

***K'è, Hozhó,* and Non-governmental Politics on the Navajo Nation: Ontologies of Difference Manifest in Environmental Activism**

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Introduction

Like many other American Indian tribes in the United States, customary practices of governance on the Navajo Nation have been reshaped over time in order to streamline governance and mirror the very system that many hold responsible for ongoing colonial conditions in U.S.-tribal relationships. This disjuncture often generates friction between the informal Navajo “grassroots” and formal Navajo tribal council, but at the same time creates an opening for seeing other forms and practices of politics that proliferate in contemporary Navajo (Diné) society. One of the central points of friction generating non-governmental forms of political action is the question of what modes of “development” are most appropriate for the Diné and their land, *Diné Bikeyah*. As others have recently shown, this problem is not uncommon in indigenous communities, particularly so in regions rich in minerals and other natural resources (Gedicks 2001, LaDuke 2006, Sawyer 2004, Tsing 2005). In our intellectual collaboration as a Diné (Navajo) and a non-Native researcher, we are finding that this political debate over the question of “development” is perhaps more a problem of differing, and possibly incommensurate ontologies and epistemologies than it is a disagreement over specific development technologies. Furthermore, within this zone of difference, the boundaries between “modern” and “indigenous,” as well as “Western” and “Diné” are increasingly blurred and redefined through the shifting social practices of governance and environmentalism.

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In this paper, we explore how non-governmental political action on the Navajo Nation, and environmental activism, in particular, is organized around the perennial question of development, and the ontological frictions that produce and continue to shape these debates. At the same time, we suggest that these ontological differences are never complete or total, but in fact are the result of historical processes of lived experience, as much dependent upon the circulations of “outside” forces such as popular culture, higher education, global pan-Indigenous movements, and the traveling discourses of environmentalism, climate change, and environmental justice, as upon anything inherently Diné. The effects of such global forces work to produce political actors who very often move and operate across the boundaries of well-worn categories such as “tradition” and “modernity,” “grassroots” and “governmental.” The experience of indigeneity itself is forged in and through encounters, always a relational, unpredictable, and “open-ended process,” as others have shown (see de la Cadena and Starn 2007). The result is a process of frictions, fractures, and flows of political action, in which differing senses of what the world is and should be (what we herein call “ontologies”) generate an opening for exploring how a sense of unique identity (what it means to be specifically Diné) is being worked out through environmental activism and contested interpretations of ethics, “nature” and “culture.” In this sense, social movement actors are contributing in an active and meaningful way to local, regional, and national debates on the future of particular extractive industries (in this case, mining) on indigenous territories. The knowledge they bring forth and mobilize is, we will show, integral to the Nation-wide debates on the future of energy for the tribe and the region. Through this paper, we aim to contribute to the interdisciplinary fields of social movements studies and development studies, which have largely overlooked, as Bebbington points out, “the roles of rural social movements in mediating the effects of large scale capital investment on rural livelihoods and territorial change” (Bebbington et al 2008: 4). Like others (see Escobar 1998 and Hess 2005), we view the work of social movements to be crucial in shaping the discourse, knowledge, and future of not only how development technologies are implemented (or not) in particular places, but how the very conceptual framework of “development” itself is thought, spoken, and transformed.³

3 This emphasis on understanding social movement actors as producers of knowledge follows work of Powell and other co-authors elsewhere. See for instance, Casas-Cortés, M., Osterweil, M. and Powell, D. “Blurring

This work is based on our independent ethnographic, policy, and historical research; on Curley's work with a Navajo policy institute; on Powell's preliminary dissertation research; and our engaged and collaborative research with environmental groups on the reservation. We locate our work as one collaborative node within a very active network of other researchers, activists, policymakers, and intellectuals exploring similar problems of "development." We hope this discussion contributes to what we believe is one of the most pressing political and theoretical issues facing the Navajo Nation as well as indigenous communities across North America.

In what follows, we first offer a very brief overview of the Navajo Nation, followed by a cursory historical summary of the emergence of the tribal government and the concurrent emergence of non-governmental politics on the Navajo Nation during the 20th century. We then consider some of the more recent difficulties that have arisen in the process of attempts to translate a set of customary, previously unwritten, ethical principles into modern tribal governance and policies and how these principles have been taken up by non-governmental Navajo actors – environmental groups, in particular – to advance what we identify as an "ontology of difference," which becomes manifest in their movements against extractive industries on the reservation. Finally, we look at how such ontological frictions occur not only between Navajo and non-Navajo worldviews, but also between activists and tribal leaders, as well as in the internal differentiations among environmental groups themselves. The common denominator throughout the discussion is the question of "development," and how differing experiences and analyses of what is real confront one another in the pursuit of an answer.

Background of the Navajo Nation

Located on a semi-arid, high desert plateau in the American Southwest, the Navajo Nation is the largest American Indian reservation in the United States, with a land base at 27,000 square miles, roughly the size of Ireland. The Navajo Nation has the second-largest population among American Indian tribes, numbering close to 300,000 enrolled members. Yet only slightly more than half of tribal members currently live on the reservation, with much of this out-migration caused by a lack

of employment opportunities close to home. The Navajo (who call themselves *Diné*, or “The People”) maintain their language, ceremonies, creation stories, and other cultural practices, despite (and perhaps because of) centuries of contact and change. After the United States military displaced and incarcerated the Diné in the 1860s at Bosque Redondo in eastern New Mexico, their reservation was formally established in 1868 through a “treaty”⁴ with the U.S. government. This treaty returned the Diné to their ancestral homeland, *Diné tah* -- the land between the “four sacred mountains.”

Notably, the Diné are among the very few Native North American tribes that were displaced by the U.S. government and then returned to their ancestral homeland, as opposed to being removed onto a “reservation” in foreign terrain⁵. This centuries-old occupation of the same territory has forged a deep and historical sense of place and dwelling among the Diné, evident in the stories, ceremonial practices, and place-names that animate and give meaning to the landscape.⁶ Historically, the Diné traded with neighboring tribes and incorporated refugees from the Pueblo and Spanish colonial wars of the 17th and 18th centuries into their society and clan system prior to American expansionism in the 19th century (Iverson 2002: 14). And yet, despite the fractures and frictions of internal difference, the Diné have retained a strong sense of what it means to be uniquely Diné. This sense of uniqueness is perhaps no more evident than in late 20th and

4 A treaty between the United States and American Indian tribes is not similar to treaties between two equal sovereigns. Rather, since the “Marshall Trilogy,” or more specifically, since *Cherokee Nation v. Georgia* in 1831, the U.S. has maintained that American Indian tribes are “domestic dependent” nations. They enjoy “trust” relationship today with the U.S. federal government. Meaning, since they were militarily conquered, primarily in the 19th Century, the U.S. federal government has enjoyed absolute political control over Indian tribes—how and to what degree it exercises this authority has changed from year-to-year. “Treaties” in effect became the frameworks for how the U.S. federal government would absorb tribes into its geopolitical boundaries as it expanded westward. For more on U.S.-American Indian relations, see: David E. Wilkins, “American Indian Politics: And the American Political System” (2002).

