diné political power through the regulation of relationships to land.

Conclusion: Waste/Improvement and the Frustrations of Settler Colonial Modes of Power

In 1935, as a precursor to the establishment of the MSDA, and as part of the broader technologies utilized by the SCS (as discussed in Chapter 1), aerial photographs were taken of the Mexican Springs community (Figure 5). The map shows several contact prints assembled to create a reconnaissance map of Mexican Springs to show streambeds, washes, and other natural formations that were to guide conservation programs. Importantly, any signs of Mexican Springs Diné life are unincluded in the map, as soil conservation was initially posited as only an environmental problem. In abstracting Mexican Springs Diné from the natural environment, this cartographic quilt as a technology of conservation effectively rendered Diné social and geologic agency null, such that a logic of improvement via conservation investments in the natural environment come to “obliterate” then take the place of Diné relations to land.²⁴⁶ As this abstraction was constitutive of how improvement was understood, the development of improvement logics also proceeded from this understanding of Diné as null, ready for the pedagogies of conservation and improvement. To be more specific, this visual register of an empty landscape that could be improved served as the preconditions for a discursive register that constructed Diné land use as counterposed to improvement; while Diné land use produced waste and devaluation, improvement made the landscape knowable as a space of betterment through SCS/BIA practices. In BIA and SCS assessments, waste was posed as antagonistic to the project of improvement. In their evaluation, “[e]xtensive areas of formerly productive range and farm lands of the United States have been rendered valueless through improper use. [...] [T]o protect Government [*sic*] investments upon which thousands of people depend, we must pool all the available resources of wealth and intelligence and determination”.²⁴⁷ Waste here was a matter of national security that had to be combatted through monetary and subjective resources (wealth, intelligence, determination) that could reverse the production of waste from Diné. In doing so, this statement related categories of waste, improvement and property as internally related to each other, such that waste and improvement are treated as functions of federal property in land itself.²⁴⁸ Concretely, waste and improvement were managed through legal institutions such as the courts.

²⁴⁶ Iyko Day, “Eco-Criticism and Primitive Accumulation in Indigenous Studies” in Colleen Lye and Christopher Nealon (eds), *After Marx: Literature, Theory, and Value in the Twenty-First Century* (Cambridge: Cambridge University Press, 2022), pp. 40-54, 47.

²⁴⁷ “Statement of Policy”, Box 19, Folder 105.6: Correspondence Relating to Agreements Covering Work by the SCS on Indian Lands”; General Files, July 1936-June 1937; Records of the Soil Conservation Service RG 114; National Archives at College Park, College Park, MD, emphasis added.

²⁴⁸ Ollman, *Dance of the Dialectic*.

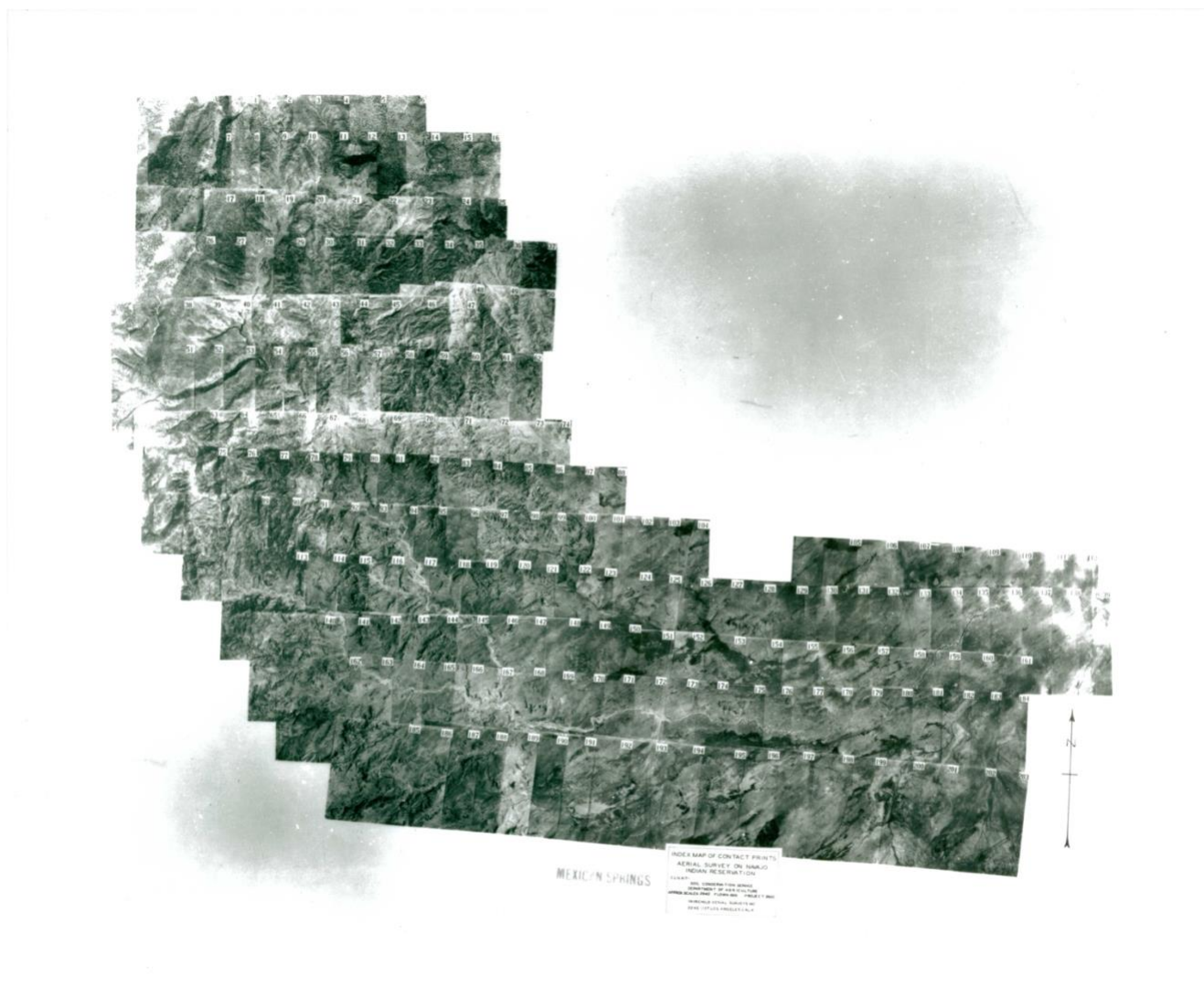


Figure 5: Mexican Springs Navajo Indian Reservation (Source: Records of the Natural Resource Conservation Service)²⁴⁹

Just as the DA codified forms of land use for specific communities, the relationships between waste and improvement were likewise tied to the creation and enforcement of juridical categories. In particular, the category of trespass emerged in relation to waste and improvement.²⁵⁰ In the court case *United States of America v. Little Hat, Census No. 20332*, and *Hosteen-Clitsoh-Bitsih, Census No. 20333*, the courts decided that:

²⁴⁹ "Mexican Springs Navajo Indian Reservation", Index to Aerial Photography of San Juan County, New Mexico, Records of the Natural Resources Conservation Service RG 114; National Archives at College Park, College Park, MD.

²⁵⁰ We saw this development of the relation between waste/improvement and trespass in the appeals from Mariano Lake Diné, who claimed that the project of improvement via the DA resulted in some arrests as an enforcement of trespass laws.

1. Plaintiff is the owner in fee simple of the land reserved for the use and occupancy of the Navajo Tribe of Indians designated as the Navajo Reservation [...]
4. The Secretary of the Interior of the United States of America is vested with the power, right and authority to promulgate rules and regulations for the protection of the Tribal lands of the Navajo Reservation within the State of Arizona, and to the effect, and extent necessary to prevent unfair and unreasonable monopolization of Tribal Range by individuals, and to provide by rules and regulations the maximum carrying capacity of such Districts as may be fixed and determined by said rules and regulations. The grazing regulations of the Secretary of the Interior, dated June 2, 1937 and amended January 28, 1938, are reasonable rules to *prevent waste caused by over grazing*[.]
6. The defendants by grazing more animals than they are permitted to graze in District No. 9, are committing acts of continuous *trespass and waste* in violation of the rights of the United States.²⁵¹

In this verdict, waste and property in land are again held as internally related. In particular, the court affirmed “use and occupancy” as a special type of land tenure for Navajos through the jurisdiction of the reservation. As the United States was held to be the ultimate beneficiary, the Secretary of the Interior was vested with the authority to make decisions on behalf of the U.S. to “prevent waste”. In legitimizing settler colonial power through the idea of “protection”, the court demarcated a space of ruin that could be improved through the rules and practices of the Secretary of the Interior. In effect, this ruling produced a wasteland resulting from Diné acts of land use that the courts wanted to “prevent”. However, this wasteland was not a site of pure abandonment but rendered Diné and their lands improvable through the techniques and tactics of the institutions of the federal government, such as the Department of the Interior. This fusion of Diné land and identity reflects “a deeply complex construction of [...] land as either always already belonging to the settler [...] or as undesirable, unproductive, or unappealing”.²⁵² Waste and improvement are dialectically bound through the category of use as they structure and regulate land use through the imperatives of capitalist accumulation. Value formation was connected to racial formation as improvement was posited as the other of waste. Sheep improvement was motored by this process as sheep were removed from Diné earth-worlds to maximize production for the market.

Just as conservation efforts located the declining condition of land through increasing erosion, improvement also located a “gradual deterioration” in rug production through improper breeding and range management practices that affected wool production.²⁵³ In rhyming etiologies, federal intervention conceived the solutions to both problems of so-called decline of the land and of Navajo rugs in technical interventions related to changing social relations to land as ways to improve both the

²⁵¹ “J.M. Stewart Memo to Mr. John H. Provinse”, Box 41, Folder 064: Survey of the Range Resources and Livestock Economy of the Navajo Indian Reservation; Navajo Area Office, Central Classified Files, 1924-1954; Records of the Bureau of Indian Affairs RG 75; National Archives and Records Administration – Riverside, emphasis added.

