## Worker T

#### Interp: Workers have certain employment rights endowed to them.

UK Government, ND

[UK Government: “Employment status,” no publication date. https://www.gov.uk/employment-status/worker]//AD

Employment rights

Workers are entitled to certain employment rights, including:

getting the National Minimum Wage

protection against unlawful deductions from wages

the statutory minimum level of paid holiday

the statutory minimum length of rest breaks

to not work more than 48 hours on average per week or to opt out of this right if they choose

protection against unlawful discrimination

protection for ‘whistleblowing’ - reporting wrongdoing in the workplace

to not be treated less favourably if they work part-time

#### “Employer” excludes government actors.

29 U.S. Code § 152

(<https://www.law.cornell.edu/uscode/text/29/1520>) BW

(2) The term “employer” includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or any State or political subdivision thereof, or any person subject to the Railway Labor Act [45 U.S.C. 151 et seq.], as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

#### Violations:

#### 1. No minimum wage – 1AC Fulcher

#### 2. Wage theft – 1AC Fulcher

#### 3. No rest breaks or paid leave – 1AC Eisen

#### 4. No government employees

#### 5. Involuntary servitude is allowed for prisoners.

Ourdocuments.gov, ND

[Government website: “Transcript of 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865) ,” no publication date. [https://www.ourdocuments.gov/doc.php?flash=false&doc=40&page=transcript]//AD](https://www.ourdocuments.gov/doc.php?flash=false&doc=40&page=transcript%5d//AD)

AMENDMENT XIII

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

#### Reasons to prefer:

#### 1. Limits—if they can pick and choose which groups of workers to defend, that explodes the number of potential affs and makes neg prep impossible

#### 2. Ground – no unifying core neg generics AND no reasonable answer to the “slavery shouldn’t exist” aff – you shouldn’t vote aff just because we have case defense – it is horrible to endorse a model of debate where students are forced defend prisons

#### 3. No PICs defense—aff gets access to 1AR theort like PICs bad

#### 4. Precision—we cite both the US and UK governments; this proves common usage which is the best stasis point for the round

#### Paradigm issues:

#### 1. Drop the debater -- they skewed the debate from the 1AC and T indicts their advocacy

#### 2. Competing interps -- you can't be reasonably topical and reasonability invites judge intervention

#### 3. No RVIs -- forcing the 1NC to go all in kills substance education and discourages checking abuse

## SetCol K

#### Settler colonialism is the permeating structure of the nation-state which requires the elimination of Indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts though they can overlap and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context empire, settlement, and internal colony make it a site of contradictory decolonial desires7. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### Unions are centered and organized around the white settler state, rendering unions incapable from protecting Indigenous people, even if “successful”

Fletcher 21

(Bill Fletcher Jr. 10/1/21, Executive editor of globalafricanworker.com and a former president of TransAfrica Forum, “Race Is About More Than Discrimination” https://lwp.law.harvard.edu/files/lwp/files/fletcher\_race\_settlerism\_labor\_-\_after.pdf/JH)

