# 1

#### Counterplan: A just government ought to recognize the conditional right of workers to strike with the condition that they do not work for Native enterprises. For Native enterprises, tribal law ought to recognize the right of workers to strike.

#### It’s competitive – CX and the card proves that normal means is through some international treaty/federal law that applies to Native reservations. The CP creates better worker rights and protects Native sovereignty – that’s key to a stronger labor movement. No perm – it just steps on tribal laws toes for no reason and destroys Native sovereignty.

#### Federal labor laws hurt unions/labor movements, undermine Native sovereignty, and create tensions between unions and tribes – implementing labor codes through tribal law is more union friendly, allows for more worker rights, and allows nations to exercise sovereignty – empirical examples prove that it works and solves the aff.

Harvard Law Review ‘21

[Tribal Power, Worker Power: Organizing Unions in the Context of Native Sovereignty, Jan 11 2021, <https://harvardlawreview.org/2021/01/tribal-power-worker-power-organizing-unions-in-the-context-of-native-sovereignty/>, Harvard Law Review] [SS]

\*\*Brackets in original text

**Disputes over the applicability of the NLRA to tribal enterprises** engender what Jonathan Guss **has called a “negative approach to sovereignty**.”136 **When unions invoke the NLRA, Native nations** often respond by **assert**ing **their right to be free from the Act’s regulation** — and from unions generally.137 **This struggle orients** both labor **organizing and assertions of tribal sovereignty around jurisdictional disputes and away from** the ultimate value at the heart of both: **building power**.138 **Tribal enterprises and unions are mechanisms for redistributing wealth and power** to groups that have historically been denied both.139 These goals can be superficially in conflict when tribal enterprises employ large numbers of non-Natives. But **this overlapping ethos presents an opportunity for unions and Native nations to work together to create a world that is better for both.** **Unions’ fight to apply the NLRA to tribal enterprises rests on a false premise: that without federal law, tribal employees will lack any legal protections.**140 Like other sovereigns exempted from the NLRA, **Native nations have the authority to promulgate labor regulations and an economic and sovereign interest in doing so.**141 Many **tribal governments have developed comprehensive labor codes**. The following examples provide some insight into how **unions and Native nations can coexist and exhibit mutual respect — even**, in some cases, **allowing workers greater protection than is currently available under federal law.** The Navajo Nation provides a leading example of effective triballabor relations. In the 1990s, **the Navajo Council promulgated a labor code that established collective bargaining rights for employees** of the Navajo government **and tribally owned corporations**.142 **The Laborers’ International Union** of North America (LiUNA) subsequently **campaigned to unionize the Navajo Area Indian Health Service** (IHS).143 The IHS — unlike many tribal enterprises — employs a majority Native workforce.144 **The union** therefore served as a tool for **both improv**ing **workplace conditions and amplifying the political will of tribal citizens**.145 Union organizers found that **Navajo law presented some advantages** over federal law: Unlike federal law, **the Navajo code mandates employer neutrality, thus prohibiting employers from engaging in anti-union campaigns.**146 Navajo law **also provides for cardcheck recognition, whereby a union is automatically recognized if more than fifty-five percent of workers express support by signing union cards**.147 Ultimately, **the IHS campaign yielded a collective bargaining agreement without Board or court involvement.**148 The Mashantucket Pequot Tribal Nation provides a contrasting example.149 In 2007, the **United Auto Workers** (UAW) **won an NLRB administered election** among majority non-Native dealers **at Foxwoods Casino**.150 Earlier that year, in response to both the UAW campaign and the San Manuel decisions, **the Tribe**, which owns Foxwoods, **had promulgated a labor code that was largely hostile to unions**.151 Following the election, the Tribe unsuccessfully challenged the NLRB’s jurisdiction;152 in parallel, **the Tribe and union negotiated**. Following this negotiation, **the Tribe’s labor ordinance was amended both to allow union security agreements for contracts negotiated under tribal law and to establish a neutral third-party dispute resolution procedure**.153 The ordinance retained its no-strike provision.154 **The result was a legal framework resembling many public-sector collective bargaining laws, without injuring Mashantucket Pequot sovereignty**.155 At least three unions have since organized under Mashantucket Pequot law.156 California’s IGRA compacting process has created a third example of how Native nations may regulate tribal labor relations. **Many Native nations** in California **have adopted tribal labor relations ordinances** (TLROs) as a condition of their gaming compacts negotiated with the state.157 **TLROs promulgated in response to compacting provide an interesting model of what Professor David Kamper calls “interdependent self-determination,”**158 **as compacting requires unions and Native governments to work together to build a labor-relations framework that is rooted in Native sovereign power**. In some cases, **the resulting ordinances are more friendly to labor than many state labor laws**. Although the model California TLRO prohibits most strikes, it allows them when collective bargaining has reached an impasse.159 In these cases, the TLRO also permits secondary boycotting — thus offering protection beyond that offered by the NLRA.160 The San Manuel ordinance authorizes unions to negotiate subjects beyond the “terms and conditions of employment,”161 and **the Tribe’s gaming compact prohibited discrimination on the basis of sexual orientation before federal law** did.162 California’s TLROs have been criticized by champions of sovereignty.163 But the underlying principle of encouraging the promulgation of tribal labor law through the compacting process presents a promising model of interdependent self-determination. As the California and Mashantucket Pequot examples illustrate, many **tribal labor codes** are promulgated in response to ongoing union organizing. As a result, these codes, unlike state and federal laws, **arise out of** both explicit and implicit **negotiations over** jurisdiction, sovereignty, and worker power**. This** context **provides an opportunity for worker advocates and tribal governments to engage in collaborative lawmaking, moving away from the “negative” approach** identified by Guss **and toward a positive, interdependent approach to power-building that better serves both workers and sovereignty.**164 **Against** the backdrop of **a legal landscape that is hostile to tribal jurisdiction over labor relations, unions may voluntarily recognize a tribal government’s authority to gain bargaining power in tribal enterprises.1**65 On the other hand, if, as this Note argues, tribal enterprises are not employers under the NLRA, the absence of federal law allows Native nations to build systems that better support workers. Scholars have argued that the NLRA is inadequate to protect efforts to build worker power.166 Professors Sharon Block and Benjamin Sachs have called for **a “clean slate” for labor law**.167 Tribal labor regulation presents just such a clean slate. **Several** of the Clean Slate proposals **have already been implemented in tribal labor codes, including improved organizer access to workers,168 card-check recognition,169 and an expanded range of bargaining subjects**.170 **The resolution of labor disputes under tribal jurisdiction also benefits from small dockets and culturally specific alternative dispute resolution mechanisms.**171 **Federal labor law’s inadequacy as a tool for building worker power therefore grants Native governments their own positive leverage — not the implicit threat that accompanies the lack of NLRB jurisdiction, but the promise of a better alternative**. It is this promise of a better alternative that Professor Scott Lyons had in mind when, shortly after San Manuel, he called on Native nations to “head [the Board] off at the pass and develop even stronger labor laws and worker protections — that is, **stronger unions — than what the Americans currently enjoy. Make Indian enterprises the envy of workers everywhere.”172** Realizing Professor Lyons’s vision requires cooperation from both Native nations and labor activists. Outside of the United States, **some unions and indigenous groups have come** together **as allies in combating** the harms of **capitalism and set**tler **col**onialism, **recognizing the shared mission of unions and indigenous communities as power-building institutions.**173 **Solidarity is the core value of the labor movement;** a motivating sentiment of organized labor is the conviction that “[a]n injury to one is an injury to all.”174 **This value is not always reflected in** American **unions’** relationships to Native nations. Using language that echoes countless employer reactions to union campaigns,175 **the AFL-CIO** has **stated that it supports “the principle of sovereignty”** for Native nations **while advocating for the** United States **government to assert control over tribal-labor relations**.176 Twenty-first-century American **unions have positioned themselves as tools for combating racist power structures.**177 **Yet even as Native income per capita is less than half of the national average,**178 **unions have exploited fears of “rich Indians” to garner support from non-Native workers**.179 And **unions**, through litigation, **have encouraged and benefited from courts’ racist preconceptions of “Indianness” in setting the boundaries of acceptable exercises of sovereign power.**180 It does not serve the mission of the labor movement to benefit from these wrongs. As union leaders and labor activists fight for a world in which power is redistributed away from the hands of the few, **solidarity requires that those efforts be situated within the broader context of genocide, systematic dispossession, and the destruction of Native sovereignty.** **When unions approach organizing in the tribal context as a fight over NLRB jurisdiction, they seek to build worker power at the expense of Native self-determination**. But power-building is not a zero-sum game. **By centering tribal organizing on disputes over Board jurisdiction rather than turning to tribal labor law as a first choice, unions miss the opportunity to engage collaboratively with Native nations to build institutions that better serve both.** **Union organizing under tribal law is not without complications.** First, courts have

