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**UNSETTLING ACCOUNTS:  
LIFE, DEBT, AND DEVELOPMENT IN THE  
MIDDLE RIO GRANDE VALLEY**

by

**SAMUEL KARRIGAN ROBISON MARKWELL**

**B.A., ANTHROPOLOGY,  
UNIVERSITY OF NEW MEXICO, 2009**

THESIS

Submitted in Partial Fulfillment of the  
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**ABSTRACT**

This thesis reexamines the history of the formation of the Middle Rio Grande Conservancy District (MRGCD) during the first half of the twentieth century. Previous histories have either uncritically celebrated the MRGCD, or have been critical of its formation because of the way it negatively affected Mexicano/Hispano farming communities. This thesis extends the critical literature by situating the MRGCD as a formation of settler colonialism and attending to the ways it affected Pueblo Indian Nations. I argue that the MRGCD, ostensibly designed to “protect life and property” in the valley, was actually concerned with securing forms of life and property that were productive for capital accumulation and settler national life. In so doing I aim to emphasize the ways that settler colonialism structures development efforts in ways that negatively affect Indian/Native nations, as well as the ways it extends forms of anti-Indian racial devaluation to create and mark the difference between the dispossessed and possessed within the settler community itself.

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## Introduction

The Albuquerque Chamber of Commerce hosted a luncheon for the Congressional Committee on Indian Affairs on May 17, 1920. During the luncheon Pablo Abeita, a political leader from Isleta Pueblo, spoke about how flooding and salinization of farmland in the Middle Rio Grande valley was affecting the southern Pueblo Indian Nations (Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta). He began his speech by foregrounding the commonplace white devaluation of Indian life that prevailed in the U.S.:

[A] great many people believe, and I have heard a good many say, that the Indian is a good-for-nothing human, made of scraps of meat and bones, with some blood and no brain. This is not a very good compliment; the white men don't even allow us one for one.<sup>1</sup>

Abeita contrasted this racial devaluation with the material contributions that Indians had been called on to make to the U.S., and leveraged these contributions (e.g. conscription into the armed forces during World War I) to call on U.S. settlers for material reparations. Specifically, Abeita was concerned with how settler practices of land and water expropriation had created new problems for the Pueblo Indian tribes:

We need your help which we did not some 300 years ago; but now that you have gobbled up all our help and means of our help, it remains for you to help us, and help you can if you will. If we run short of water in this valley, it is all on account of you who came, and if we are flooded with alkali, it is on account of you who came. If we run short of water, and if we are flooded with it, it is because you who came are diking and damming the river thereby causing the water under the ground to raise, thereby when we sow wheat we raise alkali; all this is done because of you who came....drain the land and not the Indian. If you drain our lands you will only be repairing a loss which came upon us by your coming upon us.<sup>2</sup>

Abeita's speech, delivered to an audience of white congressmen and local political and business leaders, articulated the condition of the valley in terms of degradation that

resulted from the activities of settlement. In so doing, Abeita was refuting prevailing settler sentiments that settler presence unequivocally improved the conditions of Indians.<sup>3</sup>

Abeita challenged settler sensibilities and the prevailing distributions of resources, calling for settlers to become accountable to the settler role in producing Native<sup>4</sup> poverty and vulnerability, which were normally disavowed and/or attributed to “natural” or “pre-colonial” conditions. In other words, Abeita was calling for an acknowledgement of wrongdoing on the part of settlers who had dispossessed the Pueblo nations of much of their homelands. Instead of acknowledging settler state and society as implicated in ongoing wrongdoing and violence, settlers tended to position themselves as bearers of improvements to Native life that indebted Natives to settler state and society. In reversing these terms, Abeita was pushing against U.S. efforts aimed at liquefying tribal relations and assimilating the bodies and lands of Indians into settler society through citizenship, land expropriation, and blood-quantum requirements. By articulating his call for a local reparative development project through a refutation of the U.S. assimilative project, Abeita gestured to a different way of knowing and problematizing the motivations for and effects of settler colonial development.

At the time of Abeita’s speech in 1920, settlers had been colonizing the valley for three centuries. But in the decades since the arrival of the transcontinental railroads in the 1880s the intensification of natural resource extraction had transformed the landscape of New Mexico. The railroads hastened the influx of U.S. settlers, capitalist resource extraction industries and credit systems into the Middle Rio Grande region. These activities, in forming the infrastructure of a new organization of economic production, had wide ranging effects. Creditor-driven grazing practices and appropriation of stream



waters by new settlements (mostly for mining and agriculture) aimed to produce surplus value, but they also produced erosion and the aggradation of the river valley.<sup>5</sup> The cumulative effects of these practices created the conditions for intense flooding. Spring and summertime floods transformed some agricultural villages into swamplands and salt beds, and occasionally shifted the path of the Rio Grande through cities. Downtown Albuquerque, the financial center of New Mexico, was in a path the river would flood through, shutting down the city and causing property damage. These material conditions, brought about largely through processes of settler development, threatened the cumulative flow of capital. The situation presented too much friction and insecurity for investors, and regional banks and creditors ceased lending to entrepreneurs in the valley in the late 1910s.<sup>6</sup> These conditions stood in the way of those who aimed to increase the population through settlement and expand capitalist development of land and water resources. To resuscitate settlement and capitalist development in the region the creation of a flood control and reclamation project was placed high on the agenda.

Headlines decrying this “flood menace” and calls for some form of relief regularly appeared in regional newspapers. In 1923 the New Mexico legislature passed the Conservancy Act into law, which enabled the creation of conservancy districts in the name of securing public welfare. Promptly after the passage of the law the Middle Rio Grande Conservancy District (MRGCD, the Conservancy, or the District) was constituted to control the effects of the river and regional irrigation systems through the construction and management of flood control and irrigation infrastructure. A board of commissioners appointed by the regional state judicial district judge controlled MRGCD policy. The MRGCD strategically positioned its commissioners and engineers as masters of flood

control, drainage and irrigation of valley lands. Its prospective terrain of improvement was mapped over an expanse of Pueblo and Apache Indian national homelands; lands which had been carved up and distributed to settlers through Spanish, Mexican and American regimes. At the time of its formation, approximately seventy autonomous acequias and community ditches were present in the valley, serving the irrigation needs of six Indian Pueblo nations, dozens of Mexicano/Hispano communities, and a small but growing number of Anglo-American farming communities. The valley's acequias, the networks of irrigation communities recognized as having pre-U.S. origins (Pueblo, Mexicano, and or Hispano/Spanish), were perceived by white settlers and government administrators as primitive systems that needed to be improved through incorporation into the MRGCD's infrastructure.

The MRGCD's court-appointed board of commissioners planned on financing the construction of an expanded water control and distribution infrastructure by placing parcels of land in debt for the speculative improvement in value they would purportedly receive from the generalized activity of "Conservation." As I demonstrate below, in spite of the professed aim of securing an egalitarian distribution of the benefits of improvement, the Conservancy was actually supported by rather asymmetric debt arrangements between the different communities and subjects populating its prospective terrain. While not exactly a new conceptual or material basis for organizing political and economic relations in the thousands of years of human cohabitation in the valley, debt had taken on particular social and material asymmetries under settler colonial regimes of accumulation by dispossession.<sup>7</sup> In the case of the Conservancy's assessment system, farmers and lands were evaluated, classified and indebted for improvements. As this

system was imposed, different settler communities and Pueblo nations within the territorial borders of the MRGCD contested its projections through various iterations of resistance.

Despite the MRGCD's activities, floods still coursed through the valley lands during the 1930s and 1940s. Federal programs sought to comprehend and ameliorate the valley's hydrological, ecological and financial problems through policy-oriented research programs. Every year MRGCD machinery would expend resources to build up its earthen levee system in order to contain the river and expand the total acreage of urban land and irrigated farmland. Every spring, floods would scour the channel and sometimes break the levees, frustrating Conservancy engineers and devastating farming communities.

This paper investigates how and why, after the MRGCD was legislated to protect the "public welfare," and "life and property" in the valley, some communities and individuals enjoyed the benefits of this security while others were made insecure through political subjugation, dispossession, and displacement. Through its architecture of debt-financed improvements the project modified and intensified historical processes of dispossession. In its process of securing certain forms of "life and property," the MRGCD also displaced many people (mostly Mexicano, but whites as well) and subjected Indian and non-Indian rights of land tenure and water use to new structural limitations and conditions. To demonstrate how these disparities were made I analyze the Conservancy project as a formation of settler colonial biopolitics. I argue that the MRGCD was shaped by the settler colonial repertoire of targeting Native lands and communities for debt-financed improvement, a repertoire that could also be applied to negatively racialized non-Natives. This system relied on hierarchical power relations that

positioned settlers and the settler state as governors and creditors while relegating Indian and non-Indian others to the positions of the governed and the indebted. In providing an account of this system, I aim to add to the critique of the repertoires of dispossession that Patrick Wolfe argues carried on the settler colonial project “after the frontier.”<sup>8</sup>

This thesis aims to address gaps present in the existing scholarly literature on the formation of the Middle Rio Grande Conservancy District, which can be grouped into two categories. The first category is technocratic administrative histories, which detail the chronology of the formation of the MRGCD, mention financial troubles during the 1930s and 40s, and ultimately affirm the project as a success.<sup>9</sup> The second category includes histories that are critical of the MRGCDs formation, detail the protests against the District by non-Indian and primarily Hispano/Spanish-American communities, and locate the problem as a clash between Hispano tradition and American modernity.<sup>10</sup> My project is more closely aligned with this second category, but methodologically I depart from it in a two related ways. First, I provide an account of the formation of the MRGCD that attends to the Pueblo nation’s contestations with the federal government (as mediator between the Pueblos and the MRGCD). Second, I interpret the formation of the MRGCD as a biopolitical process generated by settler colonialism, and critically assess this process as inherently political contestation- not as an unmediated encounter between contradictory “traditional” and “modern” legal systems and ways of life. In making this intervention, I follow Scott Morgensen’s call for scholars to articulate the ways that settler colonialism is an exemplary process of biopolitics as a necessary step in making legible and denaturalizing settler colonial biopolitical effects.<sup>11</sup>

To undertake this intervention, I have turned to the historical archives of documents housed at the MRGCD, the University of New Mexico's Center for Southwest Research, and the records of Congressional hearings and U.S. policy documents housed online or in the UNM Libraries' system. I read these materials to track the ways the MRGCD's interactions with the valley and its inhabitants were animated by racial logics that positioned the MRGCD as a manifestation of an inevitable natural progression from archaic to modern forms of human life. My research of these materials is driven by a concern with providing an account of the formation of the MRGCD that unsettles and politicizes it as part of an ongoing process of settler colonization. In doing so I take the position that the MRGCD and the broader U.S. settler colonial complex of which it is a part are neither natural nor inevitable, but are the effects of political processes through which social relations and ecological systems are shaped and reshaped. Specifically, I argue that the MRGCD's project was not so much a securing of the specific actual communities living in the valley as it was a shaping of human and non-human "nature" into forms of life and property that were productive for capital accumulation and settler national life.