The Industrial Workers of the World (IWW) had the distinction of having been the only labor federation to not tolerate racial segregation. The IWW took a strong stand against displays of racism and refused to cave to white racism when it came to organizing workers. That said, the IWW lacked anything approaching a comprehensive analysis of racism and national oppression in the United States other than to identify it, correctly, as a form of divide and conquer. Within the white-majority labor movement, this was, until the emergence of Communist-led formations in the 1920s and 1930s, the most advanced view. The larger white-majority labor movement either took an outright white supremacist stand, such as that of the Railroad Brotherhoods, or willingly organized workers of color while rarely tackling the racist divisions within the working class (and the various manifestations of the racial differential in treatment). With the absorption of northern Mexico (1848), the complete subjugation of Native Americans by the 1880s, the implementation of anti-Asian migration statutes (and agreements), and the defeat of “Black” Reconstruction in the South (1876), the white-republic conceptualization fully merged with the framework of “American patriotism.”11 The white republic was the United States and the United States was, at its heart, the white republic. There were at least two ramifications for white-majority organized labor. First, adoption of U.S. foreign policy became the patriotic duty of the official labor movement. With the partial exception of the Spanish-American War, endorsement of U.S. foreign policy, including armed interventions, support for coups, and so on, became a central component of the majority of official organized labor’s approach. It assumed a form of imperial consciousness, which was the logical extension of the framework of the white republic. Second, and specific to the functioning of the trade union movement, the movement and its history centered around the activities of white workers, particularly white male workers. Thus, while the U.S. working class was multinational and multiracial, the movement’s identity was largely shaped by the assumption that it was a component of the white republic. This meant that the official movement was inviting in workers of color rather than uniting with workers of color. Here is a related analogy. In the late 1800s, the baseball system chose to segregate and openly exclude African-American players and Latinos with demonstrable African blood. By the 1930s, the Negro Leagues, set up to organize Black baseball, were well down the road of considering the means to conduct a merger with (white) Major League Baseball (MLB), thereby desegregating and transforming the sport. This was never taken seriously by MLB. Instead, Branch Rickey, of the then Brooklyn Dodgers, chose to desegregate baseball by bringing on Jackie Robinson, a former Negro League player. This was followed by a process, conducted by muL: tiple teams, of raiding the Negro Leagues of their best players. Thus, the MLB was desegregated—a positive move—but on terms dictated by and to the advantage of the white owners of MLB. To a great extent, official organized labor had a similar approach toward workers of color, including but not limited to Black workers. The fight for desegregation, a critical and necessary battle, largely took place in a context elaborated by official organized labor. It was an absorption into what existed, rather than a transformation of the nature of the movement into something different. The battle against racist discrimination is not being undervalued in this article. Rather, we are noting that the approach toward such a battle was and is essential to understanding the outcomes or, in the current situation, our objectives. As Michael Goldfield demonstrates in his must-read *The Southern Key: Class, Race & Radicalism in the 1930s and 1940s*, there were vastly different approaches toward this fight against racism within the burgeoning Congress of Industrial Organizations.12 The Steel Workers Organizing Committee—later the United Steel Workers of America—“desegregated” by its willingness to organize all workers into one union, but failed to address the consequences of racist oppression in the workplace. Workers of coL: or, particularly African Americans and Chicanos, were added to the white workers who were willing to organize. Workers of color were frequently more advanced than white workers in their willingness to and interest in organizing unions. Nevertheless, they were regularly deprived of power in the organization and there was an overall lack of a demonstrable commitment by the union directly to attack racist discrimination in the workplace. Left-led unions, overall, had a much better track record in taking on racist oppression in the working class, as a result of both a more sophisticated analysis but also the active inclusion of activists of color in the membership and leadership. In general, left-led unions recognized the importance of building alliances with other social movements—including within communities of color—and taking on racist oppression in the workplace.13 But even in most left-led unions, there remained a tendency to see the official union movement as the focal point or gravitational center, rather than an instrument in constructing a movement that, even implicitly, was challenging the assumptions of the settler state.

#### Attempting to induce empathy and recognition from depictions of prisons is just the circulation of crime porn- this forecloses meaningful action because people assume that their emotional responses are enough.

Jackson and Meiners 11

(Jeesi Lee, Erica R., graduate student in American Studies at State University of New York, Buffalo, Meiners is a professor of education and women’s studies at Northeastern Illinois University, WSQ: Women’s Studies Quarterly 39: 1 & 2 (Spring/Summer 2011) Fear and Loathing: Public Feelings in Antiprison Work, pgs 275-276, JKS)