\*\*TW: semi-graphic depictions of anti-black violence

# 2

#### Counterplan: A just government ought to recognize the conditional right of workers to strike with the condition that strikers are not asking for employers to discriminate or utilize violence/discrimination during the strikes.

\*\*TW: semi-graphic depictions of anti-black violence

#### Enforcement in the card.

BPSC [Unfair Labor Practices by Union, <http://bpscllc.com/unfair-labor-practices-by-unions.html>, N.D., Business & People Strategy Consulting Group, California's trusted source for workplace human resources and employment law] [SS]

Causing or Attempting to Cause Discrimination: Section 8(b)(2) makes it **an unfair labor practice for a labor organization to cause** or attempt to cause **an employer to discriminate** against an employee in violation of Section 8(a)(3). The section is violated by agreements or arrangements with employers, other than lawful union-security agreements, that condition employment or job benefits on union membership, on the performance of union membership obligations or on arbitrary grounds. But union action that causes detriment to an individual employee does not violate Section 8(b)(2) if it is consistent with nondiscriminatory provisions of a bargaining contract negotiated for the benefit of the total bargaining unit, or if the action is based on some other legitimate purpose. **A union’s conduct, accompanied by statements advising** or suggesting **that action is expected of an employer,** may be enough to find a violation of this section **if the union’s action can be shown to be a causal factor in the employer’s discrimination.** Contracts or informal arrangements with a union under which an employer gives preferential treatment to union members also violate Section 8(b)(2). However, an employer and a union may agree that the employer will hire new employees exclusively through the union hiring hall if there is no discrimination against nonunion members on the basis of union membership obligations. In setting referral standards, a union may consider legitimate aims such as sharing available work and easing the impact of local unemployment. The union may also charge referral fees if the amount of the fee is reasonably related to the cost of operating the referral service. A union that attempts to force an employer to enter into an illegal union-security agreement, or that enters into and keeps in effect such an agreement, also violates Section 8(b)(2), as does a union that attempts to enforce such an illegal agreement by bringing about an employee’s discharge. Even when a union-security provision of a bargaining contract meets all statutory requirements, a union may not lawfully require the discharge of employees under the provision unless they were informed of the union-security agreement and their specific obligation under it. A union violates Section 8(b)(2) if it tries to use the union-security provisions of a contract to collect payments other than those lawfully required, such as assessments, fines and penalties. Other examples of Section 8(b)(2) violations include: Causing an employer to discharge employees because they circulated a petition urging a change in the union’s method of selecting shop stewards Causing an employer to discharge employees because they made speeches against a contract proposed by the union Making a contract that requires an employer to hire only members of the union or employees “satisfactory” to the union Causing an employer to reduce employees’ seniority because they engaged in anti-union acts **Refusing referral or giving preference on the basis of race** or union activities when making job referrals to units represented by the union Seeking the discharge of an employee under a union-security agreement for failure to pay a fine levied by the union

#### The East St. Louis riots lead to over 200 deaths and were one of the worst race related riots in history – it all started with a racist union striking in favor of discrimination and a lack of government intervention.

People’s World ‘17

[This week in history: East St. Louis rocked by race riot, 1917, <https://www.peoplesworld.org/article/this-week-in-history-east-st-louis-rocked-by-race-riot-1917/>, June 26 2017, voice for progressive change and socialism in the United States. It provides news and analysis of, by, and for the labor and democratic movements to our readers across the country and around the world.] [SS]