5 Many Indian tribes from the eastern seaboard of North America were forcibly relocated to the present-day state of Oklahoma, at the time called “Indian Territory.”

6 For a full discussion of Navajo sacred places and connections between stories and landscape, see Klara Bonsack Kelley and Harris Francis. 1994. *Navajo Sacred Places*. Bloomington & Indianapolis: Indiana University Press.

early 21st century struggles over energy development and tribal governance.

However, throughout the 20th century, the sense of being Diné was continually challenged, reshaped, and amalgamated through a series of historical incursions from missionaries, traders, ranchers, railroad and, finally, extractive industries, due to the tribe's wealth in subterranean resources, especially coal, oil, and uranium. The arid, open, Southwestern desert landscapes were considered barren in the 19th century during the forced relocation of Native populations, but in the 20th century these same spaces were reinterpreted as necessary "geographies of sacrifice," their exploitation essential to the growing industrial and military power of the U.S. (Kuletz 1998, Masco 2006). These influences have not only presented a challenge for the use and practice of traditional knowledge, but have also changed how traditional knowledge is mobilized in current energy debates. Meaning, aside from the familiar dichotomy of "Navajo" versus "Western," there are also competing beliefs of what "traditional" Diné is and was, and these interpretations have been largely influenced by the changing, historic relationship to extractive industry development on Navajo lands. These dual valences of power – both fossil fuel power and political power – intertwine to create one of the most urgent problems of "development" and "self-determination" facing Navajo, and many other indigenous communities at the present moment. The Diné thus became the targets of varying regimes of "development," from the Cold War rush for uranium deposits to build nuclear weapons, to the resurgence of coal for electrical production to light up and cool the greater Southwest. As a population to be governed, regulated, and made to live in certain ways (Foucault 2003) and also as a territory to be mapped and mined, the Diné and their world have been rapidly transformed and reorganized in the name of modernity, national security, and economic development over the course of the 20th century. Increasingly, however, the Navajo Nation has become an active and strong agent in these energy negotiations.

The Co-Emergence of Tribal Governance and Extractive Industries

In 1923, the United States' Bureau of Indian Affairs (BIA) created the first Navajo tribal government as a "business" council to legitimate and facilitate Diné concessions to U.S. mining interests, primarily oil interests (Iverson 2002: 134; Kelly 1970: 69; Young 1978: 58; Wilkins 2003: 82). This move was part of broader

federal Indian policy at the time, which sought to institutionally assimilate Native peoples into mainstream society, in an effort to “kill the Indian to save the man.” In this sense, redesigning (essentially imposing) certain forms of governmentality through the official creation of tribal governments was a specific technology of assimilation and regulation of these populations. In an attempt to streamline U.S. relations with Indian tribes, in 1934 Commissioner of Indian Affairs for the BIA, John Collier, campaigned among American Indian tribes to adopt U.S.-style constitutional governments. Though many tribes approved of these new regimes, the Navajo people, in a referendum vote, narrowly rejected it. Navajo disapproval of a constitutional government was largely due to its perceived association with the federal policy of “livestock reduction,” a targeted campaign by the U.S. to reduce Navajo sheep populations and which devastated family and tribal economies (Kelly: 158; Iverson 2002: 139; Young 1978: 82; Wilkins 2003: 85).

The following decades witnessed renewed efforts from the Navajo Nation Council to create a formal constitutional government along the lines of a three-branch government (Wilkins 2003: 89). Extraction of coal, uranium and oil increased revenues into tribal coffers, feeding the expansion and political power of the Navajo Nation government and its capability to provide basic services to the Navajo people (Iverson 2002: 226; Young 1978: 138). Consequently, the Navajo Nation became dependent on the sale of extractives to maintain its status quo (White 1983). It has since become the interest of many Navajo officials to maintain extractive industries for this very reason, often despite the widely recognized negative health, environmental, and social impacts such activities have on Navajo communities. This sense of betrayal on the part of many tribal members has fueled a debate over governance itself – namely, whether to further centralize or begin to decentralize the Navajo Nation government. Such tensions have also had effects on the ongoing and largely unsettled interpretations of traditional Navajo values and principles, especially to the degree that such values and traditions relate to the environment and development.

In 1989 the Navajo Nation faced a severe government crisis following accusations that then tribal Chairman Peter MacDonald embezzled large sums of money from the Navajo Nation. To address a growing concern that the Chairman position had too much power without sufficient oversight, the Navajo Nation adopted a “temporary” three-branch government with separate legislative and executive functions that is still in place today

(Iverson 2002: 294; Wilkins 2003: 92). Thus, what began as a temporary settlement has become the de facto form of governance for the Navajo people, setting the stage for contemporary debates on what constitutes “authentically Diné” governance. As the Diné Policy Institute demonstrated, the Navajo Nation is now structured and influenced from principles largely derived from European political traditions and models (such as a centralized, democratic institutions and the notion of separation of powers) that often conflict with and do not necessarily reflect the needs and concerns of Diné social formations and cultural practices. Such friction is discussed further elsewhere by Lloyd Lee in terms of concerns over community development and local autonomy (Lee 2008: 97). Though the workings of the Navajo Nation tribal government have altered in recent decades, its size and dependency on fossil fuel industries has remained largely unchanged -- though increasingly challenged. Continued dependence on extractive industries has thus far caused major rifts between formal and informal political institutions and actors.