The body of this thesis is divided into three sections. The first section, "Settler Colonial Biopolitics," describes how biopolitical imperatives of improvement are structured in the context of U.S. settler colonialism. The second section, "The Bonds of Settler Colonialism" analyzes the state and federal laws that authorized the MRGCD. While ostensibly aimed at generalizing security, the MRGCDs actual operation in concert with national settler colonial biopolitics facilitated forms of dispossession and subjugation that affected settler and Native subjects. The third section, "Reconsolidation,

Liquidation, and Termination” focuses on how, despite the fact that the problems of insecurity that prompted the formation of the MRGCD continued into the 1930s and 40s, the logics and limits of settler colonial forms of development continued to shape regional and national policy studies and initiatives that sought to provide solutions. In the conditions imposed by these limitations postwar development efforts were incapable of moving beyond their settler colonial modalities and only served to reconsolidate the forms of dispossession and subjugation that had shaped the Conservancy from its inception. In conclusion I reflect on the ways that settler colonial modes of development make Native and settler communities differently subject to a range of biopolitically produced vulnerabilities necessary for the security of settler property and capital accumulation.

### **Settler Colonial Biopolitics**

The most rudimentary definition of biopolitics that can be extracted from Michel Foucault’s theory is the government organized protection and improvement of life.<sup>12</sup> Specifically, the life that is targeted for enhancement is the life of citizens insofar as they are the recognized and valued components of the national body. How and for what reasons one is folded into biopolitical projects is contingent on structural conditions that shape how lives are valued along lines of social categorization. In settler colonial formations— i.e., the settler state and social formations that arise through the dispossession and displacement of Native peoples— biopolitics takes on specifically asymmetric forms along a settler-native axis. This asymmetry emerges through what Patrick Wolfe has theorized as the “logic of elimination,” which organizes settler relations to Natives through forms of territorial and social incorporation that hinge on the

disincorporation of autonomous Native political and social bodies and pursues their disappearance through outright physical violence or “biocultural” assimilation.<sup>13</sup>

In the context of U.S. settler colonization, the improvement and protection of life that Foucault identified as the goal of biopolitics manifests in ways that do violence to Indian nations: making live insofar as they can be subjugated and assimilated into the settler national domain, letting die through economic attrition and abandonment, and taking life through exploitation, dispossession, and social, psychic and physical violence.<sup>14</sup> These aspects of the U.S. biopolitical project attempt to refashion their target populations, and the relations between bodies and resources as population-components, in line with certain racial-national norms. For the settler colonial project, which was doing the work of dispossessing and exploiting Natives through settler capitalist accumulation, Native poverty and vulnerability were framed as resulting from existing outside of settler norms of private capitalist proprietorship. Proceeding from this framework, the solution to the poverty and vulnerability of Natives was to assimilate them to precisely the settler norms that were producing these conditions in the first place.

Giorgio Agamben, elaborating on Foucault’s concept of biopolitics, argues that the ways in which humans as living organisms become vulnerable to harm are produced through human institutions and are not simply normal, natural, or biological givens. According to Agamben, the racial condition of “bare life” (*zoē*) does not pre-exist the socio-historical clothing of human life within a polity (*bios*) at some absolute origin point of human nature; bare life is produced through the socially organized destruction of what he calls a human “form-of-life.”<sup>15</sup> Settler colonial epistemologies frame the vulnerabilities experienced by Native peoples not as the product of settler colonialism but

as the holdover of conditions that inhere in the very nature of the Native population (i.e., naturally inscribed into Native people in ways that delimit their cultural capacities to live). This condition, the settler colonial argument claims, can only be ameliorated through settler state political and economic superintendence, biological assimilation and/or approximation of white-settler social norms, if these options are considered possible at all. Natives, by this logic, are understood as categorically predisposed to disappear in the socio-historical context of modernity due to their archaic natures, a claim that paves the way to justifications for expropriation, assimilation and/or extermination.<sup>16</sup>

An example of such a claim targeting the Pueblos appeared in a New York Times article in May of 1929, during the midst of the Pueblos struggle with the MRGCD (which I will return to in detail later) and other settler apparatuses. The article was provocatively titled “A Dying Race Sits in Solemn Council; At the Congress of the Pueblo Indians, One Realizes That Their Ancient Culture Is Slowly Being Submerged” and was penned by R.L. Duffus. Duffus was reporting on a meeting of the All Indian Pueblo Council (AIPC), a pan-tribal political body that had been reconstituted in the early 1920s but traced its origins to the Pueblo Revolt of 1680—an uprising that successfully pushed Spanish settlers out of the region for over a decade.

The article introduced the scene of the Pueblo Council meeting at Santo Domingo, whose “dusty” streets were “cluttered by the automobiles of white visitors, some of whom had come to help the children of the Stone Age make up their minds.”<sup>17</sup> Duffus’ primitivization of the Pueblo Indians was accompanied by the assertion that they were facing a crisis because of a conflict between “tradition” and “modernism” that was due to “the great gulf between the [white and Indian] races.” Interpreting the crisis of



land and resource dispossession that afflicted the Pueblos as resulting not from settler proximities but from a temporal gulf between races, Duffus concluded:

It is easy to emphasize the dirt and the odors of the pueblos and the panhandling habits of some of the inhabitants and to rate them low in the human scale. The nobility and the high intelligence which one seems to see in some of the faces is not necessarily reflected in the character behind them. Here, perhaps, is a race in ruins, descendants of builders and law-givers now lost in the whirling dust of time.... The Pueblo of Santo Domingo is a silent battleground. A few years more, a few decades if one is conservatively inclined, and the white civilization, rising more swiftly and implacably than the waters of the Rio Grande in flood time, will wash it all away. The Pueblo culture of 2,000 years will then be as though it had never existed, except for what is printed in the books and recorded on camera films.<sup>18</sup>

Metaphorically equating the ascendancy of “white civilization” to the rising floodwaters of the Rio Grande, Duffus naturalized the effects of highly organized processes of settler expropriation while reducing the highly organized efforts of the AIPC to the mere death throes of a disappearing race.

Grounding the projections and effects of settler colonialism in a symbol of “implacable” nature is a central interpretive tactic of settler colonial biopolitics. Foucault, in the “Security, Territory, Population” and “The Birth of Biopolitics” lectures, argued that biopower as a form of liberal government centered a concept of “society as a naturalness specific to man’s life in common” in organizing the regulation of life in accord with the correlated ends of producing wealth and freedom.<sup>19</sup> In settler colonial configurations of biopower, the incorporation of Native lands and peoples within the settler nation-state becomes naturalized as the condition of possibility for the existence of commonplace settler freedoms and wealth production. In other words, settler ways of life and modes of producing wealth and freedom are contingent on maintaining territorial property relations that seek to contain, minimize, or even erase Native political autonomy

and presence on the land, generalizing a condition that Mark Rifkin, modifying Agamben's formulation, calls "bare habitance."<sup>20</sup> Like bare life, bare habitance is not the unchanging natural ground which human social, political, and spiritual existence transcends, it is a mediated effect of settler institutions and practices.

In disavowing the AIPC meeting at Santo Domingo Pueblo as a political contestation of the norms and structures of "white civilization," Duffus naturalized the effects of the settler project. In fact, the inevitability of Native disappearance that Duffus presupposed in his narrative was actually more of a point of debate than a presupposed outcome for the various camps involved in U.S. Indian policy and administration during the 1920s. Nonetheless, the assumption that the vulnerabilities experienced by Native people were rock-hard givens, whether by Nature or the naturalness of the social order, was common ground in these debates. Hence, in facing the problem of insecurity that existed in the Middle Rio Grande valley, settler epistemology consistently fit the situation into models that reversed the relations of cause and effect that Abeita sought to establish in his 1920 speech. That is, settler ways of knowing disavowed the fact that processes of colonization and resource exploitation driven by settlers actually conditioned the Pueblo's poverty and the valley's problems. By this logic, the valley was not yet sufficiently civilized; rather, it was indebted to the settler state for the economic possibilities that settlement would set free through its civilizing apparatuses.

Through this framework, the problem of flooding was conceptualized as due to a lack of control over nature that prohibited setting free the productive forces of modern life. Settler entities embraced this framework, through which solving the problem posed by the river meant entrenching the very structures and processes of colonization and

exploitation that had given rise to the problems in the first place. Moreover, in conceiving of the situation in this way, both Pueblo Indians and the Mexicano agricultural villagers living in the Middle Rio Grande valley were collapsed into nature, apart from the “civilized” and “industrious” American settlers. This positional difference inscribed settlers as those whose knowledge and power effected changes in nature. These settlers’ others (which included both Natives and racialized settlers), it was postulated, were hopelessly ignorant and impotently determined by forces outside of themselves and could only live on through the caretaking of settler state institutions. Modes of settler governance relied on this sort of portrayal to authorize the hierarchies of governor/governed and creditor/debtor through which they operated.

This mode of settler governance, which informed the MRGCD, corresponds to the shift that Foucault describes from sovereign privilege to kill and take life, to a power that subsumed death-production into its drive “to invest life through and through.”<sup>21</sup> Life, in the most general sense, includes both the living beings composing the population and the material milieu of resources that support this life. In biopolitical projects of improvement, these components of life could be targeted and transformed by modern methods of power. In the case of the Conservancy project, these methods of power included modes of surveying, appraising, evaluating and investing the population in its material milieu with the end of achieving a positive cost-benefit outcome in the security of economic value (property and products). But how exactly were these methods of power deployed, or, what was the structure of biopolitical investment that secured “life and property” in the form of the Conservancy? And, were the others targeted by this project just raw material that compliantly underwent the molding of settler designs?

## **The Bonds of Settler Colonialism**

In 1908 the National Irrigation Congress (NIC) was held in Albuquerque. The NIC had driven an agenda that resulted in the formation of the Reclamation Service (later renamed the Bureau of Reclamation)—a federal organization that developed land and water resources in service of expanding national settlement—in 1902. The Reclamation Service worked in close conjunction with the Dawes Act of 1887, also known as the General Allotment Act, a law Theodor Roosevelt celebrated as “a mighty pulverizing engine to break up the tribal mass.” Allotment sought to de-collectivize tribal landholding and make “surplus” Indian lands available to settlers. Following the creation of the Reclamation Service in 1902, Allotment policy was used to open up lands for irrigation projects that would distribute water between tribal populations and incoming settlers. When the NIC was held in Albuquerque in 1908 the surrounding Pueblo Indian reservations were not subject to Allotment, but reclaiming valley lands for settlement was very much on the agenda.