\*\*Bracketed for offensive language

**The East St. Louis riots (or massacres**) of May and July 1917 **were an outbreak of labor- and race-related violence** **that caused up to 200 deaths** and extensive property damage. East St. Louis, Ill., is an industrial city on the east bank of the Mississippi River across from St. Louis, Mo. **These incidents** of 100 years ago **have been described** as the worst case of labor-related violence and **among the worst race riots in 20th-century American history**. In 1917 the U.S. had an active economy boosted by World War I. With many workers now absent in the armed forces, industries were in need of labor. Seeking better work and living opportunities, as well as an escape from harsh conditions, the Great Migration of African Americans out of the South toward industrial centers across the North was well underway. Blacks were arriving in St. Louis during Spring 1917 at the rate of 2000 per week. Traditionally **white unions sought to strengthen their bargaining position by** hindering or **excluding black workers**, while industry owners utilized blacks as replacements or strikebreakers, adding to deep-seated societal divisions. At the same time **Louisiana farmers were worried about losing their labor force, and** had **requested** East St. Louis Mayor Fred W. Mollman’s assistance **to help discourage black migration**. Many blacks found work at the Aluminum Ore and the American Steel companies in East St. Louis. Some **whites feared job and wage security from** this **new competition**. That February, **470 African American workers were hired to replace white workers who had gone on strike** against Aluminum Ore. **Tensions** between the groups **escalated, including rumors of black men and white women fraternizing at a labor meeting** on May 28, following which some **3000 white men marched** into downtown East St. Louis **and began attacking African Americans**. The mobs stopped trolleys and streetcars, pulling black passengers out and beating them on the streets. With mobs destroying buildings and assaulting people, Ill. Gov. Frank O. Lowden called in the National Guard to prevent further rioting, and the mood eased somewhat for a few weeks. **The** East St. Louis Central **Labor Council** responded to the rioting **implying that** “southern [**black people]** Negroes **were misled** **by false advertisements and unscrupulous employment agents** to come to East St. Louis in such numbers under false pretenses of secure jobs and decent living quarters.” Little was done to prevent further problems. No precautions were taken to ensure white job security or to grant union recognition. **No reforms were made in the police force which did little to quell the violence**. This further increased the already-high level of hostilities towards African Americans. On July 2, a car occupied by white males drove through a black area of the city and several shots were fired into a standing group. An hour later, a car containing four people, including a journalist and two police officers passed through the same area. Black residents, possibly assuming they were the original suspects, opened fire, killing one officer instantly and mortally wounding another. Later that day, thousands of white spectators who assembled to view the detectives’ bloodstained automobile marched into the black section of town and started rioting. **After cutting the water hoses of the fire department, the rioters burned entire sections of the city, shot inhabitants as they escaped the flames, and lynched several [black people]** blacks. Guardsmen were called in, but according to contemporary accounts, they joined in the rioting rather than stop it. Young white women and girls brandishing clubs chased a black woman and called upon the men to kill her. After the riots, the St. Louis Argus said, “The entire country has been aroused to a sense of shame and pity by the magnitude of the national disgrace enacted by the blood-thirsty rioters in East St. Louis Monday, July 2.” According to the Post-Dispatch of St. Louis, “All the impartial witnesses agree that the police were either indifferent or encouraged the barbarities, and that **the major part of the National Guard was indifferent or inactive.** **No organized effort was made to protect the [black people]** Negroes or disperse the murdering groups…. Ten determined officers could have prevented most of the outrages. **One hundred men acting with authority** and vigor **might have prevented any outrage**.” After the riots, varying estimates of the death toll circulated. The police chief estimated that 100 blacks had been killed. The renowned journalist Ida B. Wells reported in The Chicago Defender that 40-150 black people were killed**. The NAACP estimated deaths at 100–200. Six thousand** blacks **were left homeless** after their neighborhood was burned. The coroner specified nine white deaths, but the deaths of black victims were less clearly recorded: Activists argued that the true number of deaths would never be known because many corpses were neither recovered nor had passed through the hands of undertakers. The ferocious brutality of the attacks and the failure of the authorities to protect innocent lives contributed to the radicalization of many blacks across the nation. Marcus Garvey, president of The Universal Negro Improvement Association (UNIA), declared, “This is no time for fine words, but a time to lift one’s voice against the savagery of a people who claim to be the dispensers of democracy.” On July 6 the Chamber of Commerce met with the mayor to demand the resignation of top police officials and radical reform. In addition to the lives lost, mobs had caused extensive property damage. The Southern Railway Company’s warehouse was burned, with over 100 carloads of merchandise. A white theatre valued at more than $100,000, 44 freight cars and 312 houses were destroyed. In response to the rioting, the NAACP sent W.E.B. DuBois and Martha Gruening to investigate the incident. They compiled a report entitled “Massacre at East St. Louis,” which was published in the NAACP’s magazine, The Crisis. In New York City on July 28, 10,000 black people carrying signs marched down Fifth Avenue in a Silent Parade, protesting the riots. The march was organized by the NAACP and Du Bois, and other groups in Harlem. Women and children were dressed in white; the men were dressed in black. Authorities were slow to respond to calls for an investigation. President Woodrow Wilson stated that his Department of Justice could not find enough evidence to justify federal action in the matter. A Special Committee formed by the U.S. House of Representatives launched an investigation into police actions during the East St. Louis Riot. It found that the National Guard and the East St. Louis police force had not acted adequately during the riots, revealing that the police often fled from the scenes of murder and arson. Some even fled from station houses and refused to answer calls for help. The investigation also resulted in the indictment of several members of the East St. Louis police force. Among those brought to trial was Dr. LeRoy Bundy, a dentist and prominent leader in the East St. Louis black community, who was formally charged with inciting a riot. The trial was held in the St. Clair county court. Bundy, along with 34 defendants, of whom ten were white, were given prison time in connection to the riot.

#### It’s competitive – unconditional right to strike doesn’t include reasonable limits.

ITUC ‘14

[THE RIGHT TO STRIKE AND THE ILO: THE LEGAL FOUNDATIONS, INTERNATIONAL TRADE UNION CONFEDERATION (ITUC), March 2014, https://www.ituc-csi.org/IMG/pdf/ituc\_final\_brief\_on\_the\_right\_to\_strike.pdf, The International Trade Union Confederation is the world's largest trade union federation.] [SS]

Between the extremes of an unconditional right to strike and an absolute prohibition on strikes “in accordance with national law,” the international community is converging on the general principle of the right to strike within reasonable limits. The authors of this document acknowledge the tension between countries’ varying degrees of limitations on the right to strike and the normal requirement of uniformity of state practice to find customary international law. It is believed that the tension can be resolved by distinguishing between divergence in detail and convergence in principle. Procedural requirements in national law are details; the right to strike within reasonable limits is the common principle.

# **3**

#### Western disability discourse ignores the experienced of disabled Indigenous people – discussions of disability must start at colonization in order to to get a proper understanding of intersectionality and solve oppression.