Politics Otherwise: Non-Governmental Action on the Navajo Nation

Michel Feher refers to “non-governmental politics” as the process of seeking political change without the desire to govern (Feher 2007: 7). As such, non-governmental politics tends to be issue-centric as opposed to platform-centric, which in effect alters democratic institutions from representative to participatory -- with non-governmental actors often claiming a voice in the formal political process. Historically decentralized in their governing practices (Reeve 1983: 1; Wilkins 2003: 68), the Diné have initiated political action and dialogue at a community level with local, regional, national and transnational actors, including the Pueblo, Spanish, Mexican and U.S. governing regimes.⁷ The historic Diné

⁷ For example, political historian David E. Wilkins recounts the story of a Navajo “headman,” attempting to make peace with the ruling Spanish in Santa Fe. The headman expresses discontent at western Navajos who were at the same time preparing for war with the Spanish. This demonstrates that political action involving questions of war and peace in some instances didn’t take on the characteristic of a national policy and was subject to the predilection of autonomous, geographically dispersed communities (Wilkins 1999: 72). Many other examples of this type of treaty making and breaking with the Diné are found throughout the historic Spanish and Mexican records. These governments were frustrated by the fact that they would sign a peace treaty with one regional headman, while another headman would make war on Spanish or Mexican villages. This demonstrates that historic Navajo decision-making was localized,

political institution of the group of elders known as *naataanii* was a form of representative democracy. Leaders were chosen to represent and decide the interest of the community (mainly economic affairs) based on their speaking and analytical skills and their knowledge of either the “Enemy Way” or “Blessing Way” ceremonies (Wilkins 2002: 96). Though a *naataanii* was appointed for life, the selection of the *naataanii* was a collective, community decision with a number of candidates vying for the position. The semi-spiritual *naachid* gathering likewise had no coercive or binding powers and allowed for more political flexibility and local autonomy (Wilkins 2002: 96). Scholars have drawn parallels between the *naachid*, in which decisions were made between twelve regional headmen and women, and parliamentary democracy (Wilkins 2003), although there is limited use to this analogy. Today, Navajo Nation Council delegates are drawn together from throughout the reservation (there are 88 delegates representing 110 chapters, or local communities spanning the 27,000 square mile reservation) to make decisions on behalf of “the nation” as a single political entity. This slow erosion of local autonomy and the increasing dominance and centralization of power in Window Rock (the Navajo Nation’s capital city) contrasts sharply with the historic *naachid* gathering, and is the focus of active debate among Diné people at present. Because in many issues most intimately connected with everyday life -- such as grazing permits, home site permits, water and electricity access -- negotiations and final decisions still occur at the level of the local chapter.

At the same time as these evolutions in tribal governance, non-governmental politics has concurrently flourished, often (though not exclusively) in a relational manner with formal institutions and policies. For instance, in the 1930’s, Jacob C. Morgan, later to become tribal chairman, led what might be called the first “activist” campaign on the Navajo Nation. He mobilized others to oppose the federal policy of livestock reduction, which devastated the livelihoods and morale of many Diné. Morgan also resisted the U.S. government’s “Indian Reorganization Act (IRA),” or Wheeler-Howard Act of 1934, which organized disparate tribal communities into coherent nations with corresponding governments. Yet his efforts were not only directed at Washington; like many of the internal political fracturings to come, he challenged the de facto Diné headman Chee Dodge, who, along with the rest of the tribal council in the early 1930’s, cooperated with these measures (Young 1970: 78; Iverson 2002:

dispersed, autonomous, horizontal, and not directed from a centralized entity.

138). And yet, this internal difference is further complicated, as Morgan's cultural politics yielded surprising results, echoing in Navajo political activism today. Morgan, while from the "grass-roots," was also a Christian, and argued for assimilation into the non-Native mainstream society, while Dodge (hand-picked by federal authorities) argued for more culturally distinct governing institutions (Young 1978: 78). Morgan's efforts helped defeat a federally proposed form of government that would have made the Navajo Nation into a constitutional democracy, though the Navajo Nation eventually adopted many of these reforms over time (Kelly 1968: 170). Morgan and his allies were instrumental in convincing rural Navajos to vote against the IRA Constitution. But it should be noted that the majority of Navajos who voted against this proposed constitutional government also did not vote in favor of Morgan's other banner of assimilation. They voted, rather, to maintain their sheepherding traditions and livestock-based economy. Morgan's alliance with sheepherding interests may appear an odd partnering, but demonstrates early concerns over economic development in Indian country and the inextricable relationships between development and governance. In Navajo territory in particular, such concerns are, we argue, not solely matters of a rationalized economics, but are fundamentally open questions of ethics and ontology.

Concerns over development and governance launched onto the national and global scene in the 1960's, when the American Indian Movement gained attention through media-savvy, high profile direct actions such the nineteen-month takeover of Alcatraz Island in 1969 and the 1972 Trail of Broken Treaties march to Washington, D.C and subsequent occupation of the offices of the Bureau of Indian Affairs (Smith and Warrior 1996). Many Navajo intellectuals and leaders were part of this national surge of "Red Power" activism, and as such, were involved in shaping a new discourse of "indigenous rights" and Diné identifications with such rights. These activists developed fresh critiques on colonialism and its legacies, and tried to strengthen tribes' political power in "government-to-government" relations with the United States -- efforts that didn't become manifest until much later in the 1990s. As Todd Andrew Needham shows, this burgeoning activism was largely fueled by a growing Navajo nationalism (itself part of a growing sense of a pan-indigenous, global community), which connected with the question of economic development through extractive industries, especially the extensive coal deposits on the Western and Eastern sides of the Navajo reservation (Needham 2006). And yet, much of this activism was informed

by values inherent in the Western political and philosophical tradition: Kantian concepts of the self and inalienable, individual rights; Cartesian notions of dualities of mind and body; and – perhaps most importantly – concepts of “nature” as fully outside of and distinct from human experience, a force to be controlled and subdued (in the Judeo-Christian tradition) or analyzed with a mechanistic and atomistic methodology (in the Scientific tradition).

The early 1980’s saw the emergence on the Navajo Nation of a form of environmental activism with historical traces in Diné philosophical traditions and traditional teachings, but with incorporations of new notions of “environmental justice.” This new articulation was organized around questions of development interventions in particular landscapes (above and below surface) on Diné territory. For example, in 1987, Diné community members from Dilkon, Arizona protested the construction of a medical waste incinerator as a project of “economic development” for the tribe, on the grounds that this was an unacceptable cultural affront (due to Diné customs surrounding death) and an environmental hazard. Many activists today cite this incident as galvanizing a new moment of Navajo-led environmental activism, which then spread across the reservation, and beyond. This incident was followed by a series of actions led by the group Diné CARE and based in the Chuska Mountains, on the Arizona-New Mexico border, to protect the pinon, cedar, and juniper forests from over-harvesting by the tribal timber industry (see Sherry 2002). These incidents – newly articulated under the rubric of “environmental justice,” which incorporates an analysis of power, racism, place, and class/labor into claims for conservation of nature – helped re-ignite what many explain as an “age-old ethic of protecting Mother Earth,” now in the face of contemporary “development” schemes. This was, in a sense, the re-emergence of a historical ontology of difference, which transported with it knowledge and ways of being rooted in oral histories, creation stories, and experiences of a sacred landscape, which foundation of what many consider to be uniquely and historically Diné (Denetdale 2007, Kelley and Francis 1994).

