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Chapter Three

The Ground Not Given: Colonial Dispositions of Land, Race, and Hunger

Agriculture as a relation to land based on domestication, possession, and commerce has long served as a means and justification for colonization in what is now the United States. This is an agriculture in which the sociality of land is illegible and epistemologies of conquest appear to evacuate land of its unruly animacies. This is an agriculture for which the Latin words *colonia* (settlement, farm), *colonus* (settler, farmer), and *colere* (cultivate, to inhabit) are the sources of the English term *colony*. In the Americas, settlement, cultivation, and prosperity for some people has entailed the displacement, brutalization, and hunger of others—the taking of lands and removal of indigenous peoples; the abduction and enslavement of African peoples; various forms of indenture, forced labor, and migration. This historical foundation has not been surpassed but serves instead as material conditions reproduced in new ways in the present. The significance of agriculture and land for capitalism, while changing over time, does not diminish under the preponderance of intangible financial instruments, bioengineering, and new communication technologies.[1]

In this chapter, I consider the confluence of land made property and economies of agriculture under racial capitalism and settler colonialism as a means to address the social relations of dispossession in the United States. The historical and present-day entwining of colonial and racial dispossession form the ground upon which the severe disparities and ideological contradictions of capitalist agriculture continue to gather force. Underwritten by longstanding affective settler attachments to an imagined agrarian republic and the heteropatriarchal "family farm," the massively subsidized corporate food regime today relies on land taken, imperial economies of scale and scope, and the differentially racialized devaluation of people, places, and labor. The U.S. state mediates these starkly uneven relations in ways that fluctuate between juridical contrition and social exclusion. State agencies, perpetually embroiled in partisan divides and bureaucratic convolution, serve both as mechanisms of dispossession and occasional proxies for establishing ostensible limits to the most flagrant racist practices of contemporary capitalism.

My focus here are the recent the class-action lawsuits brought by African American and Native American farmers against the United States Department of Agriculture (USDA) for discrimination in the administration of its farm loan programs. I examine the lawsuits as key sites for the organization and administration of contemporary capacities for colonial and racial dispossession. Similar discrimination suits against the USDA by "Hispanic" and—as a separate plaintiff category—women farmers that were denied class status and adjudicated under the auspices of a distinct claims fund are also important in this regard. Agriculture under capitalism and commercial farming in the United States, as elsewhere, is predicated on access to credit and, therefore, to cycles of indebtedness. This has been the case since the 1820s, but became all the

more pervasive during the mid-twentieth century, when mechanization and government policy encouraged increasingly capital-intensive and expanded acreage economies of production.

During the 1930s, the USDA began offering farm loans and debt servicing for farmers considered "uncreditworthy" by private sector banks. Intermittent government reports, congressional hearings, and grassroots studies have nevertheless documented pervasive and persistent racial and gender discrimination by the USDA loan programs—the Farmers Home Administration, later replaced by the Farm Service Administration—that from their inception onward not only served to make white male farmers their principal beneficiaries, but deliberately worked to make the economic circumstances of farm owners of color untenable. The African American, Native American, and Hispanic farmer suits each contended that the USDA "discriminated against them on the basis of race" in the administration of its farm loan programs and failed to investigate and process their discrimination complaints.

Standard juridical doctrines of discrimination and their attendant forms of redress are ultimately insufficient for substantively reckoning with the economies of dispossession toward which the lawsuits gesture. In effect, such doctrine and recompense discourage an understanding of the material conditions, historicity, and futurity at stake, specifically, in the USDA cases, eliding their colonial conditions of possibility. I argue instead that situating these cases in their shared and differentiated relation to the specific genealogies of dispossession articulated in agriculture underscore imperial conceptions of the relation between land and labor as historically constitutive for differential racialization, colonial logics of property in both place and people, and the justification of relative value and removal.

To be clear, I am not arguing against antidiscrimination doctrine per se, especially given recent U.S. Supreme Court decisions[2] that cumulatively dismantle essential aspects of statutory

liability put in place as a means to address institutionalized bias. Yet, antidiscrimination jurisprudence, organized around notions of discriminatory intent and equal protection, nonetheless remains incapable of addressing the mutability and multidimensionality of white supremacy and other normative social hierarchies that are underwritten by such economies of dispossession. Conventional legal antidiscrimination doctrine fundamentally precludes considering the ways in which racism has historically contributed to institutionalized racism in the present.[3] A limited juridical focus on discrimination thus serves to justify and uphold the prevailing social and economic order by inferring that racism is anomalous and external to social norms and the logic of capitalism. Moreover, such a focus obfuscates the relation to broader historical inequities of which discrimination is symptomatic and, in this instance, the ways in which the specific USDA cases under consideration here historically participate in the global political economy of agriculture and racialized economies of dispossession.

Dispossession as a social relation of deprivation, impoverishment, and displacement suggests a constitutive relation between land and bodies that is often overlooked. David Harvey's widely cited formulation of "accumulation by dispossession," for example, largely neglects the significance of this relation. Harvey's reworking of Marx focuses instead on the interplay of incorporation and externalization in the historical geography of capitalism and various imperial processes of appropriation and investment that arise from the problem of over-accumulation.[4] A more germane analysis, for the purposes of this chapter, is Robert Nichols's examination of "'so-called' primitive accumulation" as articulating a dialectic of labor and land not limited to the dynamics of proletarianization and privatization. Nichols shows how Marx conceives of land as an intermediary between labor and nature. Neither the object nor product of labor, land is dialectically connected to labor as its instrument. While distinguishing dispossession from what

Marx describes as "the silent compulsion of economic relations,"[5] Nichols argues for "disaggregating" primitive accumulation so as to "allow for the possibility of relating exploitation and dispossession in a variety of ways."[6] He thus contends that "dispossession comes to name a distinct logic of capitalist development grounded in the appropriation and monopolization of the productive powers of the natural world… while simultaneously converting the planet into a homogeneous and universal means of production."[7] This logic likewise renders possession itself as the incontrovertible ground of social being. Highlighting the distinctly recursive character of dispossession, Nichols argues that under colonization "possession does not precede dispossession but is its effect. The [colonial] system *produces what it presupposes* (namely, property)."[8] In this chapter, I seek to underscore the ways in which differential racialization is likewise constitutive for the recursive production of property and the capacity to possess as effects of colonial dispossession.

"Tills, Plants, Improves, Cultivates"

Chafing against the juridical propriety of limited liabilities, the genealogies of dispossession of which the USDA suits are symptomatic have in fact been constitutive for "New World" colonization, liberal conceptions of property historically, and the subsequent expansion of the U.S. imperial nation-state. Between the sixteenth and nineteenth centuries, the "agricultural revolution" in England (enclosure of the commons, the ascendancy of capitalist conceptions of property, practices of crop rotation, increased agricultural productivity and market integration) gradually extended to other parts of Europe, working in tandem with colonial conquest and the out migration of dispossessed peasants who in turn populated the frontlines of settler colonization.[9] British propagandists at the time commonly described colonization as "planting

the garden," with intended Biblical connotations.[10] Richard Hakluyt's influential 1584 treatise in support of colonial settlement in Virginia, *Discourse of Western Planting*, thus pointedly extolls the natural abundance of North America that would afford England a secure source of raw materials, commodities, and trade, while also providing "for the manifold employment of numbers of idle men."[11] It was in this sense of planting that the English word *plantation* was synonymous with settlement and colony, while subsequently and significantly, during the eighteenth century, the term plantation became principally associated with large slaveholding agricultural estates in the Caribbean and the U.S. South and the brutal regimes of black slave labor deployed in the cultivation of sugar cane, cotton, tobacco, and other commercial crops.[12]

As with conventions of landed property in English law at the time, British colonists in North America held that farming established ownership.[13] In John Locke's often cited formulation, "*As much Land* as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his *Property*."[14] As Richard Drayton observes, "the verb 'to improve'… originally meant to put to a profit, and in particular to enclose 'waste' or common land." [15] Moreover, as Patricia Seed explains, "Because money was thought to 'work,' the landowner could be considered as 'working' because his money was laboring for him… 'Labor' thus meant the money paid the employee ('servant' in seventeenth-century England) or slave [as a capital investment] who actually labored. Hence, strictly speaking, the true limits of a man's terrain were defined not by his labor but by the extent of his capital."[16] Indeed, the English went so far as to privilege this "monetary form of labor" as a means of claiming land. Drayton points out that for the English, "Overseas, as at home, agriculture justified taking land without others' consent."[17] Yet, Seed also notes that the English applied this rule to themselves alone and did not extend the right to take land by farming to other Europeans.