Velarde ‘18

[Indigenous Perspectives of Disability, <https://dsq-sds.org/article/view/6114/5134>, 2018, Minerva Rivas Velarde] [SS]

This article contributes to the discourse on disability from an indigenous perspective, an area about which there is very little known (Grech, 2015; Hickey, 2008; Meekosha, 2008, 2011). It supports the concerns raised by Meekosha that writings on disability have mainly come from 'northern' countries, asking the question: do disabled people in 'southern' countries share the same issues and ideas? When attempting to answer this question it is necessary to acknowledge the impact of the power structure between the global north and south. Disability scholars from the global south and from indigenous populations within Western colonial settler societies, such as Australia and New Zealand, are putting themselves forward, writing about the impact that their identities and cultural roots have on their reflections and their struggles regarding decolonising their thinking (Barker & Murray, 2010; Hickey, 2008). Rivas Velarde (2015), when reflecting on immersing herself in indigenous issues and colonisation, wrote: "I was not fully aware of the impact of the processes of colonisation, colonialism, and neo-colonial power on the lives of disadvantaged people in the global South. I was not prepared either to reflect deeply about my indigenous roots and how through my so called formal education such values have been silenced" (p.35). The author's notion of oppression and view of decolonisation as a confronting act led her to undertake a process of rescuing her roots and identity, thereby adding to the claim of Grech (2015), who suggested that decolonisation is not simply a metaphor, rather it requires taking on a political process, owned by the global south, to confront colonial lineages, as well as embracing collaboration with the north. Whilst empowering the voice of the global south and working towards reconciliation, this paper reflects the efforts of disability scholars collaborating to decolonise disability. Current dominant disability discourses do not sufficiently reflect the cultural assimilation or indigenous rights to self-determination from a native rights point of view (Grech, 2015; Meekosha, 2011). Moreover, colonial practices have been linked to high rates of preventable disabilities in the global south (Meekosha, 2008, 2011). However, rates of social deprivation associated with the causation of disability are only part of the issue, and it is equally important to understand how disability is perceived in the global south, particularly by indigenous people. The concept of intersectionality (Crenshaw, 1991) can help in understanding the complexities of how indigeneity and disability identity are compounded and how inequities have been triggered by this intersection. Hickey and Wilson (2017) claim that "being indigenous, having experiences of colonisation and institutionalisation, experiences of racism and discrimination, and living with disabilities gives rise to multiple identities that go unseen by people with or without experiences of disability" (P. 89). They state that this is critical to

#### Colonization produced disability, not the other way around-the K’s a prerequisite

**Connell,** Professor Emerita at the University of Sydney, 20**11**

(Raewyn, “Southern Bodies and Disability: re-thinking Concepts” Third World Quarterly, 32:8, 1369-1381, DOI: 10.1080/01436597.2011.614799, LASA-IZP)

Over four centuries the militarised kingdoms and republics of western and northern Europe and the north Atlantic, formerly an outpost of Mediterranean–Asian culture, expanded their political and economic reach to the Americas, to south Asia, to the Arab world, to east Asia, to Australia and to Africa, until virtually the whole world had been brought into their orbit. Historians have shown that ‘western’ imperialism was an uneven and turbulent process.18 In some places there was almost complete destruction of indigenous societies (for example, Hispaniola, New England, Tasmania). In others a greater accommodation between cultures was reached (such as Indonesia and India). On every continent, however, there was massive violence. New technologies brought death and maiming to the colonised: the cannon-firing ship of the line, the musket volley, the shell, the machine gun and the bomber aircraft. We remember the horror of the air attack on Guernica, thanks to Picasso. But the bombing of civilians actually began much earlier in the colonies, where Britain, Spain and France used aircraft to bomb rebellious colonial subjects a mere 10 years after the Wright brothers’ famous flight.19 The British called it ‘air control’. Violence in the colonised world came to a crescendo at the end of formal empires, in the wars of independence in the Americas, Vietnam and Algeria, and in the partition of India. But it did not stop with independence. Violent interventions by neocolonial powers have continued: in Vietnam, Palestine, Afghanistan, Chechnya, central America and Iraq. Many postcolonial states became embroiled in coups, civil wars or border wars over the colonial legacy, often with arms and support from metropolitan powers. These include Pakistan, central Africa, and the southern cone dictatorships of South America. I do not want to dwell on violence, but its scale has to be acknowledged. One of the key dynamics in the construction of world society was the social embodiment of power—a deployment of force that, in addition to leaving disabled individuals, collectively disabled whole populations. Meekosha is justified in speaking of the ‘social suffering’ produced by colonisation as a necessary concern of disability studies on a world scale.20 Das’s remarkable study of the partition violence in India, in Critical Events, shows how social suffering was not random but structured by ethnoreligious division and gender relations.21 Women’s bodies became the terrain on which conflicting groups of men struggled for power and revenge. In other settings women’s bodies have been the terrain of blame for social suffering, such as indigenous mothers being held responsible for impairments among children, including foetal alcohol syndrome.22 Although direct violence was the most spectacular, it was not the only process producing impairment. A major part of colonisation was taking control of land, shifting indigenous populations off their ancestral territory or making them a dispossessed labour force on it. Plaatje’s Native Life in South Africa is the classic documentation of this process.23 In other cases, such as the westward expansion of the United States, dispossession was more total. Populations still traumatised by these events, and by the subsequent disasters of stolen children, forced resettlement and substandard housing— the experience of many indigenous communities in Australia—are liable to high rates of chronic disease, diabetes, otitis media and liver disease, as well as high levels of violence that produce impairment. Through very complex histories, which will be known to readers

#### Thus the alternative is one of refusal, a reshifting of posthumanist discource to interrupt settler communicative spheres like debate

King 2017 (Tiffany, Assistant Professor of Women’s and Gender Studies at the Georgia State University “Humans Involved: Lurking in the Lines of Posthumanist Flight” *Critical Ethnic Studies* 3, No. 1, pp. 163-170)