As many contemporary activists and intellectuals explain, the core of this historical ontology of difference is a series of ethical teachings (only recently translated and written in the English language) known now as “Fundamental Laws of the Diné.” This is not so much a set of Ten Commandments as exists in the Judeo-Christian tradition as it is an explication of the way the world *is*, and the way Diné people should inhabit and dwell and relate

in and to this particular world. The Fundamental (or sometimes called “Foundational”) Laws of the Diné (FLD) are in themselves an example of the frictions and fissures of ontology, in that they are inherently polyvocal, unwritten, malleable, repeated *and* transformed through oral teachings. Only very recently have the FLD been translated into English, codified, standardized, and adopted by the Navajo Nation Council. Many activists have shared their discomfort and outright rejection of the government’s ratification of the FLD, arguing that this not only “freezes our teachings in time,” but also makes the laws available for development policy in a way that is incommensurate with the “spirit of the law” or the ethics and teachings many feel that the FLD represent. The FLD and its contentions are discussed below.

Translating Customary Ethics into Modern Governmentality

Post-1968 awareness of civil rights and the later construction of “multiculturalism,” as well as the effects of a visible Native American rights or “Red Power” movement in the 60’s and 70’s led to dramatic changes in U.S. federal Indian Policy in the late 1970s through the 1990s (including the Indian Self-Determination Act of 1975, the American Indian Religious Freedom Act of 1978, and the Native American Graves Protection and Repatriation Act of 1990). These acts recognized, at least at the level of federal policy, more tolerance for the use of traditional concepts, principles and laws in the official governing affairs and institutions of tribal communities. This shift was significant in the historical picture of U.S.-tribal relations. At least as far back as the 1885 passage of “the Major Crimes Act,” the U.S. Supreme Court has continually eroded American Indian control over their laws and methods of law enforcement. Because the U.S. public and federal officials perceived Indian tribes as more lenient on offenders than Anglo law, it was deemed necessary that reservations come under control of federal authorities for seven major crimes: murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny. More crimes have been added to the law since 1885, limiting even more tribal jurisdiction over its people (Pevar 2002: 144). In 1968 the U.S Congress passed the American Indian Civil Rights Act, which further undermined Indian control over their legal systems (Pevar 2002: 278).

Beginning in the 1980s, the Navajo Nation courts incorporated customary principles, concepts and values into its institutional decision-making. In 1985, with the formal establishment of an

independent judiciary,⁸ the Navajo Nation formally recognized peacemaking courts, which allowed for dispute resolution in a more traditional manner. The peacemaking courts are entirely voluntary and offer an alternative to Western models of dispute resolution. With success in introducing traditional principles and concepts into Navajo courts, in 1999 Navajo Nation President Kelsey Begay and Council Speaker Edward T. Begay initiated a project to incorporate “fundamental” or “foundational” Navajo laws into the Navajo Nation Code, the main framework of government on the Navajo Nation (Bobroff 2005). This was encouraged, in part, by a decade in which the Navajo people experienced a series of signs regarding their loss of their culture and tradition. In 1996, Diné elders reported seeing Diné deities who expressed their dissatisfaction with the current state of Diné culture and loss of traditional knowledge (Wilkins 2002: 93). This spiritual and cultural intervention, combined with the late 20th century resurgence of Native identities and discourses of indigenous rights, helped create the conditions of possibility for freshly considering the role of traditional epistemologies and ontologies in modern institutions of governance.

The Navajo Nation Tribal Council’s passage of the Fundamental Laws of the Diné (FLD) in 2002 was an unprecedented act within the history of Navajo law making. And yet, it was a codified, institutional response to the vision of elders and their ethical and spiritual concerns, which – as many argue – is inherently uncodifiable within the framework of Western law and thought. In the six years since its passage, there remains much uncertainty about how the Fundamental, or Foundational Laws of the Diné are actually translated and implemented into the practices and policies of Navajo Nation governance. Many feel that an intrinsic incommensurability exists between this historical code of ethics and being and the contemporary structures and political aims of tribal governance; in other words, the matter of concern is that the former simply cannot be contained, explained, or made sense of within the latter, so much so that one tribal member deemed the FLD “unthinkable” and “perverse” when taken up by the Navajo Nation Council. Some feel that the FLD are already laden with “Western” political concepts such as “rights” and “freedoms” and smuggle in notions of a particular type of “self” or subject that do not reflect historic/traditional Diné ontology and experiences of the world, as expressed in the songs and prayers of Navajo healers and medicine people.

8 There is still debate on the degree of independence enjoyed by the judicial branch of the Navajo Nation government.

However, in the words of a prominent grassroots leader, “the spirit of the FLD is alive” in the work of many non-governmental groups, animating and guiding their discussions on what ought to be done with pressing questions of development and environmental justice. Many non-governmental groups, often working in opposition to the tribal government policies and proposals, actively reference and attempt to embody these laws in their organizing work. What’s more, non-governmental politics on the Navajo Nation have taken “the spirit of the FLD” and have utilized other traditional and historic Diné principles not included in the codified FLD as it is written in the Navajo Nation Code, but ethical principles that are in a similar vein. In short, for many of these non-governmental groups, the FLD signifies a way of being, thinking, feeling, and acting Diné that guides their political work. We contend that their movements, grassroots expertise, and ongoing relations with the very people they challenge (who are, importantly, often their actual kin relations, by immediate family or by clan) is the social practice that helps to define the meaning of FLD, despite hesitation and uncertainty from Navajo Nation government officials in applying the FLD to environmental questions at the level of policy.

In what follows, we consider the important work of non-governmental organizations in defining and translating (both semantically and semiotically) the meaning of the FLD and their related customary ethics and epistemologies. We will demonstrate how, in the present moment, non-governmental environmental organizations on the Navajo Nation are at the forefront of challenging and potentially transforming the paradigm by which the Navajo Nation governs, from Anglo utilitarianism (Giddens 1992: VIII) to Diné principles rooted in ontological difference, yet still products of open-ended, lived experiences.