During the eighteenth and nineteenth century, as the agricultural transformation of Europe accelerated, land enclosure, market imperatives, and industrialization drove increasing peasant emigration to the Americas.[18] Widespread dispossession, desperation, and hunger under the emergence of modern capitalism and the industrialization of agriculture in Europe contributed not only to the project of American settler colonization, but served as conditions of possibility for the emergent property form and the reorientation of displaced peasants toward capitalist property relations. European settlers thus recreated property relations and possession born of misery and dislocation while aspiring to the role of landowner over and against Native peoples, enslaved people of African descent, and other people racialized as less than human.

Following United States independence, the new nation began efforts to directly impose policies and programs for reorganizing Native peoples in conformity with Euro-American conceptions about proper approaches to agriculture as a means of colonization and control. As Thomas Jefferson promoted the political and ethical promise of agrarian democracy during the early national era, he did so with little or no acknowledgment of the extensive and diverse histories of indigenous agronomy. The agrarian trajectories instituted by Jefferson relied instead on a belief in Lockean conceptions of property, the moral economy of smallholder farming, and the imperative of continental conquest.[19] His conception of a yeoman farmer's republic was likewise predicated on territorial expansion manifest in such endeavors as the Louisiana Purchase, the coerced removal of Southeastern tribes westward, and, later, the U.S.-Mexico War.

Whereas Jefferson's plans for Indian removal included prospects for colonial tutelage and the possibility for Indian assimilation through farming and intermarriage with whites, his plans for the "gradual emancipation" of enslaved people of African descent and their removal by way of colonization initiatives in Africa and the Caribbean was based on his assertion that their

"inherent inferiority" placed African Americans beyond assimilation through agrarian endeavors and miscegenation.[20] Thus, from this perspective, agriculture could be a tactic of pacification and instilling patriarchal order for indigenous peoples but not for peoples of African descent. Subsequent legislation, such as the Civilization Fund Act of 1819 promoted "the civilization of the Indian tribes adjoining the frontier settlements," and worked primarily through support for missionary schools aimed at inculcating a gendered division of farm labor—with boys learning to plow, plant, and techniques of husbandry, and girls being taught to spin, weave, and housekeeping. Missionaries often withheld forms of material support unless tribes complied with their insistence on men farming and women relegated to domestic duties, a division of labor and authority contrary to the established agricultural practices and sociopolitical organization of many tribes.[21]

The dynamics of racialization and colonization are likewise legible in the significant changes in settler conceptions of monetization and land as property. K-Sue Park points to the inextricable link between credit and conquest in the seventeenth and eighteenth centuries, when as a means of Native dispossession British colonists innovated predatory lending and making land alienable as a money equivalent that could be seized through mortgage foreclosure, a practice ultimately manifest in the Debt Recovery Act of 1732.[22] The expanded horizon of capitalization is evident as well in the slave trade since the eighteenth century. Key instruments of finance capital were crafted in the ruthless machinations of slave insurance.[23] Speculative markets organized around slavery proliferated during the nineteenth century. For example, Edward Baptist demonstrates how, beginning in the 1820s, slave owners were "able to monetize their slaves by securitizing them and then leveraging them multiple times on the international market."[24] Likewise with land, the Lockean emphasis on possession and use as the basis of

ownership, although not relinquished in colonial ideology, gave way to an increasing treatment of land as a thoroughly alienable commodity and a financial asset.[25]

Similar changes are evident in Euro-American conceptions of property ownership more broadly during this time. In tandem with the advance of capitalist market relations, property shifted from being primarily considered a claim to dominion and rights over *things* to an expanded sense of rights to market *value*, and, as such, to an intensified logic of abstraction and equivalence. As Brenna Bhandar argues, the relationship between property as a legal form and the ontology of race emerges through the racialized subordination of Native Americans and African Americans in "the appropriation of land and its cultivation," and is consolidated in the abstract legal form of title as alienable and incorporeal exchange at this historical conjuncture.[26] All this is not to say that settler claims to ownership rights in land and bodies were unconcerned with the materiality of such claims, but rather to note that the very substance and significance of ownership and exchange became entwined with the intangible and speculative value invested in the dispossessive logics of racial subordination.

During this same time, the commercial expansion and financialization of cotton and wheat production were integral to the ascendancy of capitalism and industrialization in the United States.[27] Early in the nineteenth century, the epicenter of cotton production shifted from India and Egypt to the southeastern United States, where the Cherokee, Chickasaw, Choctaw, Creek, and Seminoles, along with other Southeastern indigenous peoples, were being forcefully displaced west of the Mississippi. Interconnected with Atlantic financial networks, the privatization of taken land and intensified regimes of chattel slavery supplied raw material to the textile mills in northwestern England. Continental colonization by the United States prior to the Civil War interlinked settler governmental and juridical conflicts over how to manage the

displacement of indigenous peoples, the territorial extension of slavery, sectional disputes, and immigrant frontier settlement. The ultimately failed settler negotiation over the institution of slavery fundamentally shaped the terms of westward national "expansion" and colonial conquest—from the provisions against slavery in the new territories included in the Northwest Ordinance of 1787 to the Missouri Crisis of 1819-21 to the midcentury Wilmot Proviso of 1846, Compromise of 1850, Fugitive Slave Law of 1850, Kansas-Nebraska Act of 1854, and the Supreme Court's *Dred Scott* decision in 1857. The capacity and configuration of this "expansion" was likewise predicated on the expulsion, relocation, and putative "domestic dependency" of tribal nations, from the 1830 Indian Removal Act to the legislative making of Indian Territory in 1834 to the transfer of the Office of Indian Affairs from the War Department to the newly created Interior Department in 1849—with professed interiority naturalizing administrative authority over both "resources" and indigenous peoples—to the reservation system established with the Indian Appropriations Act of 1851 and the end of treaty-making in 1871.