²⁵² Voyles, *Wastelanding*, 7.

²⁵³ McLerran, *A New Deal for Navajo Weaving*, 170.

land and Navajo rugs. Sheep Lab experiments to produce wool for both hand and commercial methods stressed criteria such as fleece weight and fiber traits that could be obtained and manipulated through a breeding formula, for example.²⁵⁴ This evacuation of the social for the technical not only rendered land and Diné as improvable as such under federal handholding but also functioned to situate the ills of settler colonialism in the past tense. The waste of land and rugs could be ameliorated through improvement that ultimately benefited Diné. In obfuscating the question of responsibility for colonial harm, settler sovereignty is able to utilize waste and improvement as “bootstrapping” mechanisms via commodity logics to reproduce itself by claiming a condition of betterment that emerges from the reversal of waste.²⁵⁵ That is, while Diné produce waste through an anachronism of land relations, settler sovereignty reverses this waste through the practices of management and improvement. Nevertheless, even as these projects sought rugs as technically perfect objects to be evaluated and exchanged, this aspiration could not entirely negate the social formation of Diné relationships to land, as I show by concluding with the story of Diyogí Tsoh.

The large rug, Diyogí Tsoh, was commissioned by Indian trader Lorenzo Hubbell, Jr, as a tourist attraction to his trading post during the vicissitudes of the Great Depression.²⁵⁶ Hubbell consulted the Joe-Hill family, who, along with others in the Lower Greasewood community, produced the rug from natural wools sheared, carded, and dyed from Lower Greasewood Diné and Oraibi Hopi sheep herds. While Hubbell envisioned the rug as an investment vehicle for his trading post, the Lower Greasewood community utilized the time to weave the rug as a space of Diné sociality, where the Kinlichii’nii’ clan would sit alongside each other enjoying bowls of mutton stew.²⁵⁷ Upon Diyogí Tsoh’s completion, the rug would travel as a spectacle in a Chicago department store in 1943, the U.S. Senate Chambers in 1945, and a 1948 New York Travel fair, to name just a few.²⁵⁸ Whereas the early chief design exchanged by Kuntz that opened this chapter circulated at the auction house, the spectacle of Diyogí Tsoh nevertheless was part of the exchange of the broader settler colonial circuitry of capital, I suggest. In particular, both instances abstracted from the conditions of production that Diné weavers engaged in to produce the rugs. That only the early chief design was exchanged for money while Diyogí Tsoh merely traveled as spectacle speaks to a mode of accumulation that is not only that but is constitutive of a broader settler colonial mode power that works through ideas of waste and improvement, as I have been analyzing. The social character of the rugs’ production is hidden through both exchange and spectacle; weaving as a social relation with sheep and land and other Diné is privatized

²⁵⁴ “Fifteenth Annual Report”

²⁵⁵ Nichols, *Theft is Property!*.

²⁵⁶ “Diyogí Tsoh: The Big Rug”. Affeldt Mion Museum. Accessed 10 March 2026 from: <https://ammwsa.com/largest-known-traditionally-made-navajo-rug/>

²⁵⁷ Ibid.

²⁵⁸ Ibid. It is interesting to reflect on the rug’s completion and subsequent world travels as coinciding with the Sheep Lab projects. We can imply that the same ideas of improvement and improvableity were discursively attached to Diyogí Tsoh as the standard par excellence of Navajo weaving for a settler audience.

through the auction house and the museum.²⁵⁹ What this implies, however, is an understanding of the Diné weaver as the owner of nothing but their labor power.

Nevertheless, that assumption proceeds from a certain impossibility as it assumes forms of subjectivity predicated on labor power. For Diné, subjectivity is never entirely predicated upon labor power as the creation of value. Indeed, as Diyogí Tsoh was completed, the Kinłichii'nii' clan would ensure the last stitch made was the ch'ihónít'i—the strand of wool that allows the weaver's spirit to escape the rug; the rug was less the crystallization of their labor than it was a mediating device between the clan members and their sheep. While the ch'ihónít'i establishes imperfections in the rug, such an incorporation ensures the weaver to reproduce themselves even as the rug travels as spectacle and later stations as property in the museum.

As we will see in the next chapter, such practices guide the ways that Diné are able to reproduce themselves. While in this chapter, improvement structured the relationships between Diné and sheep, we will see how the legal form of the DA was rearticulated through fencing of Navajo and Hopi lands according to the promulgation of novel land statuses during the so-called Navajo-Hopi land dispute.

²⁵⁹ Marx writes of the fetishism of money, “[M]oney itself is a commodity, an external object, capable of becoming the private property of any individual. Thus social power becomes the private power of private persons.” Karl Marx, *Capital, Volume I* (New York: Penguin, 1967), 132.

CHAPTER 3: FENCES

Introduction

In a 1982 statement to the Senate Select Committee on Indian Affairs, Big Mountain Diné elders Roberta Blackgoat and Kee Shaw vocalized their opposition to increasing U.S. intervention in their lives as a consequence of Public Law 93-531 (The Navajo Hopi Land Settlement Act of 1974; hereafter Land Settlement Act). They noted how, in contrast to the sacred laws of both the Diné and Hopi Nations, the act violated their existence through the practices of relocation, livestock reduction, and fencing and monumenting.²⁶⁰ While they would name these acts as co-constitutive practices in how federal intervention in their lives manifested, they would take special aim in their resistance to how fencing and partition separated their relationship to both the land and their Hopi neighbors. This expression of unity and clanship with the Hopi would counteract the description of the so-called land dispute as a “century-old” phenomenon between two tribal groups coming to a head.²⁶¹ Instead, they understood the juridical space of the reservation as an issue for how they related to each other. I take this insistence on Diné clanship and recognition with Hopi people as a point of departure to think about how federal attempts to harden boundaries between Diné and Hopi land reflects an attempt to order social relations between the two Indigenous nations through a mechanism by which land is rendered as alienable object.

²⁶⁰ “Statement to the Senate Select Committee on Indian Affairs of the Sovereign Nation Big Mountain Dine, P.O. Box 358, Oraibi, Arizona 86039 on Senate Bill 1795”. MSS-617-BC, Box 7, Folder 11. Anita Parlow Sacred Lands Project, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

²⁶¹ See for example, “Navajo, Hopi elder rally against relocation” in *Gallup Independent* March 15, 1986. MSS-617-BC, Box 7, Folder 23. Anita Parlow Sacred Lands Project, Center for Southwest Research, University of New Mexico, Albuquerque, NM. Other newspaper articles and reports at this time similarly stressed the so-called land dispute as an ahistorical dispute over land, whose progeny was located in the warring dynamics between two tribes since “ancient times”. Such anthropological misdiagnoses failed to locate the problems of the land dispute as emerging from the problems of settler colonial land dispossession, but rather in the biological and essential traits from the Diné and Hopi.

My aim in this chapter is to analyze the so-called Navajo-Hopi land dispute to understand how the logics of the border function *within* the U.S. settler colony to order and shape social relations between Indigenous peoples. I pay special attention to forms of border making because of the promulgation of new land designations for both Diné and Hopi, such as Navajo Partitioned Land (NPL), Hopi Partitioned Land (HPL), and the Joint Use Area (JUA). The Navajo Nation, Hopi Nation, and JUA are shown in Figure 6. These novel land designations were concretized through BIA fences that Blackgoat, Shaw, and other Big Mountain Diné voiced opposition against. I draw on the testimonies from Big Mountain Diné residents in the so-called disputed lands to consider how their expressions of political power recognize a diminishment of Indigenous sovereignty through the partition of lands formerly shared with Hopi.