Of course, fear and disgust are not the only feelings produced in the context of the PIC. Emotions are complicated business, and prisons and crime pull a variety of responses, including feelings of excitement—the exhilaration of knowing that laws and taboos can be broken or the thrill of looking at monsters. Crime news, legal dramas, and reality television shows offer access to this thrill in the safety of the home while also rein- forcing common stereotypes and fears of criminals and prisoners. The media techniques deployed are effective, as media scholar Elayne Rap- ping outlines in her analysis of media coverage of crime: “Among these are the construction of criminal stereotypes; presentation of opinion as fact, masking of opinion by seeking out expert sources who will agree with their preformed opinions; use of value-loaded terminology; selective presentation of fact; management of information through framing and editing techniques; and vague references to unnamed officials or ‘those close to criminal justice theories and policies’” (2003, 72–73).¶ This crime porn often presents a view of prisons and urban ghettoes as “alternate universes” where the social order is drastically different, and the links between social structures and the production of these environments is conveniently ignored. In particular, although they are public institutions, prisons are removed from everyday US experience, and audiences depend heavily on popular media to offer meanings and representations of these facilities (Rhodes 2004; Rapping 2003). This allows audiences to develop stores of commonsense knowledge and felt experience of prisons and crime without ever having to engage with the possibilities of an unmediated encounter with people who live in prisons.¶ In this analysis of political feelings and the PIC, we are careful to note how affect has also been used by justice movements with problematic consequences. Images of enslaved and beaten women (and children) were used by abolitionists as a strategy to challenge slavery, as the image of brutally beaten pregnant women would trigger more sympathy or pity than one of a man being attacked. Yet this often functioned to produce affect— pity—that would work in the long term to weaken demands for abolition. As Angela Davis most recently notes, we should not permit “emotions such as pity to foreclose possibilities of solidarity” (2010, 36). Even when deployed by “progressives,” emotions can be problematic and leave audiences “touched” but not moved (Morrison 1994, 211). The challenge for antiprison organizers is to address questions of fear and safety; to consider how these investigations might mobilize disgust, defensiveness, or pity; and to subsequently reshape organizing efforts.

#### Do not hold faith in the fiction of carceral progress. The plan is a reiteration of a trajectory of fraudulent reforms that seek to depoliticize and disarticulate the chain between the logic of war and social pacification, perpetual conquest and incarceration.

Robert Nichols, 2014, Associate Professor of Political Theory in the Department of Political Science at the University of Minnesota, "The Colonialism of Incarceration," September 20, [Radical Philosophy Review](https://www.pdcnet.org/collection-anonymous/browse?fp=radphilrev), Accessed at: <https://nycstandswithstandingrock.files.wordpress.com/2016/10/nichols-2014.pdf>; seambo