During and after the Civil War, the federal government not only aimed to consolidate the nation-state and national economy, but did so in part by further underwriting agriculture in the service of westward colonization.[28] When the war began, more than half of the U.S. population lived on farms and 75 percent of its international exports by value were farm-produced commodities. In May 1862, with Southern legislators having withdrawn from Congress, President Abraham Lincoln signed the law establishing the Department of Agriculture, initially conceived as means to modernize and increase agricultural production by encouraging farmers to adopt new "scientific" methods and to purchase farm machinery. Later that month, Congress passed the first of the Homestead Acts giving federal land to settlers for farming as a means to

encourage westward migration over and against the sovereign territorial claims of indigenous peoples and to extend settlement as a palliative means of economic mobility to avoid full blown class war. Less than two months later, the Pacific Railway Act authorized a massive "public land" and rights-of-way giveaway to the Union Pacific Railroad and Central Pacific Railroad companies for the construction of a transcontinental railroad, as well as providing incentives to farmers, many of them immigrants, to settle on the Great Plains after the war. The transcontinental railroad also served to connect western agricultural production and extractive industries to eastern and overseas markets. Signed into law the same month, the Morrill Act established land grants for the purpose of building colleges of agriculture and engineering. All of these legislative endeavors worked to enhance the capacities of U.S. colonial expansion, commercial networks, and technologies of emplacement.

From General William Tecumseh Sherman's Special Field Order 15 in 1865 promising land to freed slaves to Reconstruction and its collapse to the General Allotment Act of 1887 and its aftermath, U.S. land policy moved from ostensible redistribution and assimilation to reasserting unbridled white nationalism and accelerated white settlement. After antebellum era laws prohibiting enslaved blacks from acquiring land, the brief and quickly recanted effort to provide arable land to the formerly enslaved shifted to Jim Crow segregation and racial terror.[29] Likewise, differential racialization intensified in the wake of Reconstruction, such as with the U.S. dialectic of black inclusion as "citizens"—or, more accurately, what Sora Han describes as the decompositional right of dispossessive citizenship—and Chinese exclusion as "aliens."[30] This dialectic was all the more significant given the exponential increase of immigrant Chinese farmworkers in U.S. agriculture in the late nineteenth century.[31] During this time as well, racial

mission and control over agricultural land and commodities were key justifications for the imperial extension of U.S. capital in Hawai‘i, the Caribbean, and Central America.

More recently, United States-initiated neoliberal trade policies have reactivated and deepened particular imperial transits of racialization and indigeneity in the Americas. Migrant farm labor in the U.S. is compelled partially as a consequence of "free trade" devastating the economies of small-scale agriculture in Mexico and Central America. Indeed, the majority of farmworkers in states with large agricultural sectors such as California, Oregon, and Washington are Mexican and Central American migrants—often from Mixtec, Zapotec, or other indigenous communities—who were farmers forced to seek work in the U.S. once neoliberal trade agreements undercut the viability of their own farms at home.[32]

The Land in Pieces

The 1887 Allotment Act, also known as the Dawes Severalty Act, unilaterally sought to render the homelands of Native American nations as alienable private property and distributed 80 to 160-acre parcels to individual Indian "heads of household."[33] Supposedly designed to protect Native peoples from further genocide and initially placing allotments into trust status until allottees were deemed "competent," allotting tribal lands into individual private properties in fact not only facilitated further land loss by direct sale and the appropriation of "surplus" land by the federal government, but also accelerated sales to non-Indians by tax forfeiture. Under allotment, Native landholding fell sharply from an already diminished 138 million acres in 1887 to 52 million acres in 1934, when allotment policy officially ended. At the same time, tribal sovereignty was further eroded by the expansion of US federal authority through the administration of allotment.[34]

From the perspective of allotment policy, private ownership, heteronormative households, and agricultural labor would transform Indians into self-possessed individuals with the competency for freedom and the capacity to assimilate to the imperatives of liberal capitalism. Evaluations of competency by the Bureau of Indian Affairs served to justify intense scrutiny of and maintain administrative control over the everyday lives of Native peoples. Whether for or against allotment policy US legislators agreed on the transformative role of agriculture. In a 1885 address, senator Henry L. Dawes, sponsor of the allotment legislation, proclaimed: "Till this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much progress."[35] Even the House Committee on Indian Affairs minority report in opposition to allotment objected to the means but not the ultimate goal, contending that "it does not make a farmer out of an Indian to give him a quarter-section of land."[36] Dawes later wrote approvingly of the ways in which "these new-born Indian farmers have already fenced for their own farms 1,066,368 acres, from which they have realized, beyond what they themselves consumed, of vegetables, grain, hay, stock, and other farm products, the sum of $1,220,517…. If they are to be farmers, as most of them must be, it is of vastly more importance to them, in the outset, to be taught the requirements of a successful farmer—irrigation, grain-raising, grazing, herding—than to be taught any amount of book-learning or culture."[37] That many Native peoples had historically and continued to work in agriculture appears to be repeatedly lost on white reformers intent on imposing private property regimes and market exchange.

Here again racial taxonomy was integral to the institution of property. David Chang's study of the Creek Nation in Indian Territory—many of whom were small-scale farmers—conveys the centrality of racialization to the implementation of allotment. Between 1891 and

1905, the negotiations leading up to the Curtis Act and the politics of allotment encouraged a narrow racialized definition of what it meant to be Creek. Chang argues that "Making property and codifying race were two inseparable parts of the American attempt at unmaking the Creek Nation and its people."[38] Although in 1894 the Creek National Council officially denounced the practice of private ownership of land, U.S. policy succeeded in shifting land tenure from a common inheritance to a divisive force and source of dispute. Allotment imposed "racial categorization far more systematically and rigidly than Creeks had ever done," requiring "a listing of every citizen of each nation classified by race" in order to document enrollment.[39] In this process, the Dawes Commission enrolled anyone with any African ancestry as a "freedman," effectively rendering illegible all other genealogical considerations or complexity of kinship.[40] This, along with Creek acquiescence to such racial categorization, had significant long-term consequences for the terms of access to land and tribal membership. Chang contends that "In order to engage, or even oppose, the process of allotment, it became almost impossible not to resort to the American government's racial categories… Allotment was race law as much as it was property law."[41]

The racial logics of colonial administration overdetermined and intensified conflicts over tribal citizenship and land during allotment and in its wake. Nowhere was this more apparent than in the context of the formerly slave-owning tribes of the South and Southeast. Struggles over the status of freedman since Emancipation became further pronounced with allotment. With racial taxonomy and individuated property ownership directly shaping the racialized the stakes of sovereignty, according to Barbara Krauthamer, "Native leaders often deployed… antiblack racism to invigorate an anticolonial defense of Indian sovereignty against the federal mandates for land allotment."[42] Reduced-acreage allotments for freedman or outright exclusion followed

from the intensification of the rigidly policed black-white binary under which tribal authority and Native peoples strove for legibility and political leverage. In a context where white plantation owners were looking for ways to undercut the wage demands of white workers and maintain access to hyper-exploited black labor, Krauthamer notes how "Black people were routinely described as honest, law-abiding, and hardworking, and their success as agriculturalists was not only considered indicative of their industriousness but also used as additional proof of Indians' backwardness."[43] Likewise, the Dawes Commission and other U.S. officials focused on criticizing the Creek, Choctaw, Chickasaw, Cherokee, and Seminole nations for discrimination against black people with regard to land use and tribal citizenship policies during a time when U.S. lawmakers were aggressively dismantling the racial gains of the Reconstruction era, and Jim Crow laws and racial terror tacitly condoned by the state actively brutalized and disenfranchised black people and obstructed black landownership.