Ralph Twitchell, former Santa Fe mayor and wealthy businessman, wrote that the NIC event “was expensive; but it was an investment that would provide a thousand-fold in return.” News of the gathering had been circulated throughout the national press, and Twitchell praised this “educational process” that made “thousands of home-seekers, who had heretofore thought of New Mexico only as a foreign country, and the most hopeless section of the “great American desert.”<sup>22</sup> In his address to the NIC, New Mexico Territorial Engineer<sup>23</sup> Vernon Sullivan spoke to the pressing insecurity that stood in the way of Twitchell’s home-seeking citizenry: “[t]his river meanders around through the

Rio Grande Valley, shifting from side to side at the caprice of the water, often washing away homes and preventing its inhabitants from obtaining the benefits from the admirable farming qualities of the surrounding country.”<sup>24</sup> Sullivan concluded his speech by asking for money from the federal government to finance a reclamation project to secure the valley’s assets. For years following the NIC, the U.S. Congress and Reclamation Service remained reluctant to support a project in the Middle Rio Grande Valley despite constant requests from regional settler and Native political leaders (recall Pablo Abeita’s 1920 speech in which he introduced the idea of a reparative project to his settler audience).

In the early 1920s members of the Middle Rio Grande Valley Reclamation Association, whose motto was ““United We Drain, Divided We Drown”, turned to the state level to configure the apparatus of reclamation they desired.<sup>25</sup> In 1923 the Conservancy Act was passed under the authority of “police power” delegated to states by the U.S. Constitution.<sup>26</sup> The Act established a legal, administrative and financial architecture for the creation of conservancy districts, “hereby declared to be conducive to the public health, safety, convenience and welfare.”<sup>27</sup> The MRGCD was formed under the Conservancy Act in the months following its passage based on just over one hundred signatures gathered from non-Indian landowning citizens in the valley. Upon its formation the MRGCD assumed the position of a benevolent supervisor and engineer of the valley’s terrain, a sort of modern pastoral caretaker. A local judge appointed a board of commissioners who were in charge of operating the MRGCD. But many valley residents, settler and Native, questioned the foundations of the MRGCD’s authority and the terms on which it was supposed to be exercised.

The Conservancy Act itself only applied to state administered lands, which meant that the Act did not bind the Pueblo Indian nations to the letter of the law. The non-Indian population and lands of the valley, however, were all subject to the Conservancy's direct jurisdiction. By the 1920s the Pueblos had survived a three-century odyssey of colonial administration. With New Mexico's entrance to U.S. statehood in 1912 they were brought under the sway of U.S. Indian policy, which was dictated through the plenary power of the U.S. Congress. The Conservancy Act made provisions for contracting with Congress in order to specify how the state-level structure and settler population would interface with the Pueblos. During the early 1920s the Pueblos were embroiled in contestations with the state and private landowners in efforts to reclaim tribal lands that had been expropriated over the previous three centuries. Partly due to this engagement and partly due to the widespread resistance that arose to the MRGCD and the state in the settler communities in 1923, Congress did not actively craft a legal framework for incorporating the Pueblos until later in the 1920s.

Within months of the legal constitution of the MRGCD in 1923, protests against its authority took place in non-Indian communities throughout the valley. Over three thousand signatures were gathered in opposition to the MRGCD. Most of the signees were Spanish-surnamed people from the villages in the valley that participated in acequia irrigation and claimed water-rights with pre-U.S. qualities ostensibly protected by the Treaty of Guadalupe-Hidalgo and New Mexico's constitution. The protests were driven by concerns that these customary rights would be protected. Additionally, those protesting the MRGCD were wary of taking on debts, as this was a recipe for

dispossession.<sup>28</sup> These protests were channeled into legal contestations which were taken up by the state judicial system.

In 1925 the New Mexico Supreme Court heard arguments in the case *In re Proposed Middle Rio Grande Conservancy District*. To provide a verdict in the case the New Mexico Supreme Court considered fifteen questions bearing on different legal considerations. The court's decision affirmed the legitimacy of the MRGCD, as it was created "strictly within the police power of the state, solely and exclusively for the protection of life and property, and not in any sense calculated to interfere with the industrial pursuits of the people."<sup>29</sup> The court stated that those protesting the MRGCD should be "enlightened and admonished" by the language of the Conservancy Act: "This act being necessary to secure and preserve the public health, safety, convenience and welfare, and being necessary for the prevention of great loss of life, and for the security of public and private property from floods and other uncontrolled waters, it shall be liberally construed to effect the purposes of this act."<sup>30</sup> In articulating its decision this way, the court dismissed the opposition to the MRGCD by tautologically pointing to how its specific forms of authority and financing were authorized by the Conservancy Act. In so doing the court evaded any substantive engagement with the arguments levied against the MRGCD.

However, poor white and Mexicano farmers continued to organize, focusing on the structure of indebtedness and its potential for dispossessing landowners. A number of groups were also seeking to establish an alternative structure of setting policy that would include farmers and landowners in democratic processes while protecting acequia water-rights.<sup>31</sup> Meanwhile, the board of commissioners of the MRGCD hired engineers and

began working with employees of the Reclamation Service to devise a construction plan. In 1927, a revised Conservancy Act was passed, more thoroughly detailing the structures and procedures that would finance and govern conservancy districts. The undemocratic governing structure remained in place.

The financial sections of the updated Conservancy Act spelled out the system of assessment, bond sales, and debt collection that would define MRGCD relationships with landowners in the valley. The act specified that the project would be paid for through bonds valued in proportion to the total dollar cost of improvements. All landowners within the District were required to make monthly payments on their assessments for forty years beginning five years after construction of District works began. If payments were not received on time the total assessment amount would accrue one-percent interest monthly. Liens were placed on assessed lands, and in the case of defaults on payments by landowners the bondholders were empowered to enforce liens and foreclose on property owners in order to recover their investments. To the detriment of the farmers organizing against the District, the revised act affirmed the MRGCD's authority and farmers' obligations based on the relationship of governor to governed, improver to improved, creditor to debtor.

In the fall of 1927 the MRGCD's official plan was completed and circulated to various state and federal government agencies for approval. The New Mexico legislature approved the plan, making it contingent upon Congress to set the terms for the MRGCD's incorporation of Pueblo lands which occupied nearly one-fifth of its total area. In early 1928 Congress held a number of hearings to do so. According to the official plan the MRGCD would embrace a total of 123,267 acres in the Middle Rio Grande



valley at an estimated cost of \$10,337,000 and benefit of \$22,000,000 (a roughly 1:2.2 cost-benefit ratio).<sup>32</sup> The combined acreage of the six Pueblos totaled roughly 23,000 acres, or eighteen percent of the 123,267 acres, the remainder of which was occupied by settlers or in local, state, or federal government possession. The Conservancy surveys recorded 8,346 acres as currently under irrigation from existing acequias, and roughly 15,000 non-irrigated acres that would be “reclaimed” by the project. Based on a proportional calculation, the bill as presented on January 20<sup>th</sup> requested \$1,593,311 to be allocated to the MRGCD. This sum was divided into an initial \$50,000 to pay for surveying work, with the remainder paid out in \$350,000 installments as construction proceeded.

Based on these calculations, the initial language of the bill stated the total charge per acre for Pueblo lands was not to exceed \$67.50. The bill also stipulated that the water-rights appurtenant to the currently irrigated acreage would be protected as “prior and paramount” rights, which meant that they were legally entitled to be irrigated in times of shortage when more recently formed water-rights would be cut-off. The Act stated that water-rights for the remaining 15,000 acres of “newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians, individually or as Pueblos, or the United States.”<sup>33</sup> The bill stipulated that all 23,000 acres would not be subject to District operation and maintenance costs, and that the total cost of improving the newly reclaimed acreage would be reimbursable from the “proceeds of leases” of those lands, subject to “rules and regulations as may be

prescribed by the Secretary of the Interior.”<sup>34</sup> So while Indian lands would be indebted and have liens placed upon them, the language of the act implied there would be no foreclosure as long as title to the land was held by individuals or by the tribe (a condition that was itself subject to Congressional plenary power, which meant it could be revoked by a Congress that found itself so inclined, and foreclosures could be enacted against the Pueblos).

The Senate Committee on Indian Affairs held the first congressional hearing regarding the context and merits of the bill. Responding to a question from another senator, New Mexico Senator Sam Bratton claimed that without being included in the conservancy project the pueblos would be left without water “for all time to come” and he added:

on the other side of the question, you will see from the map which Mr. Rodey is now laying before...[you], that it is practically impossible to reclaim the white-owned lands without including the Indian lands, because of their relation to the white lands being interspersed, and the topographic condition. For instance, it might be entirely necessary to locate a reservoir on Indian-owned lands in order to irrigate from that point certain white-owned lands located there or thereabouts.<sup>35</sup>

Bratton also described the existing system of irrigation as “not modern in any sense”, and asserted that the conservancy would “give them an up-to-date irrigation system.” Edgar

B. Merritt, acting Commissioner of Indian Affairs agreed with Bratton’s points and claimed that

this is very liberal legislation indeed, and it is not believed that more favorable legislation regarding the irrigation of Indian land has heretofore ever been submitted to Congress...in addition to the greatly increased property values prosperity will be brought to the community by reason of the influx of population and the further greatly increased productive wealth that will come by reason of this improvement as benefits will accrue to life and property.<sup>36</sup>

Merritt added, “and when the lands finally go out of Indian ownership, if they should...the Government can be reimbursed out of the sale of the lands.”<sup>37</sup>

Both Merritt and Bratton justified the bill based on the benefits to the Pueblos *insofar* as they were impossible to exclude and not-yet totally absorbed within the larger “white” domain. W.M. Reed, the local irrigation engineer from the Office of Indian Affairs, offered a similar assessment, but pointed out that resistance to change on the part of the Pueblos because they “have a system that has served their purpose, perhaps to them satisfactorily, but not scientifically....he [the Pueblo Indian] has no history except by word of mouth, and he still thinks he has the same old conditions and systems that he had hundreds of years ago. He has not.” Reed emphasized that exempting the Pueblos from operation and maintenance charges was “a generous move, a ‘gesture’ as we often say in these times, of the white people there.”<sup>38</sup> Characterizing the incorporation of the Pueblos irrigation infrastructure within the MRGCD as a gift, Reed, Bratton and Merritt were all acting out the hierarchical imposture that Pablo Abeita had criticized in his 1920 call for a reparative project.