Assertions that the logic of war and that of social pacification can still be effectively disentangled are belied by our reality. In the current climate no attempt to fully insulate these two logics from one another can succeed. Yet, while recent commentators have expressed great dismay at the nakedly fluid boundary between military and policing operations today, viewed from the vantage point of settler colonialism and indigenous critique, there is nothing new about this permeability. In the history of Anglo-American settler colonialism, for instance, the extension of criminal jurisdiction has long been central to the subjugation and displacement of indigenous polities.27 Existing in the "third space of sovereignty," indigenous nations have always subverted foreign/domestic distinctions, as well as attempts to distinguish war decisively from crime management.28 The largest and most important domestic policing organization in Canada, the Royal Canadian Mounted Police (RCMP], emerged from its predecessor organization, the North-West Mounted Police (NWMP], The latter was modelled upon the Royal Irish Constabulary (RICJ and was expressly intended to function as a paramilitary organization, meant simultaneously to defeat indigenous resistance politically and pacify it criminally.29 In the United States as well, although the Office of Indian Affairs, created in 1824, was very symbolically relocated from the War Department to the Department of the Interior in 1849, from this point forward, including Wounded Knee and the complex and tense relationship between American Indians and the F.B.I., indigenous peoples have always doubled subjected to these two logics of violence and control.30 As a result, they are well positioned to observe that these are not, and never have been, fixed and parallel logics, but have always intersected one another. Indigenous critique thereby discloses the oscillation of these forms of state violence as constitutive of territorialized sovereignty in a colonial context, rather than extraneous and novel. The deep challenge posed by indigenous peoples does not merely consist in their doubly-subjected position here, however. Rather, it resides in the delegitimizing of the war/crime dichotomy in the first place, for indigenous peoples in North America are in precisely the position mentioned above: experiencing policing itself as a force imposed externally by a government that the subjugated population does not recognize, authorize and/or does not have effect participation within.31 In short, the state itself is apprehended as the primary vehicle for the collective organization of violence upon indigenous peoples, historically and in the present. Indigenous politics is founded upon this existential challenge. As indigenous (Mohawk) scholar, Patricia Monture-Angus points out, in the Canadian context, study after study has demonstrated that, "Aboriginal people do not view the criminal justice system as a system that represents or respects them,” and, as a result, "the perceptions of Aboriginal peoples (while keeping in mind their diversity) thus thoroughly challenge the perspective of those who regard Canada to be a free and democratic state."32 In this context, reforming the penal system to produce less "disproportionality” in racial demographics [between inside and outside the prison walls) will continue to fail to take into account Aboriginal justice traditions themselves, which are "a clear component of the inherent right to self-government."33 While indigeneity consistently avoids reduction to any fixed or determinate content, the condition of possibility for continued creative reinvention and reproduction of culture, tradition, spirituality, and life itself as indigenous peoples has meant a persistent refusal to acknowledge the dehistoricized naturalization of domestic/foreign distinctions meant to legitimize state violence. Although this has a centuries-long history, what has changed is that, unlike pervious eras (unlike even the 1970s, e.g., Pine Ridge) the incarceration of indigenous peoples is increasingly dehistoricized—and thus depolitized— through its representation as the general extension of racialized criminality. Even though far more indigenous peoples are incarcerated today than, say, when Lenard Pelltier was convicted in 1977, today this is more effectively and smoothly enacted because it has been routinized, bureaucratized, and detached from the longer colonial history of the state itself. By attending to the colonial function of carceral expansion today, we are cautioned then against too hastily accepting the supposed radical novelty of the present, not to mention the story of neoliberalism’s hollowed out states, or Empire's virtuality. Indeed, we are even cautioned against too hastily accepting one of indigenous studies’ prevailing narratives today, namely, that North American settler states have moved from openly coercive and violent relations with indigenous communities towards a more flexible, docile, politics of recognition and assimilation—a move away from the "hard infrastructure” of military operations and residential schools to the "soft infrastructure” of public apologies and cultural accommodation. While this transition to soft tactics has certainly occurred in some fields of governance, it is coeval with the growth of a whole shadow system of hard infrastructure that is every bit as material, physical and coercive as ever. The settler colonial state has not gone away at all, or even become less of a physical, material presence—it has merely shifted its site of operation, perhaps most symbolically from the residential school to the prison. Read against this larger backdrop then, we can begin to read the vast network of prisons in North America in terms of its ideological function relative to settler colonialism: that is, the manner in which it functions strenuously to depoliticize this ongoing material violence and erect a strict separation between criminal control and conquest despite indigenous societies’ continued insistence that externally imposed coercive control over their members [for whatever reason) is an affront to the inherent right to self-government. Ruth Gilmore has persuasively argued that if we are to understand and properly subject carceral power to an effective critique then we must not only "develop complex understandings of how prisoners became so massively available as carceral objects”—a matter surely deeply rooted in processes of racialization—but we must also "figure out how the ground the prisons stand on becomes available for such a purpose."34 In thinking about how this ground becomes available, Gilmore has in mind the manner in which a permanent crisis in the workfare-welfare state has been literally displaced onto the landscape of relatively low-density, rural communities, which has produced new opportunities and demands for land grabbing. However, highlighting the colonialism of incarceration further draws our attention to the territorial foundation of prison expansion in a deeper and longer history. It forces consideration of the politics of territoriality in North America in a variety of forms, including the ways in which territorialized sovereignty aspires to impose an exclusivity and singularity of command and control that obliterates alternative normative orders beneath and beyond its aegis. At the most immediate level, criminalized capture by the state is about management of "disorderly populations" through isolation. As Allen Feldman famously put it: "Arrest is the political art of individualizing disorder.” 35 Of course, isolation and sequester are always already geospatial and are thus implicated in territoriality in a general sense. Prisons are a spatial and territorialized matrix of punishment and control inasmuch as they attempt to provide geographical solutions to socio-economic and political contradictions [in the form of cages, walls and other technologies of isolation and segregation). As Gilmore forcefully put this point, Incapacitation doesn’t pretend to change anything about people except where they are. It is in a simple-minded way, then, a geographical solution that purports to solve social problems by extensively and repeatedly removing people from disordered, deindustrialized milieus and depositing them somewhere else.36 Prisons certainly operate through geospatial media in this general sense, sharing a certain continuity with other technologies of spatial control such as "ghettoization." As a result, there is overlap here with other important experiences of, for instance, African American subjugation and control. Prisons, ghettos, and other tools of capture and separation exhibit a revealing morphological continuity.37 Attending to the historical experience of indigenous peoples, however, these general geospatial formations are refocused through another lens of territoriality—settler colonialism and land acquisition—reframing Gilmore’s considerations on the territorial foundation of the prison apparatus. Indigenous [Dene] political theorist Glen Coulthard provides a succinct and precise definition from which we may begin to bring the colonial-territorial politics to the fore here. He designates a "colonial relationship" in terms of the distinct form of domination it engenders. Colonialism is: A relationship where power—in this case, interrelated discursive and non-discursive facets of economic, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples of our lands and self-determining authority. In this respect, Canada is no different than any other settler-colonial power: in the Canadian context, colonial domination continues to be structurally oriented around the state’s longstanding commitment to maintain—through force, fraud, and more recently, so-called "negotiations"—ongoing access to the land that contradictorily provides the material and spiritual sustenance of Indigenous societies on the one hand, and the foundation of colonial state formation, settlement and capitalist development on the other.38 Coupling Coulthard’s work with the emergent field of settler colonial studies brings into focus the extent to which state and market formation in North America has always been intimately bound up with land acquisition and resettlement, and that these have called forth distinct ideologies rooted in notions of agrarianism, territorial possession and improvement. The defining feature of this particular political formation is not the appropriation of labour, nor the subjugation of indigenous self-governing powers (although these are both also present). Rather, as James Tully reminds us, "the ground of the relation is the appropriation of the land, resources, and jurisdiction of indigenous peoples, not only for the sake of resettlement and exploitation . . ., but for the territorial foundations of the dominant society itself’’39 Or as Patrick Wolfe states rather more bluntly: "Territoriality is settler colonialism’s specific, irreducible element.” 40