During the last quarter of the nineteenth century, as the United States expanded its overseas empire, the Long Depression of 1873-1896 further galvanized domestic agrarian revolt. The Grange in the 1870s, the Farmers' Alliance in the 1880s, and the People's party during the first half the 1890s established a substantial political base for agrarian populism and preceded what some call the "golden age" of U.S. agriculture from the beginning of the twentieth century through the First World War.[44] Yet this populist upheaval often served the ends of consolidating settler claims and ostensibly justifying the further displacement and diminution of Native peoples and African Americans. The settlement of European immigrant farmers in the Great Plains provided a failsafe for industrial class conflict in the east, but added to the populist momentum and contributed to escalating pressure for Native land and investment in the ideological currency of whiteness. At the end of the nineteenth century, wheat and other crops increasingly produced

for and dependent on the world market expanded in tandem with global droughts and famines.[45] U.S. agricultural production grew substantially through sales to Europe, but overproduction and accompanying price deflation after the First World War precipitated economic crisis for highly indebted farmers, with one in four farms sold between 1920 and 1932 to meet financial obligations. Already economically precarious Native and black farmers were especially vulnerable to land loss under these conditions compounded by escalating racist violence.

New Deal farm programs initiated under the Resettlement Administration (RA)—soon after the Farm Security Administration (FSA) and later the Farmers' Home Administration—more often than not, despite their stated aspirations for racial equality, perpetuated the institutionalization of racist compromise in the South. The agency tasked with providing loans to otherwise "uncreditworthy" poor farmers against which the discrimination class-action suits were filed at the turn of the twenty-first century thus originated during the 1930s with initiatives to "resettle" those judged to be deserving landless tenant farmers on acreage purchased by the federal government. Of the mere 113 total resettlements allocated by the government, only eight were reserved for African Americans and two for American Indians.

The notion of resettlement here cannot but seem deliberately inattentive to the government's role in securing white settlement, the displacement of Native peoples, and institutionalizing racial segregation. Nonetheless, indigenous peoples such as the Lumbee in Robeson County, North Carolina, who initiated the Pembroke Farms resettlement project (and the related Red Banks Mutual Association), sought to use federal support as a means not only to escape the stranglehold of white landlords' control over crop sales, credit, and labor, but to achieve tribal recognition and a land base under the 1934 Indian Reorganization Act. Malinda Maynor Lowery points out both that the multiracial ancestry of the Lumbee has often been

mistakenly deemed to be exceptional and been filtered through a black-white binary that disclaims Lumbee's own conception of identity and kinship. According to Lowery, the RA/FSA "viewed Indians as a racial group, separate from and inferior to whites because of their skin color and ancestry" with "no social organization."[46] The government agents favored those tribal factions who appeared "more white" and proved incapable of acknowledging the ways in which the problems faced by the Lumbee were also specific to their circumstances as Native Americans seeking self-determination in the racially segregated context of the Jim Crow South. New Deal initiatives directly contributed to the racially disproportionate eviction of black tenant farmers and sharecroppers, indirectly accelerated dispossessive structural developments in agricultural (especially the increase of farming mechanization), and were consistently hostile to labor organizing such as the Share Croppers' Union.[47]

Unwelcome Agricultures

Thus, while the analytic of settler colonialism potentially directs attention to the specificity of ongoing colonial occupation in places such as the United States, grappling with such "settlement" also requires addressing the interdependencies and enmeshment of this particular colonial configuration with other forms of colonization and matrices of power historically and in the present. The Atlantic slave trade and its afterlives are especially significant in this regard. Writing in the mid-1960s, Jack O'Dell argues, "A people may be colonized on the very territory on which they have lived for generations *or* they may be forcibly uprooted by the colonial power from their traditional territory and colonized in a new territorial environment so the very environment itself is 'alien' to them…. The experience of Afro-Americans… constitutes a special variety of the colonial problem and the solution to this problem must take into account its

uniqueness as well as that which it has in common with the general problem of colonialism."[48] The Atlantic slave trade and chattel slavery were central to both colonialism and capitalism in the so-called New World in this regard. Jodi Byrd thus poses the question, "how might we place the arrivals of peoples through choice and by force into historical relationship with indigenous peoples and theorize those arrivals in ways that are legible but still attuned to the conditions of settler colonialism?"[49] The "special variety of the colonial problem" described by O'Dell therefore takes shape across relational geographies that bind together and apart black and indigenous peoples, from the territorial expansions discussed in this and the previous chapter to the Caribbean, Latin America, and the particularities of the U.S. South.

Situating this history as fully enmeshed with the black geographies theorized by Katherine McKittrick makes evident the complexities and contradictions of place, belonging, and movement. As McKittrick contends, "It is through the violence of slavery… that the plantation produces black rootedness in place precisely because the land becomes the key provision through which black peoples could both survive and be forced to fuel the plantation machine."[50] Here, "The forced planting of blacks in the Americas is coupled with an awareness of how the land and nourishment can sustain alternative worldviews and challenge practices of dehumanization."[51] Partially as a consequence of the afterlives of slavery and survival grounded in place, 90 percent of all African Americans lived in the South mostly in rural areas at the beginning of the twentieth century. While black landownership had increased despite the formidable obstacles, 75 percent of black farmers remained tenants, often as sharecroppers.[52] In this context, traditions of black farmers' activism and community-based organization established mutual aid counter-publics. Consumer and farming cooperatives were among the most enduring strategies through which black agriculturalists and African American communities sought to endure economically.[53]

Labor organizing, such as Alabama Sharecroppers Union and the Southern Tenant Farmers Union, paralleled these endeavors.

At the same time, however, in response to concerted racist violence, six million African descended people left the rural South for Northern and Midwestern cities or California during the century following the Civil War, with a third of this migration taking place between 1910 and 1940, and a second wave of out-migration between 1940 and 1970. White elites encouraged this out-migration as they became less dependent on black labor as a result of new technologies in agricultural mechanization and pesticides. White landowners routinely evicted black tenants and sharecroppers they believed to be engaged in civil rights organizing as well as those who simply registered to vote. Fannie Lou Hamer observed in 1968 that "Where a couple of years ago white people were shooting at Negroes trying to register [to vote], now they say, 'Go ahead and register—then you'll starve.'" In a context of massive white resistance and widespread racial terrorism, she noted that "Nobody tells us we have to move from Mississippi. Nobody tells us we're not wanted. But when you're starving you know."[54] In an effort to counter-act out-migration and black land loss, as well as to establish capacities for black autonomy and survival, associations formed during the 1960s such as the Federation of Southern Cooperatives, the Southwest Alabama Farmers Cooperative Association, and Fannie Lou Hamer's Freedom Farms Cooperative. In 1969, James Forman presented his "Black Manifesto" demanding reparations in part to establish a Southern land bank and cooperative businesses in the United States and Africa. It was against these multiple movements that the USDA loan programs operated as a counterforce.