Environmental Activism and the use of the Fundamental Laws of the Diné (FLD)

By far the greatest proponents for use of traditional Diné principles within governance are Diné non-governmental organizations campaigning for “environmental justice” on the Navajo Nation, especially as the question of justice is tied to specific development technologies. These organizations have focused on elements within Fundamental Laws of the Diné (FLD) to support their arguments against certain development initiatives (e.g., the timber industry, coal and uranium mining, in particular), generally framed as “tribal economic development.” Other non-governmental,

political actors have utilized different traditional/historical Diné concepts of environment beyond the FLD, but following in the spirit of these laws. For example, in 2005, the Crownpoint, New Mexico based Diné organization, Eastern Navajo Diné Against Uranium Mining (ENDAUM) used the FLD to justify and eventually win a prohibition on uranium mining and milling on the Navajo Nation. The prohibition was passed as the Diné Natural Resources Protection Act of 2005 and released by Navajo Nation President Joe Shirley, who condemned the half-century practice of uranium mining as an act of “modern genocide” against the Diné people (Shirley 2006). Scholars, activists, the media, and miners themselves have further documented the devastating effects on human health, communities, and the environment that has resulted from uranium extraction to build the plutonium cores of the nuclear weapons required by the U.S. military complex, a legacy of the Cold War that endures into the 21st century (Brugge et al 2006, see also www.sric.org).⁹ This movement to stop uranium mining on the reservation is perhaps the clearest example of the deployment of FLD by a diverse network of tribal officials, grassroots activists, and state actors toward a common goal – to put an end to uranium mining and milling on Navajo land. This event demonstrates the unexpected political alliances and coalitions that can form around a common matter of concern and the force of an actor such as the FLD to galvanize a movement and enlist a wide range of other interests into a common project.

In conjunction with the FLD, tribal members have used other Diné ethical principles such as *dóó nal yee dab* to support their call for the prohibition on uranium mining and milling on and around Diné territory. *Dóó nal yee dab*, which roughly translates to “certain substances within the Earth that are harmful to the People should not be disturbed,” was derived from consultations by environmental groups with medicine people and other tribal elders with traditional/historical knowledge. Once introduced, use of similar customary principles and concepts have taken hold and proliferated in other struggles. More recently, the group Diné CARE (Diné Citizens Against Ruining our Environment) issued a report on economic and energy alternatives to a proposed

9 Notably, since the cost per pound of uranium has now risen from \$8-\$9/pound in the early 1990's to over \$60/pound in 2007-2008, Navajo communities and the tribal government are under increasing pressure from mining corporations to re-open or explore new uranium mines on the New Mexico territories contiguous to and on the Navajo reservation.

1500-megawatt coal-fired power plant on the Navajo Nation known as the Desert Rock Energy Project, using FLD and other related Diné ethical principles as the basis of their argument in a 200-page report laying out economic and energy alternatives to the proposed coal plant.¹⁰ The report's Introduction cites the 2005 Diné Natural Resources Protection Act (DNRPA) and its use of FLD as an authoritative basis and point of departure for their own argument:

“DNRPA and its incorporation of Diné Fundamental Laws to ban uranium activities make evident the need for Navajo energy development and economy to be “rebalanced” through the traditional concept of *Alch'i Silá* (“they face/relate each other”), rectifying the historical trauma of energy development and mining with sustainable renewable technology in accordance with foundational principles” (Diné CARE 2008).

Building on this call for “rebalancing” through new and different technologies, the report continues to draw upon Diné worldview and values to argue for investment in solar and wind power on the Navajo Nation, instead of coal-fired power. Stressing core Diné ethics of *hozhó* (“beauty, or balance”), *ke'e* (“relations”), and *áná'áál'ii' níl'úú' níná'níl* (“atonement by putting things in place”) and also explicating the technicalities of concentrated solar power technology, the report stands out in its unique usage of Diné ontology and epistemology combined with technical knowledge and renewable energy expertise.¹¹

Also drawing on Diné Natural Law and ontological difference, other non-governmental Navajo groups have sustained long term public campaigns challenging development projects in areas outside of reservation geopolitical boundaries, but in places that are considered part of their historic territory and sacred to the Diné (as well as other Native peoples of the region). In several recent cases, activists have mounted challenges to development

10 For a downloadable copy of Diné CARE's Report, “Energy and Economic Alternatives to the Desert Rock Energy Project,” go to http://www.desert-rock-blog.com/blog/_archives/2008/2/11/3518415.html.

11 For a fuller discussion of recent work of Diné CARE and its allies in working to stop the proposed Desert Rock Energy Project, see Powell, Dana E. and Dailan J. Long, “Landscapes of Power: Renewable Energy Activism in Diné Bikeyah,” in *Indians and Energy: Exploitation and Opportunity in the American Southwest*. Edited by Sherry L. Smith and Brian Frehner. Forthcoming on SAR Press.

activity on what are considered to be holy mountains that play an important role in Navajo cosmology, as sites of the birth and resting places of specific and central deities such as Changing Woman, and her twin sons, Monster Slayer and Born-for-Water. These mountains are sacred in Navajo belief and are the geographic, historical boundaries for *Dinétah*, the Navajo territory. An example of one such struggle is the “Save The Peaks” movement, centered in Flagstaff, Arizona, one of the larger Navajo and non-Native “border towns” of the reservation. The Flagstaff-based Black Mesa Water Coalition (BMWC), a coalition of Navajo and Hopi organizers, along with non-Native allies opposed the city’s plan to use recycled effluent, or city wastewater to create “snow” for the Arizona Snowbowl Ski Area. This ski area was slated as a tourist attraction on the mountain known, in English, as the San Francisco Peaks. This mountain, known as *Dook’šliid* by the Diné, is the westernmost of their four sacred mountains. In their campaigns, BMWC and the affiliated organizations used the FLD and other traditional/historical principles as a central organizing ethic for their “environmental justice” work. Interestingly, in this particular campaign – as in the campaign that culminated in the moratorium on uranium mining – the Navajo Nation Council has aligned with non-governmental actors against the developers, also deploying FLD and invoking cultural preservation as the basis for protecting these landscapes.

Admittedly, use of customary principles serves as a pragmatic legal strategy, but there remains strong use of these concepts within the meaning-making work that goes on within Diné non-governmental politics. In fact, it is precisely the contested meanings of FLD that fuel the debates over various development technologies, as evidenced in all ten of the public hearings for the Draft Environmental Impact Statement on the Desert Rock Energy Project (coal fired power plant) during the Summer of 2007. The meaning-making work of these social movement actors is crucial to their political subjectivities and epistemologies, which are significant products of the cultural politics they are engaged in. In other words, their efficacy and agency cannot be measured only in terms of “political opportunities” or directly causal factors, but operates as well at the level of knowledge production and resignification.¹² What’s more, many of Navajo non-governmental actors express extreme dissatisfaction with the decision-making

12 For a full discussion of the argument regarding “meaning making in social movements,” accompanied by ethnographic research, see all articles in the special issue of *Anthropological Quarterly*, Volume 81, Number 1, Winter 2008.

processes currently operating in the Navajo Nation government, while at the same time stressing the central importance of tribal sovereignty, self-determination, and good governance.