John Collier, the representative of the Pueblos at the hearing, approached the situation from a position that left the settler colonial hierarchy intact but on different terms than Reed, Bratton and Merritt. Collier was an aspiring social progressive who had become active in the American Indian Defense Association (AIDA) during the 1920s. A vocal critic of the U.S. Indian policy, especially the Allotment acts redistribution of tribal land to settlers, Collier saw the nation as facing a crisis in which the mistreatment of Indian “wards” and lack of social cohesion were linked. Collier was infatuated with the Pueblos, believing to have found in them a collective panacea for the ills of modern

individualism. In 1922 Collier wrote in an article titled “The Red Atlantis” that he had found in the Pueblos a site where he could “arrange a modern, cooperative enterprise” that “would become educational in directions not only important to the Pueblo Indians, but to mankind.”<sup>39</sup> Mark Rifkin notes that Collier’s reformist philosophy considered Native sovereignty as “a gift from the federal government,” through which Native institutions and values can be harmonized with white institutions and values.<sup>40</sup> Collier wrote that through his reformist designs “the organized bodies of the Indians will become Agencies of the Federal Government, instrumentalities, or, if you like, branches of the government.”<sup>41</sup> This instrumental rationale was evident during the hearing.

Collier began his presentation on the bill by delivering a telegram from the All-Indian Pueblo Council stating opposition to any form of reimbursable debt. He then proceeded to explain the bill based on “the interest of the Indians” that was just as much shaped by his desire to use the Pueblos as a model for his larger efforts at reforming Indian administration in the U.S.:

The interest of the Indians in this project is just as direct and imperative as the interest of any white element in the valley. Although the project took its origin from the white end, and is a project of the general community, yet it is true that the interest of the Indians is direct, imperative, and important, because, first, as I said, the existing cultivatable acreage, now that there has been so much waterlogged, is not sufficient to maintain a decent standard of living in at least three of these pueblos; and second, we are all hoping for an increase in the population in these tribes. They are strong, virile tribes. They are pure-blooded Indians. Their habits are industrious. Altogether, they are model Indians. We are hoping for an increase of population through the extension of adequate medical services to them. If that increase of population comes—it has begun already—it will be totally impossible, under the existing conditions, for that population to live on the existing limited area of the land. Either it must disperse or starve, because these Pueblos are located in regions where there is only an infinitesimal demand for casual labor. So the Pueblos face not only present hardship but increased future hardships; unless this plan is carried out they face what is to them the supreme evil—that of being compelled, with the growth of population, to break

up and go out into distant places. In other words, they face the end of their tribal relations, and to them that is a supreme matter.<sup>42</sup>

In his summary of the imperative driving the bill, Collier forwarded a biopolitical logic by which the expansion of the Pueblos population and its well-being hinged upon expanding Pueblo agricultural enterprises (at least until a wage labor market developed). He concluded by assuring the Committee the Pueblos would return that Congress' investment in one or two generations, and he fully endorsed the conservancy bill as it stood. A vote was taken, the bill was approved, and it went to the House of Representatives.

There are no transcripts of the House hearings, but when the bill returned to the Senate on February 17<sup>th</sup>, 1928 it had been transformed in precisely the ways that Abeita, the AIPC, and Collier had refused. This move was in line with Congressional reactions to Pueblo mobilization for land reparations. The contestations between the Pueblos, settlers and the federal government in the early twentieth century were contained within the Pueblo Lands Board (PLB), which reviewed land claims. Collier and the Pueblos litigation against PLB decisions that affirmed settler claims were rumored by Office of Indian Affairs officials to have been funded by "money from Moscow", an allegation which was published in the *New Mexico State Tribune* in 1927.<sup>43</sup> In this context, the rewriting of the conservancy bill was in line with Congressional tendencies to both undermine the (already limited) reparative potential of coalitions between the Pueblos and liberal progressives like Collier, and to entrench the legal architecture of dispossession.

When Senator Bratton entered the text of the bill in the record the quantity of land served and methods of allocation of water remained the same, but the form of

indebtedness was different. Bratton summarized changes in the bill as having simply “secured” the expenditure differently, as the new bill “looked to the leases of proceeds—the same as our language had done—for the return of money...[t]he substantial change was to make the whole thing reimbursable.” He argued that the bill was “giving the Indians a modern, up-to-date system” by improving “the raw land, something that is absolutely worthless to the Indians and will continue to be worthless until it has been developed.” Characterizing the bill as a gift to the Pueblos, Bratton asserted, “it occurs to me that it renders it impossible to say that the bill is onerous or oppressive or unjust to the Indians.”<sup>44</sup>

A litany of voices spoke in support of the bill, and when Collier attempted to speak as representative of the Pueblos the Senators initially refused to hear him. When he was eventually allowed to speak Collier pointed out that the changes to the bill made during the House hearings had increased the estimated \$67.50 average debt per acre to \$109.50 and that this was significantly higher than the \$77.00 cost estimated for “white” acreage. He also pointed out that in addition to the increased debt, the lien had been transformed: “it would be a lien on the land, like all other reimbursable Indian debts, and in addition, a lien on the produce of the land, which is an innovation, a totally new thing.”<sup>45</sup> Collier railed against the bill, arguing that with the changes in place “[t]here will have been created an impracticable situation, which will force congress later on to scale down the debt, but in the meantime there will have been terrorism and demoralization of the six Indian tribes.”<sup>46</sup> Gertrude Bonnin, a representative from the National Council of American Indians, expressed his opposition to the bill. He then suggested it could be corrected through “an amendment to make it clear that the Indian crops will not be

taken”, asking “why should the language of the bill be such that it is capable of that interpretation which will militate against Indian farmers everywhere?”<sup>47</sup> Bonnin and Collier stated their disagreements with the debt outlined in the bill from positions that were invested in the survival of Indian tribes. But the language of the bill was shaped by the settler presupposition of Native disappearance and the incorporation of Native lands into the settler market.

Responding to concerns about the liens being enforced against farmers, acting Commissioner of Indian Affairs Edgar B. Merritt argued that this would not happen by mapping out a trajectory that assumed a terminal endpoint of Indian possession: “[o]rdinarily the lien is enforceable against the Indian lands, even while it is owned by the Indians. But it is our practice not to enforce it as long as an Indian lives, but to take it out of the proceeds from the sale of the land after the Indian dies.”<sup>48</sup> Merritt’s reassurance assumed the eventual transfer of Indian lands on the market would provide the government with a return on its investment, and was hence a worthwhile expenditure. The bill was passed as Public Law 169 on March 13, 1928, and the changes the Pueblos and Collier had contested remained in place. The Secretary of the Interior had total discretion over the parameters of indebtedness and administration, maintaining the possibility of eventual foreclosure.

In the following years the Pueblos, other tribal nations, NCAI, Collier and other AIDA members continued to contest the act and other projects that had placed debts on Indian lands in ways that opened them up to dispossession. Due to these efforts, the Leavitt Act was amended in 1932, explicitly allowing the Secretary of the Interior to adjust (either defer or forgive) reimbursable debts related to irrigation projects on Indian

lands. In 1933, when Franklin D. Roosevelt's administration was in place and Collier was appointed as Commissioner of Indian Affairs, these debts were adjusted as the 1934 Indian Reorganization Act (IRA) policies were being implemented. Essentially, the Pueblos debt for MRGCD improvements was displaced into the new credit system that was extended through the reconfigured system of federal superintendence implemented under the IRA. In so doing Collier's administration displaced debts enacted under previous administrations that were seen as overly burdensome, clearing the ground for the implementation of a new credit system that perpetuated financial subjection to the federal government.

Meanwhile, following the passage of the 1928 Congressional act, the MRGCD began marketing its bonds to potential investors in order to accrue the remaining nine million dollars needed to construct its drainage, flood control and irrigation infrastructure. Articles were distributed through regional and national newspapers and magazines, especially in the financial centers of New York and Chicago. While some articles simply related the bonds' costs, interest rates, and schedule of return payments, most included these facts in a narrative describing the situation in the Middle Rio Grande valley. These articles varied in their exact content, but they usually sought to ensure confidence in the project and its bonds by pointing out that its legal architecture had been secured by the 1925 New Mexico Supreme Court decision. This often was related alongside a portrayal of an authority figure exerting control over the degraded landscape and its impotent inhabitants. For instance, one article encouraged faith in the "industrious canal superintendent," who could control the rivers flows while "the Mexican farmers...look at the crops, roll cigarettes, and sit down by the shady side of the 'dobe,'



shrugging their shoulders and remarking [about the rivers uncontrollable flows] ‘It is sad, but it is the will of God.’”<sup>49</sup> The gist of these statements was to assure investors that the rational administration of the project was guaranteed to produce returns on their investment in spite of the perceived lack in the local population’s industriousness.

Despite these efforts bond sales were slow. Counter to the portrayal of the valley’s inhabitants as passively accepting the MRGCDs presence, protests and organizing by farming communities continued. In the summer of 1929, the New Mexico State Supreme court heard the *Gutierrez et al v. Middle Rio Grande Conservancy District et al.*, case. This case was similar to the 1925 case concerning the legitimacy of the MRGCD, but mobilized the argument that the MRGCD was unconstitutionally formed in order to convince the court to file an “injunction to restrain the defendants [MRGCD] from selling or disposing of any bonds, debentures, or other evidence of indebtedness.”<sup>50</sup> The Supreme Court, citing the 1925 case, rendered another decision dismissing the farmers’ claims and affirming the power of the MRGCD to issue bonds. This second defeat coincided with the beginning of physical construction of the MRGCD’s works. The MRGCD operated draglines that cut new canals through the existing network of canals, and the flow of water would no longer be controlled locally. In the spring of 1930, poor white and Mexicano farmers gathered to stop Conservancy machinery as it entered acequia irrigated lands. These protests were dispersed by the Sherriff’s police force, protest leaders were arrested, and the District courts issued injunctions criminalizing any further physical resistance to the construction of the Conservancy.<sup>51</sup>

With the onset of the Great Depression, the MRGCD continued to have trouble selling all of the bonds necessary to finance construction. By 1932 the Secretary of

Interior had disbursed \$1.5 million for the Pueblos' share of the cost, and private investors had purchased just over \$2 million in bonds. Annual payments on property assessments were not scheduled to begin until 1934, and without further investment the MRGCD was facing a lack of funds that would bring construction to a halt. The solution to this problem came in the form of the Reconstruction Finance Corporation (RFC), which was formed by the federal government in 1932 to provide economic relief to state and local government agencies and businesses. \$5.5 million of the RFC's 1932 budget of \$1.5 billion went to the purchase of the remaining MRGCD bonds, providing the funds to allow construction to continue. By 1935 the MRGCD had finished constructing its system of drains, levees, dams and irrigation structures. But while the problems of flooding and swamping were temporarily reduced, they did not disappear. Floods continued throughout the 1930s and early 1940s, damaging MRGCD infrastructure and farms throughout the valley.