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#### Thus, the only alternative is one of decolonization.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone these are the unwritten possibilities made possible by an ethic of incommensurability. *when you take away the punctuation he says of lines lifted from the documents about military-occupied land its acreage and location you take away its finality opening the possibility of other futures* -Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012) Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

#### Decolonization necessitates prison abolition—settler colonialism is intimately connected to the prison system.

Charles Sepulveda, Tongva and Acjachemen scholar, assistant professor of ethnic studies @ University of Utah, 7-3-2020, "To Decolonize Indigenous Lands, We Must Also Abolish Police and Prisons," Truthout, <https://truthout.org/articles/to-decolonize-indigenous-lands-we-must-also-abolish-police-and-prisons/> //MLT

The movement to decolonize Indigenous lands is intimately connected to the movement to abolish police and prisons. As the idea of decolonization is discussed among wider circles, we must recognize this interconnectedness, especially in the midst of a resurgent Black Lives Matter movement that calls for the defunding — and, in fact, the dismantling — of police. Both decolonization and abolition are not simply seeking an end result. Instead they are continuous creative processes: an imagining of life beyond prisons and the theft of land. They require creativity and a willingness to move beyond the structures of white supremacy that impact all of our lives on a scale from the local to the global, and occupy the “common-sense” perceptions of the world around us. When statements are made such as, “We can give land back” or “We can exist without prisons,” some people are perplexed, others are scared, and some will defiantly argue that it is not possible. Imagining a world beyond what we know and experience on a daily basis can be extremely difficult. Neither abolition nor decolonization are metaphors. Both movements want what they say — an end to policing and prisons, and an end to land theft and return of the land to Native peoples — and argue that it is fully possible to have an end to the prisons and policing, and to end colonization and therefore, for Native peoples to have their lands back. Both movements are meant to benefit everyone, not just Black people or Indigenous people. White supremacy – a structure of social organization and human dominance — shapes imprisonment, enslavement, capitalism, conquest, genocide and land theft. It is premised on the consumption of one’s life for another. This structure eats at the being of those who are not in the position of authority, and includes consuming the land. Increasingly, people of color are selectively incorporated into positions of authority and are actively shaping white supremacy to be multicultural. The police, for example, are rapidly increasing their ranks to include people of color. Another example is how universities have included Indigenous peoples in writing and performing land acknowledgment statements in lieu of giving land back. This authoritative inclusionary process is similar to the inclusion of people of color into capitalism as workers and business owners. However, this selective inclusion should not be mistaken for an end to Euro-Americans being the historical and ongoing beneficiaries of white supremacy who accumulated wealth and land. Rather, the inclusion of people of color further solidifies white supremacy, positioning it as a structure that can be reformed. As abolitionist scholar and activist Dylan Rodriguez explains, white supremacy is “a flexible and changing apparatus of power.” Abolition and decolonization are actively engaged in creatively imagining an end to white supremacy, rather than fashioning ways to include more people in its institutions.