Native feminist politics of decolonial refusal and Black feminist abolitionist politics of skepticism informed by a misandry and misanthropic distrust of and animus toward the (over)representation of man/men as the human diverge from the polite, communicative acts of the public sphere, much like the politics of the “feminist killjoy.”4 [INSERT FOOTNOTE: I use “misandry” (hatred of men) and “misanthropic” (distrust or deep skepticism about humankind or humanity) to illustrate how Sylvia Wynter and other Black scholars attend to the ways that the human— and **investments in the human—and its revised forms or genres of the human as woman/feminist still reproduce violent exclusions that make the death of Black and Native people viable and in-evitable**. In other words, **neither men nor women (as humans) can absorb Black females/males/children/LGBT and trans people into their collective folds. Both the hatred of “misandry” and the distrust and pessimism of “misanthropy” are appropriate methods to describe the inflection of the critique levied by Wynter and the other Black scholars examined in this article**. END FOOTNOTE] Throughout this article, I deploy the term “feminist” both ambivalently and strategically to mark and distinguish the scholarly tradition created by Black and Native women, queer, trans, and other people marginalized within these respective communities and their anticolonial and abolitionist movements.5 [INSERT FOOTNOTE: See Sylvia Wynter’s afterword, “Beyond Miranda’s Meanings: Un/silencing the ‘Demonic Ground’ of Caliban’s ‘Woman,’” in Out of the Kumbla: Caribbean Women and Literature, ed. Carole Boyce Davies (Chicago, Ill.: Africa World Press, 1990) 355– 72. Wynter warns Black women in the United States and the Caribbean that they need not uncritically embrace womanism as a political position, which can effectively oppose the elisions, racism, and false universalism of white feminism. “Feminism” as well as “womanism” are bounded and exclusive terms that do not effectively throw the category of the human into continual flux. END FOOTENOTE], Until a more useful and legible term emerges, I will use “feminist” to mark the practices of refusal and skepticism (misandry/misanthropy) as ones that largely exist outside more masculinist traditions within Indigenous/Native studies and Black studies**. “Decolonial refusal” and “abolitionist skepticism” depart from the kinds of masculinist anticolonial traditions that attempt to reason Native/ Black man to White Man within humanist logic in at least two significant ways**. First, **neither participate in the communicative acts of the humanist public sphere from within the terms of the debate**. Further, they do not play by the rules.6 [INSERT FOOTNOTE: See the critiques of the anticolonial tradition within Caribbean philosophy articulated by Shona Jackson in her book Creole Indigeneity (Minneapolis: University of Minnesota Press, 2012). Jackson argues that **anticolonial Caribbean masculinist philosophy tends to argue from inside the logic of Western philosophy in order to counter it.** For instance, in a valorization of the laborer as human and inheritor of the nation-state, Caribbean philosophy tends to reproduce the Hegelian telos of labor as a humanizing agent for the slave, which inadvertently makes the slave a subordinate human and effectively erases the ostensibly “nonlaboring” humanity of Indigenous peoples in the Anglophone Caribbean. END FOOTENOTE] Specifically, the Native and Black “feminist” politics discussed throughout launch a critique of both the logic of the discussion about the human and identity as well as the mode of communication. In fact, **practices of refusal and skepticism interrupt and flout codes of civil and collegial discursive protocol to focus on and illumine the violence that structures the posthumanist discourse.** Attending to the comportment, tone, and intensity of an engagement is just as important as focusing on its content. **The** particular **manner in which Black and Native feminists push back against violence is important**. **The force**, break with decorum, and style **in which Black and Native feminists confront discursive violence can change the nature of future encounters**. Given that Black women who confront the logics of “nonrepresentational theory” are really confronting genocide and the white, whimsical disavowal of Black and Native negation on the way to subjectlessness, it is understandable that there is an equally discordant response. **Refusal and skepticism are modes of engagement that are uncooperative and force an impasse in a discursive exchange.** This article tracks how traditions of “**decolonial refusal**” and “abolitionist skepticism” that emerge from Native/Indigenous and Black studies **expose the limits and violence of contemporary nonidentitarian and nonrepresentational impulses within white “critical” theory.** Further, this article asks whether Western forms of nonrepresentational (subjectless and nonidentitarian) theory can truly transcend the human through self- critique, self-abnegation, and masochism alone. External pressure, specifically the kind of pressure that “decolonial **refusal**” and “abolitionist skepticism” as forms of resistance that **enact outright rejection of or view “posthumanist” attempts with a “hermeneutics of suspicion,**”7 [INSERT FOOTNOTE: See the work of Black feminists such as Susana M. Morris, author of Close Kin and Distant Relatives: The Paradox of Respectability in Black Women’s Literature (Charlottesville: University of Virginia Press, 2014), as well as womanist theologians who appropriate the phrase “hermeneutics of suspicion” as coined by Paul Ricoeur to describe the reading and interpretive practices of Black woman who are distrustful of traditional tropes about heteronormativity or conventional ways of thinking about what is natural and normal. Further, in Morris’s case, as well as within the tradition of Black women of faith and theologians, canonical and biblical texts are interpreted through a lens that acknowledges white supremacy and misogyny, and critically challenges racism and sexism (or kyriarchy in Morris’s case). Within Black feminist and womanist traditions, it is a position that can recognize the limitations of text and that refuses to accept the doctrine, theories, or message of an ideology wholesale. END FOOTENOTE**] is needed in order to truly address the recurrent problem of the violence of the human in continental theory.** While this article does not directly stake a claim in embracing or rejecting identity per se, it does take up the category of the human. **Because the category of the human is modified by identity in ways that position certain people** (white, male, able- bodied) within greater or lesser proximity to humanness, **identity is already taken up in this discussion**. Conversations about the human are very much tethered to conversations about identity. In the final section, the article will explore how Black and Native/Indigenous absorption into the category of the human would disfigure the category of the human beyond recognition. **Engaging how forms of Native decolonization and Black abolition scrutinize the violently exclusive means in which the human has been written and conceived is generative because it sets some workable terms of engagement for interrogating Western and mainstream claims to and disavowals of identity**. Rather than answer how Native decolonization and Black abolition construe the human or identity, the article examines how Native and Black feminists use refusal and misandry to question the very systems, institutions, and order of knowledge that secure humanity as an exclusive experience and bound identity in violent ways. I consider the practices and postures of refusal assumed by Native/Indigenous scholars such as Audra Simpson, Eve Tuck, Jodi Byrd, and Linda Tuhiwai Smith to be particularly instructive for exposing the violence of ostensibly nonrepresentational Deleuzoguattarian rhizomes and lines of flight. While reparative readings and “working with what is productive” about Gilles Deleuze and Félix Guattari’s work is certainly a part of the Native feminist scholarly tradition, this article focuses on the underexamined ways that Native feminists refuse to entertain certain logics and foundations that actually structure Deleuzoguattarian thought.8 [I thank one of the reviewers, who reminded me that Native feminist thought’s engagement with continental theory, specifically the work of Deleuze and Guattari, can be likened more to “constellations” as it takes up Deleuzoguattarian thought rather than a single point that always departs from a place of refusal. END FOOTENOTE] Further, I discuss **“decolonial refusal**” in relation to how Black scholars like Sylvia Wynter, Zakiyyah Iman Jackson, and Amber Jamilla Musser work within a Black feminist tradition animated **by a kind of skepticism or suspicion capable of ferreting out the trace of the white liberal human within (self-)professed subjectless, futureless, and nonrepresentational white theoretical traditions.** In other words, in the work of Sylvia Wynter**, one senses a general suspicion and deep distrust of the ability of Western theory— specifically its attempt at self- critique and self- correction in the name of justice for humanity— to revise its cognitive orders to work itself out of its current “closed system,” which reproduces exclusion and structural oppositions based on the negation of the other**.9 [INSERT FOOTENOTE: See Katherine McKittrick, “Diachronic Loops/Deadweight Tonnage/Bad Made Measure,” Cultural Geographies 23, no. 1 (2016): 3– 18, doi:10.1177/14744740156 12716, for an exemplary explication of how Sylvia Wynter uses the decolonial scholarship of an “autopoiesis.” END FOOTENOTE] Wynter’s study of decolonial theory and its elaboration of autopoiesis informs her understanding of how the human and its overrepresentation as man emerges. Recognizing that humans (of various genres) write themselves through a “self- perpetuating and self- referencing closed belief system” that often prevents them from seeing or noticing “the process of recursion,” Wynter works to expose these blind spots.10 [INSERT FOOTNOTE: See McKittrick, “Diachronic Loops,” in which the author cites the importance of the work of H. Maturana and F. Varela, Autopoiesis and Cognition: The Realization of the Living (London: D. Reidel, 1972), for the study of the human’s process of self- writing. END FOOTNOTE] Wynter understands that **one of the limitations of Western liberal thought is that it cannot see itself in the process of writing itself.** I observe a similar kind of cynicism about the way the academic left invokes “post humanism” in the work of Jackson and Musser. Musser in particular questions the capacity of queer theories to turn to sensations like masochism within the field of affect studies to overcome the subject. Further, Jackson’s and Musser’s work is skeptical that white transcendence can happen on its own terms or rely solely on its own processes of self-critique and self- correction. I read Jackson’s and Musser’s work as distrustful of the ability for “posthumanism” to be accountable to Black and Indigenous peoples or for affect theory on its own to not replicate and reinforce the subjugation of the other as it moves toward self- annihilation. Both the human and the post human are causes for suspicion within Black studies. Like Wynter, the field of Black studies has consistently made the liberal human an object of study and scrutiny, particularly the nefarious manner in which it violently produces Black existence as other than and at times nonhuman. Wynter’s empirical method of tracking the internal epistemic crises and revolutions of Europe from the outside has functioned as a model for one way that Black studies can unfurl a critique of the human as well as Western modes of thought. I use the terms “misanthropy” and “misandry” in this article to evoke how Black studies has remained attentive to, wary about, and deeply distrustful of the human condition, humankind, and the humanas-man/men in the case of Black “feminists.” Both Black studies’ distrust of the “human” and Black feminism’s distrust of humanism in its version as man/men (which at times seeks to incorporate Black men) relentlessly scrutinize how the category of the human and in this case the “posthuman” reproduce Black death. I link misandry (skepticism of humankind-as-man) to the kind of skepticism and “hermeneutics of suspicion” that Black feminist scholars like Wynter, Jackson, and Musser at times apply to their reading and engagement with revisions to or expansions of the category of the human, posthuman discourses, and nonrepresentational theory In this article, I connect discursive performance of skepticism to embodied and affective responses I have witnessed in the academy that challenge