Meanwhile, payments on Conservancy assessments were required beginning in 1934 and non-Indian property owners who could not or did not keep up with these payments were classified as delinquent and made subject to foreclosure by the state. By the end of 1937 11,000 properties were either already foreclosed upon or in the process of foreclosure.<sup>52</sup> The New Mexico legislature, due to pressure from different political organizations (e.g. The Middle Rio Grande Farmers' Association, the Land Grant Heirs, and La Liga Obrera), placed a moratorium on foreclosures in 1937 and again in 1940. In 1945 the moratorium expired and foreclosures resumed. While the full extent of the dispossession is not precisely known, existing studies indicate that an estimated 41,000 out of 91,000 properties in the District were foreclosed upon by 1945.<sup>53</sup> These

foreclosures forced farmers from their lands, opening up the valley lands to accumulation and speculation driven by the interests of real estate investors. Those irrigators whose lands were not foreclosed were still subject to the District's control of water distribution and were obligated to pay continued assessments.

As farmers began to be displaced by the federally subsidized MRGCD, the New Deal Resettlement Administration expended national resources to form the community of Bosque Farms on lands within the District. The land on which the settlement was built had been in private ownership for centuries, after having been carved out of the southern lands of Isleta Pueblo and granted by the Spanish crown to a private owner in the 18<sup>th</sup> century. The land was sold to the federal government in 1935, and over sixty white families fleeing the Dust Bowl conditions in the Great Plains were given parcels of land in the settlement. Federal funds were used to clear land for farms and connect them to the MRGCD's irrigation system in efforts to secure a livelihood for the new settlers. The "resettlers" were subject to forms of strict disciplinary scrutiny, and by 1937 seventeen families had been forced out of the settlement. Reasons for these exclusions included adultery, financial irresponsibility, and taking part in organizing alongside the "oppressed" Pueblo and Mexicano communities surrounding Bosque farms.<sup>54</sup> Even those poor whites who were provisionally valued and secured by the national welfare state were nonetheless subject to forms of authoritarian rule and dispossession by the Resettlement Administration as well as the MRGCD.

The Pueblo's, through their negotiations with John Collier's Office of Indian Affairs, were able to dodge the bullet of MRGCD foreclosure that struck their non-Indian neighbors. The District nonetheless played a role in enclosing the Pueblos water-rights in

ways that supplemented the enclosure of lands. The Pueblos land base had been eaten away at by settlers for centuries, but with the Pueblo Lands Board (1924-1933) and the Indian Reorganization Act in 1934, the federal government recognized their limited remaining land base and the system of collective title maintained through tribal customs. This signaled a provisional end to land loss, but it also signaled a limit to the recognized Pueblo domain. That is, in the 1930s and 1940s when tribal members were able to acquire properties adjacent to their reservations, this land could not be incorporated within the collective tribal domain and was only recognized in the form of individual private property ownership. In terms of water-rights, the 1928 Congressional act, along with interstate river compacts, designated a quantity of Pueblo water rights. This quantity was then set as a limit on the Pueblo claims on water, and anything above this quantity was counted as part of the settler domain as private property or surplus open for appropriation.

Together, these forms of subjugation and dispossession demonstrate the settler colonial structure of the MRGCD and its governmental and financial networks. In different ways, both Indians and non-Indians were subject to forms of political and economic containment and exploitation that made them vulnerable to dispossession and displacement. Both Pueblo Indian and non-Indian landowners had recognized the logics of subjugation and dispossession inherent in the structure of the Conservancy laws and the MRGCD before this dispossession was enforced in physical actuality. That is, they were aware in some fashion of the aspect of the law described by Jacques Derrida: “the word “enforceability” reminds us that there is no such thing as law that doesn’t imply *in itself, a priori, in the analytic structure of its concept*, the possibility of “being” enforced,

applied by force.”<sup>55</sup> In resisting the laws and the MRGCD’s policies, Pueblo and settler political communities sought to shift the dynamics of settler colonial force within the limited conditions of possibility that confronted them.

The MRGCD itself, even after foreclosing on non-Indian farmers, remained financially insolvent, unable to repay bondholders. In addition to this, the physical infrastructure of the MRGCD was falling into disrepair. The wartime construction of two national labs (Sandia and Los Alamos), the expansion of Kirtland Air Force Base, and the growth of military industries in the Middle Rio Grande moved the region firmly into the scope of the national security agenda. During the 1940s, with the valley still facing the same problems that had prompted the creation of the MRGCD decades before, the federal government ramped up its involvement in securing the valley. But how were these biopolitical investments maintained and/or reconfigured? The following section turns to these wartime and post-war transformations.

### **Reconsolidation, Liquidation, and Termination**

On October 2<sup>nd</sup> and 3<sup>rd</sup> of 1944 hearings of the Senate Committee on Irrigation and Reclamation were held in Albuquerque. The hearings focused on the topic of future development of water resources in the West and New Mexico in particular. Harry W. Bashore, the Commissioner of Irrigation and Reclamation, announced to the audience:

When the Bureau of Reclamation is given the “go” sign by Congress and sufficient appropriations are available to us, we will open a new era of westward expansion, in which your State will participate. The trend of national thinking is westward, just as it was in 1846, which has been appropriately called a year of decision ... Reclamation’s postwar plans for 17 Western States, including New Mexico, are more than a blueprint of possibilities ... The construction of the projects in the inventory would provide employment and permanent homes on irrigated land for many of our young men who have expressed the hope that they

can make their homes in the West when the war is over. New Mexico has an important place in the postwar picture the Bureau of Reclamation is putting together.<sup>56</sup>

Over the course of the two-day meeting the precise details of how exactly the Middle Rio Grande and New Mexico more broadly would be embraced by this new era of westward expansion were fleshed out. Senator Chavez of New Mexico concluded the event by thanking all those present for concerning themselves with “all our problems” and was encouraged by the “agencies of the Federal Government that are trying to help out the people of the State in the way of developing, or at least continuing to provide an existence in many communities.”<sup>57</sup> But this concern for the continued existence of communities did not extend to all forms of human community.

While poor non-Indian farmers were being displaced from their lands, Chavez and other Congressmen took aim at dismantling tribal forms of government and Collier’s Bureau of Indian Affairs, both of which had played a role in preventing wholesale dispossession of the six Pueblos at the hands of the District. In a 1943 Congressional report titled “Analysis of the Statement of the Commissioner of Indian Affairs in Justification of Appropriations for 1944, and the Liquidation of the Indian Bureau”, Chavez and three other Senators stated their position. The authors of the report disagreed with Collier’s claim that land allotment and sales to whites had “compelled the Indians into poverty”, and “[i]n many other ways, by many other procedures, the Government plunged the Indians into their “extreme poverty” and ran their death rate up.”<sup>58</sup> Collier had made this claim in order to argue for the federal government’s responsibility to use national resources to atone for past wrongdoings, but the report called for “careful scrutiny” of Collier’s statement “at this time when the consideration of priority of values

in Government enterprises is so necessary to the successful accomplishment of the war effort.”<sup>59</sup>

The counter-argument that Chavez and his co-authors put forward held that Indian poverty was not an effect of the relationship between the U.S. government and Indian peoples, but rather was due to the failure to place “Indian property in the same status as that of other citizens.”<sup>60</sup> In terms of irrigation projects, Chavez and his co-authors suggested that Indians could “‘operate’ their irrigated lands under the Federal Reclamation Service.”<sup>61</sup> The report effectively called for the elimination of any difference between Indians and non-Indians in terms of how their lives and properties were governed. In the section titled “The Indian Bureau should be abolished” the report argued that “[c]ertain well-informed Congressman and others active in national life have challenged the need for the Indian Bureau, but it has always been able to effect some compromise whereby it could continue and also become further entrenched and get an ever greater portion of public funds and public services.” The Bureau had thus deviated from its “original purpose” to “fit the Indian into the commonwealth of citizenship, to help them make adjustments to the developing situation in which they found themselves.” Instead, they claimed, “[w]hile the original aim was to make the Indian a citizen, the present aim appears to be to keep the Indian an Indian and to make him satisfied with all the limitations of a primitive life. We are striving mightily to help him recapture his ancient, worn-out cultures which are now hardly a vague memory to him and are absolutely unable to function in his present world.”<sup>62</sup> Here again the settler colonial assertion that Native ways of life were out of tune with modern realities was mobilized

against the way the U.S. provisioned a meager biopolitical supplement to Native communities.

Judging such welfare efforts to be a harmful drain on national resources, the authors proposed thirty-three “eliminations” targeting various activities and structures that stood in the way of assimilating Indians into the national body. These eliminations included doing away with any census rolls that listed Indians as separate from other citizens and eliminating federal trust responsibilities over Indian lands in order to “free the Indian owners to become responsible citizens.”<sup>63</sup> The report concluded that if successfully carried out “[t]he foregoing elimination should reduce the expenditures for the Indian Bureau for the fiscal year 1944 by more than \$15,000,000.”<sup>64</sup> While these expenditures were deemed to be unnecessary to the national future, other investments like the federal government’s bailout of the MRGCD and its bondholders remained on the agenda.

In 1950, U.S. President Truman assembled a team of experts drawn from university and policy circles to form The Presidential Water Resources Policy Commission (PWRPC). The Commission’s mandate was to investigate the possibilities for developing a national water policy. In 1951 the PWRPC published the multi-volume report, *A Water Policy for the American People*. The introduction to the text began by stating that America was a nation in possession of vast material resources:

All these things are gifts of nature, which our people have used to build a civilization unmatched in human history for its material productivity. From the products of our land, our forests, our mines and our oil fields, we have raised great cities and spanned a continent with railroads and automobile highways. But without one key resource, water, none of these miracles of human achievement would have been possible.



The authors located this unprecedented transformation in distinction to a background of primitive conditions, symbolizing their authority over the pliant “gifts of nature”.