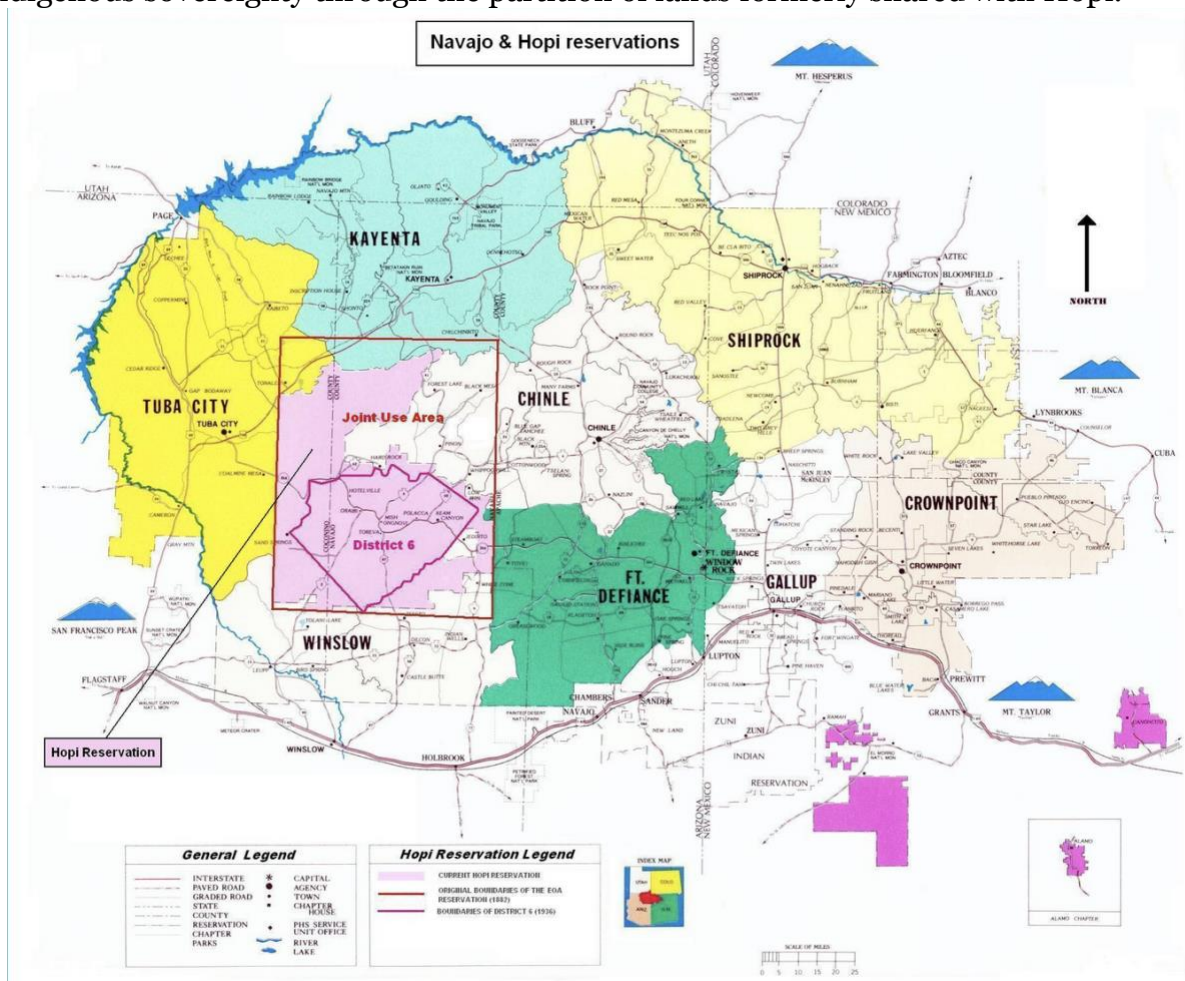


Figure 6: Navajo Nation, Hopi Nation, and Joint Use Area. Source: Indian Health Services. By analyzing this expression and practice of political power, I show how the refusal of U.S. settler sovereignty by Big Mountain Diné sought a continuity of Diné social relations that were disrupted by the formation of new borders and boundaries between Navajo and Hopi lands. These borders and their associated jurisdictions of range management were not an entirely imposed ordering of the world but corresponded with the Navajo Nation's historical approach to extend reservation boundaries.²⁶² The tribe's

²⁶² Faced with the recognition of the limited land base bestowed to the tribe through treaty after incarceration at the Bosque Redondo military reservation, the Navajo Nation would make efforts to

efforts to address the so-called land dispute relied on relocation of community members to newly acquired New Lands (Nahata Dziil).

In contrast to this marking of territory to establish discrete and separable tribal boundaries for administration, the struggles of Big Mountain Diné suggest an otherwise orientation to land informed by coexistence with Hopi people and the natural world. This orientation calls into question the social and political elements of development and how land mediates those relationships. Thus, Big Mountain Diné proffer a relationship to land that is a nascent agenda of sovereign development that stands in contrast to the Navajo Tribal Council strategy of land alienation. In refusing to relocate to new lands acquired to resolve the dispute, Big Mountain Diné were wary that such relocation would make it “impossible” for them “to remain in an agrarian situation and raise sheep and cattle”.²⁶³ Their refusal as a struggle to remain implies a field of struggle constituted around both the concepts of land and time that were important for the agenda of sovereign development. In invoking a present and past disrupted by federal mandates to relocate, Big Mountain Diné expressed an agenda of development that opposed the relations of dependency between the Navajo Nation and the federal government. Instead, their agenda was oriented toward reproduction of Diné life alongside their Hopi neighbors through the land.

This chapter first begins with a brief history and chronology of the so-called land dispute, from the establishment of the Hopi reservation in 1882 to the struggles over relocation in the 1980s. Next, an analysis of federal Indian law through some concepts from critical studies of the law and border studies attends to the contingent formation of Navajo and Hopi subjectivities through novel land use boundaries; rather than engage in an exhaustive literature review of either critical studies of the law or border studies, I attempt to highlight relevant concepts that might articulate with each other to illuminate the dynamics of settler colonial boundary making through the legal technologies of new land jurisdictions. Finally, the earlier sections are illuminated through the testimonies from Big Mountain Diné residents to understand how their refusals to relocate apprehended the struggle against relocation as not only a political struggle to remain in their homelands, but also a transnational struggle against the ordering regimes of the border itself. The chapter concludes by extending the insights from the so-called land dispute era to the contemporary land question in the Navajo Nation as it relates to Diné opposition to the extraction of natural resources.

Dividing the Land: A Brief History of the Navajo-Hopi Land Dispute

increase their land base through a mix of methods. Beginning in 1878, several additions to the reservation would be made by presidential executive order until 1930. Alongside executive order, the tribe would also increase landholdings through outright purchase of land, often with revenues from oil and natural gas development. This strategy would be criticized by tribal members for paying insufficient attention to expanding Diné industry beyond the livestock economy. For a history of additions to the reservation land base, see Lawrence C. Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson: University of Arizona Press, 1968). For Diné opposition to the efforts to utilize oil and gas revenues to buy ore reservation land, see the edited collection of speeches, especially the section “Land”, in Peter Iverson (ed.), *“For Our Navajo People”: Diné Letters, Speeches & Petitions, 1900-1960* (Albuquerque: University of New Mexico Press, 2002), 3-48.

²⁶³ “General Notes on Meeting between The Bureau of Indian Affairs, The Bureau of Land Management, the Navajo Tribe and The Navajo and Hopi Indian Relocation Commission held on February 5, 1981 in Flagstaff Arizona”. 2002-02577, Box 13, Folder 21. Bob Stump Papers, Arizona State University Libraries, Greater Arizona Collection, University of Arizona, Tempe, AZ.

In 1882, then-president Chester Arthur issued an executive order declaring land in what is now northern Arizona be carved out to form the Hopi reservation. The order demarcated land in Arizona “for the use and occupancy of the Moquis [Hopis] and such other Indians as the Secretary of the Interior may see fit to settle thereon.”²⁶⁴ However, in establishing the Hopi reservation, Arthur’s arbitrary delineation of 3,863 square miles eclipsed the customary land tenure system shared between Diné and Hopi people. One Diné resident from Big Mountain summarized this shared system:

The Hopis were our friends and we all help out one another with our Hopi friends. They used to come among us with a pack of donkey and these donkeys were carrying different items that the Hopi wanted to trade. We were all good friends until the federal government came between us and created trouble for us.²⁶⁵

Further land use regulations instituted thereafter by the BIA would exacerbate this initial oversight. These series of new land use regulations and boundaries would shift over the course of 80 years after the establishment of the Hopi reservation. Further, these new boundaries between the Navajo and Hopi restricted and separated use between Navajo and Hopi people, in land that was, until 1977, understood to be a joint use area for both Navajo and Hopi.

Due to administrative concerns over land use, Indian agents were burdened with land held in joint use for both tribes. To resolve simmering tensions caused from the administration of Navajo and Hopi lands as a shared space, Indian agents recommended hardening the borders between the two peoples, noting that “the contentions over the range and water would always exist if the range use continued without a defined border.”²⁶⁶ In 1928, the solution to this problem of administration from Indian Affairs Superintendent Chester Faris stressed “judicious utilization” of the range resources through stock and range improvements, thereby accommodating existing social relations between Diné and Hopi.²⁶⁷ However, by 1930, a growing population of both Diné and Hopi on a constricted land base further complicated the administration of the JUA, so Indian agents began to plan segregation of the two tribes, ultimately leading to the creation in 1934 of the District 6 grazing area for exclusive Hopi use.²⁶⁸ Consequent to the establishment of District 6, Dewey Healing, acting on behalf of the Hopi nation, filed suit against Paul Jones and the Navajo Nation in the 1958 *Healing v. Jones* act to establish exclusive use of the 1882 executive order reservation, where the JUA was located; further legal action by Congress ensued in 1974 with the Land Settlement Act.

Just as the formation of District 6 by federal legislation attempted to adjudicate use between Diné and Hopi land through the new exclusive grazing district, the new boundary also produced the legal category of “trespass”. Assistant Secretary of the

²⁶⁴ Charles J. Kappler, editor. *Indian Affairs: Laws and Treaties, Vol. 1 (Laws)* (Washington: Government Printing Office, 1904), 805.

²⁶⁵ “Interview with Potential Relocatee: Katherine Smith, Southwest of Big Mountain, living on Hopi partition, interview done at her summer sheep camp, September 19, 1980”. MSS-617-BC, Box 7, Folder 34. Anita Parlow Sacred Lands Project, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

²⁶⁶ “Indian Agents’ Anthropological Views of the Diné and Hopi”. MSS-939-BC, Box 1, Folder 13. Ellen Kemper Papers, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

Interior Harrison Loesch, in a meeting with the Chairmen of both tribes, summarized this issue: “I agree that District 6 is Hopi ground and the Navajos have no business there. The problem of trespassing is there until we get the number of cattle down. I believe that it would be a very good thing for District 6 to be fenced. I recognize that the Hopis will not be willing to do that until they feel that such a fence will not prejudice them in regard to the joint use area.”²⁶⁹ The tension between exclusive land for each tribe and acts of trespass were a persistent problem in adjudication. As Loesch figured, the administration of the JUA contended with the particular interests of each tribe.

Indeed, what is significant about this timeline is how the problem of joint use, initially recognized as a problem to be addressed through hardened boundaries and segregation between the two tribes as early as 1928, continued to emerge under different conditions. At first, the issue orbited around issues of how to accommodate existing Diné-Hopi social relations while at the same time addressing concerns over soil conservation and the development of natural resources as revenue to either tribe. However, in this arrangement, the issues over hardened boundaries were always postponed until the techniques of segregation could be deliberated. Central to resolving this tension was to dissolve the particularity of an equal rights to land premise, such that “‘an orderly division of property [in land] not dissimilar [...]’ to other ‘property rights’ would be appropriate.”²⁷⁰ The dilemma of the JUA signals a logic of ownership and exclusion (and the consequent production of difference) that is central to the category of sovereignty. While the shared territory of Diné and Hopi land before the land dispute was connected to customary land use systems between families and members of the two polities, the spatial and temporal prerogatives of U.S. administration necessitated clear demarcations of territory. That is, in producing two discrete reservation entities that were before held as a unitary system, new social relations of difference and contestation emerged between the two tribes.

