Discussions about race and racism are rare in writings concerning Native Americans and western water policy. There have, on the other hand, been studies on the availability of clean water for other racial groups, and environmental racism has been discussed concerning Native Americans and nuclear dumping, mining, and fishing. Few would deny that racial tensions exist between Native Americans and Euro-Americans, or that these groups have often competed for water throughout the western United States. Yet little has been done to systematically analyze the connections between these two sets of conflicts.

The emphasis, instead, has been on the legal, economic, and political factors that influence how much and under what conditions Native Americans have access to water. Law has structured the rights and responsibilities of both the federal government and tribal governments, often serving as both the medium and the message of intercultural and intergovernmental communications. As such, tribes and their members have come to depend on law to ensure their right to water. Economics, by contrast, has structured the supply, demand, and market value of resources, including water, for tribes and their members. The economic demand for water revolves around its potential as a basic resource to create and enhance productivity in local, regional, and national marketplaces. It is because water has such a high economic, or commodity, value in the arid West that fierce competition over water rights exists today and that leasing, or marketing, of Native American water has been the subject of much recent interest. Politics, for its part, has mediated the law around and economics of water. Political processes and institutions have reflected cultural norms and the foundation of power more clearly than either law or economics alone.
processes have the potential to reinforce, distort, or even displace
the jurisprudence and economic markets that surround Native
American water issues.6

Even when taken together, however, legal, economic, and political
factors cannot fully account for the processes or outcomes of policies
that control Native American access to water. Issues related to race
and culture have been, and continue to be, instrumental in the
allocation of resources. This is because race and culture are ideological
in the sense that they provide a foundation for and are imbricated
within legal, economic, and political processes.7 The ideological
nature of race and culture refers not to a particular political or
partisan association, but rather, to an underlying structural context
or set of social dynamics that give race its potency.

Another factor that has hindered analysis is the category of race
itself. Using the term race in conjunction with Native Americans
seems inappropriate to many scholars and, more particularly, to the
many Native Americans who do not consider themselves to be a
racial minority. The connection is with a particular band, community,
tribe, or nation of origin, not with a generalized racial group.
One is foremost a Nez Perce, a Hopi, or a Kiowa, not simply a
Native American. “American Indians typically think of themselves
as members of a particular tribe first and as Indians second.”8 Tribes
have rejected racial minority status to assure a strong legal, eco-
nomic, and political identity as well. “Tribalism remains a driving
force in both Indian culture and law. . . . The courts have justified
special laws for Indians on the ground that Congress is dealing not
with a racial minority but rather with political entities—tribes.”9

This objection also reflects a broader public rejection of the con-
cept of race as either meaningful or constructive. Race has been
considered a vestige of the past that is best left unacknowledged
because of its inflammatory potential. Scientific evidence has also
been used to deny the importance of race, through the suggestion
that physical characteristics and biological factors do not show clear-
cut racial categories, thus, race is an irrelevant and unfortunate by-
product of cultural conflict.10

The impact of race, however, cannot be easily brushed away.
While race undoubtedly is an uncomfortable social rather than
natural construct, establishing the social nature of the term does not
eliminate the significance of race as an idea around which social
action and political practices are organized. Nor does the denial of
race as a meaningful category eliminate the problems of classification,
identity, representation, and recognition that race as a category
encompasses.11 While reducing race to an autonomous component
is inherently problematic, the idea of race, nevertheless, has become
institutionalized and has a potent force. Race has become an impor-
tant category due to the distribution of power in society, that is,
because there are power differentials based on race. To ignore race is,
in effect, to ignore racism, as well as the inequities or denial of access
to power and resources that it implies.12 In essence, racism is a set of
postulates, images, and practices that serve to differentiate and
dominate on the basis of race.13

The broad and ugly web of racism does not unravel willingly and
is certainly a task beyond the scope of this chapter. The more mod-
est scope here is to examine a particularly tenacious formulation of
racism, Eurocentrism, as a determinant in public water policies that
influence Native Americans.