Throughout this history, the USDA gained a reputation as the "last plantation" and the implementation of its loan programs served as an instrument of white control.[55] Testifying at

congressional hearings on the USDA's civil rights enforcement in 1984, Timothy Pigford, the African American farmer from North Carolina who would later become the lead plaintiff in the *Pigford v. Glickman* discrimination suit, described the obstructionism and "various forms of intimidation" he encountered "trying to buy a farm through the Farmers Home Administration ever since 1973 after leaving college."[56] The local county committee responsible for approving loans would not provide him with financing to purchase land or adequately capitalize his operations, but would extend terms allowing him to rent 280 acres for growing corn and beans—a more expensive arrangement for Pigford in the long term with severely restricted access to viable land. He attested that "The way they have it set up at Farmers Home Administration, it is very hard for a young black farmer or any black farmer in Bladen County or the eastern part of North Carolina to obtain proper operating funds for ownership and to buy equipment… It seems to me they are more interested in putting you out of business."[57]

In December 1996, a group of African American farmers protested outside the White House calling for President Bill Clinton to ensure fair treatment for them in the federal government's agricultural lending programs. Members of the Federation of Southern Cooperatives, the National Black Farmers Association, and what would become the Black Farmers and Agriculturalists Association used the occasion to further develop organizing that targeted the USDA's active role in black dispossession. The farmers filed suit in court against then Secretary of Agriculture Dan Glickman demanding an end to farm foreclosures and restitution for bankruptcy that was a result of discrimination. Indeed, black farmers routinely had their property seized while white farmers were allowed to restructure loans or purchase needed equipment. Glickman responded by appointing a Civil Rights Action Team to hold "listening sessions" and produce a report on the charges of discrimination against African Americans by

the USDA. Speaking at one of the twelve sessions convened in January 1997, the remarks of Dolores Amason of Halifax, North Carolina, are characteristic of the testimony provided by farmers. She contended that the although the USDA is "supposed to be the lender of last resort" the agency instead seems to work to force African American farmers toward "bankruptcy, wait for them to default, and then take their land."[58] The class action lawsuit *Pigford v. Glickman* was settled in 1999 for discrimination between 1981 and 1996—the period roughly since the confluence of the Reagan administration's decision to close the USDA's Office of Civil Rights Enforcement and Adjudication and the devastating farm financial crisis of the 1980s.[59]

The *Pigford* settlement provided a test case that encouraged subsequent classes to be assembled and lawsuits to be filed. In each suit, similar discriminatory conditions and agency practices were recounted. Indeed, in each case, bringing the lawsuits to court forced the USDA to suspend foreclosures on the plaintiff class filing. *Pigford* was followed by *Keepseagle*, which was brought by Native American farmers in 1999. *Garcia*, filed on behalf of Hispanic farmers in 2000, and *Love*, also filed in 2000 on behalf of farmers who identified the discrimination against them as primarily having to do with their treatment as women, were each initially denied class status on the grounds that they had not demonstrated commonality of the class. In 2011 the USDA established the "Hispanic and Women Farmers and Ranchers Claims Resolution Process" to settle individual discrimination claims against the agency. *In re Black Farmers Discrimination Case*, also known as *Pigford II*, was a result of the large number of applicants who were not adequately informed of their right to participate in the original *Pigford* settlement. Pressure from black farmers persuaded Congress to include a provision in the 2008 farm bill that permitted any claimant who had filed too late under *Pigford* and had not received a determination on the merits of their claim to petition in federal court for such a determination.

Eleven separate lawsuits filed on behalf of more than 25,000 black farmers were ultimately combined into *In re Black Farmers Discrimination Case*. Settled for $1.15 billion, this was the single largest civil rights settlement in U.S. history, and, together with the $3.4 billion *Cobell v. Salazar* settlement between Native American trust account holders and the Interior and Treasury Departments and several monumental water rights cases, was funded through the Claims Resolution Act of 2010.

With each of the USDA settlements, the early 1980s served as an artificial threshold, identifiable and calculable because of the Reagan administration's egregious but not exceptional policies. However, periodic reports and congressional hearings since the mid-1960s make clear that systemic racism and sexism have been pervasive within the USDA since the agency's creation during the Civil War, directly contributing to the precipitous decline in black and other so-called "minority" farm ownership. In each of the USDA cases, discrimination can only serve as an index for the concerted land dispossession through circuits of debt and foreclosure. The juridical closure they ostensibly provide can better be seen as flashpoints illuminating the surrounding circumstances that incorrigibly exceed the conventions of reconciliation and settlement. The USDA and the lens of discrimination serve merely as the differential mechanisms that assemble these discrepant yet entangled historical conditions.

The *Keepseagle* settlement agreement was reached in 2011 for $760 million after twelve years of litigation.[60] With an initial class of more than 500 and a projected class of 19,000 farmers, the suit alleged that, as with African American farmers, the USDA denied or delayed farm and ranch loans and emergency assistance to Native American farmers. It showed that the USDA evaded processing or resolving complaints of discrimination, or discarded or intentionally lost the complaints that had been filed. When loans were provided to Native farmers, they often

included onerous terms not imposed on white farmers, such as supervised bank accounts that required every check written to be countersigned by USDA officials.[61] Finally, Native farmers had their land foreclosed and taken in vast disproportion to white farmers. *Keepseagle* class representative Gene Cadotte, a citizen of the Standing Rock Sioux Tribe who ranches near McLaughlin, South Dakota, thus describes the history of U.S. colonial dispossession by saying: "First they tried to annihilate us. Then they put us on reservations. Then they gave us the Farmers Home Administration. We lost our land to Farmers Home."[62]

Situating the *Keepseagle* settlement and Native agriculture in the broader present-day context, it is useful to consider the economic and geopolitical dynamics faced by the plaintiff class representatives in the suit, almost all of whom were from Plains tribes, including Marilyn and George Keepseagle of the Standing Rock Sioux Tribe, which spans North and South Dakota, and Claryca and Keith Mandan of the Hidatsa Tribe, one of the Three Affiliated Tribes on the Fort Berthold Indian Reservation in North Dakota. A brief history of the Three Affiliated Tribes under colonization and the Fort Berthold Indian Reservation, for example, illustrates the relentless expropriative efforts of the U.S. settler state and corporate capital as a necessary context for understanding Native agriculture.[63]

In 1851, the Three Affiliated Tribes signed the Fort Laramie Treaty with the U.S., which guaranteed the tribes more than 12.5 million acres from the Canadian border to the Powder River region of Wyoming. In 1886, the tribes were forced to sign another treaty that included less than one million acres. Through the process of allotment, much of the remaining territory was acquired in fee status by white homesteaders. Nonetheless, the tribes were able as mandated by the 1886 treaty to use the tribally reserved lands along the Missouri River to achieve a degree of economic self-sufficiency. Unlike some tribes without established farming traditions but forced

to focus on agriculture by U.S. policy, the Hidatsa, Mandan, and Arikara nations had long been agriculturalists.[64] In 1949, however, the U.S. seized 156,000 acres of the tribes' most productive agricultural land as the site for the construction of the Garrison Dam and reservoir project. The project was completed in 1956 and in its wake oil and gas extraction came to dominate the reservation economy and further erode the capacity for farming and ranching.

Most recently this sustained offensive has taken the form of hydraulic fracturing and pipeline construction. Indeed, according to oil mogul Harold Hamm, North Dakota can become the next Saudi Arabia, if supported by industry-friendly government policies. Hamm had especially in mind the Bakken oil and gas fields below the Fort Berthold Reservation.[65] Provided with justification and momentum through contemporary U.S. rhetoric of national "energy independence," this would seem the latest iteration in a long history of treating Native lands as "national sacrifice zones" where the semblance of U.S. national viability is predicated on colonial necropolitics. The severe environmental and health consequences of oil and gas extraction and transport make any discussion of Native farming irrelevant without attending to the ways in which indigenous land is being made uninhabitable and indeed unlivable under such circumstances.

The Great Sioux Nation has experienced a similar history (including the Lake Oahe dam initiated as part of the Pick-Sloan Missouri Basin Program, completed in 1962, that submerged most of the timber and agricultural land on the Standing Rock Sioux and Cheyenne Sioux Reservations). The protests that began in 2016, led by the Standing Rock Sioux against the Dakota Access Pipeline and the combination of U.S. and privatized counterinsurgency measures in the service of Energy Transfer Partners, and which brought together Black Lives Matter and other anticolonial and antiracist movements, also respond to this longer history of

dispossession.[66] As with the Three Affiliated Tribes, this history is beyond the purview of the antidiscrimination law at work in a class-action lawsuit such as *Keepseagle*, but is indispensable for understanding the production of the place and non-place of agriculture by racial capitalism and the U.S. state.