In the next section, I utilize some insights from border studies and critical legal studies to better grasp this relationship between the production of social difference and the hardening of territorial boundaries. This relationship speaks to how the social relations of Indigenous peoples are constantly shaped, transformed, and conditioned by the historical motion of dispossession, enacted here through relations of property in land as categories such as “trespass” are created. By bringing these two fields of study into conversation with each other, I bring attention to how federal Indian law shapes subjects in a way that hinges on the border as an “institution of governance”, such that the antagonism between settler and Native is relocated to forms of difference and stratification produced between Indigenous peoples.²⁷¹ Through this focus on the institutions of the border in their varied and elastic forms, I show how the practices of settler colonialism shift over time in “palpable, but unpredictable” ways.²⁷² Central to this investigation is how Indigenous peoples navigate these conditions in ways that

²⁶⁹ “Meeting Between the Navajo Tribe and the Hopi Tribe, July 7, 1972”. Box 1, Folder: Hopi-Navajo Dispute; Records Relating to the Hopi-Navajo Land Dispute, 1969-1972; Records of the Bureau of Indian Affairs RG 75; National Archives Building, Washington, DC.

²⁷⁰ “Indian Agents’ Anthropological Views of the Diné and Hopi”.

²⁷¹ Harsha Walia, “A World without Borders,” in Adom Getachew (ed.), *Imagining Global Futures* (Cambridge, MA: Boston Review, 2022), 67.

²⁷² Sara Berry, *No Condition is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa* (Madison, WI: The University of Wisconsin Press, 1993), 46.

make sense to them, often filtering those struggles through culture and customs. Whereas in the previous chapter, the category of culture and tradition mediated a legal mode of Indianness that worked to regulate Diné land use by positing it as mere cultural difference, in this chapter, I analyze the ways culture and tradition are employed as a mode of making relations with other dispossessed peoples.

Borders as Ordering Regimes and the Specificity of Diné/Hopi Life

A helpful intervention from the field of border studies has been the challenge to the stability of the border. Broadly, this field takes the border less as an immutable thing, but rather as an ever-changing and elastic process.²⁷³ What is central to this movement is how the border not only proliferates but also takes on a variety of forms through processes of heterogenization—it names not only a site, but also a complex formation spanning legal, cultural, social and economic components.²⁷⁴ That is, borders, through their flexible formations, reflect “sites of social and political contestation”, not just cartographic lines.²⁷⁵ However, in the context of the Navajo-Hopi land dispute, such an explanation merely reiterates the border as a taken for granted analytic in a manner that reflects the an assumption of nationhood as enclosed by discrete boundaries. Instead, the focus on processes of border formation as sites of social and political contention ought to stress the internally related nature of both Navajo and Hopi social systems and how settler colonial administration seeks to constantly circumscribe these relations precisely as relations of difference. In other words, the social relations of the JUA existed *through* the interrelation between Diné and Hopi land tenure, rather than as separate systems—their separation through relations of property is what constituted the problem.²⁷⁶ In this way, the division of the former joint use area (FJUA) into the NPL and the HPL functioned as an “ordering regime”²⁷⁷ that “affect[ed] the cultural, political, economic, and social integrity” of Diné and Hopi.²⁷⁸ The insights from border studies of the flexibility of such ordering regimes enacted through the institutions of the border also suggest their historical particularity, of the ways that borders are not transhistorical objects, but are produced through particular conjunctures.²⁷⁹

At the same time that the FJUA was being disassembled into the NPL and HPL, the categories of sovereignty and national-cum-tribal belonging were likewise undergoing complex transformations for both Diné and Hopi. We can understand this interaction between understandings and enactments of sovereignty and the implementation of new boundaries dividing the FJUA by thinking alongside critical legal studies. Namely, the interaction highlights how federal Indian law and policy shape Indigenous subjects as the subjects of new boundaries established through the

²⁷³ Harsha Walia, *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (Chicago, IL: Haymarket Books, 2021), 4.

²⁷⁴ Sandro Mezzadra & Brett Neilson, *Border as Method, or, The Multiplication of Labor* (Durham, NC: Duke University Press, 2013).

²⁷⁵ Rafeef Ziadah & Adam Hanieh, “Misperceptions of the Border” in *Historical Materialism* 31(3) (2023).

²⁷⁶ This line of thinking is influenced by work on relational geographies and comparison. For more on relational comparison, see for, example, Gill Hart, “Relational comparison revisited: Marxist postcolonial geographies in practice” in *Progress in Human Geography* 42(3) (2016), 371-394; Bertell Ollman, *Dance of the Dialectic: Steps in Marx’s Method* (Chicago, IL: University of Illinois Press, 2003).

²⁷⁷ Walia, *Border & Rule*.

²⁷⁸ Tone Bleie, Sheryl Lightfoot, & Elsa Stamatopoulou, “Introduction” in *Indigenous Peoples and Borders* (Durham, NC: Duke University Press, 2024), 2.

²⁷⁹ Ziadah & Hanieh, “Misperceptions”.

reservation and other land statuses such as the JUA. Under federal Indian law, Diné and Hopi life become administrative concerns, often personified through the figure of, first, the federal Indian agent, and later, the Bureau of Indian Affairs (BIA).²⁸⁰ The Indian agent and the BIA become tasked with the managing the reservation. This focus on the administrative figure, however, misses the mediation of Diné social formations by the material conditions of settler capitalism. Nevertheless, the Indian agent and BIA do figure as prominent fixtures. The relationship between the federal government, expressed through federal Indian law and policy, and the various Indigenous nations produce the political category of “wardship” that names a specific condition of Indigenous life under the particular historical context of settler colonialism.²⁸¹ Such an interpretation allows us to situate Diné and Hopi people as historical and political actors, navigating the conditions of dispossession as the processes of settler colonialism enacted new boundaries and borders in ways that fundamentally interrupted their endogenous social systems, including those of production, reproduction, and governance. As such, the enunciation of new administrative boundaries articulates with the production of new subjects that reiterates across different moments. I approach the land dispute as one such moment as part of a longer continuity that began with the formation of the reservation in 1868.

Often, the story of the so-called land dispute attributes the role of coal companies, such as Peabody Coal, needing signatories to begin coal processing.²⁸² While such an interpretation misses something of the agency of Diné and Hopi, it suggests the role of regional economic development in transforming Diné and Hopi worlds. This interruption of both Diné and Hopi life is significant here for understanding how fundamental Indian law and policy is to the accumulation of capital through the governance of the reservation border in its changing forms. In other words, legal forms complement commodity forms, such that the category of the person in Indian law is not only a biopolitical category marked by blood quanta and tribal enrollment, but also a proprietary one marked by abstract rights to property.²⁸³ Such an interpretation is important for understanding how social relationships between Diné and Hopi people were transformed from relations of cooperation and interdependency to relations of hostility by reworking the FJUA into the discrete boundaries NPL and HPL.²⁸⁴ The increasing legal definitions surrounding land during the partition of the FJUA served not only to render land as mere material object, but in doing so, also served to orient relations between Diné and Hopi people in a “proprietary manner.”²⁸⁵ We see this in Diné and Hopi contestations over access to grazing land specifically. For FJUA residents, the juridical production of both the NPL and HPL served to “label and

²⁸⁰ Raymond D. Austin, *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self-Governance* (Minneapolis: University of Minnesota Press, 2009).

²⁸¹ Mahmood Mamdani, *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities* (Cambridge: Harvard University Press, 2020).

²⁸² See for example Mudd, Victoria & Maria Florio, *Broken Rainbow* (Earthwork Films, 1985).

²⁸³ Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, NC: Duke University Press, 2018).

²⁸⁴ For select oral histories from families on these relations of interdependence and cooperation, see the edited collection, Malcolm Benally (ed. and trans.), *Bitter Water: Diné Oral Histories of the Navajo-Hopi Land Dispute* (Tucson: University of Arizona Press, 2011).

²⁸⁵ Rob Nichols, *Theft is Property!: Dispossession and Critical Theory* (Durham, NC: Duke University Press, 2020), 83.

categorize” NPL residents as distinct subjects apart from the Navajo Nation writ large.²⁸⁶ As I discuss in the final section, this process was dialectically related to the formation of new political identities and spaces among FJUA residents. In short, in the production of a special category of land through the implementation of borders between Diné and Hopi, Indian law also marked Diné and Hopi people as “abstract juridical person[s] as [people] with the right to own property.”²⁸⁷ The land dispute marked a moment of competing agendas of development between traditional Diné/Hopi and their opposition to their tribal councils, whom they felt, at best, were only the bearers of bad news, or at worst, making decisions behind their backs.²⁸⁸ That is, in delineating acceptable forms and processes of interaction and reproduction, the formation of the FJUA also, in doing so, produced the category of the person for Diné and Hopi people that was markedly different from understandings before held and practiced by both peoples.

What this section has attempted to elaborate is the complex interaction between borders as an ordering regime and federal Indian policy through the shared grammar of property. As new administrative boundaries, districts, and borders were implemented in the FJUA, forms of difference between Diné and Hopi people were exacerbated that affected respective understandings of sovereignty, community, and belonging. In the next section, I show, through a reading of the Western Area Regional Plan (WARP) and the Navajo Thaw Regional Recovery program, how the Navajo Nation addressed the land dispute through economic development projects as a different agenda of development than that envisioned by Big Mountain Diné. I use WARP and the Navajo Thaw as a foil to think through understandings of sovereignty from Big Mountain residents expressed through the logics of Diné fundamental law which I discuss in the final section.