Commonly, racism and Eurocentrism are looked on as distinctly
separate entities. Racism is confined to situations in which people
are identified as superior or inferior based on inherited biological
grounds, and Eurocentrism is limited to situations in which people
are identified as superior or inferior based on cultural grounds.
By contrast, the approach adopted here collapses these categories.
Based on the ample evidence that biology alone cannot be deter-
minative of race and, hence, used to support racism, Eurocentrism is
considered to be a formulation of racist ideology, a manifestation of
a specific variant of racism. While Eurocentrism cannot simply be
equated with racism, it is a key strand in the ideological web of
racism.

Eurocentrism is based on the notion that European civilization
“has had some unique historical advantage, some special quality of
race or culture or environment or mind or spirit, which gives this
human community a permanent superiority over all other commu-

nities, at all times in history and down to the present.”14 As a
particularly powerful and ingrained belief system, Eurocentrism im-
plies not only the privilege of European norms, values, institutions,
and peoples, but also the active and conscious diffusion of this
ideology outward from a center in Europe.15 Of special interest to
this chapter is the legitimizing, energizing, and constraining role of
Eurocentrism that is embedded in legal, economic, and political discourse: "For half a millennium . . . Western legal thought has sought to erase the difference presented by the American Indian in order to sustain the privileges of power it accords to Western [European] norms and value structures."

The argument developed here is that Eurocentrism has been instrumental in the development, evolution, and outcome of policies that affect the access of Native American people and tribes to water. This is not to suggest that Eurocentrism is monolithic as the determinative influence on Native American water policy. Rather, this approach proposes that an enhanced understanding of the nature and extent of Eurocentrism is critical to decipher the historical and geographical positioning of policy processes and outcomes.

This chapter considers both how Eurocentrism impacts water policymaking processes and institutions as well as how these processes and institutions reinforce Eurocentrism. The objective is to get a sense of the broad impact of Eurocentrism by examining several situations at various times and places within the western United States:

Indian water rights, as they relate to western water development, must be seen against the backdrop of the history of the hemisphere. Ever since the arrival of the Europeans on the continent, an important current in the development of the legal system has been to define Indian rights and then develop an orderly process for taking them away. From the formulation of the doctrine of discovery itself, this two-step exercise has served the humanitarian purpose of attempting to accord some fairness to Indians while providing discipline to the competition among non-Indians for the right to use Indian resources.

The Colonial Spanish Legacy

Even before setting foot in the Americas, Spain had institutionalized its vision of discovery and conquest. Codified in 1265, Las Siete Partidas set forth a mandate for human dominion over nature and over one another: "Man has power to do as he sees fit with those things that belong to him according to the laws of God and man." Early invasions of Spain by the Arabs, Romans, Germans, and Moors left their mark on the Spanish legal/political system, and extended a notion of conquest and social stratification into many aspects of Spanish law, including their policies toward the water and land rights of the Native American cultures that the Spanish encountered.

Once situated in the Americas, Spanish law evolved to meet the different conditions, but it maintained as an intrinsic characteristic the hierarchy of public ownership and individual property rights. The underlying premise in New Spain was that the Spanish Crown owned everything it "discovered" or conquered. Thus all property titles, including land and water, stemmed from the Crown because everything belonged to the sovereign as discoverer.

New World Spanish law, Las Leyes de los Indios, included a provision that water was to be used for the "common good." The Spanish, however, were the ones to interpret the meaning of the common good; their determination of what constituted the best use of water was confined to Eurocentric, rather than Native American, notions of appropriate allocation and management.

Each Native American culture or tribe, however, had experience using and adapting to limited water supplies that existed prior to their initial encounter with the Spanish and other Europeans. Some groups—for example, the native people of the upper Rio Grande basin, today collectively referred to as the Pueblo Indians—had extensive experience with small-scale irrigated agriculture. Different strategies of irrigation evolved to sustain corn, cotton, wheat, melons, pumpkins, onions, beans, and chilies. Zuni Pueblo women, for instance, transported water from streams in jars on their heads. In Acoma Pueblo, by contrast, natural depressions in the rocks that received rainfall runoff from the upper mesas were utilized. Many Pueblo groups used stream diversions or built small storage reservoirs to irrigate their fields. Water also took on an importance to the early Pueblo people beyond its value for irrigation. It was seen as part of a cyclical balance between the earth and sky that should not be undermined.