The role of the ballot is to center indigenous scholarship and research. Indigenous theories must come before settler frameworks. We need to hold colonizers accountable to open the space up for new narratives and disrupt colonial institutions.

Carlson ‘16

[Elizabeth Carlson, Oct 21 2016, Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, 7:4, 496-517, DOI: 10.1080/2201473X.2016.1241213] [SS]

Macoun and Strakosch contend that ‘most settlers who use [settler colonial theory] are concerned to disturb rather than re-enact colonial hierarchies, and seek to contribute to Indigenous political struggles’.40 The particular research project out of which this article arises, focuses on the ways experienced white settler anti-colonial, decolonial, or solidarity activists have worked to disrupt and subvert settler colonialism within themselves, their organizations, their relationships, their pedagogies, their connections with land, their com- munities, and sometimes also in the Canadian government, with a goal of inspiring others to engage in or deepen such work, and of contributing to social change. As has been noted, **in subverting settler colonialism, the role of white settler academics is at the periphery, making space for Indigenous resurgence and knowledges, and pushing back against colonial institutions,** structures, practices, mentalities, and land theft. In order to do this, anti-colonial settler scholars can sit on departmental and university committees, supporting anti-colonial and anti-oppressive ethical choices to push for changes in Euro- centric and colonial curricula, narratives, policies, and structures**. We can seek to disrupt rather than enact colonial values and practices, and engage in anti-colonial actions within the academy.** This also applies to our writing: Settler scholars seeking to challenge colonial power relations should be doubly attentive to the operation of [colonial] narratives, and the way that we as individual scholars perform and deploy academic authority. For us, this has involved the need to interrogate our work – along with other settler cultural productions.41 **When settler scholars subvert colonialism in the academy, the ethics of their work are improved, and potentially more space is made for Indigenous scholars who wish to main- tain their own values in the academy.** Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colo- nized, 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 Indigen- ous 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 hegemo- nic 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 Indigen- ous resistance’**.44 As settler scholars, we can reposition our work relationally and contextually with humi- lity and accountability. **We can centre Indigenous resistance, knowledges, and scholarship in our work, and contextualize our work in Indigenous sovereignty.** We can view oral Indi- genous scholarship as legitimate scholarly sources. We can acknowledge explicitly and often the Indigenous traditions of resistance and scholarship that have taught us and pro- vided the foundations for our work. **If our work has no foundation of Indigenous scholar- ship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.** I embody the principle of relational and epistemic accountability by acknowledging here that my interest in the larger study out of which the anti-colonial research method- ology is based was inspired by a lifetime of influences. In particular, my work in this area has been influenced by years of guidance from a number of Indigenous and African-Amer- ican mentors including Nicholas Cooper-Lewter, Nii Gaani Aki Inini (Dave Courchene Jr), Zoongigaabowitmiskoakikwe, and my late brother Byron Matwewinin.45 I entered into dis- cussions with Indigenous scholars, friends, and Elders (in particular, Zoongigaabowitmis- koakikwe, Michael Hart, Leona Star-Manoakeesick, and Gladys Rowe),46 observing their protocols of gifts and offerings for the feedback I was requesting, depending on the context. In addition, my reading of Indigenous scholarship located the study as a response to a call by Indigenous scholars that settler peoples engage in decolonization processes and work. Throughout the research and writing process I made it a point to attend Indi- genous-led community events and gatherings to stay connected to community and con- tinue to learn. When I met with Leona Star-Manoakeesick, we discussed how Ownership, Control, Access, Possession research principles might relate to my research.47 Leona challenged me to think about who constitutes the community that relates to my research as a begin- ning step, and shared that accountability to Indigenous peoples would also mean account- ability to the land. Her input greatly influenced the methodology principles and practices. As I achieved greater clarity about the study, I engaged in formal consultations with a number of other Indigenous scholars, knowledge keepers, and/or activists. Chickadee Richard, Belinda Vandenbroek, Don Robinson, Aimée Craft, Louis Sorin, and Manito Mukwa (Troy Fontaine),48 provided guidance, input, and encouragement regarding the initial research design and process, much of which shifted and strengthened my initial thoughts and was readily integrated into the research. I was gifted key insights and values on which to build the research, and meaningful ideas for interview questions and interview participants. During the initial phases of the research, I was inspired by scho- larship that urges settler peoples on Indigenous lands who wish to identify themselves in the context of Indigenous sovereignty to learn and use words that local Indigenous peoples use for them.49 A number of individuals helped me in my quest to learn about Anishinaabemowin conceptions of white people – Nii Gaani Aki Inini (Dave Courchene), Rose Roulette, Niizhosake (Sherry Copenace), Daabaasanaquwat ‘Lowcloud’ (Peter Atkin- son), Byron Matwewinin, and Pebaamibines.50 **I further sought to embody relational accountability by centring Indigenous scholarship and literatures in my research proposal and literature review.** Aspects of the data analysis process were shared with a smaller group of Indigenous scholars (Leona Star-Manoakeesick, Aimée Craft, and Dawnis Kennedy),51 who provided feedback which shaped the analysis and the writing of the research report. Towards the end of the research process, I organized a research feast, which is described further below. **Relational accountability was embodied by sharing the research with the community and receiving feedback from it.**