Hunger as Surplus and Supplement

A wide range of strategies by U.S. policymakers have deployed hunger as both a weapon and calculated means of contingent relief in order to discipline expropriated peoples into compliance and conformity with governmental mandates.[67] Such practices have been so widespread as to defy summary. During the genocidal land-grabs called Indian removal or as a deliberate scorched-earth military tactic, the starvation of Native peoples has served as a frequent instrument in the service of U.S. colonization. This was the case when, under Kit Carson's command, during the 1863-1864 campaign against the Diné, the U.S. Army destroyed Navajo crops and orchards and a bounty was offered to soldiers for each horse, mule, and sheep they killed or captured. The policy of Navajo extermination by methodical deprivation and exposure continued through the Long Walk and lethal imprisonment at the Bosque Redondo concentration camp. In the same decade, the systematic slaughter of buffalo during the wars against the Plains Indians implemented a strategy of attrition by starvation. Likewise, General George R. Crook saw the 1878 Bannock War as an outcome of Indian policy that made confinement on reservations a death sentence, observing that "It cannot be expected that they will stay on reservations where there is no possible way to get food, and see their wives and children starve and die around them. We have taken their lands, deprived them of every means of living." Instances of such conditions were common across reservations and a direct result of U.S. actions.

Mass starvation has also often been a consequence of U.S. policies and programs or settler actions even when not explicitly articulated as an objective. In the wake of the 1862 Homestead Act which encouraged white settlement in the Gila River valley in the Arizona territory, as one example, settlers not only seized land but diverted huge quantities of water from the river, decimating the crops of the down-river Pima Indians to the degree that the tribe went from prosperous farming and trading to pervasive conditions of destitution and famine in less than a decade. In 1895, Wee Paps, a Pima convicted of grand larceny in the territorial district court for stealing horses and trading them for food, explained that "Until the past few years we have always had plenty of water to irrigate our farms, and we never knew what want was… The Government refuses to give us food and we do not ask for it; we only ask for [our] water."[68]

Despite settler disavowal, food from the U.S. government for Native peoples was most often a part of stipulations for rations and annuities provided in exchange for land cessions. Indeed, as Jacki Rand shows so vividly in the case of the 1867 Treaty of Medicine Lodge Creek and the Kiowa, U.S. legislators disclaimed treaty obligations and recast "appropriations not as payments for massive land cessions, but as handouts to a broken people they no longer needed to fear or respect."[69] Rand notes further how the depletion of the buffalo population "transformed rations and annuities [which the U.S. was required to provide under the 1867 treaty] from an optional supplementary resource into a subsistence necessity."[70] The local Indian agent and federal policymakers took advantage of the dire situation as an opportunity to use the withholding of rations to force the Kiowas into submission. The conditions faced by the Kiowas were not exceptional but rather are indicative of the U.S. calculus of rations and manufactured scarcity on reservations more broadly. Matthew King, an Oglala elder from Pine Ridge, recalled that when he as a child in the early twentieth century, the U.S. government sent regularly sent

rations that "were not fit for human consumption."[71] The national food assistance programs created in the U.S. during the twentieth century were not linked to federal Indian policy, but were available to Native peoples to the same parsimonious extent they were to other impoverished people in the U.S. The logistics of humanitarian reason here are not mechanisms of redress, but rather presuppose hunger as a weapon that aims to produce compliance, complicity, and gratitude.

Policymakers devised an initial version of the food-stamp program during the 1930s and early 1940s to address both agricultural markets and hunger. A 1940 USDA report on the Food Stamp Plan stated, "the principal objective is to raise farmers' incomes by increasing the demand for their products and to so use food surpluses as to improve the diet of undernourished families in this country."[72] A new pilot program was introduced in the early 1960s and followed by the 1964 Food Stamps Act, which established the program as a recurring part of the federal budget and shifted emphasis from the disposal of surplus agricultural commodities to raising "the levels of nutrition among low income households."[73] U.S. international food aid preceded domestic initiatives. In 1954, the Agricultural Trade Development and Assistance Act created the Office of Food for Peace, with programs expanded as Cold War grand strategy and showcased under the Food for Peace Act in 1966.[74] It was not until the Food Distribution Program on Indian Reservations, established by the Food Stamp Act of 1977, that the federal government initiated a specific program addressed to Indian hunger.[75] The 1977 act also made food stamps available for the first time to those families without sufficient income to purchase the food stamps to begin with. During this same period, food stamps were legislatively combined with the farm bill as a way to directly link agriculture subsidies to programs for the alleviation of hunger in the context of the 1970s crisis in food prices and surplus farm production, eight percent of the US population

received government-paid food assistance. The level fluctuated between eight percent and eleven percent until 2009. With the financial crisis, the annual average food stamp enrollment increased by 77 percent since 2007.[76] There are nearly 48 million people—one in seven households in the US—currently enrolled.

A massive global spike in food prices accompanied the crisis of financialization and speculative accumulation in 2006-2008. Indeed, the world food economy has become increasingly tethered to activities and trends in the financial investment sector, especially after regulation of speculation in agricultural commodity futures markets was significantly diminished during the 1980s and 1990s. The financialization of food has intensified the volatility in food prices with severe consequences for many impoverished people globally and those living in countries that have become increasingly reliant on food imports. It has also worked in tandem with the acceleration of so-called "global land grabs" that gathered momentum in 2006 and reached an all-time annual high of 83.2 million hectares globally in 2009.[77] Large-scale foreign land acquisition—by national governments, transnational corporations, or foreign investment firms—follow a rising demand for biofuel and agricultural production primarily for markets outside of the countries in which the land has been bought or leased. In the US, one result of the foreclosure crisis has been a similar trend in urban land grabs by private equity firms and real estate speculators—for instance, the Hantz Farms land deal in Detroit.[78] Likewise, international investors who have previously focused primarily on land in so-called less-developed countries have been increasingly pursued US farmland purchases.[79] While small-scale independent farmers bear the brunt of the ongoing economic convulsion and must absorb the price shocks created by speculators, corporate agribusiness is insulated by economies of scale, close ties with large banks, and, in the US, receiving the majority of federal farm subsidies.

During the summer of 2013, the US House of Representatives took the unprecedented step of seeking to remove the Supplemental Nutrition Assistance Program (or SNAP)—still commonly referred to as food stamps—from the farm bill. The House further proposed slashing food assistance by $39 billion over ten years—which would have amounted to reducing the program's budget by half—and added work and drug-testing requirements for eligibility. In November 2013, as legislators debated the House proposal, food stamp recipients had their benefits reduced by an average of 5.5 percent—an annual $5 billion decrease to the program as a whole—when Congress decided let expire a temporary spending increase included in the 2009 Recovery Act.[80] By the time Obama signed the Farm Bill in February 2014, the bipartisan agreement to cut SNAP by $9 billion was simply described by the *New York Times* as something that "could have been worse." In this sense, the deliberate specter of the "worst case" scenario enabled and made politically palatable the sustained assault on food assistance. The proposed separation of the farm bill and food stamps, as well as the massive reduction in funding for food assistance since, remains symptomatic of the dichotomization of federal subsidy for corporate agribusiness and agricultural policy addressed to social inequality. It accompanied and perhaps even served as an intended diversion from the substantial increase in farm subsidies for large-scale farmers and corporate agribusiness that were included and appropriated in the recent farm bill.[81] This bifurcation works in tandem with the multiple forms of foreclosure, land loss, homelessness, and hunger overdetermined by racialization and colonial conditions of possibility. The "worst case" scenario subsequently became the policy objective of the Trump administration.