Further south and west, the desert O'otam, or Papago Indians, had a somewhat different relationship with water. As hunters and gatherers, the O'otam lived in small clans and migrated in search of water sources. Access to water meant survival, but it was also fundamental to their worldview:
sibilities, and actions of the colonial Spanish state on the allocation of water for Indian tribes. Current judicial interpretations of colonial land titles, associated water rights, and agricultural patterns continue to influence the dimensions of water rights for Native American tribes, despite the distinctly different legal doctrines that govern water allocation today. As questions about colonial Spanish tradition and law wind their way through the courts, old Spanish norms are reinterpreted in light of more current Eurocentric notions regarding the appropriate distribution of water for Native American tribes.

U.S. Government Policy

There has always been a rather complex relationship between the U.S. government, created principally for and by Euro-Americans, and Native American tribes. Native American affairs have traditionally been considered concerns of the nation and, as such, the federal government has long enjoyed a virtual monopoly in its dealings with tribes. Following in the footsteps of eighteenth-century British treaty makers, the United States early on assumed plenary power as domestic sovereigns in dealing with Native American tribes. This relationship has not been between two equals, but rather, “their [Native Americans] relation to the United States resembles that of a ward to his guardian.”28 The trust responsibility of the federal government derives from the original treaties and agreements between federal and tribal governments. Federal policy and law, in large measure, is a derivation of this federal trust responsibility to the tribes.

This relationship, based on the roles of guardian and ward, evolved from and was fostered by paternalistic Eurocentrism on the part of the federal government and an associated dependency on the part of Native Americans. Paternalistic Eurocentrism is evident in three fundamental principles that shaped the creation of federal policy. The first principle was that all humankind was one and, therefore, that all human beings were created innately equal. The second was that Native Americans in their existing cultural circumstances were inferior to Europeans and Euro-Americans. And the third, that Native American culture and people could and should be transformed to equal or approximate that of their Euro-American neighbors.29

Similar to the benevolent, yet decidedly Eurocentric, intent of some of the Spaniards, the actions of many humanitarian reformers in the United States were based on paternalistic but well-meaning intentions, as well as the naive belief that with guidance and protection Native Americans would move quickly toward Euro-American beliefs and practices. The darker side of Eurocentrism, with an explicitly exploitative intent, was manifest in the interests of Euro-Americans being served at the expense of Native American rights and well-being.

Federal policy also contains unresolved tensions between two conflicting objectives—assimilation and separation—that are rooted in the nature and expression of Eurocentrism. Assimilation, the idea of incorporating Native Americans into the Euro-American melting pot, has at its core the Eurocentric assumption that Euro-American culture, law, economics, and politics are superior to their Native American counterparts. As a result, assimilation has been a recurring, if episodic, objective of congressional policy and has had many congressional champions over the years, including Senator James Warren Nye of Nevada, who in 1871, said:

We see nothing about Indian nationality or Indian civilization which should make its preservation a matter of so much anxiety to the Congress or the people of the United States. The fundamental idea upon which our cosmopolitan republic rests is opposed to the encouragement or perpetuation of distinctive national characteristics and sentiments in our midst. We see no reason why the Indian should constitute an exception. . . . If the Indian cannot learn to forego such of habits as are peculiar to savage life, and such of his political opinions and sentiments as are not in harmony with the general policy of our Government, then he cannot, beyond a limited period exist among us, either as a nation or as an individual.30

By contrast, the federal policy objective of separation aims to form separate social and physical spaces for Native Americans through the creation of the reservation system. The goal of separation encompasses both variants of Eurocentrism, paternalistic and exploitive. As Francis Paul Prucha develops the logic, “If the Indians came to rely on agriculture and domestic manufacture for their
food and clothing, they would no longer need extensive hunting grounds and would willingly give up their unneeded lands for white settlement.”