# Case

Don’t give them 1AR theory or iv

1. It’s a bad norm because we have less speeches to have the theory debate – only three speeches
2. Leads to intervention since any counter interps or responses to the counter interps are new in the 2
3. Unfair since we only get one speech to respond so the 2ar can spin the shell and we can’t do anything about it

#### The perf con is an independent voter – bad norm where people homogenize oppression for the ballot and literally turn their own K. Controls the internal link to their rob and cancels any positive discussion that comes out of discussing the K. Also kills ground since if we turn their stance they’ll just collapse to the contradiction.

### NC – don’t shift

#### Resolved means a policy action.

Parcher 1 (Jeff, Fmr. Debate Coach at Georgetown University, February, http://www.ndtceda.com/archives/200102/0790.html)

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constituent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

### NC – ableism

#### TURN – unions have a history of ableism and forcing instituilizionation, even if they feign solidarity, unions will always side with able bodied workers – turns their Snyder card

#### Luterman ‘19

[Sara Luterman, The secret war on the left between unions and people with disabilities, November 14 2019, <https://www.washingtonpost.com/outlook/2019/11/14/secret-war-left-between-unions-people-with-disabilities/>] [SS]

Earlier this year, Pennsylvania’s Department of Human Services announced it would close the Polk State Center, one of its largest institutions for people with developmental disabilities, within three years. People with Down syndrome, autism, cerebral palsy and other conditions are often housed at places like the Polk Center, and often involuntarily. The Arc of Greater Pittsburgh, which advocates for people with intellectual and developmental disabilities, hailed the news, because research shows that people with disabilities are better served living in communities, with support services delivered at home. But after news of the announced closure of the Polk Center, which employs 700 people who receive state employee wages and benefits, AFSCME Council 13 posted a picture on Twitter of employees holding signs reading “Disabled Lives Matter” and “They don’t want to leave. Ask them!” Another union chapter, UFCW Local 1776 KS, posted an image of its members outside the State Capitol with their fists raised. It was a demonstration of solidarity with their fellow workers — but not with people with disabilities. This was hardly the first time unions have aggressively opposed steps that would allow people with disabilities to live with their loved ones. They rallied in Washington state when disability rights activists pushed to close the Fircrest School in 2017 and are still fighting to keep institutions open in New York state. Labor and disability rights activists, two core blocs in the progressive coalition, often find themselves at odds, because it turns out that unions’ interest in keeping their members’ good-paying jobs conflicts with the interests of one of society’s most vulnerable populations — people with developmental disabilities and significant mental-health conditions. Since the 1970s, AFSCME and other unions have repeatedly fought the closure of state hospitals, asylums and other large congregate settings that in many instances have harmed people with disabilities

# Accessible formatting

#### Federal labor laws hurt unions/labor movements, undermine Native sovereignty, and create tensions between unions and tribes – implementing labor codes through tribal law is more union friendly, allows for more worker rights, and allows nations to exercise sovereignty – empirical examples prove that it works and solves the aff.

**instead seek to build worker power while respecting Native sovereignty by organizing and bargaining within the parameters of tribal law. orients** **organizing and assertions of sovereignty around jurisdictional disputes and away from building power** **the NLRA rests on a false premise: that without federal law, employees will lack** **legal protections** **Native nations have the authority to promulgate labor regulations and an** **interest tribal governments developed comprehensive labor codes** **allowing workers greater protection the Navajo Council established collective bargaining rights The** **Union** **campaigned to unionize the I** **H** **S** **The union both improv** **workplace conditions and amplifying the political will of tribal citizens** **Navajo law presented** **employer neutrality** **cardcheck recognition** **the campaign yielded a collective bargaining agreement without court involvement** **Foxwoods Casino** **had promulgated a labor code that was hostile the Tribe and union negotiated** **he labor ordinance was amended** **The result was a legal , without injuring sovereignty** **resulting ordinances are more friendly to labor than many state labor laws**. **the Tribe** **prohibited discrimination on sexual orientation before federal law** **negotiations** **provide** **an opportunity for collaborative lawmaking, moving toward a positive, interdependent approach** **that better serves** **workers and sovereignty** **Against** **a legal landscape that is hostile to tribal jurisdiction unions may voluntarily recognize a tribal government’s authority to gain bargaining power in tribal enterprises** **a “clean slate” for labor law** **Federal labor law’s inadequacy for worker power grants Native governments the promise of a better alternative** **stronger unions — than what the Americans currently enjoy. Make Indian enterprises the envy of workers unions have positioned themselves as tools for combating racist Ye** **exploit** **fears of “rich Indians”** **unions** **encourage** **and benefit** **from racist preconceptions of “Indianness” in setting the boundaries of acceptable exercises of sovereign power.** **When unions approach organizing as a fight they** **build worker power at the expense of Native self-determination** **By centering tribal organizing on disputes rather than turning to tribal labor law unions miss the opportunity to engage collaboratively with Native nations to better serve both.** **“[t]ribal councils are more likely to be sympathetic to labor interests**, **tribal adjudicators come from working class backgrounds** **Native nations are diverse some approaches will be restrictiv** **This is inevitable and is equally true when states legislate** **If this is acceptable when it comes to states it is acceptable when it comes to tribes.** **union organizing through NLRA** **undermine** **Native sovereignty and the labor movement Labor organizers should NLRA,**