Members of the group C Aquifer for Diné protest the use of Navajo groundwater for coal mining projects.

Photo by Dana E. Powell, Window Rock, Arizona 2007.

Significantly, leaders within environmental justice organizations critique the structure of the tribal government as a systemic cause for dissonance between industrial/extractive development and traditional notions of environment. These organizations argue (as do many scholars, see Iverson) that because the Navajo Nation government was created by the federal Bureau of Indian Affairs in 1923 as an instrument of extended colonial rule and relations between the U.S. federal government and the Navajo people in the interests of extractive industry, the current government is both non-traditional, colonial, and structured to act more in the interests of large corporations than in the interests of the Navajo people. In other words, grassroots organizations question the legitimacy of formal political institutions on the Navajo Nation, now in existence for only 80 years, while using historical Diné knowledge, which, although it has evolved over time, has a much longer history. As such, the politics of authenticity and heritage is forged where ethical teachings engage modern institutions, implicating and generating a diverse array of Diné identities. This sort of contentious social practice yields shifting

personal and collective identifications, often through these contested ontologies and epistemologies. Following Holland and Lave (2001), relationships between enduring struggles (such as contested modes of governance) and historical subjectivities (the activists, the council members, and others) are mediated through local, situated practice, such as the debate over existing and proposed development projects. And the sides of the debate on which specific actors will fall is never fully foreseeable.

Contentious Ontologies and Common Backgrounds

However, though many consider customary knowledge to be “ancient,” historical processes (including official policies) of assimilation and ongoing incursions from the “West” have created competing schools of thought in this regard. In this case, the coloniality¹³ of knowledge production itself (formalized institutions, the hegemony of the English language and European philosophy, the notion of the individual “discoverer” or sole bearer of knowledge) continually reshapes notions of “ancient” or traditional knowledge, producing new and hybrid epistemologies as well as contested notions of what constitutes “real” Diné knowledge and experience. Indeed, what is considered “traditional” Navajo knowledge is fractured and influenced from externalities that have little to do with Navajo tradition and have everything to do with development and colonization (as an historic event and an ongoing political, cultural, and social process). Currently, there appears to be a strong aversion from Diné environmental NGO’s and the majority of the Navajo population toward the methods and priorities of the technocratic class of the Navajo Nation. This aversion is evidenced in public forums such as the weekly tribal newspaper, periodic public hearings, and local chapter meetings as well as in conversations on and off “the record” with tribal members of various backgrounds.

13 Here we draw upon Anibal Quijano, Walter Mignolo and others’ concepts of the “coloniality of power” and “modernity/coloniality,” in which modernity cannot be thought or understood without coloniality, as an ongoing historical force, with epistemic and ontological consequences. This theoretical and geopolitical approach is described further in Mignolo, Walter. 2000. *Local Histories, Global Designs: Coloniality, Subaltern Knowledges, and Border Thinking*. Princeton, NJ: Princeton University Press and Quijano, Anibal. 1993. “Modernity, Identity and Utopia in Latinamerica,” in *The Postmodernism Debate in Latin America*. Edited by J. Beverley and J. Oviedo, pp. 140-155. Durham: Duke University Press.

Such contention over the future and the “progress” of the Navajo Nation is significant as both leaders of environmental justice organizations and the technocratic class working within the Navajo Nation government often share similar educational backgrounds, both having received higher education off the reservation. The point here is that there is a kind of intimacy and similar experience among the actors who appear to stand at the opposing ends of development debates. More broadly, this cohort in Navajo society is in general disagreement about the future course of the Navajo Nation. All argue for increased sovereignty for the tribe, but the pathways recommended for achieving this still-elusive cultural and political state of autonomy are often at odds. This polarization is not new to Navajo society, but the severity of this seeming dichotomy has increased as more and more Diné people achieve higher degrees of education, often at the expense of deepening their knowledge in cultural practices and experiences of dwelling on and thus more intimately knowing Navajo land. Of course this experience and knowledge are not inherently mutually exclusive, but our research has shown that the perception exists quite widely that higher (off-reservation) education comes at a cultural price. Many organizers involved in non-governmental environmental work claim to have been raised in “traditional households,” where they grew up participating in ceremonies, herding sheep, hauling water and learning from their grandparents’ teachings. Accordingly, such an upbringing has provided a balancing and grounding effect while these future organizers were at off-reservation universities and colleges. And yet at the same time, these same activists credit these off-reservation educational institutions and communities as sites where their political sensibilities and subjectivities were ignited and strengthened.

In this way, post-secondary education away from the Navajo reservation has proven valuable for young Navajo activists in establishing their sense of ethics, critical perspectives, and worldviews. Although from their accounts this experience has been both negative and positive. Some have described their former schools as “oppressive” and lacking an ability to include or make a place for what they understand as uniquely Navajo epistemologies. Others, having attended more regional colleges and universities with larger Native student bodies, have argued that post-secondary education served as an awakening experience and the crucial turn toward a critical view of “development” on the Navajo Nation. For example, one organizer recounted how she changed her opinion on extractive industries after taking a

course on environmental justice and learning about the history of extractive corporations in Navajo territory. For another activist, a combination of classroom education, traditional teachings, and ongoing work to combat endemic racism in border towns brought her into the eventual realm of environmental justice work. Seeing the recursive cycle of alcoholism and poverty as feeders for border town economies sparked her political activism, which in turn led her into further study of Navajo history from a critical perspective. She explained that when she learned about the full extent of Navajo suffering from “outside” (primary U.S.) interests, this caused her to look skeptically at the development schemes proposed for and already operating around her on the Navajo Nation. This newly critical perspective, combined with her ethical grounding in FLD – which she said came from her grandparents – shaped her identity as an “activist” and enabled her to tackle a specific toxic waste storage project slated for her community. Throughout her accounts, she mentions FLD as guiding the direction of political strategy as well as the way of relating to one’s allies and enemies; in other words, it is an ethics that speaks to a way of being political and a way of being in and of the world that serves as the grounding principle for social change.