#### The role of the ballot is to center Indigenous scholarship and resistance—any ethical commitment requires that the aff place themselves in the center of Native scholarship and demands.

Carlson 16

(Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213, JKS)

Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.42 Relational accountability should be a cornerstone of settler colonial studies. I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoples, and take as its norm making this dialogue evident. In my view, it is critical that we not view settler colonial studies as a new or unique field being established, which would enact a discovery narrative and contribute to Indigenous erasure, but rather take a longer and broader view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with humility and accountability. We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty. We can view oral Indigenous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and provided the foundations for our work. If our work has no foundation of Indigenous scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.

## Case

#### The racism that labor unions are built on must be acknowledged before true progress can be made

**Dogan ‘17**

(Shamed Dogan, November 13, 2017, Dogan is a Missouri State Representative abd he was served for 7 years, his agenda focusing on education reform, ethics reform, and criminal justice reform, “Unions ignore long history of excluding minorities from jobs”, [https://www.stltoday.com/opinion/columnists/unions-ignore-long-history-of-excluding-minorities-from-jobs/article\_ef58bccd-f04a-5172-8dbd-18b8ee5eb9e2.html //](https://www.stltoday.com/opinion/columnists/unions-ignore-long-history-of-excluding-minorities-from-jobs/article_ef58bccd-f04a-5172-8dbd-18b8ee5eb9e2.html%20//) HM)

Missouri has taken great strides forward in **restoring free-market** approaches to our economy. Thanks to the efforts of a Republican Legislature and governor, Missouri is open for business. We have passed right-to-work legislation and have begun to challenge the stranglehold that union bosses hold over the labor market. However, this development has not come without a fight; union organizers and bosses are angry because these changes upset the established order. While these union bosses argue that they best represent Missouri workers, they ignore their long history of excluding minority Americans from jobs and opportunities. Although labor unions have made some positive contributions, we must not forget their **legacy of discrimination, prejudice and racism**. For decades, unions worked to exclude black Americans from jobs. White workers felt endangered by black Americans who were willing to work longer and harder, so labor unions used legislation to force blacks out of unions, and out of the labor market. Herbert Hill, the labor director of the NAACP, wrote about this fact in 1959. In his seminal article “Labor Unions and the Negro: The Record of Discrimination,” he noted, “the Negro worker’s historical experience with organized labor has not been a happy one. ... Trade unions practice either **total exclusion** of the **Negro**, segregation (in the form of ‘Jim Crow’ locals or ‘auxiliaries’), or enforce separate, **racial seniority lines** which limit Negro employment to menial and unskilled classifications.”

#### Racism is institutionalized in the creation of Unions and in turn striking – It creates a Catch 22 and stonewalls Black workers, so they feel the lack of accessibility to unions is their own fault rather than the racist institution.

**Watson 6-14**

(Travis Watson, June 14, 2021, Watson is the chair of the Boston Employment Commission (BEC), he is also a member of the board for YouthBuild Boston and NEI General Contracting’s Workforce Opportunity Resource Center, and he created ADOSconstruction.org which helps to create more inclusive construction unions, ““Union Construction’s Racial Equity and Inclusion Charade (SSIR)”, [https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade //](https://ssir.org/articles/entry/union_constructions_racial_equity_and_inclusion_charade%20//) HM)

