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A NATION WITHIN

In *A Nation Within*, Ezra Rosser explores the connection between land-use patterns and development in the Navajo Nation. Roughly the size of Ireland or West Virginia, the Navajo reservation has seen successive waves of natural resource-based development over the last century: grazing and over-grazing, oil and gas, uranium, and coal; yet Navajos continue to suffer from high levels of unemployment and poverty. Rosser shows the connection between the exploitation of these resources and the growth of the tribal government before turning to contemporary land use and development challenges. He argues that, in addition to the political challenges associated with any significant change, external pressures and internal corruption have made it difficult for the tribe to implement land reforms that could help provide space for economic development that would benefit the Navajo Nation and Navajo tribal members.

Ezra Rosser is Professor of Law at American University Washington College of Law where he teaches Federal Indian Law, Property Law, Land Use, and Poverty Law. A graduate of Yale, Harvard, and the University of Cambridge, Ezra is a non-Indian who grew up, in part, on the Navajo Nation.

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NAVAJO LAND AND ECONOMIC DEVELOPMENT

EZRA ROSSER

American University



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To my mother, Norma Cady
&
To my father, James Rosser, and his wife, Zelma King

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Preface

The translation my stepmother gives for the Navajo word “Bilagáana” is “white people, the other, or the enemy.” Navajo-English dictionaries tend to use a more neutral definition. But I have always felt that the more pointed definition given by my dad’s second wife, Zelma King, who for years taught written and spoken Navajo, was more accurate. At the very least, it better captures my experiences as an outsider who grew up in small part on the Navajo Nation. Tellingly, the Navajo word for themselves, Diné, means “the people” and is a term that does not include Bilagáanas.

I love the Navajo Nation, but my love is that of an outsider. It has its limits and frustrations. My wife likes to remind me that her love for our sons is unconditional but her love for me is without limits but conditional. The same can be said of my affection for the reservation. I both love and get annoyed by the vastness of the land, the long distances one can drive between towns and between grocery stores. I stand in awe at both the strength of some of the tribal leaders and the transparent selfishness of others. Perhaps more than anything else, my outsider status manifests itself in my conflicting desires: when I am away from the reservation, I often feel that I should return to it and that I don’t belong in the privileged white world where I work, and when I am on the reservation, I often feel that I should escape it because the reservation is a place I visit but has never truly been my home.

Being an outsider undoubtedly influences my understanding of the Navajo Nation and the arguments found in this book.¹ In perhaps the single greatest book on Indian issues, *Custer Died for Your Sins: An Indian Manifesto*, Vine Deloria, Jr. dedicated an entire chapter to “Anthropologists and Other Friends.” In a scathing, and quite funny, critique, Deloria skewered the often well-meaning scholarly outsiders who descend onto Indian reservations to conduct research. Deloria began, “Into each life, it is said, some rain must fall. . . . But Indians have been cursed above all other people in history. Indians have anthropologists.”² He went on to explain that the researchers who invade every summer come with conclusions already formed and are indifferent to the practical consequences of

their research.³ Scholarship about Indians not only created false narratives regarding the nature of Indians, but Deloria wrote, “Academia, and its by-products, continues to become more irrelevant to the needs of the people.”⁴ Deloria argued that Indians “should not be objects of observation for those who do nothing to help us.”⁵ He ends by urging researchers “to get down from their thrones of authority and pure research and begin helping Indian tribes instead of preying on them.”⁶

I first read *Custer Died for Your Sins* in graduate school in England, as far removed from the reservation as I had ever been, and I remember simultaneously laughing aloud in the library and being deeply troubled about what his insights meant for me personally. It was not until I met Professor Robert A. Williams, Jr., an Indian law scholar and member of the Lumbee Tribe, that I decided to become an Indian law scholar myself. As a non-Indian, but someone committed to working to improve the lives of people living on the Navajo reservation, it can be very difficult to figure out the best role to assume and career to pursue. I was all too aware of the challenges of being a Bilagáana on the reservation.