On the other side of the reservation, organizers involved in the Black Mesa Water Coalition are generally from communities directly impacted by the coal mining industry, and became interested in activism as a response to environmental and economic consequences of mining in their immediate area and among their families. Black Mesa, the female mountain of the Western portion of the reservation in Navajo cosmology, was leased by Peabody Coal Company in 1966 for the mining of Navajo coal and use of Navajo groundwater to slurry raw coal through a 300-mile pipeline to a processing facility in Nevada. The impacts on the sacred mountain, as well as on the local Coconino aquifer has been devastating, and is described in detail elsewhere (Begaye 2006). Thus, many of these organizers grew up in areas dominated by the mining economy, but have familial ties to the land that predate 20th century mining operations. Some of these young activists talked about becoming involved in non-governmental political action after attending youth outreach programs, while others attributed their involvement to their families and the legacy of the American Indian Movement, which has been strong among Navajo leaders – both grassroots and elected officials. Others discussed the legacy of the Hopi and Navajo land dispute (an argument produced by Peabody Coal Company over mining lease

boundaries) as a source of their emergence into radical politics. These activists, through their networks and organizations, have recently been at the forefront of these cultural struggles and have used Diné tradition and epistemology as the base of their opposition to the mining operations. For instance, one of their most enduring claims, “Water Is Life,” draws upon the Diné notion of life – or *iina* – in which “life” itself extends beyond the realm of the human, plant and animal creatures to include a much broader sense of relations or *ke'e*. In this framework, both life and relations are integral to cultivating and maintaining *hozho'*, or beauty, and *sa'ah naghai beke'e hozhoón*, the central Diné life philosophy, often roughly translated as “walking in beauty.”

These epistemologies and their related ontologies are, however, open and fluid processes that incorporate a wide range of experiences. As their stories demonstrate, experiences in non-Diné institutions of higher education, encounters with a diverse range of development interventions, and the interplay of discourses such as “environmental justice” and “human rights” resonate locally in part because they interface with these same traveling, transnational discourses. Therefore, much like formal governmental institutions, non-governmental politics on the Navajo Nation are continually influenced and transformed by “outside,” “foreign” or Western values and institutions, while at the same time retaining a very durable core of identification with FLD and Diné creation stories. Both political systems – governmental and non-governmental – are hybrid, historical forms. And yet, certain patterns are discernable in approaches to the concept and practice of “development,” rooted in the friction of differing, and often competing, ontologies.

Broadly speaking, whereas formal governing institutions espouse development through centralized, privately owned industry, non-governmental organizations stress local decision-making, decentralization and small-scale entrepreneurship. In many cases, however, the question of “development” itself remains unchallenged. And despite the lack of a term in the Navajo language that expresses the concept of “development” in English, there is a general agreement among all involved that certain material improvements are needed to ensure the health and well being of the Diné into the future. The consideration here is thus less over whether or not “development” is desired, but over what modes of development are most appropriate and fitting with FLD and customary ethical principles. The debate over what the FLD mean and how the FLD should be deployed and translated into modern governance produces a sense of

distinction and difference among these diverse political actors. We argue, in tandem with the Diné intellectuals we work with, that non-governmental groups are more focused (than tribal authorities or other related actors) on deploying cultural knowledge and customary principles to pose challenges to existing regimes of development. By asserting their ontological and epistemic difference, these groups practice a certain way of being Diné and analyzing current issues that both reinforces their alterity from “modern” frameworks, while at the same time utilizes the technologies and discourses of “modernity” to advance their vision of a different kind of world.

Fractured Traditions and Traditional Fractures

When organizing on the Navajo Nation, and in using customary Diné principles, environmental NGOs pursue their goals in different ways. That is to say there exists not one, homogeneous Navajo paradigm and approach to issues related to governance and environment, but differing frameworks sharing core similarities and different approaches to activism and uses of environmental principles and customary ethics. In this sense, the ontological friction that exists between grassroots organizations and tribal institutions (as evidenced in the debates over the meaning of the FLD over technologies of development) is not the only fracture; there is complex, internal differentiation within Diné environmental activism that is perhaps as diverse as anything that exists between the people and the government. As Dombrowski shows in his work with Native Alaskan communities, internal differentiation within tribes and various “culture movements” is often far more contentious, complex, and unpredictable than the conventional dichotomies and divisions we might expect to see (Dombrowski 2001). The political value in pointing out these internal differences is not to fracture the Native environmental justice movements we have described and work closely with, or underscore their incoherent nature, but to point to the complex experiences of its actors, who are subjects of diverse backgrounds, desires, life experiences, and intellectual influences while at the same time identifying as Diné people advocating for the preservation of their natural and social worlds. The fact that they are not always in agreement with one another on questions of strategy, or that in terms of style some gravitate toward the anarchist-punk faction of the global justice movement, while others gravitate toward the local “cowboy culture” of the rural Southwest, and yet others gravitate toward a pan-Indian identifi-

cation, does not undermine their common critique of fossil fuel extractive industries or their common vision of tribal sovereignty based on “green” economic development.

Further influencing these contrasts are generational differences, regional differences, distinctions among those who speak and do not speak the Navajo language, educational differences, and the ways in which organizers and activists deploy traditional knowledge to advance their work. Likewise, following the governmental thread of this complex web of internal differences, we see that so-called “traditionalists” in the Navajo government, or those who overtly draw upon Navajo teachings for the operations of contemporary governance, often have greater differences among themselves in their approach to spirituality than do the individuals working with environmental organizations. For example, the Black Mesa Water Coalition (BMWC) on the western section of the Navajo Nation was founded by concerned students at Northern Arizona University about the use of Navajo groundwater to slurry coal hundreds of miles away to a coal processing facility Nevada. The group maintains a focus on educating and involving Native (largely Navajo and Hopi) youth in their work. Their messages on environmental principles and traditional/historical knowledge of the environment are used as a means cultural education, identity formation, and movement building among young, primarily urban Navajos. For instance, in 2007, BMWC hosted their annual youth summit in Window Rock, Arizona, concurrently timed and located just outside of the Navajo Nation’s annual fair, which draws regularly over 100,000 people. Outdoors, under a large, white tent, the organizers used music deejays, a fashion show, and a live hip hop performance to draw high school and college aged students, and then with the aide of a solar-powered portable audio system, BMWC leaders gave speeches on the dangers of climate change for indigenous peoples and the need for “climate justice.”