The U.S. continental expansion was celebrated for accomplishing the transcendence a primal human moment, when “[p]rayer, magic, and propitiation marked his [Man’s] early gropings for control.” The authors continued, “[t]oday, on the American continent, centuries of human history coexist. On their western lands, Indian rain makers dance their age-old dances while overhead airplane pilots are seeding the clouds.” The portrayal of the modern American scientist flying above the mythical Indian deployed at the beginning of the report construes their coexistence into rigidly separated temporal spheres as if separated by an epochal gulf (and not as contested lived spatial relations). These exceptional and unprecedented powers of the American people were portrayed as key to the continental expansion through which “deserts have been made to bloom.”<sup>65</sup> The power to have such effects on the world was celebrated as the basis of the U.S. imperial ascendance to its exceptional position atop the human edifice. As Ann McClintock suggests, the masculine conquest scene portrayed at the beginning of this water policy document locates it as an arrogant projection of colonial power. These discursive policy frames work to displace Indian existence and political autonomy into “anachronistic space” while replacing them on their lands and subjugating them to settler colonial regimes of rule and exploitation.<sup>66</sup>

*Ten Rivers in America’s Future*, volume two of the PWPRC’s report, outlined a framework that identified the “problems for which a national water policy must furnish workable answers.”<sup>67</sup> The introduction noted that many of the river basins in the study “have long been settled,” and pointed out that “[s]ome, like that of the Rio Grande,

supported a culture whose history is lost in antiquity.”<sup>68</sup> The section on the Rio Grande features numerous maps, tables, and figures that made the river basin intelligible through the supposedly self-evident terms of hydrology, climatic conditions, soils, mineral and timber resources. The category of “socio-economic features” included a description of the population as composed of distinct Indian, Spanish, and Anglo-American groups, and detailed the “nature of the economy” as a combination of agriculture, resource extraction, tourism, and government-financed industrial projects “for national defense.” The report framed the region’s major problem as the limits on production imposed by a combination of water scarcity, erosion and flooding of valley lands. These conditions were attributed to a universal human unit’s “improper use,” which had necessitated federal intervention and superintendence to secure national resources. In biopolitical terms the report was concerned with locating ways that the resources of the valley, human and non-human, could be optimally secured and incorporated into the economic circuitry of national capitalist development.

The report noted that the MRGCD had attempted to undertake a comprehensive effort at “reclamation”, but had encountered difficulties. It was surmised that despite the MRGCD’s best efforts “insufficient consideration” had been given to physical problems. Alongside the issue of the continued floods, the revenue base that was to be generated from assessments on improvements had not materialized. The cause of the absent revenue, the report asserted, was the fact that “many small owners were failing to live up to their obligations.”<sup>69</sup> The report included no traces of the decades long resistances to the Conservancy’s bonded-indebtedness system of assessments for infrastructure improvement. The report also neglected to mention that in 1945 the State of New

Mexico, in consultation with the U.S. government, had lifted a years-long moratorium on foreclosures for delinquency on assessments, allowing revenue to be generated by the dispossession of farmers. Foreclosures carried out the imperative to redistribute resources upward even if farmers' did not pliantly transform themselves into nodes through which land and labor could be turned into U.S. capital.

The absence of these matters from the document does important work for the legitimacy of U.S. settler colonial control of resources. Alongside the presence of the imperial imagery of white American cloud-seeders flying over dancing Indians, this absence constructs the self-evident facts by which settler state activities are gathered into the category of improvement. This policy work sought to sooth the uncertainty and anxieties that unsettle the forms of speculation and (un)accountability that drive U.S. settler-imperial accumulation and its fundamental dependence on violent displacement and expropriation of Native and racialized peoples and their political, symbolic and material conditions of existence.

As such policy documents are so often formed to do, the report disavowed any signs of multivalent political and legal resistances waged against the District and its architecture of indebtedness and distribution. The report located the solution to material and financial problems in the form of a new Middle Rio Grande Project under the coordinated auspices of state and federal agencies (the MRGCD, Bureau of Reclamation, and Army Corps of Engineers). The project was estimated to cost \$71 million, which included funds for new construction and for purchasing current bonds from private bondholders and the federal Reconstruction Finance Corporation.<sup>70</sup> With an estimated

benefit-cost ratio of 3 to 1, the expert authors endorsed the project as an acceptable expenditure of funds to secure national resources.

Further sections of the report addressed the need to reallocate water according to a hierarchy of values in order to facilitate the “[r]edistribution of water rights to permit retirement of inferior lands and the substitution of higher water use.” i.e., manufacturing or domestic uses. Reallocation was called for because the “present pattern of irrigation does not provide for optimum use of available water,” due to the “historical growth pattern” in which water-rights had been established without adequate “knowledge,” “facilities” and “planning.”<sup>71</sup> The report lamented the obstacle presented by such insufficiencies, but urged “integration” of governmental agencies into the federal “role in harnessing water resources and converting them to the beneficial use of the Nation.”<sup>72</sup> Presenting the many Indian nations and communities living in the space claimed by the U.S. “Nation,” as mere “patterns” the report worked to reduce international political dynamics to a grid of domesticated technical manipulation through which economic production could be optimized.

Under the heading, “Distribution of Benefits and Responsibilities,” the problem of Federal supervision of the “rehabilitation” of “economically depressed communities” was described. Noting that the region was “generally speaking, economically sound,” the report indicated that there were areas where “the economic plight of the people is even more critical.” These areas were under conditions of “rural distress...due in large part to long established cultures” which had “outgrown the land base.” Despite what the authors perceived to be clear economic incentives to migrate, they noted that the inhabitants of these communities were “reluctant to migrate because of their ties to the area by social

and religious custom.”<sup>73</sup> Given these peculiar cultural conditions of poverty, the authors argued that they “must have different treatment from that accorded to economically sound parts of the basin.” It was imperative that “[a] decision must be taken” concerning whether those in a “state of near helplessness,” could have their impoverished conditions ameliorated through “credit,” “employment opportunities,” and “community welfare activities under enlightened and understanding leadership.”<sup>74</sup>

In conclusion the authors argued that in pursuing “ultimate development” of the watershed governmental programs would have to attend to “problem areas...inhabited chiefly by Spanish-American and Pueblo Indian communities” who have “brought about the present unsatisfactory conditions.”<sup>75</sup> The authors noted that these areas were at different “stages in attaining full development” and that improving the “economic structure of communities...calls for a penetrating diagnosis of their maladjustment.”<sup>76</sup> The report’s only suggestion for figuring out the problems facing farmers was “development of industry to the extent needed to absorb surplus farm people.”<sup>77</sup>

The U.S. PWRPC documents were concerned with securing an investable terrain of “nature” that was necessary for U.S. processes of settler capital accumulation. Manu Vimalassery has theorized the link between settler claims to sovereign authority over the possibilities of Native land and life as part of a speculative political economy of “counter-sovereignty.”<sup>78</sup> As a policy document of counter-sovereignty, the PWRPC reiterates the fictive projection of U.S. control over the waters and lands, the life-giving substances that sustain Native nations and different settler communities. The report organized its governmental suggestions for the region around the aim of producing future value through the speculative enlargement of national and private capital.

The recommendations of the report set out a program of national expenditure and investments in the Middle Rio Grande Valley based on the imperial reconfigurations during the three decades spanning World War's I and II. These political-economic reconfigurations embedded existing modes of production in processes of rural to urban resource reallocation tied to the expansion of U.S. military operations and manufacturing. Pueblo men were enlisted into the Armed Services at rates comparable to other Native nations, and the racialized poor of the settler communities were also disproportionately drawn into armed service. If not as soldiers, these communities were enlisted into the ranks of national service as wage-laborers due to the subjugation of their lands and livelihoods to ongoing enclosures.

A few short years after the publication of the PWRPC document Congressional efforts at "Liquidating" U.S. obligations to Indian Nations had ushered in the "Termination" policy agenda. These policies opened up the potential for the MRGCD to assess and foreclose on Pueblo lands that had been incorporated into its territorial apparatus, not to mention the broader assimilation of Native Nations' lands and peoples that Termination implied. Recognizing the dangers that Termination posed to the their tribal ways of life and land bases, Indians throughout the U.S. assembled to discuss and protest this newest method of dispossession.

Diego Abeita, from Isleta Pueblo, traveled to the U.S. Congress in Washington D.C. following American Independence Day in 1954. On July 8<sup>th</sup>, Abeita spoke before a Congressional committee as a representative of the All-Indian Pueblo Council (AIPC). Noting that the recent policies would "disintegrate our tribal form of government," Abeita made his case for exempting Pueblo tribal lands and governments from the scope

of the Act. Senator Arthur Watkins of Utah, the main architect of the Termination act, disrespectfully refused many of the the points of Abeita's argument. Abeita responded, "The background of this legislation, Public Law 280, as we see it, is to disperse us as a people." While the AIPC had long been opposed to such an outcome, keeping track of the fluctuations of this background was difficult because "Indian policy is so fluid that an Indian nowadays has to be double jointed in the mind to follow the changing shift in positions of the Department [of Indian Affairs]." <sup>79</sup> As representative of AIPC, Abeita reminded Congress that the Pueblo Nation's relation to the U.S. state and federal governments was still the cause of concern.

New Mexico Senator Clinton P. Anderson attempted to convince Abeita that his concerns were unfounded. Anderson owned a large acreage of property in the Middle Rio Grande valley and had served as a board member and director of the Conservancy in the 1930s prior to serving in the U.S. House of Representatives (1941-45), and as Secretary of Agriculture in the Truman Administration (1945-1948). After expressing doubts that the state of New Mexico would enact legislation enabling the termination policies to take effect, Anderson offered the possibility of an amended bill to allow for the Pueblos to "consent" to termination. This, he proposed, would ensure termination would only take place in New Mexico if the Pueblos wanted it to. Abeita responded, "it seems [your offer] is merely a question such as would you rather die with dyptheria." <sup>80</sup> Anderson defended the idea but Abeita sought to make him mindful of the fact that "we are giving our consultation now and we are not giving our consent." <sup>81</sup> Watkins became impatient and interrupted Abeita, declaring "Nobody is forcing it on you and they can't do it without

the action of the state legislature of New Mexico. You are down there and can vote.” The following exchange then took place:

Mr. Abeita. I think the picture is bigger than that, Senator. While there is only 370,000 Indians in the United States, as far as politics is concerned the whole trend of this legislation is being watched by other Indians. You will remember there are 30 million Indians in the Western Hemisphere. It is in consideration of the time, I think, that these things should be taken seriously. When policies towards native peoples are radically revolutionary.

Senator Watkins. Well, about all we are trying to do is give them their liberty, and if that is revolutionary, that is what they fought the War of Independence for, to take care of their rights.

Mr. Abeita. I think, Senator, some of those things are a play of words. We have all the liberty we want and then some.