WARP, Navajo Thaw, and the Technical Approach to Sovereignty

In an effort to induce discussions and negotiations over the land dispute, then Commissioner of Indian Affairs, Robert L. Bennett, in 1966, imposed a moratorium on development and improvement on an area of 1.5 million acres in the Western Navajo Nation—the so-called Bennett Freeze (BF). The freeze order defined development as “any new construction or improvement to the property and further includes public work projects, power and water lines, public agency improvements, and associated rights-of-way.”²⁸⁹ Importantly, the limits on improvement constricted family dynamics where extended families would share a household and pool resources. This restriction invariably led to conditions of overcrowding due to the inability of families to make additions to homes, as noted in a 1992 housing survey, where overcrowding represented the majority of issues affecting homes.²⁹⁰ Bennett envisioned that the development

²⁸⁶ Rima Krisst, “Dził Yijiin residents say 10 sheep unit reg threatens way of life.” *Navajo Times* Volume LIX, Number 09, 2020, A3.

²⁸⁷ Rebecca Carson, *Immanent Externalities: The Reproduction of Life in Capital* (Chicago: Haymarket Books, 2023), 96.

²⁸⁸ “The Impact of the Navajo Hopi Land Dispute: Teesto Chapter Report, 1979”. CM-MSM-349. Arizona Collection Small Manuscripts, Arizona State University Libraries, Tempe, AZ.

²⁸⁹ “An Act Relating to the relocation of the Navajo Indians and the Hopi Indians, and for other purposes”. P.L. No. 96-305, 94 Stat. 929.

²⁹⁰ “Housing Needs on the Former Bennett Freeze Area”. MS 292: Karan English Collection, 1978-1994, Box 133, Folder 1597: Legislative Files – Navajo Tribe – “Bennett Freeze” issue, Cline Library, Northern Arizona University, Flagstaff, AZ.

freeze would induce negotiations between the two tribal councils, but in doing so also instituted new conditions on how Diné could reproduce themselves.

For Bennett, development was a special category of federal Indian relations that enabled prior approaches in federal Indian law and policy that sought the termination and dissolution of tribes. To be more precise, development mediated the goal of termination, such that the unique political status of Indigenous peoples (expressed through the trust relationship between the federal government and tribal nations) would be eroded through forms of self-help and responsibility. Those ideals could be concretized through forms of federal aid. Development was attached to a moral order that held federal agencies responsible “to assist Indians to achieve goals of economic and social compatibility with the other peoples of th[e] country.”²⁹¹ Self-determination in this moral framework was a practice by which tribal governments would solicit federal aid, as they became “negotiators”.²⁹² In this becoming negotiators, the relationship with the BIA becomes one of coordination and advisement for the solicitation of federal aid, whereby the political significance of self-determination becomes “understood as responsibility”.²⁹³ This idea of responsibility would translate to strategies for community economic development through WARP, and later the Navajo Thaw Recovery program.

Across the nine communities affected by the BF, the development restrictions were most acutely felt through housing. Table 2 represents some of the challenges and their distribution related to housing across the former BF area, where overcrowding and non-structural repairs amounted for a vast number of the concerns. Today, the legacies of the BF have manifested in only 24% of houses being habitable, 60% having no utilities connections, and almost none having access to potable drinking water.²⁹⁴ Before the freeze was implemented, families in the disputed lands were given the option to resettle in newly acquired lands, mediated by the newly formed Navajo and Hopi Indian Relocation Commission (later restructured and renamed Office of Navajo and Hopi Indian Relocation, hereafter ONHIR). ONHIR was tasked with developing a relocation plan for Diné in HPL and Hopi in NPL. Importantly, the office was to:

- Take into account the adverse social, economic, cultural, and other impacts of relocation on persons involved in such relocation and be developed to avoid or minimize, to the extent possible, such impacts;
- Identify the sites to which such households shall be relocated, including the distance involved;
- Assure that housing and related community facilities and services, such as water, sewers, roads, schools, and health facilities for such households be available at their relocation sites.²⁹⁵

²⁹¹ “A Time for Decisions, A Time for Change: Address by The Hon. Robert L. Bennett, Commissioner of Indian Affairs at the Annual Convention of the National Congress of American Indians, Oklahoma City, Oklahoma, November 14, 1966”, Monument Project: Bennett Freeze, Illinois Mathematics and Science Academy, Accessed from: https://ircguides.imsa.edu/ld.php?content_id=80918841

²⁹² Ibid.

²⁹³ Adom Getachew, “The limits of sovereignty as responsibility” in *Constellations* (2018), 2.

²⁹⁴ Navajo Thaw Regional Recovery Program. “Remembering Forgotten Promises”. November 2020.

²⁹⁵ “An Act To provide for final settlement of the conflicting rights and interests of the Hopi and Navajo Tribes to an in lands lying within the joint use area of the reservation established by the Executive order of December 16, 1882, and lands lying within the reservation created by the Act of June 14, 1934, and for other purposes”. P.L. 93-531

Chapter	Urgent Repairs Needed	Home Construction	Medical Condition	Overcrowding	Repairs Needed	Bathroom Addition	Water	Electricity	New Home Needed	Hopi Contact for Illegal Construction
Tuba City	25	15	29	53	40	12	43	39	26	5
Tonalea	10	19	22	38	28	11	38	41	21	5
Shonto	2	0	0	0	3	1	0	0	0	1
Tolani Lake	2	2	4	0	4	0	2	0	0	0
Bodaway/Gap	49	15	16	97	82	7	34	36	108	7
Kaibeto	0	0	1	1	2	0	0	1	0	0
Coalmine	2	2	4	4	6	2	1	0	2	2
Coppermine	2	1	3	3	4	0	6	4	3	0
Cameron	3	10	14	17	16	2	5	10	15	7
TOTALS	95	64	93	213	185	35	129	131	175	27

Table 2: Bennett Freeze housing needs. Source: Northern Arizona University Special Collections.

Initially, then, relocation was posed as an administrative concern that recognized the impacts of relocation but sought to manage and ameliorate those impacts. This language of impact assessment concretized relocation as an inevitable process, and in doing so, obscured the political and legal processes that shaped how land could be inhabited through the conditions of ownership. In implementing the BF as a freeze on improvement and construction, the sphere of “material life” becomes an acute problem, especially surrounding issues of housing. This construction of the sphere of material life as a separate concern from the social and political experiences of Diné and Hopi life proffers a set of imposed conditions for relocatee families. The interventions offered to address the land dispute—such as ONHIR’s relocation plan, the Navajo Nation’s land purchase to resettle relocatee families—were situated in the specific moment when an emerging ontology of natural resources for the Navajo Nation came to be enacted through development throughout the reservation, namely coal mining projects.²⁹⁶ Settlement of the land dispute becomes subservient to this goal, such that “[i]nterventions and their targets change together.”²⁹⁷ Consequently, the process of underdevelopment is naturalized as the objects of development—the economy and the community—are removed from the experiences of relocation as a process of dispossession. In other words, “underdevelopment” becomes something “typical of the

²⁹⁶ Curley, *Carbon Sovereignty*.

²⁹⁷ Kareem Rabie, *Palestine is Throwing a Party and the Whole World is Invited: Capital and State Building in the West Bank* (Durham, NC: Duke University Press, 2021), 150.

reservation as a whole” that is only deeply felt in the BF as a space of exception, rather than a constitutive practice of settler colonialism.²⁹⁸

In fashioning the BF as a space of exception, the Navajo Nation came to approach resolution of the land dispute as a matter of economic development. In an early proposal, the strategists of WARP offered that,

As a provision of Public Law 96-305, the Navajo Nation was given the right to select up to 35,000 acres of public lands in New Mexico for the benefit of those affected by Public Law 93-531, the Navajo-Hopi Settlement Act or ‘Relocation Act.’ It was felt at the time that these people could be best benefited by the Nation acquiring lands which would generate jobs and revenues.²⁹⁹

Here, selection of lands to resolve the dispute were measured for their potential to buttress the emerging coal economy of the Navajo Nation. In addition to the coal reserves to be exploited for new sources of revenues and provide new forms of work via mining, the site of the land exchange here is rationalized for its potential to better integrate the Navajo Nation into the regional economy through the burgeoning population centers of the reservation and the towns that border the reservation. WARP’s proposal continues,

After appropriate studies were conducted, it was decided that the Paragon Resources Ranch area had the best combination of easily exploitable mineral resources and location as an employment center for the beneficiary population. This area, which includes rich coal reserves, is located in the ‘checkerboard area’ of the eastern Navajo Nation.³⁰⁰

The rationales offered by WARP reflect economic development as a process of wealth creation “through the mobilization of human, financial, capital, physical and natural resources to generate marketable goods and services.”³⁰¹ The abstract goals of mobilizing resources, however, occludes questions of the social in considerations of how economic and political problems are made sense of and addressed. Instead, the question of wealth generation becomes vested as a professional duty for those professionalized in the fields of the so-called economy (e.g., businesspeople, entrepreneurs, and investors).³⁰² For WARP strategists, the Paragon Resources Ranch as “the best combination” of elements for wealth generation misses something of the difficulties of wealth generation as an internal goal for the Navajo Nation, particularly as it relates to forms of land use regulations and its restrictions. Land use in the eastern agency—the checkerboard area mentioned—operates through a multiplicity of claims to both the

²⁹⁸ “Introduction: Western Area Regional Plan: Draft of Dec. 22, 1989”, MS 399, Box 193, Folder 26: Navajo-Hopi Nations Bennett Freeze Development., 1985-1993, Dennis DeConcini Papers, 1944-2008, University of Arizona Libraries Special Collections, Tucson, AZ.

²⁹⁹ “Proposed Dineh Power Project and Paragon Resources Ranch Coal Surface Mines”, MS 399, Box 191, Folder 13: Interior: Bureau of Indian Affairs, 1989, Dennis de Concini Papers, 1944-2008, University of Arizona. Tucson, AZ.