The use of urban culture seems to fit, as some of the prime organizers for BMWC spent time in the San Francisco Bay Area of California, and others in major Arizona cities. Their interpretations of traditional/historical Navajo principles mesh with strong emphasis on pan-Indianism and references to broader, multi-issue, global justice and indigenous rights movements. Their work on the Western portion of the Navajo reservation is often supported by national and transnational organizations such as the Indigenous Environmental Network (IEN), which brings the local struggles of BMWC into dialogue with indigenous NGO’s and communities worldwide. This emphasis on global connec-

tions contrasts somewhat with organizations on the Eastern side of the Navajo Nation, who focus their work at the level of the Navajo chapter communities and make more historically particular references to “Diné Natural Law” as is codified within the FLD. For instance, these Eastern groups frequently draw upon concepts of *hozhó* (beauty or balance), *ké’í* (relations), and *sa’ah naghai bik’e hozhóón* when campaigning on the reservation against environmentally destructive development projects. This is partly a matter of distinctions in language and problems of translation. While many who do not speak the Navajo language may tend to refer to more general, pan-Indian ethical principles and ontologies, those for whom Navajo is a first or very comfortable second language tend to make more specific references to Navajo Creation Stories and to the particular teachings of the FLD found in those stories. As one well-seasoned, older activist expressed: “It’s the interpretation and writing into English [of Navajo Fundamental Law] that stumps me. I hate for the meaning to be lost with translation.” This same colleague shared that she had never heard of “Navajo Fundamental Law” or “Fundamental Law of the Diné” as such until 2002, when the Navajo Nation Council officially adopted it. Rather, she went onto explain, prior to this codification at the level of the tribal government there was always “natural law,” or “how the Navajo people have always lived.” In her estimation, these were the teachings and ethical principles passed to her from her grandparents, having nothing to do with official institutions or structures of governance.

Conversely, some political actors often interpret customary Diné knowledge more narrowly, seeking to restrict the public deployment of Diné Natural Law, a section of the FLD some consider to best represent customary Diné notions of “environment” – again, loosely and perhaps inaccurately translated. The current Chief Justice of the Navajo Nation, for example, stated at a recent public law conference on the FLD that environmental groups who use traditional/historical Diné principles in their environmental justice campaigns are wrong to do so, and do not contribute to the continuing discourse on the nature of the FLD and how these laws should be operationalized Navajo governance. Clearly, the question of what are the FLD, who gets to define and speak for these ethics, translate these polyvocal teachings into modern policy, and deploy them for non-governmental political action remains a contested, and open question.

Another example further illustrates these distinctions. On the Eastern side of the Navajo Nation, the organization Dóóda

Desert Rock holds vigils and large event gatherings organized around Navajo cultural and spiritual elements and maintains a “resistance camp” at the proposed site for the power plant known as the Desert Rock Energy Project. Their campsite is in the badlands area of northeastern New Mexico, west of the Bisti Wilderness, difficult to access, and not immediately visible to the geographically dispersed Navajo public. However, the camp and its leaders have received national and international media attention over the past two years. Dóóda Desert Rock uses half a mobile trailer and a wood-constructed shade house as its main headquarters, powered by a hybrid wind/solar system and satellite internet. This trailer is located many miles from the nearest town or chapter house¹⁴ off unmarked dirt roads. Their camp flies U.S. military flags alongside flags of the Navajo Nation—a display of a particular mode of Diné patriotism more common among an older generation of Navajo activists and a trait seen less often among Navajo youth organizations. Older generations of Diné activists, like many of those affiliated with Doodá Desert Rock and Diné CARE, are able to speak Navajo fluently and can engage with tribal decision makers in their primary language -- and therefore often garner more respect from lawmakers. As some organizers explained to us, the traditional/historical principle of *ké'é* requires tribal decision makers to respect their clan relatives, regardless of where they might align on a particular political issue. Diné CARE emphasizes a respectful and relational approach to negotiations with tribal leaders and decision makers, even those whom they publicly oppose. For other groups, drawing upon methods of civil disobedience and direct action is seen as a more efficacious tactic. In recent years, marches in the capital of Window Rock or acts of resistance at the campsite have created a polemical dynamic in which Navajo tribal officials turn to law enforcement techniques. Such use of the Navajo Nation police force is then subsequently criticized by activists for being a quintessentially Western and “non-Diné” approach to conflict resolution. Such a friction was particularly evident when Navajo police confronted elders (primarily women) who had established a road blockade at the proposed Desert Rock Energy Project site. This police response to a demonstration of grandmothers generated much sympathy for the activists’ cause, but cemented

14 On the Navajo Nation, Chapter Houses are small political units that organize and give political voice to local communities. There are 110 chapters on the Navajo Nation, and they were started in the 1920s originally as agricultural organizations. Today they hold official political standing within the formal Navajo Nation government and send their elected delegates to the Navajo Nation Council.

hostilities between some members of the movement and tribal officials. This negotiation of fraught relations, of recognizing and determining actions based on the principle of *k'iz*, is part of the ongoing, embodied politics of non-governmental political action on the Navajo Nation.

Closing Thoughts

Tracing these diverse contours of experience suggests that the fault lines of ontological friction can be located in the contentious issues of tribal governance and energy development environmentalism – as well as at the place where these two issues converge. Although the deepest fractures are evident as government officials and non-governmental leaders alike attempt to translate customary ethical principles such as the Fundamental Laws of the Diné (FLD) into “modern” or Western structures of governance, there are other hairline cracks as well, marking the internal diversity of beliefs, experiences, and strategies among non-governmental groups. In the first instance, the “spirit of the FLD” exceeds the thinkable from the perspective of Western governmentality; having been translated from Navajo language into English, as well as from a set of polyvocal, open-ended, oral teachings into a codified, authorized official document, the FLD escapes the structures set down (or imposed by) the federal, three-branch system, its policymaking procedures, and the governable subjects such systems seek to produce. This translation process is, as one tribal employee expressed, “like trying to fit a round peg into a square hole.” Arguably, the “spirit of the FLD” also exceeds the very legislative acts that it is meant to support, such as the moratorium on uranium mining (the Diné Natural Resources Protection Act of 2005). In the second instance, the ontological friction cannot be contained by the predictable and reductive dichotomies of “modern” and “traditional,” but rather, is a series of fractures and fissures all the way down, through the non-governmental environmental movement itself, marked by a wide range of diverse life experiences, intellectual influences, generational and geographic distinctions. We maintain that these sub-frictions and ongoing processes of negotiating difference are not weakness of the movement or the politics it generates, but are in fact the opposite: the power and potential of non-governmental, environmental politics on Navajo land lies precisely in its internal diversity, multiplicity, breadth of experience, shifting alliances, and reworking of customary ethical principles in the context of contemporary questions of cultural, political, and economic urgency. As such, non-governmental organizations

in Navajo territory and beyond are poised to help build new directions in tribal governance, epistemic creativity, and Native American identities.

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