The role of federal policy in contemporary Native American life is enormous. The legal federal-Native American trust relationship structures everything from the role of tribal governments to the health care, education, and social services available to tribes and individual members. Many Native American rights, including water rights, have been supported and defended on the basis of the federal trust responsibilities, treaties, and subsequent laws that have evolved from early treaties and agreements. The episodic vacillation of federal policy objectives from assimilation to separation further undermined the foundation for Native Americans to defend their rights and resources.

Native American Water Policy and Reserved Water Rights

In the historical chronicles of western water policy, the origins of the prior appropriation doctrine are usually traced to nineteenth-century Mormon pioneers who protected the use of water by early settlers against any incursion of later settlers and to early mining laws, which also protected first use. Many arid western states adopted the standard of first use to prioritize and allocate water among competing users. Little regard was paid to the preexisting water uses and interests of Native Americans. Tribes did not typically have the capital, infrastructure, incentive, or resources to appropriate water without relying on the federal government.

Congress took little initiative to identify the basis for Native American water rights, in dramatic contrast to the formulation of other types of federal policy. While Congress has acted to authorize and appropriate funds for individual water projects for specific tribes, it has not legislated policy on whether or why or by what means Native Americans have rights to water. The vacuum left by Congress eventually moved Native American water policy into the judicial arena.

The landmark judicial action involving Native American water rights was the 1908 U.S. Supreme Court case, *Winters v United States*. This case involved a conflict over the waters of the Milk River in northern Montana between the Native Americans of the Fort Belknap Reservation and Euro-Americans who had settled in the valley after the tribal land base was diminished in 1888. In 1905, the Bureau of Indian Affairs (BIA), which wanted to develop irrigation on the reservation, requested that the Department of Justice take action against the settlers to ensure an adequate supply of water for Native American crops.

In its capacity as trustee for the Indians, the Department of Justice filed suit in a district court based on several arguments. First, as part of the Fort Belknap Reservation, the Milk River was never a source of public water subject to appropriation. Second, the reservation held water rights in sufficient quantity to carry out the purposes for which the reservation was created. Third, state legislation cannot destroy the water rights of the federal government. Finally, depriving Native Americans of water would violate the treaties and agreements between the Native Americans and the United States government. Many federal policymakers and states’ rights’ advocates were incensed with this approach. It was a break with tradition to claim federal water rights in the western United States; in concurrent cases, the federal government stood firmly committed to the first use appropriation system.

The Department of Justice won the case for the Fort Belknap Reservation in the district court, then in the Ninth Circuit Court of Appeals, and again in the Supreme Court. The Supreme Court decision forms the foundation of the reserved right, or *Winters* doctrine. While the opinion was brief and left many unanswered questions, the Supreme Court clearly upheld the tribe’s superior rights to the waters of the Milk River.

Through the *Winters* and subsequent court decisions, reserved rights were distinguished from traditional state water law and the doctrine was fleshed out. Native American reserved water rights are founded on the original treaties and agreements between the federal and tribal governments, which reserved not only land, but implied a reservation of water to make the land usable. Thus reserved water rights were designed to accommodate the purpose(s) of the reservation, as set forth in congressional treaties, acts, or executive orders, with the right and priority to use water typically based on the date when the reservation was created. Unlike the “use it or lose it” philosophy of the prior appropriation doctrine, *Winters* rights are
was not dealt with equitably relative to the right of non-Native Americans:

Following Winters, more than 50 years elapsed before the Supreme Court again discussed significant aspects of Indian water rights. During most of this 50 year period, the United States was pursuing a policy of encouraging the settlement of the West and the creation of family-sized farms on its arid lands. In retrospect, it can be seen that this policy was pursued with little or no regard for Indian water rights and the Winters doctrine. With the encouragement, or at least the cooperation, of the Secretary of the Interior many large irrigation projects were planned and built by the Federal Government without any attempt to define, let alone protect, prior rights that Indian tribes might have had in the water used for the projects. . . . In the history of the United States Government's treatment of Indian tribes, its failure to protect Indian water rights for use on the Reservations it set aside for them is one of the sorrier chapters.39

Reserved water rights have provided an important legal basis for Native Americans to claim, and actually receive, water in the past three decades. The failure to adequately implement the policy for over three-quarters of a century, however, represents the precedence of Eurocentric rights, norms, and values over Native American rights, norms, and values. An interest in promoting agrarian, municipal, and industrial development, designed by and for Euro-Americans, was deemed to be more important than ensuring adequate water for reservations.

The Pick-Sloan Water Development Plan

Water law and water rights have not proven to be the only areas where Eurocentric values and interests have shortchanged Native American tribes. The most tangible, and perhaps most devastating, impacts on tribes have resulted from the design, construction, and operation of water development projects. In attempting to manage water as a natural resource, water projects are designed to control floods, improve navigation, generate power, and secure water supplies.40 Yet the toll in human, as well as ecological, terms has been enormous and Native Americans on reservations have shouldered these costs disproportionately, realizing few of the benefits.

Among the most pernicious projects is Pick-Sloan, a massive wa-
ter development plan for the upper Missouri River basin developed jointly by the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers in 1944. The Pick-Sloan plan ultimately affected twenty-three different reservations throughout Montana, Wyoming, Nebraska, North Dakota, and South Dakota, and is said to have caused more damage to Native American lands than any other public works project in the United States. Native American homes, ranches, and communities were inundated, forcing more than 900 families to relocate. Reservations became cut off from basic services, schools, and health care facilities, and many were isolated from communication and transportation networks. In North and South Dakota alone, five mainstem water projects reduced the land base of reservations by over 350 square miles. Among the hardest hit by the extensive Pick-Sloan plan were six reservations in the Dakotas: Fort Berthold, Standing Rock, Cheyenne River, Yankton, Crow Creek, and Lower Brule.41

The most severe impact to tribal life from the Pick-Sloan plan was to the Fort Berthold Reservation, home to the Mandan, Arikara, and Hidatsa peoples—the Three Affiliated Tribes. Many decades before water development projects were contemplated, members of the Three Affiliated Tribes were exposed to Eurocentrism. Early European and Euro-American travelers had a particular fascination with the relatively fair skin coloring and presence of blue eyes among the Mandan people. Unable to accept the Mandan’s New World ancestry, some travelers from the Old World concluded that they were the descendants of Europeans. As Joseph Cash and Gerald Wolf explained, several theories evolved on the European origins of the Mandan people:

There was one theory that the Mandan were part of the ten lost tribes of Israel, and yet another that claimed they were the descendants of Irish monks. In particular, George Catlin advanced the notion that they were descendants of the Welsh, and the famed artist spent much of his life trying to trace similarities between the Mandan and Welsh languages. He was convinced that his idea was correct.42

For nearly 700 years, the Mandan, Arikara, and Hidatsa peoples were supported by the deep wooded bottomlands and benchlands along the upper Missouri River. Although life was not idyllic, forage, food and medicinal plants, fish, game, water, and shelter were found in this fertile area. They grew a variety of crops, including potatoes, beans, squash, several types of corn, and other vegetables. Lignite for fuel and timber for building were available on the adjacent hillsides.43

The lifestyle and culture of the Three Affiliated Tribes were severely disrupted by the Garrison Dam and Lake Sakakawea, one of the earliest mainstem dams and reservoirs of the Pick-Sloan plan. The corps flooded over one-fourth of the reservation land base, 152,360 acres, including all the fertile river bottomlands and benchlands and 93 percent of the agricultural lands. Without access to fertile river bottomlands, the residual lands of the reservation were unproductive. The devastation to these tribes was extensive and included: the relocation of 80 to 90 percent of the tribal membership; the relocation of the agency headquarters and boarding school; the loss of seven day schools on the reservation; the loss of 80 percent of the reservation’s road system; the loss of coal mines, timber, fruit, and berries; and the denial of fishing, grazing, and salvage logging privileges as well as mineral rights. The water project also physically divided the reservation into five isolated districts. Further fragmentation occurred as kinship groups that had lived in close proximity for generations were scattered.