Abeita further explained his position, which Watkins dismissed by referring to his own “confidence” in the government of New Mexico. Abeita responded in frustration, “It seems like everybody knows what to do with the Indians except themselves.”<sup>82</sup>

Diego Abeita’s speech in 1954, like Pablo Abeita’s in 1920, sought to bring attention to the problems arising from the settler presupposition that Indian’s were naturally less capable and knowledgeable than settlers when it came to matters of freedom and development. Both Abeitas saw this presumption as an impediment to crafting social relations, forms of government, and institutions of development that do not militate against Indian life. In disagreeing with the normalization and naturalization of these strictures, the Abeitas pushed against the political limits to settler modes of development. Through their disagreements these limits appear not as the absolute horizons of human possibility, but as the political, ethical and epistemological limits of settler colonial ways of configuring life.



## **Conclusion: Unsettling the Horizons of Freedom and Development**

On Friday November 11, 1944 the Committee on Indian Affairs met in Santo Domingo Pueblo. The Congressmen opened the meeting by praising the Pueblos participation in the war effort. Representative Fernandez, a congressman from New Mexico, mentioned that a letter with specific questions for discussion had been circulated, but told Pueblo representatives “[y]ou will not be limited to the things we inquired about, if you have other problems you want to present to the committee, you are at liberty to do that.”<sup>83</sup> Taking this claim at face value, Alcario Montoya of Cochiti deviated from the Congressional questions to inquire about Cochiti acquiring grazing and timber land for the use of its members. Fernandez responded bluntly, “[w]e cannot get into the question of land titles here.” Montoya pushed the question from another angle, and as Fernandez tried to redirect the conversation Montoya stated clearly “We need more land.”<sup>84</sup> Fernandez claimed that it would be “very difficult” to do anything regarding land, and asked a few quick questions about schools before telling Montoya that there was no more time for him to speak.<sup>85</sup>

Nearly every Pueblo representative at the meeting brought up questions about expanding the land base of their reservations, and each encountered some rendition of Fernandez’s claim that such questions could not be addressed. A number of Senators questioned why younger tribal members did not move off of the reservations to, as Senator Murdock put it, “make their own way in the world, have property outside the pueblos.” Murdock stated the he knew “the older folks don’t want them to go, but it is a law of human nature.”<sup>86</sup> While Pueblo representatives were concerned with maintaining and expanding their land base, Murdock and other Senators claimed that this way of

addressing problems of poverty and unemployment was at odds with the “human nature” of migrating, owning private property, and enjoying the “same rights” as American citizens.<sup>87</sup> This reasoning was in line with the 1944 “Liquidation of the Indian Bureau” report, which equated policies that fostered tribal farming and stock-raising with “forced tenancy and handicap in freedom or movement.”<sup>88</sup> Less a permanent fixture of human nature than a goal of U.S. geopolitical economic programs, this idea of Native land tenure as immobility should be understood in relation to the apparatuses that produce conditions of “bare habitance.”

Bare habitance, Rifkin argues, is the state of nature into which the multiplicity of Indian systems of tribal life and land tenure are conceptually collapsed in order to render them governable through U.S. settler colonial geopolitical and economic frameworks. It is through these frames that projects like the MRGCD are justified as improvements of an undeveloped or degraded nature. Considered in this light, the MRGCD’s project was not so much a securing of the specific actual communities living in the valley as it was a shaping of human and non-human “nature” into forms of life and property that were productive for capital accumulation and settler national life. This situation allows us to understand how settler colonial enforcement of bare habitance produces the necessary regional ground for the free movement of the normative entrepreneurial subject, *homo oeconomicus*. Responding to Morgensen’s call to denaturalize settler colonialism in theories of biopolitics, this paper shows how *homo oeconomicus*, the central figure in global biopolitical governance in Foucault’s analysis, was constructed in and through formations of settler colonialism. The naturalization of bare habitance in the U.S. has

been crucial to depoliticizing the integration of Native lands into global terrain for the mobile private property owning entrepreneurial individual (*homo oeconomicus*).

Operating within this geo-biopolitical framework, Joaquin Ortega, director of the School for Inter-American Affairs at the University of New Mexico, proposed a post-war plan for development in November of 1945. Ortega argued that civic leaders and intellectuals should promote a plan that would allow Pueblo and Mexicano people to “continue living” while making New Mexico available to “many men from other corners of the nation” who “may want to come here to *live* for the pure enjoyment of it. I suspect that this business of living is going to be one of the most profitable in future years. Let us sell living to those who do not know how to live.”<sup>89</sup> Underlying Ortega’s proposal was the assumption that both Natives and settlers needed to be inculcated into the norms of living as consumers, a notion that was central to U.S. post-war economic growth strategies. The federal government’s bailout of the MRGCD was designed to insure that the valley remained secure from floods, especially as it was a key node in the new apparatus of “national security,” and it became less dependent on agricultural production and more dependent on wage-driven consumption. As farmers were dispossessed, they were enlisted into the army, or joined the migratory labor-force employed in the new manufacturing and service industries that sprang up around military installations.

Building on previous critiques of the MRGCD that have focused on the ways Hispano farmers were dispossessed, this thesis is designed to situate this dispossession within a broader systemic context of settler colonialism. In this context the dispossession of Indians is the condition of possibility for settler possession of land, water and property. But, as the MRGCD example demonstrates, settlers are also made vulnerable to forms of

dispossession through settler colonial designs. This is not to argue that the ways settler colonial regimes affect Natives and settlers is ultimately the same: the settler guarantee of possession presumes—and then anxiously works to enact—the disappearance and/or assimilation of Native nations into the settler domain. It is to argue that even within the racial binarism of settler colonialism racialized dispossession is not only structured along the Native/settler divide, but also works to create and mark the difference between the possessed and dispossessed within the settler community. Aimé Césaire referred to this problem as “the boomerang effect of colonization,” which is the problem of colonization itself.<sup>90</sup>

By providing an alternative history of the formation of the MRGCD this thesis has aimed to expand the scope of how scholars frame the problems with its formation. The problem did not begin with the way the MRGCD happened to dispossess thousands of non-Indian farmers. Rather, it began with the foundational ways that its operations were predicated on conditions created through a long process of settler colonization that continue into the present and are projected into the future. In seeking to relocate the history of the MRGCD in this way, this thesis points to the shifting topologies of settler colonial biopolitics as the terrain in which to locate the problems of its forms of life, debt, and development.

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**Endnotes:**

<sup>1</sup> House Committee on Indian Affairs. *Indians of the U.S. Vol. 3: Investigations of the Field Service: Hearing Before a Subcommittee of the Committee on Indian Affairs*. 66<sup>th</sup> Cong., May 17, 1920, 692.

<sup>2</sup> *Ibid.* 692.

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<sup>3</sup> For a critique of the posture of settler society and government that Abeita sought to refute see Achille Mbembe, *On the Postcolony*, (Berkeley: University of California Press, 2011), 34-35.

<sup>4</sup> For the purposes of this paper, the terms Indian and Native are used interchangeably.

<sup>5</sup> See “The River Pushes Back” in Fred Phillips, G. Emlen Hall, and Mary Black. *Reining in the Rio Grande: People, Land, and Water*, (Albuquerque, New Mexico: University of New Mexico Press, 2011), 67-80.

<sup>6</sup> Ira Clark, *Water in New Mexico: A History of Its Management and Use*, (Albuquerque, New Mexico: University of New Mexico Press, 1987), 235.

<sup>7</sup> Debt peonage was widespread in the Middle Valley during the century in which the valley was transferred from Spanish, Mexican, and American territory. Anglo- and Spanish American contingent of elites had expanded sharecropping arrangements during the late nineteenth and early twentieth centuries as dispossessed migrant labor became a major source of private accumulation. Roxanne Dunbar Ortiz, *Roots of Resistance*, (Albuquerque: University of New Mexico Press, 2007); and Weigle’s introduction to the Indian Land Research Institute’s *Tewa Basin Study*, originally published in 1935, and collected in Marta Wiegler, *Hispanic Villages of Northern New Mexico*, (Santa Fe, New Mexico: The Lightning Tree, 1975). The Pueblo nations that have lived in the valley since long before European settlement, have and continue to articulate and practice political economies, or political ecologies of indebtedness that operate in different ways than colonial and capitalist debts. Indebtedness implies a sense of what one owes oneself and ones conditions of living to, which for Pueblo nations is the homeland and its cosmological intricacies. These sorts of debts do not imply disposability and exchangeability of land as capital, but seek to foster relations of mutuality care for human and non-human entities and species. See Alfoso Ortiz, *Space, Time, Being, and Becoming in a Pueblo Society* (Chicago: University of Chicago Press, 1969).

<sup>8</sup> Patrick Wolfe, “After the Frontier”, in *Settler Colonial Studies* Additionally I also aim to reorient the focus on a diametric relationship between “settlers” and “Natives” (or non-Indians and Indians) to a focus on ways that differently racialized settlers, e.g. “Mexicanos” and “whites” were positioned in relation to Natives and each other.

<sup>9</sup> See for example Neal Ackerly, *Development of Irrigation Systems in the Middle Rio Grande Conservancy District, Central New Mexico* (Albuquerque Area Office, Bureau of Reclamation, 1997); and Ira Clark, *Water in New Mexico*.

<sup>10</sup> See Clark S. Knowlton, “Flood Control and Reclamation Projects: Curse of Blessing to the Rural Spanish-Speaking People of the Middle Rio Grande Valley” (Guadalupe, NM: Center for Land Grant Studies, 1994); Barbara Ritter, “Formation of the Middle Rio Grande Conservancy District: Looking Back at Hispano Protests, 1925-1944” (MA Thesis, University of New Mexico, 2000); Kenneth Orona, “River of Culture, River of Power:

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Identity, Modernism and Contest in the Middle Rio Grande Valley, 1848-1947.” (PhD diss., Yale University, 1998); Francelle E. Alexander, *Among the Cottonwoods: The Enduring Rio Abajo Villages of Peralta & Los Pinos, New Mexico before 1940*, (Los Ranchos, New Mexico: Rio Grande Books, 2012).

<sup>11</sup> Scott Lauria Morgensen “The Biopolitics of Settler Colonialism: Right Here, Right Now” in *Settler Colonial Studies* 1, 2011, 52-76. Morgenson’s argument builds on the important work Ann Laura Stoler has done in *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* (Durham, NC: Duke University Press, 1995) and *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Princeton: Princeton University Press, 2002).

<sup>12</sup> Government and state are essentially interchangeable terms for this definition.

<sup>13</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native” in *Genocide Studies*.

<sup>14</sup> Michel Foucault, “*Society Must Be Defended*” *Lectures at the College de France, 1975-1976*. Edited by Mario Bartani and translated by David Macey (New York: Picador, 2003), 240-241.