³⁰⁰ Ibid.

³⁰¹ Michael E. Porter, “New Strategies for Inner-City Economic Development” in *Economic Development Quarterly* 11(1) (1997), 12.

³⁰² Bennet Harrison & Amy Glasmeir, “Response: Why Business Alone Won’t Redevelop the Inner City: A Friendly Critique of Michael Porter’s Approach to Urban Revitalization” in *Economic Development Quarterly* 11(1) (1997), 28-38.

surface land but also to the subsurface mineral estates below.³⁰³ Any form of development is complicated by the “jurisdictional complexit[ies]” resulting from the patchwork of land use and title in this region of the Navajo Nation.³⁰⁴ The problems associated with the land dispute—the issues of jurisdiction and land use—were merely reiterated in partially altered but structurally identical form.

Big Mountain Diné and the Refusal of Partition

“We continue to work in solidarity with other indigenous nation [*sic*] throughout the Western Hemisphere to give notice to the world communities that we here in Big Mountain see similarity in how we are oppressed by the system that brings terror to Palestine, Central America, in the Hopi Sovereign Nation in the name of U.S.A. for the benefit of corporate interest.”

- Roberta Blackgoat & Kee Shaw³⁰⁵

“I don’t know what’s going to happen years from now. The way I see it is like the other countries, Iran, they are against American people. They are against our ways of government and I don’t blame them because he [the government] can turn around and stab you, too. I think what America stands for is all a lie. It’s not really the way it should be. It’s just all really big capitalism. That’s how they work. That’s the way I believe and the P.L.O. [Palestine Liberation Organization], I think they’re something like us people around from Big Mountain. They’re our kind.”

- Sally Tsosie, 09/20/1980 interview³⁰⁶

In this section, I think through the struggles of Big Mountain Diné against the partition of their lands through the new designations of NPL and HPL. By thinking alongside the Big Mountain Diné Declaration of Independence, I suggest that the partition of the FJUA was productive of a new political identity for Big Mountain Diné. The new boundary functioned as a site of “co-constitutive interaction [...] where competing notions of political time, political space, and political identity”³⁰⁷ shaped their expressions of sovereignty and independence. As I discuss below, rather than reify the territorial enclosure of land and social relations that is often a requisite for understandings of colonial sovereignty, Big Mountain Diné assertion of sovereignty instead stressed coexistence and solidarity with other colonized peoples that transgressed the discrete boundedness implied by contemporary understandings of sovereignty. What residents of the FJUA understand is how relocation was constitutive of changing relations of production in the Navajo Nation as a global process. FJUA residents apprehended the conditions of colonial transformations in land as embedded in broader processes of colonial capitalist accumulation as a global process, in which, as Sally Tsosie’s interview shows, they recognize other colonized peoples as their “kind”. In analyzing their “particular historical trajectory of [...] coexistence with capitalism” as hinging on transforming their relationship to land, the testimonies from Big Mountain

³⁰³ Silas Grant, “Gridlock: Infrastructure and Jurisdiction in Eastern Navajo Agency” in *Antipode* 57(1), 169-192.

³⁰⁴ *Ibid*, 177.

³⁰⁵ “Statement to the Senate Select Committee”

³⁰⁶ “Interview with Potential Relocatee: Sally Tsosie, Big Mountain, home of Joe and Alice Benally, September 20, 1980”. MSS-617-BC, Box 7, Folder 34. Anita Parlow Sacred Lands Project, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

³⁰⁷ Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations* (Minneapolis, MN: University of Minnesota Press, 2007), xix.

Diné speak to the centrality of land to their lives and political orders.³⁰⁸ More than that, however, this understanding as mediated by a grasping of broader colonial imperialist transformations speaks to an idea of land as historically determined by those processes, as well. This is an understanding of fencing and partitioning that connected those practices to broader colonial capitalist social relations, rather than emerging from the actions or words of administrators or bureaucrats. To appreciate their analysis, we must also understand how their actions speak from a specific social location of Dinéness where the land was perhaps more central to their lives than other Diné communities.

In trying to explain why some families might refuse relocation, BIA administrators opted for a functional interpretation whereby families might refuse because of the function the land played in their ability to herd sheep. In a range management report on new parcels of land selected for potential relocation, range scientist Don Lyngholm noted,

[T]he remaining families on HPL are mostly associated with grazing. These people will benefit most by relocating to the new lands because they will have use of more grazing land and will more likely acquire larger grazing permits than they now have or had in the past. [...] The families with the least to gain in relocating to the new lands are non livestock [*sic*] people. It is likely that these families will choose to relocate to areas where family support exists.³⁰⁹

What is important here is how the political boundaries produced through the NPL and HPL were further articulated with ecological boundaries through grazing districts and ecological carrying capacity. We see here how the political boundaries articulate with ecological boundaries to restructure the system of Diné and Hopi reproduction. What is more, this recognition by Lyngholm suggests that settler colonial impact on Diné and Hopi people was carried out less as a totalizing process, but emerged under moments of already existing social differentiation within and among the two tribes, manifested in the uneven distribution of livestock ownership. Such an insight is important to understand, since it emphasizes that while the implementation of new boundaries and demarcations of land sought to implement new social relations between Diné and Hopi people, the impacts of such processes were situated in specific communities that had pre-existing relations governing land use and community. That is, different Diné and Hopi communities had different relationships to land at an epistemological level, but also as land was central to their production of themselves as Diné or Hopi as such. By analyzing the specificity of the local communities in the FJUA we are better equipped to analyze the heterogeneity of Diné and Hopi people as they are uniquely situated against the forces of settler colonialism and capital accumulation, rather than flattening their agency under the rubric of Indigenous.³¹⁰ Lyngholm's comments reflect the nature of Diné class structure as a structure mediated by varying relationships to land. The structure was organized according to a tiered system:

A. The very poor (bich'janídahazt'i'ígíí), who subsist by a combination of welfare, menial jobs or herding sheep for their more well-to-do neighbors.

³⁰⁸ Michel-Rolph Trouillot, "Caribbean peasantries and world capitalism: An approach to micro-level studies" in *New West Indian Guide/Nieuwe West-Indische Gids* 58(1/2) (1984), 44.

³⁰⁹ "Wallace Ranch, 1985". MS 292, Series 3, Box 21, Folder 574, Don Lyngholm Collection, 1927-1993, Cline Collection, Northern Arizona University, Flagstaff, AZ.

³¹⁰ Benita Parry, "Edward Said and Third-World Marxism" in *College Literature* 40(4) (2013), 105-126.

B. Those who make a living by means of livestock alone (dibé t'éiyá yee dahinánígíí), this group can be subdivided further according to how comfortably they manage to get by on stock raising.

C. The well-to-do (t'áá yá'át'éehgo dah ninanígíí), who live not only by means of livestock but also by substantial political or administrative career jobs.³¹¹

In short, the heterogeneity of social form and formation in the Navajo Nation at this moment leads different communities to different strategies regarding federal intervention in their lands. Nevertheless, the consideration above regarding the incentive of increased grazing permits to families on HPL speaks to a strategy of border governance theorized as “commodified inclusion”³¹² as a mode of labor discipline. In such a scenario, Diné families are either motivated to leave the disputed lands for newly acquired exchanged lands with a higher carrying capacity so they can augment their stock-raising efforts, or through an abandonment of the stock-raising and land-based subsistence system altogether for work in the burgeoning reservation border towns. Here then, we get a sense of the dynamic by which Diné labor and land functioned as co-constitutive elements of Diné class structure as it took shape under conditions of settler colonialism. Big Mountain Diné spoke from a particular location in this class structure. The changing definitions of land and new grazing regulations suggest a dynamic where wage work or proletarianization was not the sole process at play for the development of capitalism in Dinétah. As early as 1937, forms of “hybridity” were present that rendered class less as a relationship to the means of production and more as a certain relationship to land.³¹³ For example, Table 3 delineates the gross income for Land Management Unit 1 (encompassing the communities Tonalea, Kaibeto, Lechee, and Coppermine) in 1937 as follows:

	Total commercial Income (\$)	Total Non-Commercial Income (\$)	Gross Income (\$)	Percent of Income
Wages	11,484.68		11,484.68	12
Livestock	32,681.74	21,127.00	55,808.74	58
Agriculture	444.08	10,633.10	11,077.18	12
Rugs	13,213.78		13,213.78	14
Miscellaneous	3,227.19		3,227.19	4
TOTALS		31,760.10	92,811.57	100

Table 3: Land Management Unit 1 gross income. Source: Range Management Branch Report, Unit 1, May 1937 (University of Arizona Libraries, Tucson, AZ)

The category “Total commercial income” is further delineated into several categories:

WAGES		\$11,484.68
[Soil Conservation Services]	\$660.10	
[Emergency Conservation Works]	\$8,626.68	
[U.S. Indian Service]	\$1,320.00	
Traders	\$877.90	
LIVESTOCK AND LIVESTOCK PRODUCTS		\$32,681.74
Sheep, Goats, and Lambs	\$4,314.73	
Cattle	\$4,394.72	
Wool and Mohair	\$21,885.42	
Pelts	\$1,081.53	
Meat	\$1,005.34	

³¹¹ “The Impact of the Navajo Hopi Land Dispute: Teesto Chapter Report, 1979”, CM-MSM-349. Arizona Collection Small Manuscripts, Arizona State University Libraries, Tempe, AZ, 5.

³¹² Walia, *Border & Rule*, 85.

³¹³ Jairus Banaji, *Theory as History: Essays on Modes of Production and Exploitation* (Chicago: Haymarket Books, 2010), 345.