More often than not, the brutal life-diminishing conditions of the colonial present appear ordinary and normal; inconsequential or perhaps even benign in the everyday liberal gestures to

inclusion that seek to choke out opposition and incommensurability. It has been precisely the co-existence and compatibility of necropolitical will and conciliatory inclusion that appear as emblematic of the current conjuncture, where the sustained project of attrition, devaluation, and disposability underway enacts what Elizabeth Povinelli describes as "the violence of enervation" or otherwise refers to as "the entwinement of endurance and exhaustion."[82] The USDA discrimination suits—unevenly and discontinuously—resonate across the measured virulence of environmental racism, health disparities, and hunger that epitomize the perpetual crisis of colonial accumulation and the increasingly instrumentalized economies of US settler state governance. The speculative fervor of finance capital links genealogies of settler colonialism with contemporary social abandonment, insecurity and immiseration, and the upward redistribution of wealth, even as the particular mechanisms at work remain distinct and often framed in ways that appear mutually detrimental.

Juridical Groundwork and the Not Given

It is perhaps not surprising that antidiscrimination law, as with jurisprudence in the United States more broadly, serves to enforce evidentiary logics that weigh against adjudicating systemic culpability. A fundamental premise of such jurisprudence is that discrimination is a discrete set of identifiable and attributable acts that, even if pervasive within a governmental agency or institution, remain external to the logic of that agency or institution's purpose. Antidiscrimination litigation can and does serve as an important short-term remedy to specific and overt forms of discrimination. However, in doing so it ultimately reinforces the legitimacy of such institutions and social and economic norms predicated on the racialized logics of possessive individualism more broadly. In this sense, attending to the entangled histories of racial and

colonial dispossession simply underscores how and why the constitutive work of the institutions and norms of agriculture in what is now the U.S. have historically served the ends of colonization and racial capitalism.

Yet, the USDA discrimination cases also demonstrate how the operative logics of plaintiff class and commonality bracket those mutually constitutive histories in the construction of discrete evidentiary terms of attributable discriminatory acts. In the context of conventional jurisprudence, discrimination against African American or Native American farmers may provide evidence of specific coordinates of particularized prejudice but cannot be construed to be indicative of the racial and colonial frame of U.S. agricultural policy more broadly. At best, it offers a means of addressing an ostensible contradiction between liberal de jure norms and de facto practices—which under circumstances such as the Trump administration's agenda for aligning overt white supremacism with sectors of corporate capital can potentially have tactical utility.[83] Together, the lawsuits and the histories from which they emerge show how this ellipsis and limit are produced and reproduced.

From the perspective of the evidence and legal argument presented, both *Keepseagle* and *Pigford* would seem to demonstrate equivalent forms of discrimination and demand similar terms of redress. The USDA is a federal agency with an extensive and documented record of civil rights violations and widespread institutionalized norms of sexual harassment and racism toward both employees and farmers seeking assistance under the auspices of its loan programs. When the *Pigford* lawsuit was filed, Secretary of Agriculture Daniel Glickman appeared anxious to reform the agency and bring it in line with the norms of a neoliberal multiculturalism divested from overt acts of discrimination. Yet the comparable institutional discriminatory practices documented in each lawsuit nevertheless articulate with distinct if entwined genealogies of

dispossession. That the *Keepseagle* lawsuit was based on the concerns of the plaintiff class—claims that were articulated in terms of civil rights and due process violations—and not the direct matter of tribes potentially obfuscates how and why the predicament of U.S. colonialism and struggles for tribal sovereignty remain at issue in the case as well.[84] Insisting on the specificity of tribal sovereignty as a political and international relation to the United States distinct from the rights-based struggles for ethnic and racial equality and inclusion in the U.S. has been an important intervention by Native American studies. But, as Brian Klopotek, Jodi Byrd, Circe Sturm, and others have argued, although this distinction remains crucial, as an exclusive analytic concern it nonetheless threatens to obscure the significance of the ongoing ways that Native peoples are also subject to racialized subordination and differential privilege under the logics and logistics of white supremacy.

Attending only to the important difference of tribal sovereignty potentially loses sight of the salient entanglements of colonialism and racialization as a divisive constellation of dispossessive projects. Circe Sturm thus suggests that "in positioning civil rights as something separate from, or even against, tribal sovereignty, we obscure the fact that in the lived experience of people like the Cherokee Freedmen, both claims exist side by side and may actually depend on one another."[85] In the U.S., antiblackness has been central to the differential and hierarchical logics of racialization and value. It is not enough to say that racialization has served as an ostensible justification for colonization. For people of African descent in the Americas, colonization and colonial slavery have been decisive for the protracted logics of racialization. Among the consequences of this co-constitutive genealogy is that decolonization will continue to facilitate the colonial reconfigurations of racial capitalism unless explicitly dismantling

antiblackness, as well as addressing the political autonomy of indigenous peoples and the complex relationalities of land and place.

The "not given" in this sense is precisely the sociality of land and bodies—the restless and multiple stories of place, the agonistic possibilities of collective life otherwise. Land and embodiment precede and exceed the logics of dispossession, logics that presuppose and work to produce possession, property, and the social relations of differential racialized value. What manner of nourishment and habitation allow for subsistence and resistance? What forms of anticolonial materialism take shape in struggles against the perpetual hunger, disposability, displacement, and distribution of early death cultivated by the reciprocities of colonization and racial capitalism? Not only is ground taken or presupposed not ground given, but the not given is more broadly the potentially insurrectionary arena of being together in difference that colonial and racial capitalist economies of dispossession aspire to subsume and redispose.

Unmaking the competition for survival and recognition under regimes of colonial governmentality and racial capitalism demands new ways of contending with being implicated in dynamics of power, place, and personhood, and a shared struggle not reducible to equivalence. Yet, as I describe in the next chapter in the case of disputes over water rights, it is precisely through the intensification of conflict in order to secure authority as mediator that various agencies and administrative officials of the United States, working in tandem with private development projects, seek to convey control and coherence to the state. In cases such as the *Aamodt* water rights settlement to which I now turn, division and competition, although not without sources outside of state intervention, serve as the ground upon which state power is authorized and exercised.

[1] See, for example, Fullilove, *The Profit of the Earth*.

[2] For instance, *Shelby County v. Holder* (2013), *Wal-Mart v. Dukes* (2011), *Ricci v. DeStefano* (2009), and *Parents Involved in Community Schools v. Seattle School District* (2007).

[3] Boddie, "Adaptive Discrimination," 1273.

[4] Harvey, *The New Imperialism*, 137-82.

[5] Marx, *Capital: Volume I*, 899.

[6] Nichols, "Disaggregating Primitive Accumulation," 22.

[7] Ibid., 27.

[8] Nichols, "Theft Is Property!," 13.

[9] Tomlins, *Freedom Bound*.

[10] Seed, *American Pentimento*, 25-31.

[11] Hakluyt, *Discourse of Western Planting*.

[12] The plantation, in this sense, is related to the Spanish *ingenio* and *hacienda*, but ultimately evokes the particular form of racialized chattel slavery tied to the enslavement of people of African descent.

[13] Hart, "Colonial Land Use Law."

[14] Locke, *Two Treatises of Government*, 290.