<sup>15</sup> For more on the *zoē/bios* distinction and the production of “bare life” see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, Daniel Heller-Roazen, trans., (Palo Alto: Stanford University Press, 1998), 1, 4-5, 83; as well as *State of Exception*, trans. Kevin Attell (Chicago, University of Chicago Press, 2005), where Agamben writes, “[b]are life is a product of the machine and not something that preexists it”, 87-88; and for “form-of-life” see the essay by the same name in *Means Without Ends: Notes on Politics*, Vincenzo Binetti and Cesare Casarino, trans. (Minneapolis: University of Minnesota Press, 2000), 3-12. Agamben’s explorations of the concept of bare life are indebted to Walter Benjamin’s understanding of law’s production of “mere life” explicated in the essay “Critique of Violence”, 296-299.

<sup>16</sup> For more on the definition of settler colonialism and its distribution of structural vulnerabilities along lines of race, and the role of the inevitably disappearing Native see: Patrick Wolfe’s essay “Structure and Event: Settler Colonialism, Time, and the Question of Genocide” in *Empire, Colony, Genocide: Conquest, Occupation and Subaltern Resistance in World History*, edited by A. Dirk Moses, (New York: Berghahn Books, 2008), 102-132; Andrea Smith “Indigeneity, Settler Colonialism, White Supremacy” in *Global Dialogue* 12:(2), 2010, pgs. 1-13. Denise Ferreira da Silva’s discussion of the concept of “the logic of obliteration” is instructive for understanding the context in which the figure of the disappearing Native proliferated, *Toward a Global Idea of Race*, (Minneapolis: University of Minnesota Press, 2007), 154-160.

<sup>17</sup> R.L. Duffus “A Dying Race Sits in Solemn Council,” *The New York Times*, May 29, 1929.

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<sup>18</sup> Ibid..

<sup>19</sup> Michel Foucault, *Security, Territory, Population: Lectures at the College De France, 1977-78*, edited by Michel Sennellart, trans. by Graham Burchell (New York: Palgrave MacMillan, 2007), 349-351. *The Birth of Biopolitics: Lectures at the College De France, 1978-79*, edited by Michel Sennellart, trans. by Graham Burchell (New York: Palgrave MacMillan, 2008).

<sup>20</sup> Mark Rifkin, "Indigenizing Agamben: Rethinking Sovereignty in Light of the "Peculiar" Status of Native Peoples" in *Cultural Critique* 73, (Minneapolis: University of Minnesota Press, Fall 2011), 88-124 (for the definition of bare habitation see page 94).

<sup>21</sup> Michel Foucault, *The History of Sexuality: An Introduction, Volume I*, (New York: Vintage Books: 1990), 139.

<sup>22</sup> Proceedings of the National Irrigation Congress, 1908, 21.

<sup>23</sup> Sullivan held the territorial governments' highest position in its system for administering flows of water. With admission to statehood in 1912, the position was renamed the State Engineer, a title which testifies to the centrality of water management in state formations.

<sup>24</sup> Ibid., 221.

<sup>25</sup> Middle Rio Grande Valley Association Records, Center for Southwest Research, University Libraries, University of New Mexico., MSS 62C, Folder 1.

<sup>26</sup> Clark, *Water in New Mexico*.

<sup>27</sup> New Mexico Legislature, Conservancy Act, Compiled Laws 1929, Sec. 30-101.

<sup>28</sup> Markwell, "Water Rights and Water Wrongs in the Middle Rio Grande", paper for the Office of the State Historian Scholars Program.

<sup>29</sup> New Mexico Supreme Court, *In Re Proposed Middle Rio Grande Conservancy District*, 1925, 18.

<sup>30</sup> Ibid., 18.

<sup>31</sup> Markwell, "Water Rights and Water Wrongs."

<sup>32</sup> Ira Clark, "Water in New Mexico," 209.

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<sup>33</sup> Senate Committee on Indian Affairs. *S. 700, A Bill Authorizing the Secretary of the Interior to Execute an Agreement with the Middle Rio Grande Conservancy District Providing for Conservation, Irrigation, Drainage, and Flood Control for the Pueblo Indian Lands in the Rio Grande Valley, New Mexico, and for Other Purposes*, Hearings before the Senate Committee on Indian Affairs, 70<sup>th</sup> Cong., 1<sup>st</sup> Session, held on January 20, 1928, 3.

<sup>34</sup> *Ibid.*, 4.

<sup>35</sup> *Ibid.*, 5-6.

<sup>36</sup> *Ibid.*, 14-15.

<sup>37</sup> *Ibid.*, 19.

<sup>38</sup> 22.

<sup>39</sup> John Collier, "The Red Atlantis" in *Survey Graphic* (1920), 66.

<sup>40</sup> Mark Rifkin, *When Did Indians Become Straight? Kinship, the History of Sexuality and Native Sovereignty*. (New York: Oxford University Press, 2011), 189.

<sup>41</sup> *Ibid.*, 189.

<sup>42</sup> Cong. Hearing, 33-34.

<sup>43</sup> Kenneth R. Philp *John Collier's Crusade for Indian Reform 1920-1954*, (Tucson: University of Arizona Press, 1977), 65.

<sup>44</sup> Senate Committee on Indian Affairs, *S. 700 Hearings*, held on February 17, 1928, 42.

<sup>45</sup> *Ibid.*, 50.

<sup>46</sup> *Ibid.*, 51.

<sup>47</sup> *Ibid.*, 58.

<sup>48</sup> *Ibid.*, 56.

<sup>49</sup> MRGCD Archive, Correspondence, Historical Records, etc. Article by H.G. Hosea.

<sup>50</sup> New Mexico Supreme Court, *Gutierrez v. Middle Rio Grande Conservancy District*, 1929, p 6.



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<sup>51</sup> Kenneth Orona, “River of Culture, River of Power”, Barbara Ritter “Formation of the Middle Rio Grande Conservancy District.”

<sup>52</sup> Francelle Alexander, *Among the Cottonwoods*, 305.

<sup>53</sup> Phillips et al., *Reining in the Rio Grande*, 118-119.

<sup>54</sup> Richard Melzer, “New Deal Success of ‘Noble Failure?’ Bosque Farms’ Early Years as a Federal Resettlement Project, 1935-1939. *New Mexico Historical Review* 85:(1), 15-16.

<sup>55</sup> Jacques Derrida, “Force of Law: The Mythical Foundations of Authority” in *Deconstruction and the Possibility of Justice* edited by Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson. (New York: Routledge Publishers, 1992), 6.

<sup>56</sup> Senate Committee on Irrigation and Reclamation. *Authorizing an Investigation with Respect to the Present and Future Need For Development of Projects for Irrigation and Hydro-Electric Power*, Hearings Before a Subcommittee of the Committee on Irrigation and Reclamation, 78<sup>th</sup> Cong., 2<sup>nd</sup> Session, October 2<sup>nd</sup> and 3<sup>rd</sup>, 1944 (Washington DC: United States Government Printing Office, 1945), 3.

<sup>57</sup> Ibid, 133.

<sup>58</sup> Senate Committee on Indian Affairs, *Analysis of the Statement of the Commissioner of Indian Affairs in Justification of Appropriations for 1944, and the Liquidation of the Indian Bureau*, 78<sup>th</sup> Cong., 1st Session, Report No. 310, 4.

<sup>59</sup> Ibid, 1.

<sup>60</sup> Ibid, 3.

<sup>61</sup> Ibid, 11.

<sup>62</sup> Ibid., 17.

<sup>63</sup> Ibid., 21.

<sup>64</sup> Ibid., 22.

<sup>65</sup> Presidential Water Resources Policy Commission, *A Water Policy for the American People (General Report) Vol. 1*, (Washington: US Government Printing Office, 1950), 1.

<sup>66</sup> Ann McClintock, *Imperial Leather*, see pages 30-31 for McClintock’s definition of “anachronistic space” and the gendered and racialized figures that inhabit these spaces

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that are made available to masculine white colonial appropriation. Also see pages 40-42, and 232-245. Interestingly, in the narratives McClintock examines, the desert is figured as a space of prehistory into which civilized man ventures and transcends in motions that prove his gendered and racialized evolution above a degraded landscape marked by primitive races and feminine natures (see especially 242).

<sup>67</sup> Presidential Water Resources Policy Commission, *Ten Rivers in America's Future Vol. 2*, (Washington: US Government Printing Office, 1950), iv.

<sup>68</sup> Ibid., xvii.

<sup>69</sup> Ibid., 305.

<sup>70</sup> Under this arrangement the MRGCD would be indebted to the Bureau of Reclamation for 20.6 million dollars. Of the sum of 20.6 the Federal government would provide 3.3 million for Indian lands, and the remaining 17.3 would be gathered through continued assessments for benefits on non-Indian lands. These assessments would be collected yearly at a rate sufficient to repay the Bureau of Reclamation over the course of five decades from the renegotiation of the contract.

<sup>71</sup> Ibid., 323.

<sup>72</sup> Ibid., 331.

<sup>73</sup> Ibid., 341.

<sup>74</sup> Ibid., 342.

<sup>75</sup> Ibid., 345.

<sup>76</sup> Ibid., 349.

<sup>77</sup> Ibid., 351.

<sup>78</sup> Manu Vimalassery, "The Prose of Counter-Sovereignty", UNM American Studies Lecture Series, held in April of 2013.

<sup>79</sup> Senate Committee on Interior and Insular Affairs. *Untitled Hearings before a Joint Subcommittee of Indian Affairs*, 83<sup>rd</sup> Cong., 2<sup>nd</sup> Sess. July 8, 1954, 105.

<sup>80</sup> Ibid., 106.

<sup>81</sup> Ibid., 106.

<sup>82</sup> Ibid., 118.

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<sup>83</sup> House Committee on Indian Affairs. *Investigation of Indian Affairs, Subcommittee of the Committee of Indian Affairs*, 78<sup>th</sup> Cong., 2<sup>nd</sup> Session, November 11, 1944, 798.

<sup>84</sup> Ibid., 801-802.

<sup>85</sup> Ibid., 802.

<sup>86</sup> Ibid., 808.

<sup>87</sup> Ibid., 808.

<sup>88</sup> Senate Committee on Indian Affairs, *Liquidation of the Indian Bureau*, 5.

<sup>89</sup> Joaquin Ortega, "The Intangible Resources of New Mexico" from the *Papers of the School of American Research*, 1945. (Santa Fe, New Mexico: La Galeria de los Artesanos, 1978), 14.

<sup>90</sup> Aimé Césaire, *Discourse on Colonialism*, trans. by John Pinkham (New York: Monthly Review Press, 2000), 41.

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