In addition to the high costs, Fort Berthold residents realized few of the Garrison Dam’s benefits. A petition for a block of the Garrison project’s power was denied, and access to irrigation water and water rights still has not been reconciled.44 After many years of dispute in the halls of Congress, the courts, and administrative committees, federal legislation was passed in 1991 to provide compensation for the taking of land and resources from the Three Affiliated Tribes. An economic trust fund was established to provide interest income to the tribes and their members, and 1,937 acres of nontribal lands were transferred to the tribes.45

The five Sioux tribes of the Standing Rock, Cheyenne River, Yankton, Crow Creek, and Lower Brule Reservations also sustained significant damages from Pick-Sloan, although not of the same magnitude as the Fort Berthold tribes. Dams on the Missouri River inundated more than 200,000 acres on these five reservations, reducing their land base by about 6 percent. The impact, however, was far greater than this figure might suggest because each of the reservations’ population was concentrated on lands near the river.
Over one-third of the population of the five reservations were forced to relocate permanently, some in the dead of winter, others without adequate funds to replace their former homes. Their new homes in more marginal prairie lands could not replace the ready access to fish, game, plant medicine, food gathering, livestock forage, shade, arable land, fuel, and water in the fertile river bottom lands that they had been forced to abandon.46 The relocations prompted significant changes in lifestyle and caused great hardship, as Michael Lawson described:

Approximately 580 families were uprooted and forced to move from rich sheltered bottomlands to empty prairies. Their best homesteads, their finest pastures, croplands and hay meadow, and most of their valuable timber, wildlife and vegetation were flooded. Relocation of the agency headquarters on the Cheyenne River, Lower Brule and Crow Creek reservations seriously disrupted governmental, medical, and educational services and facilities and dismantled the largest Indian communities on these reservations. Removal of churches, community centers, cemeteries, and shrines impaired social and religious life on all five reserves. Loss not only of primary fuel, food, and water resources but also of prime grazing land effectively destroyed the Indians' economic base. The thought of having to give up their ancestral land, to which they were so closely wedded, caused severe psychological stress. The result was extreme confusion and hardship for tribal members.47

As with the Fort Berthold tribes, the five Sioux reservations have not shared in the rewards of these water projects. They have not had access to inexpensive electricity from hydropower; indeed, extensive areas within the reservations are still without electric service because it's too expensive. While the Standing Rock Sioux tribe recently received compensation through the establishment of an economic development trust fund and funding for irrigation development, the other tribes have never had the access to water or the capital needed for irrigated agriculture nor adequate municipal and domestic water supplies.48 And even in recreation and tourism, the most successful aspect of the Pick-Sloan projects, Indians have reaped only limited benefits due to their lack of venture capital as well as the pervasive anti-Native American biases in the Euro-American communities of South Dakota.49 The drive for more judicious compensation continues to be a pressing issue for these tribes and others throughout the Missouri River basin. In the 1990s, a coalition of twenty-one tribes is developing the expertise necessary to rectify past problems and prevent future encroachments by the Bureau of Reclamation and the Army Corps of Engineers.50

Perhaps the most culpable aspect of the entire Pick-Sloan plan was the Eurocentric nature of the planning and compensation processes. The water projects were planned and designed to benefit the Euro-American community, rather than the Native American tribes of the upper Missouri basin. Although they sustained a disproportionate burden, none of these tribes were consulted in the planning or development of the water project.51 "The Pick-Sloan Plan was thus presented to the Sioux as a fait accompli. The federal government was determined to move them out, and there was nothing that they could do about it," observed Lawson.52