AGRICULTURAL PRODUCTS		\$444.08
Corn	\$441.78	
Melons and Squash	\$1.30	
Peaches	\$1.00	
RUGS		\$13,213.78
MISCELLANEOUS		\$3,227.19
Pinons	\$2,349.11	
Jewelry and Baskets	\$353.76	
Wood (including posts)	\$524.32	
TOTAL		\$61,051.47 ³¹⁴

We see then, how formal wages constituted only a small part of how Diné reproduced themselves. Changing regulations around land, particularly grazing rights, would shift this coupling of land and labor. Nevertheless, this understanding of class as a relationship to land brings into focus the political salience of resistance to relocation as resistance to the process of capitalist “incorporation” in Diné lands as “a highly uneven and porous process”.³¹⁵ This resistance was expressed through a Diné framework of connection to land as a specific “system of representation”, which we can bucket under the umbrella culture.³¹⁶

Culture provides a useful point of departure for understanding and assessing the material interests invoked by Big Mountain Diné in their declaration of independence. In their declaration, the insistence on acts of violation from both the federal government and the Navajo tribal council due to the extraction of natural resources, noting,

Our Mother Earth is continuously raped by the exploitation of coal, uranium, oil, natural gas, and helium. Our Father Sky has been contaminated by the poison from burning coal and the radiation from uranium mining. Our sacred water has been abused, so that now there is no certainty for the future generation.³¹⁷

They further locate how the Land Settlement Act served to divide the sovereignty of the Diné and Hopi Nations, as a disruption of their spiritual and traditional ties.³¹⁸ In their list of demands, they also call the tribal council to “void and nullify all court decisions and administrative actions concerning the partition of the JUA, relocation of certain Diné residents in the affected area, livestock reduction and partition fencing.”³¹⁹ The demands for reunification of the FJUA are made following an explanation of the natural laws that govern the life and reproduction of both Diné and Hopi peoples. Thus, Big Mountain Diné concentrate on the ways that partition serves to dislocate their sense of reproduction and futurity. Culture as a system of reproduction, then, allows Big Mountain Diné to locate their political struggle as one over demarcations of land in a way that casts sovereignty through that language; political power emerges from a

³¹⁴ “Range Management Branch Report, Unit 1, May, 1937”, AZ 124: Land management survey, Navajo Indian Reservation reports, Box 1, Folder 1: Unit One, ca. 1930-1938, University of Arizona Special Collections, Tucson, AZ.

³¹⁵ Caleb M. Bush, “Subsistence Fades, Capitalism Deepens: The ‘Net of Incorporation’ and Diné Livelihoods in the Opening of the Navajo-Hopi Land Dispute, 1880-1970” in *American Behavioral Scientist* 58(1), 171-196.

³¹⁶ Stuart Hall, “The Problem of Ideology: Marxism without Guarantees” in Gregor McLennan (ed.) *Selected Writings on Marxism*. (Durham, NC: Duke University Press, 2021 [1983]). 134-157, 150.

³¹⁷ “Proclamation of the Big Mountain Diné Nation Declaration of Independence”. MSS-617-BC, Box 7, Folder 12. Anita Parlow Sacred Lands Project, Center for Southwest Research University of New Mexico, Albuquerque, NM.

³¹⁸ Ibid.

³¹⁹ Ibid.

specific relationship to land. Sovereignty at this moment, then, is produced as a historical form that shifts in relations to the structures of settler colonial dispossession.

Such an assessment has resonances with how Guinea-Bissauan thinker and revolutionary Amílcar Cabral understood the role of culture in national liberation struggles. Cabral understood the political role of culture as allowing a people to take from the past that which was politically useful while adapting, “in the general framework of the struggle for progress”³²⁰, that which must be received from elsewhere. A similar dynamic was understood to be happening in the FJUA, whereby the policies of relocation and border formation were understood as a “negation of the *historical process* of the dominated people by means of violently usurping the free operation of the process of development of the *productive forces*.”³²¹ For residents of the FJUA, the legal creation of acts of trespass in the HPL had the consequence of instituting relations of dependency. Kiidiinii Katney notes, “So my people have been driven into heavy poverty [*sic*] and so like before this government was created my people were just into their own survival. Being able to harvest every year and have livestock and there were no problems.”³²² Kiidiinii further understands that the negation of this historical process of dependency is national liberation, enacted through the declaration of independence, noting,

And that’s [declaring independence] the only way that we can be able to be strong as a [sovereign] nation is to be independent and not recognize the public government or the United States Government. The only reason they give money for many different projects and they are imperilists [*sic*] here in this country was because they know how to do it. They’ve done it all over the world and they’ve done it to the Indian people already, but they haven’t wipe us out yet.³²³

By understanding this moment as constitutive of the dynamics of settler colonialism and imperialism rather than as a discrete moment in time, Kiidiinii Katney and other FJUA residents are able to rework the categories of sovereignty as an international expression of kinship. Such an expression of sovereignty is one that utilizes an understanding of culture as also an expression of the class character of Diné social systems, but not reducible to that expression; Big Mountain Diné sovereignty is better understood as conditioned by the entailments of historically and culturally contingent political struggle over land.³²⁴

In this section, I have situated the Big Mountain Diné struggle against relocation as a moment to think more about a grassroots expression of sovereignty as kinship with other colonized subjects. For Big Mountain Diné, there were resonances in how their lives were conditioned by settler colonial partition of their lives with struggles in Central America and Palestine. Through the refusal to relocate, they stage an “embodied

³²⁰ Amílcar Cabral, *Return to the Source: Selected Speeches of Amílcar Cabral* (New York, NY: Monthly Review Press, 1974), 52.

³²¹ Ibid, 42, emphasis in original.

³²² “Interview with Potential Relocatee: Kiidiinii Katney (tiibahe), Big Mountain, Hopi Partition, August 2, 1980”. MSS-617-BC, Box 7, Folder 34. Anita Parlow Sacred Lands Project, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

³²³ Ibid.

³²⁴ Nadasdy, *Sovereignty’s Entailments*.

structural critique”³²⁵ of the dynamics of U.S. imperialism as a “transit.”³²⁶ Such critique apprehends the elastic nature of borders as sites of contention, but also recognize that even as these boundaries serve to divide people, ideas, and things, they also serve as a mediating device, bringing together the recognition of shared political struggle.³²⁷

Conclusion

In 1868, upon return from the Bosque Redondo military incarceration in New Mexico, new demarcations between Navajo and Hopi land complicated coexistence, with exceptionally tense moments during the Navajo-Hopi land dispute. At a particularly wrought moment, Diné people confronted BIA police and Hopi rangers about the construction of a fence at the Navajo/Hopi boundary line, resulting in some Teesto residents disarming the rangers.³²⁸ Years later, similar events would reoccur in NPL and HPL, in which Hopi rangers would confiscate sheep from Diné families exceeding the number of sheep on their grazing permits.³²⁹

At the same time that the problem of the land dispute would litigate the conditions of ownership through categories such as use and occupancy delineated by novel administrative boundaries, the demarcations of land helped to produce varying narrations of land. In a 1992 District Court ruling that would seem to settle the land dispute in favor of the Navajo Nation, Hopi Chairman Vernon Masayesva would tease out some of the competing narrations around land that would be eclipsed by the court ruling. On the one hand, Masayesva would point to Hopi practices that implied Hopi land ownership and jurisdiction through an ethics of responsibility and care accomplished through religious practices, rather than use and improvement.³³⁰ On the other, Masayesva would lament how the JUA enabled a monetary devaluation of land through a shared grazing regime with the Navajo, with the consequence that they were entitled to \$56.9 million in restitution to restore the land from damage caused by Navajo overgrazing.³³¹ In the latter case, land was treated as fictitious capital, “as a pure financial asset which is bought and sold according to the rent it yields[,] [to be] traded [as] a claim upon future revenues, which means a claim upon future profits from the use of the land or, more directly, a claim upon future labor.”³³² While Masayesva assessed a monetary devaluation of the land from Navajo overgrazing, he at the same time expressed the particularity of Hopi land tenure as enacted by religious pilgrimages and practices.

Masayesva’s comments suggest the impossibility of treating land as a pure financial asset, since Masayesva’s assessment did not hinge exclusively upon the revenues to be extracted from the future use of the land, but of how the land itself is

³²⁵ Nichols, *Theft!*, 85.

³²⁶ Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis, MN: University of Minnesota Press, 2011).

³²⁷ Mezzadra & Neilson, *Border as Method*.

³²⁸ Emily Benedek, *The Wind Won’t Know Me: A History of the Navajo-Hopi Land Dispute* (Norman: University of Oklahoma Press, 1999 [1992]).

³²⁹ Donovan Quintero and Cindy Yurth, “Diné ranchers protest Hopi impoundments” in *Navajo Times* Vol. LIII, No. 45. November 06, 2014.

³³⁰ George Hardeen, “Who was here first does not seem to matter” in *Navajo Times* Vol. XXXII, No. 40. October 1, 1992.

³³¹ Anthony Sommer, “Trial opens in Hopi suit alleging tribe got damaged land in split” in *The Phoenix Gazette*. July 29, 1992.

³³² David Harvey, *The Limits to Capital* (New York, NY: Verso, 2006 [1999]), 347.

constitutive of Hopi identity and being. Here then, we get a sense of the peculiar nature of land title in the United States as it relates to Indigenous peoples, namely the nature of land held in trust by the federal government. In short, this political status of land creates a situation where the political and economic development of Indigenous lands are unable to exercise an autonomous trajectory. Instead, the administrative and bureaucratic holding of land often forfeits a long-term agenda of development.³³³ Such a scenario was made especially clear when the Navajo Nation tried to halt the transportation of uranium through the reservation, as I gestured to in the introduction of this dissertation.³³⁴ While the nation was unable to stop the transportation, their attempt to halt the movement suggests the subsumption of Indigenous understandings and practices of sovereignty for settler colonial jurisdictions. The political space and political time of Big Mountain Diné is instructive for understanding how sovereignty ought to be reconfigured as an expression of defense of life and earth, contra the project dividing the land.