**Six Practices That Institutionalized Racism in Union Construction** The Catch 22 | White union construction workers often stymie prospective Black workers’ attempts to join a union by trapping them in a Catch-22: requiring the worker to have a job prior to being admitted into a union, but also requiring union membership before getting a construction job. Former United Community Construction Workers activist Omar Cannon recalls **Black workers being told by white union officers** that they “had to be in the union to get a job.” However, the problem, [Cannon explains](https://www.jstor.org/stable/j.ctv941wxz.23?seq=1#metadata_info_tab_contents), is that “you had to get a job to get in the union.” Former Army veteran and construction worker Gilbert Banks has told a [similar story](https://www.google.com/books/edition/Black_Power_at_Work/16RmDwAAQBAJ?hl=en&gbpv=0) about treatment by foremen and unions: “They’d say, ‘Have you got a (union membership) book?’ I’d say, ‘No.’ ‘Well,’ they said, ‘Go get a book and we’ll give you a job.’ And I’d go to the union and ask them for a book. They’d say, ‘Listen, if you get the job, we’ll give you a book.’ There was no way of fighting it.” This no-win situation is not a coincidence. This Catch-22 is a form of structural racism intended to **exclude people not already on the inside**. Stonewalling | Another strategy white union members use to frustrate Black workers into giving up their effort to join a union is intentionally **refusing communication, ignoring, and silencing them**. Stonewalling effectively blocks Black workers from jobs and from unions, even when those workers have superlative skills, training, and experience. For example, former member of the Congress of Racial Equity (CORE) and construction activist [Oliver Leeds recalls](https://www.jstor.org/stable/10.7591/j.ctt7v804) how his work as an Army engineer wasn’t enough to even get considered for work and union acceptance: “I was in the Corps of Engineers. And you know what we do? We worked to win the war. We built anything that could be built: bridges, tunnels, houses, officers’ quarters, Myers quarter, roads, and airstrips. We loaded and unloaded ships. We did anything in the way that involved work, construction work. You know, when I got back to the United States, after the war, I couldn’t get a job in construction, that **there was no union that would let me in**? And there was damn little that I couldn’t do in the way of construction work. They’ll take you and turn you into construction workers in the army, in a segregated army, and then when you get back into civilian life, you can’t get a construction job.” These first two strategies—the Catch 22 and stonewalling—cloak the structural racism operating within unions by displacing the consequence onto the Black person: that they gave up, or that they got frustrated, rather than seeing the mechanisms at work that produced this outcome.

#### Prisons would go down fighting – causes legal lobbying to extend prison sentences to secure the labor pool – turns case.

Serwer, 14

[Adam, Buzzfeed News National Editor: "California AG "Shocked" To Learn Her Office Wanted To Keep Eligible Parolees In Jail To Work," BuzzFeed News, 11-18-2014. https://www.buzzfeednews.com/article/adamserwer/some-lawyers-just-want-to-see-the-world-burn]//AD

Lawyers for California Attorney General Kamala Harris argued in court this fall against the release of eligible nonviolent prisoners from California's overcrowded prisons — because the state wanted to keep them as a labor force.

Harris, a rising star in the Democratic Party, said she learned about the argument when she read it in the paper.

"I will be very candid with you, because I saw that article this morning, and I was shocked, and I'm looking into it to see if the way it was characterized in the paper is actually how it occurred in court," Harris told BuzzFeed News in an interview Monday. "I was very troubled by what I read. I just need to find out what did we actually say in court."

The Supreme Court found California's prisons were so overcrowded in 2011 that the conditions violated the Constitution's prohibition on cruel and unusual punishment. Since then, California has been under federal court supervision as it seeks to comply with the order that the state reduce its prison population. In February, the state had agreed to reduce its population by releasing nonviolent prisoners with only two felonies who had served half their sentences.

Last week, the Los Angeles Times reported that attorneys in Harris' office had unsuccessfully argued in court that the state could not release the prisoners it had agreed to release because "if forced to release these inmates early, prisons would lose an important labor pool." Those prisoners, the Times reported, earn wages that range from "8 cents to 37 cents per hour."

In a Sept. 30 filing in the case, signed by Deputy Attorney General Patrick McKinney but under Harris' name, the state argued, "Extending 2-for-1 credits to all minimum custody inmates at this time would severely impact fire camp participation — a dangerous outcome while California is in the middle of a difficult fire season and severe drought."

Approximately 4,400 California prisoners help the state battle wildfires, at wages of about $2 a day. There is an exception in the agreement that allows the state to retain firefighters — but only firefighters — who are otherwise eligible for release.

Like incarcerated firefighters, inmates who perform "assignments necessary for the continued operation of the institution and essential to local communities" draw from the same pool of inmates who pose a limited threat to public safety, the state argued in a September filing. Therefore, reducing that population would require the prisons to draw more incarcerated workers away from its firefighting crews.