The process used to compensate tribes and tribal members for their lands and the hardships of relocation was equally dismal. Each tribal government negotiated independently and under different circumstances, which led to disparities between the various tribes in the terms and amounts of compensation. In all cases, however, the tribes were at a disadvantage as negotiations took place only after the plan had been authorized by Congress and monies had actually been spent on project planning and construction. The corps also flexed its negotiating muscles in the Fort Berthold, Yankton, Crow Creek, and Lower Brule tribal negotiations by condemning tribal lands under the power of eminent domain without regard to the long-standing federal trust relationship that required Congress to act on any takings of reservation lands.53

In 1962, President Kennedy formally dedicated one key component of the Pick-Sloan plan, the Oahe Dam, proclaiming: "This dam provides a striking illustration of how a free society can make the most of its God-given resources." Encapsulating the prevailing Euro-American imagery of water project development, this statement is evidence of the depth of Eurocentrism that surrounded the Pick-Sloan plan. The quest for flood control, improved navigation, and to reclaim arable lands in the upper Missouri basin was propelled by the desire to improve the condition of Euro-American communities. These communities were largely spared displacement and hardships, and were the targets of the anticipated benefits.

The rhetorical approach taken by President Kennedy illustrates
the potency of European-derived values and norms in water resource development. Eurocentrism, in its exploitive expression, is quite explicit in the link made between resources and independence. This expression of Eurocentrism is also apparent more broadly throughout the course of the planning and implementation of the project. A more paternalistic expression of Eurocentrism was manifest in the subsequent reparation payments made to the Three Affiliated Tribes, although this action, occurring long after construction, could not diminish the severity of impact to the six reservations. The myopic vision that supported the management and development of Missouri basin water was incapable of fully considering the values, norms, and conditions of the Native American people of the region.

Pick-Sloan is not the only water development plan that represented Eurocentric values at the expense of native cultures, values, and rights. The plight of these six reservations has reverberated throughout many other native communities and reservations in the United States—such as the Crow and Salish Kootenai communities in Montana—as well in native communities in other parts of the world—such as the Cree in northern Canada, the Panga and Dom in India, the Akawaio in Guyana, and the Purari in New Guinea. Some, such as the Bontoc and Kalinga peoples of the Philippines, are actively resisting the encroachments of water development projects on their cultures, lifestyles, and lands, and have met with fierce opposition and oppression by government.\(^{55}\)

Conclusion

I have chosen several different situations to establish the point that Eurocentric notions are deeply embedded within the legal, economic, and political processes and institutions that distribute water in the United States. Eurocentrism is not limited to selectively chosen government officials who act against the best interests of Native Americans because of an atypical racial bias. Instead, these examples have been presented as indicators of the enormous effect that European standards and norms have had on water rights and water development institutions that impact Native Americans.

It is not necessary or possible to attempt to distinguish between policies that are based on Eurocentrism and others that are not influenced. From the initial European conquest of the Americas to the present, Eurocentrism has been widely accepted and pervasive; it is simply a question of degree and character.

There has been slight recognition, much less accommodation, of alternate Native American uses, values, and processes for distributing water. Instead, the accommodation has largely been in the other direction—Native Americans have had to accommodate themselves to water distribution systems and policies of European origin. In some cases, accommodation has been successfully negotiated, but in many instances, the result has been disastrous. The experience of the Three Affiliated Tribes with the Garrison Dam project is a potent example. As Roy Meyer explained: “From the [Mandan, Arikara, and Hidatsa] Indian point of view, the building of the dam and its consequent destruction of the old way of life constituted yet another example of the white man’s persistent effort to force the native people of this continent to become like himself.”\(^{56}\)

While it may be relatively simple to label a person, an action, or even the outcome of a policy as racist, it is much more difficult, but arguably more important, to probe the recurring patterns and processes that bind racial and cultural identity and norms, such as Eurocentrism, to the realms of culture, law, economics, and politics. At one level, the conclusion that western water policy is Eurocentric seems apparent, yet the ramifications and significance of this have mostly been denied or ignored by many who participate in the policy process.