What this space-time reveals is the disjuncture inaugurated by settler colonialism for Diné understandings of land. Consequently, that disjuncture implies not a reclamation of the monarchical sovereign of Western power, but rather a “right to be responsible” to other Diné, Hopi, colonized peoples, and the land.³³⁵ The transformation of land into soil and sheep into wool-producing machines name different iterations of that disjuncture that were compounded here. Indeed, the implementation of new land use statuses that were fenced off could only be implemented through prior work of disarticulating land and livestock from the lives of Diné. This chapter detailed a specific moment in Diné history where Diné people made a defense of sovereignty that was rooted in this understanding of land as central to their selves as Diné. In doing so, they were not defending the monarchical understanding of sovereignty, but a wholly opposed understanding instructed by Diné *bahane’* where to be Diné is to have a responsibility with the land.

³³³ Navajo Nation president Peter Macdonald noted as much during comments regarding amendments to the Land Settlement Act in 1987. He noted, “One of the principal concerns [regarding the Land Settlement Act], that has been raised over the years by the Navajo Tribe, relocatees and others is the lack of a long-term plan.” “Testimony of the Navajo Nation Before the Senate Select Committee on Indian Affairs Hearing on S.1236”, MSS-939-BC, Box 1, Folder 4, Ellen Kemper Collection, Center for Southwest Research, University of New Mexico, Albuquerque, NM.

³³⁴ Felicia Fonseca, “Navajo plans to test limit of tribal law restricting the transportation of uranium on its land” in *Associated Press*, October 3, 2024.

³³⁵ Joel Wainwright and Geoff Mann, *Climate Leviathan: A Political Theory of Our Planetary Future* (New York: Verso, 2018), 196.

CONCLUSION: consent not to kill a universe³³⁶

In this dissertation, I have analyzed processes whereby settler colonial power was reproduced through transforming Diné relationships to land. Alongside those processes, however, Diné people negotiated those transformations by refracting them through the worldviews and frameworks of Diné life “in [its] entire structure of meanings and feelings”.³³⁷ In the preface, I suggested that Diné return to Dinétah was nevertheless still conditioned by the constraints of U.S. settler colonialism. That is, even after negotiating the genocidal policies that culminated in relocation and incarceration, Diné people in the present continue to remake themselves and the land, but not under conditions of their own choosing. These constraints—the technical rendering of land into soil under exacerbating conditions of environmental change, the biological engineering of sheep for the production of commodities, and the partition of land—initiated new ways of being with and relating to the land. Despite such transformations, however, Diné people navigated those constraints by “us[ing] what [was] available to make a place in the world.”³³⁸ Namely, Diné people used Diné frameworks and culture to make a Diné place in a changing world. Indeed, culture was not a “transitional category of identification [...] to transcend” but was and continues to be a foundational way to navigate settler capitalist changes by establishing a system of protocols for relating to the land.³³⁹ In this conclusion, I briefly reflect on the three figures I have discussed throughout this dissertation and the processes of settler capitalist transformation they encapsulate to understand the competing functions of land in organizing proper relations among Diné on the one hand and its abstraction in forms of settler capitalist accumulation on the other. I briefly revisit the figures to understand how their historical movement from Diné worlds to the “*colonialscapes* [that] displace Indigenous ontologies” must contend with the preservation of the sublated as both cancelation and preservation.³⁴⁰ This is to think conjuncturally of how contradictory forces come together at particular moments in time. For Diné, land, in its historical becoming as property under settler capitalism, was related to shifts in sovereignty as politico-ethical concept. As discussed in the last chapter, Diné defense of sovereignty was not a defense of the monarchical concept of sovereignty but named a wholly different conception that named a particular relationship to land. Each of the figures name a certain transformation in Diné life that reiterated a disjuncture between Diné and settler worldviews.

In chapter one, I considered how, through the work of soil science and geology, Dinétah was rendered into eighteen land management units. This inaugurated colonial relations of resources “to control both time and space to secure settler and colonial [and capitalist] futures.”³⁴¹ In chapter two, I examined development as improvement in projects to improve sheep and livestock. Just as land was negated in prior moments, sheep were likewise turned into machine-like creatures to produce wool for rugs as

³³⁶ “consent not to kill a universe” is a riff of Fred Moten’s trilogy “consent not to be a single being”.

³³⁷ Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 243.

³³⁸ Ruth Wilson Gilmore, “Forgotten Places and the Seeds of Grassroots Planning” in *Abolition Geography: Essays toward Liberation* (New York: Verso, 2022), 410-448, 419.

³³⁹ Coulthard, *Red Skin, White Masks*, 153.

³⁴⁰ Andrew Curley, “Resources is just another word for colonialism” in Matthew Himley, Elizabeth Havice, & Gabriela Valdivia (eds.), *The Routledge Handbook of Critical Resource Geography* (London and New York: Routledge, 2022), 79-89, 79, emphasis in original.

³⁴¹ Max Liboiron, *Pollution is Colonialism* (Durham: Duke University Press, 2021), 36.

commodities. The temporal relation of improvement abstracted the ecologically specific relations of weaving as a global market for Navajo rugs development. Finally, in chapter three, I analyzed the so-called Navajo-Hopi land dispute, where Big Mountain Diné elders asserted a new framework of sovereignty as solidarity with a global colonized population at the same time that federal officials implemented new land use statuses separating Diné and Hopi peoples.

If land for Diné people has the function to produce Dinétah as the space and time of right relations, then what do the above moments suggest of the form and function of land for Diné in the settler capitalist context today?³⁴² What do contemporary Diné struggles against their reiteration suggest? To reflect on these questions, I return to the scene of Diné opposition to uranium transport that opened this dissertation.

Uranium production began on the reservation in 1948 and reached its crescendo in 1956.³⁴³ Before 1948, the United States relied on uranium ore from foreign sources, until the U.S. Atomic Energy Commission (AEC) guaranteed a price and purchase of domestically produced uranium ore. As domestic production of uranium ore increased following the AEC's purchase guarantee, Navajo laborers—primarily, if not exclusively men—constituted the bulk of the miners in the Colorado Plateau, with mines both on and off the reservation.³⁴⁴ For these laborers, jobs in the mines were welcomed as “[w]ork [that] was available close to home.”³⁴⁵ In lieu of the mining jobs, many Diné would engage in railroad work far off from the reservation in places such as Denver and Nebraska.³⁴⁶ In other words, the mining jobs allowed Diné to remain close to the reservation with their families. Thus, uranium and mining tell us something of the structure of settler colonial power that compels Diné labor. The opposition to uranium ore transport was situated in this history. Transforming the land into mineable material through the ontology of resources is a “distinctive strateg[y] for mobilizing labor under particular material and social conditions.”³⁴⁷ Before uranium was mineable material, Diné simply called the material *léétsoh* (yellow dirt). The AEC's purchase guarantee bolstered the political economy of war as this yellow dirt came to be valued for its radioactive isotopes. This disjuncture in meanings was further pronounced when the Navajo Nation Council passed the Natural Resources Protection Act in 2005, where

³⁴² We will recall from the preface that Diné bahane' recounts Diné being in the world as a movement from disharmony to harmony. Diné exist in this current world, Dinétah, as the result of this movement. That is, Dinétah can be considered through its form as delineated by the space of the Diné sacred mountains, but it also has a function to order proper relations and ways of being in the world because of its production from prior moments of disharmony and chaos. This line of thinking about the distinction between form and function is motivated by Jasper Bernes on his thinking of the form and function of the communist party, *The Future of Revolution: Communist Prospects from the Paris Commune to the George Floyd Uprising* (New York: Verso, 2025). Bernes writes, “The party is not simply a form, an organization, but also a content, a function—that is to say, the overcoming of capitalism and the production of communism” (148).

³⁴³ Doug Brugge & Rob Goble, “The History of Uranium Mining and the Navajo People” in *American Journal of Public Health* 92(9) (2002): 1410-1419.

³⁴⁴ Ibid.

³⁴⁵ Doug Brugge & Timothy Benally, “Into the Nuclear Age as a Hand Mucker: Interview with Navajo George Tutt, Former Uranium Miner”, Translated by Esther Yazzie Lewis & Timothy Benally, *New Solutions* 9(2) (1999): 195-206, 200.

³⁴⁶ Ibid.

³⁴⁷ Battistoni, *Free Gifts*, 109.

uranium was classified as *doo naal yee dah* (those substances which should not be disturbed).

In short, land as socially mediated by capitalist social forms vis-à-vis the abstraction of value speaks to a divergence between how it is assigned meaning by Diné and the settler capitalist. In its historical becoming as soil, commodity, and fenced land, land expresses a material condition of sovereignty as the capacity for Diné to remain Diné as a relation to Dinétah. This is a wholly different expression of sovereignty that departs from the monarchical, Westphalian framework. In each iteration of land, that capacity for sovereignty changes as a concrete expression of land's social and material mediation by U.S. settler colonial capitalism at particular moments. As Diné opposed the transport of uranium through the reservation, they spoke of the deathly history of uranium in their lands through explosive rates of cancer and abandoned mines. That is, their refusal was an accounting of responsibility for the historical choices of uranium mining as a form of unfreedom or compulsion under settler colonialism. This mode of unfreedom was contingent upon the destruction of a "Navajo way of life" and "kill[ing] [the] whole Navajo universe".³⁴⁸ In tethering their understanding of land and sovereignty as the capacity to make proper relations with other Diné and the land, Diné do not speak of land as outside the structures of settler colonialism and capitalism but speak of how those structures oblige a practice of non-responsibility achieved through specific social and material relations; soil, sheep, and fences speak to these specific moments. To speak of land and sovereignty in their co-constitutive historical becoming then is to imagine other choices that might be made.

³⁴⁸ Patrick Lohmann, "Uranium transport through Navajo Nation sparks concerns in New Mexico" in *SourceNM*, April 7, 2025. <https://sourcenm.com/2025/04/07/uranium-transport-through-navajo-nation-sparks-concerns-in-new-mexico/>

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