[15] Drayton, *Nature's Government*, 51.

[16] Seed, *American Pentimento*, 16. Also see Hodge, *Triumph of the Expert*.

[17] Drayton, *Nature's Government*, 55.

[18] Conzen, "Immigrants in Nineteenth-Century Agricultural History."

[19] For a useful overview see Krall, "Thomas Jefferson's Agrarian Vision."

[20] Kazanjian, *The Brink of Freedom*.

[21] Hurt, *Indian Agriculture in America*, 100-101.

[22] Park, "Money, Mortgages, and the Conquest of America."

[23] Baucom, *Specters of the Atlantic*; Kish and Leroy, "Bonded Life."

[24] Baptist, "Toxic Debt, Liar Loans, Collateralized and Securitized Human Beings." Also see Kilbourne Jr., *Slave Agriculture and Financial Markets in Antebellum America*.

[25] Horwitz, "The Transformation in the Conception of Property in American Law."

[26] Bhandar, "Property, Law, and Race," 212-13.

[27] Clark, "The Agrarian Context of American Capitalist Development."

[28] Rasmussen, "The Civil War."

[29] Oubre, *Forty Acres and a Mule*.

[30] Han, *Letters of the Law*; Wong, *Racial Reconstruction*. On the ways in which the settler mode of production combines racial difference and alienation to cultivate particular forms of precarity and expendability see Day, *Alien Capital*.

[31] Chan, *This Bittersweet Soil*.

[32] See, for example, Stephen, *Transborder Lives*.

[33] Carlson, *Indians, Bureaucrats, and Land*.

[34] Barker, *Native Acts*.

[35] Quoted in Otis, *The Dawes Act and the Allotment of Indian Lands*, 10.

[36] Quoted in Ibid., 12.

[37] Dawes, "Have We Failed with the Indian?," 284, 283.

[38] Chang, *The Color of the Land*, 104.

[39] Ibid., 93.

[40] Ibid., 94.

[41] Ibid., 83.

[42] Krauthamer, *Black Slaves, Indian Masters*, 141. Also see Byrd, *The Transit of Empire*, 117-46.

[43] Krauthamer, *Black Slaves, Indian Masters*, 144.

[44] Sanders, *Roots of Reform*; Rana, *The Two Faces of American Freedom*, 176-235.

[45] Fite, *The Farmers' Frontier*; Malenbaum, *The World Wheat Economy*.

[46] Lowery, *Lumbee Indians in the Jim Crow South*, 179.

[47] Kelley, *Hammer and Hoe*.

[48] Jack O'Dell, "A Colonized People," in *Climbin' Jacob's Ladder: The Black Freedom Movement Writings of Jack O'Dell*, ed. Nikhil Pal Singh (Berkeley: University of California Press, 2010), 138.
[49] Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011).
[50] McKittrick, "Plantation Futures," 11. Also see King, "The Labor of (Re)reading Plantation Landscapes Fugible(ly)."

[51] Ibid.

[52] Hurt, ed., *African American Life in the Rural South*.

[53] Marshall and Godwin, *Cooperatives and Rural Poverty in the South*; Reynolds, *Black Farmers in America*; Nembhard, *Collective Courage*.

[54] Quoted in "Notes in the News," 8.

[55] Reid, "Land Ownership and the Color Line."

[56] "Testimony of Tim Pigford," 64, 62.

[57] Ibid., 63, 65.

[58] History of the USDA and Clinton Administration History Project.

[59] Daniel, *Dispossession*.

[60] Shoemaker, "Farm and Ranch Issues in Indian Country."

[61] *Keepseagle v. Schafer*, Eighth Amended Complaint.

[62] Quoted in Stockes, "American Indian Farmers."

[63] Parker, *Taken Lands*.

[64] Wilson, *Agriculture of the Hidatsa Indians*.

[65] Cross, "Development's Victim or Its Beneficiary?"

[66] Estes, *Our History is the Future*.

[67] Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge, MA: Harvard University Press, 2006); Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston, MA: Beacon Press, 2014).
[68] David H. DeJong, *Stealing the Gila: The Pima Agricultural Economy and Water Deprivation, 1848-1921* (Tucson: University of Arizona Press, 2009), 100.
[69] Jacki Thompson Rand, *Kiowa Humanity and the Invasion of the State* (Lincoln: University of Nebraska Press, 2008), 45. Similar machinations are evident with regard to the Ute, as Thomas A. Krainz demonstrates in *Delivering Aid: Implementing Progressive Era Welfare in the American West* (Albuquerque: University of New Mexico Press, 2005), 51-60.
[70] Rand, *Kiowa Humanity and the Invasion of the State*, 58.
[71] Matthew King, "Rations Not Fit for Human Consumption," in *The Great Sioux Nation: Sitting in Judgment on America*, ed. Roxanne Dunbar-Ortiz (1977; Lincoln: University of Nebraska Press, 2013), 154.
[72] Quoted in Barbara A. Claffey and Thomas A. Stucker, "The Food Stamp Program," *Proceedings of the Academy of Political Science* 34, no. 4 (1982), 41.
[73] Ronald F. King, *Budgeting Entitlements: The Politics of Food Stamps* (Washington, DC: Georgetown University Press, 2000).
[74] Kristin L. Ahlberg, *Transplanting the Great Society: Lyndon Johnson and Food for Peace* (Columbia: University of Missouri, 2008).
[75] Kenneth Feingold, Nancy Pindus, Diane Levy, Tess Tannehill, and Walter Hillabrant, *Tribal Food Assistance: A Comparison of the Food Distribution Program on Indian Reservations (FDPIR) and the Supplemental Nutrition Assistance Program (SNAP)* (Washington, DC: The Urban Institute, November 2009).
[76] Alan Bjerga and Derek Wallbank, "Food Stamps Loom Over Talks to Pass U.S. Farm Legislation," *BloombergBusinessweek*, October 30, 2013, http://www.businessweek.com/news/2013-10-30/food-stamps-loom-over-negotiations-to-pass-u-dot-s-dot-farm-legislation
[77] Ward Anseeuw et al., *Transnational Land Deals for Agriculture in the Global South: Analytical Report based on the Land Matrix Database* (CDE/CIRAD/GIGA, Bern/Montpellier/Hamburg: April 2012).
[78] Darwin Bond-Graham and Yvonne Yen Liu, "Communities of Color Organize against Urban Land Grabs," *Race, Poverty & the Environment* 19, no. 1 (2012), 63-66.

[79] National Family Farm Coalition, *U.S. Farmland: The Next Big Land Grab?* (Washington, DC: National Family Farm Coalition, May 2012); Michael Kugelman, "The Global Farmland Rush," *New York Times*, February 15, 2013.
[80] Kim Severson and Winnie Hu, "Cut in Food Stamps Forces Hard Choices on Poor," *New York Times*, November 8, 2013. See also http://www.cbpp.org/files/11-1-13fa-stmt.pdf
[81] James B. Stewart, "Richer Farmers, Bigger Subsidies," *New York Times*, July 19, 2013; Matthew Gritter, *The Policy and Politics of Food Stamps and SNAP* (New York: Palgrave Macmillan, 2015).
[82] Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham, NC: Duke University Press, 2011), 132, 125
[83] On the Trump administration's massive cuts to USDA programs for all but agribusiness see

Daniels, "Rural America and Farm Sector to Take a Hit with Trump's Budget Plan."

[84] And even more expansively see Goeman, "Land as Life."

[85] Sturm, "Race, Sovereignty, and Civil Rights," 595.