This chapter will be successful to the degree that it expands the dialogue to incorporate the topic of Eurocentrism in Native American water issues. The intent has been to reveal the foundations on which individuals and institutions act and policies evolve on the basis of race and cultural norms. The challenge is not simply to catalog abuses but to identify and take action to rectify the policy patterns and processes that support inequities in the distribution of water based on Eurocentrism.

Notes

Judith Jacobsen, Daniel McCool, Laura Pulido, and Elmer Rusco provided insightful comments on an early draft of this chapter.

1. An exception to this can be found in Daniel McCool, Command of


3. This is not to suggest that all water rights conflicts are between Euro-Americans and Native Americans. There are water conflicts between Hispanics and Native Americans, one tribe and another tribe, proto-development Native Americans and traditional Native Americans, etc. Rather, the argument here is that the role of race and racism have not been fully explored in analyzing conflicts between Native Americans and Euro-Americans over water.


6. With the convergence of law, economics, and politics have emerged pragmatic actions such as negotiated water rights settlements. For more on negotiated settlements on Indian water rights, see John E. Thorson, "Resolving Conflicts through Intergovernmental Agreements: The Pros and Cons of Negotiated Settlements," in Indian Water 1985, ed. Christine Miklas and Steven Shupe (Oakland, Calif.: American Indian Resources Institute, 1986), 25–47; Lloyd Burton, American Indian Water Rights and the Limits of Law (Lawrence: University of Kansas Press, 1991), 63–86; Lois Witte, "Negotiating an Indian Water Rights Settlement: The Colorado Ute Indian Experience," in Innovation in Western Water Law and Management; proceedings of the 12th annual summer program of the Natural Resources Law Center, University of Colorado School of Law, 5–7 June 1991; Daniel McCool, "Intergovernmental Conflict and Indian Water Rights: An Assessment of Negotiated Settlements," Publius 23, no.


27. Frances Levine, “Dividing the Water: The Impact of Water Rights Adjudication on New Mexican Communities,” *Journal of the Southwest* 32, no. 3 (1990): 268–77; see also Hall, “Pueblo Grant Labyrinth.”


29. These principles have been adapted from a discussion of paternalism and its repercussions in Indian country by Francis Paul Prucha, *The Indians in American Society: From the Revolutionary War to the Present* (Berkeley: University of California Press, 1983), 8–10.


36. Ibid., 47–65.

37. Ibid., 60.

38. Ibid., 116.


47. Ibid., 29.


51. Morgan, *Dams and Other Disasters*, 54.

THE FAILURE TO PROVIDE BASIC SERVICES TO THE COLONIAS OF EL PASO COUNTY

A Case of Environmental Racism?

In the mid-1980s, the national media in the United States focused on the problem of the colonias along the U.S.-Mexico border. Attention was finally devoted to the hundreds of thousands of residents of these unincorporated rural developments with no zoning requirements, usually no water or sewage, no transportation facilities, or for that matter, little in the way of other basic services. The national media asked the question, How can such Third World conditions exist here in the United States? Indeed, although the colonias had existed for some time, many—including politicians in Washington, D.C., Austin, Texas, and elsewhere—seemed genuinely shocked to find such dismal conditions within the borders of the United States.

How did these colonias develop along the border, especially in the state of Texas? Since the overwhelming majority of residents were Hispanics or Latinos (in fact, the vast majority were either recent immigrants from Mexico or Mexican Americans), does the development of the colonias represent a case of racism in state and federal policy? Specifically, does the failure to provide even minimum public services, such as water and sewage, represent a case of environmental racism? Were the Latinos in the colonias the victims of policies designed to keep them from obtaining the types of services most Americans regard as essential, simply because they were Mexican Americans? This chapter looks at the specific case of the colonias in Texas's El Paso County and whether the failure to provide basic water and sewage facilities constitutes a case of environmental racism.