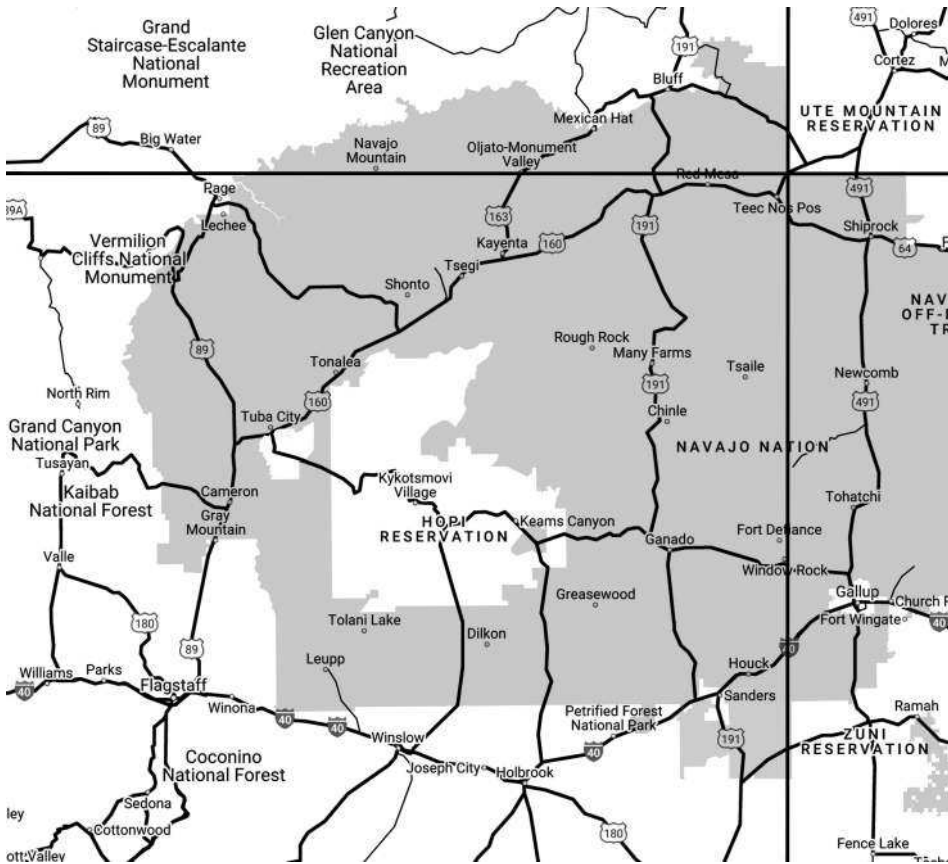
When Diné introduce themselves, they traditionally start by telling others the clans to which they belong. These fairly long introductions serve to place the speaker in the Diné social world and to establish connections between the people talking. If I was a member of the Navajo tribe, it might be enough for me to note my tribal membership. But given that my outsider status is so important, it is worth describing fully the extent and limits of my connection to the Navajo Nation. I was born in Fairplay, Colorado and by the time I was eight, my parents had lived in Colorado, Missouri, and Iowa. Following their divorce and a final custody determination just before I started fourth grade, my mother moved to Durango, Colorado to be a bus driver and my father moved to the nearest town where he could find work as a teacher, Kayenta, Arizona. For the next three years, I went to school in Durango, a somewhat distant removed border town, and my brother and I were shuttled the three-hour drive to Kayenta, a town well within the Navajo Nation, for weekend and summer stays with my father. Then in seventh grade, my brother and I lived with my father and his new Navajo wife in Kayenta while my mother got situated in her new job, working as an environmental planner for the tribe. She lived in Gallup, New Mexico in a tiny apartment on a hill overlooking the town and worked in Window Rock, the capital of the Navajo Nation. In eighth grade, my brother and I lived just outside of Window Rock in a partially-completed house before my mother bought a modular home across the street from the main government complex.

I left the reservation to go to boarding school in ninth grade. I did not suffer particular animosity in middle school on account of my race. If anything, there were frequent reminders – such as the assumption that white students should be in the high track classes – that I was relatively privileged. But the school system left a great deal to be desired. Most of my Bilagáana peers from middle school would go on to get in trouble with the law for everything from drug dealing to vehicular homicide associated with drunk driving. And neither the Kayenta nor Window Rock high

schools offered advanced classes. So I left for boarding school, then college, then graduate school, and finally work as a law professor, returning to the reservation only to see my parents. My younger brother, Saul, suffered through one additional, particularly hard year on the reservation before he too left to follow a similar path. Non-Indians make up between 2 and 3 percent of the population of the reservation and Saul ended up needing school security officers to escort him on the bus to and from school to protect him from racially motivated attacks. (Saul stood out more than I did, not only because he has bright blonde hair, but also because his survival technique was to fight back when bullied whereas mine was to let it be known that I would tell on whoever picked on me.) After I left for boarding school, my mother, Norma Cady, continued to work as an environmental planner for the tribe in Window Rock and Tuba City, Arizona for another twenty years. My father, James Rosser, and his wife, Zelma King, built a house on her family's traditional lands near Red Valley, Arizona.

Given my childhood experiences on the reservation, it was a challenge to figure out the roles I could and should play, as well as those I should not. Committed to the idea that Diné should decide the direction of the tribe and that the most important jobs that impact the Navajo Nation should be filled by Diné – whether those jobs are located on the Navajo Nation or in Washington, DC – it was hard to see a way to support the tribe while being mindful of the fact that I am a Bilagáana. Having seen the valuable contributions Robert Williams, Jr. made to Indian country, when he suggested that I consider becoming an Indian law professor, it was as if light was suddenly shone on a path that would enable me to work on the issue I cared about, reservation poverty, without taking on roles best assumed by Diné. *Custer Died for Your Sins* resonated not only because I understood the pain and humor it expressed, but also because it forced me to once again question my place and work. There are two basic options after recognizing one's outsider status: to abandon the field or to acknowledge that status and move forward with as much humility as possible.⁷ Though at various times I have stepped back a bit to work in the comfortable academic space of pure theory, my first and deepest commitment is to doing what I can to improve the welfare of Diné living on the reservation. The goal of this preface, accordingly, is to acknowledge my outsider status in the hopes that the book itself reads as authentic and fair to those most familiar with the Navajo Nation: Diné who grew up and spend their lives between the four sacred mountains.

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