#### Enforcement in the card.

**an unfair labor practice for a labor organization to cause** **an employer to discriminate** **A union’s conduct, accompanied by statements advising** **that action is expected of an employer,** **if the union’s action can be shown to be a causal factor in the employer’s discrimination.** **Refusing referral or giving preference on the basis of race**

#### The East St. Louis riots lead to over 200 deaths and were one of the worst race related riots in history – it all started with a racist union striking in favor of discrimination and a lack of government intervention.

**were left homeless** **massacres** **were an outbreak of labor- and race-related violence** **that caused up to 200 deaths** **These incidents** **among the worst race riots in American history** **white unions sought to strengthen by** **excluding black workers** **force, and** **requested** **to help discourage black migration** **whites feared job and wage security 470 African American workers were hired to replace white workers who had gone on strike Tensions escalated, including rumors of black men and white women fraternizing at a labor meeting 3000 white men marched and began attacking African Americans**. **The** **Labor Council implying that** **black people]** **were misled** **by false advertisements and unscrupulous employment agents** **No reforms were made which did little to quell the violence** **rioters burned entire sections of the city, shot inhabitants** **and lynched several [black people]** **the major part of the National Guard was indifferent No organized effort was made to protect the [black people]** **One hundred men acting with authority** **might have prevented any outrage** **The NAACP estimated deaths at 100–200. Six thousand** **The East St. Louis**

#### It’s competitive – unconditional right to strike doesn’t include reasonable limits.

Between the unconditional right to strike and a prohibition general principle right to strike within reasonable limits.

#### Western disability discourse ignores the experienced of disabled Indigenous people – discussions of disability must start at colonization in order to to get a proper understanding of intersectionality and solve oppression.

it is necessary to acknowledge the power structure between the global north and south. Disability scholars from Western colonial settler societies, "I was not fully aware of the impact of the processes of colonisation, colonialism, and neo-colonial power on the lives of disadvantaged people in the global South. I through myformal education such values have been silenced" (p.35). The author's notion of oppression as a confronting act led her to undertake a process of rescuing her roots decolonisation requires taking on a political process, owned by the global south, to confront colonial lineages, as well as embracing collaboration. Current dominant disability discourses do not sufficiently reflect the cultural assimilation or indigenous rights to self-determination from a native rights point of view (, colonial practices have been linked to high rates of preventable disabilities in the global south (it is equally important to understand how disability is perceived in the global south, of intersectionality () can help in understanding the complexities of how indigeneity and disability identity are compounded and how inequities have been triggered by this intersection. "being indigenous, and living with disabilities gives rise to multiple identities that go unseen by people with or without experiences of disability" indigenous peoples have to struggle with issues related to race, colonisation, and the marginalisation of disability in their community and society Failing to do so will not only perpetrate segregation, but will also allow disability scholarship to continue theorising about indigenous people without acknowledging their viewpoints,

#### Colonization produced disability, not the other way around-the K’s a prerequisite

changed the ways in which bodily difference, impairment and ability were socially constructed. Religious and cultural meanings of disability, village- and kin-based solidarities, livelihoods, and local customs of support, were all at stake and liable to disruption. The emerging medical model of disability in the north Atlantic world was exported to the colonies. Being bound up with the culture of the colonisers, it was always liable to enter an antagonistic relationship with indigenous knowledge about bodies was the social embodiment of power—a deployment of force that, in addition to leaving disabled individuals, collectively disabled whole populations. Meekosha is justified in speaking of the ‘social suffering’ produced by colonisation as a necessary concern of disability studies social suffering was not random but structured by ethnoreligious division and gender relations Women’s bodies became the terrain on which conflicting groups of men struggled for power and revenge. A major part of colonisation was taking control of land, shifting indigenous populations off their ancestral territory or making them a dispossessed labour force on it Populations still traumatised by these events, and by the subsequent disasters of stolen children, forced resettlement and substandard housing— are liable to high rates of chronic disease, diabetes, otitis media and liver disease, as well as high levels of violence that produce impairment Many of the disabled people discussed in this special issue are found among the landless poor, and constitute an extremely vulnerable part of the population. Colonial conquest, bringing crisis to the social orders in which embodiment had been organised, and creating new hierarchies of bodies One of the key dynamics

#### Thus the alternative is one of refusal, a reshifting of posthumanist discource to interrupt settler communicative spheres like debate

**not just a “no,” but a redirection to ideas otherwise unacknowledged** **reproduce violent exclusions that make the death of Native people viable Decolonial refusal** **depart from the kinds of masculinist anticolonial traditions that attempt to reason Native** **man to White Man** , **neither participate in the communicative acts of the humanist public sphere from within the terms of the debate** **refusal** **interrupt discursive protocol to focus on the violence that structures the posthumanist discourse** . **The force** **in which Native** **s confront discursive violence can change the nature of future encounters** **are uncooperative and force an impasse expose the limits and violence of contemporary nonidentitarian and nonrepresentational impulses within white “critical” theory** **outright rejection of or view “posthumanist” attempts with a “hermeneutics of suspicion** **is needed** **one senses a general suspicion and deep distrust of the ability of Western theory— specifically its attempt at self- critique and self- correction in the name of justice for humanity— to revise its cognitive orders to work itself out of its current “closed system,” which reproduces exclusion and structural oppositions based on the negation of the other** **Indigenous people have never been fully folded into the category of the human** **exigencies of race have crucially anticipated and shaped discourses governing the non- human** **the “people of Kahnawake,” had refused the authority of the state at almost every turn** .” **Arguing that modes of refusal extend** **into the theoretical and methodological terrains of knowledge production are productive and necessary,** **refusals are expansive.** and **investments in the human**

The role of the ballot is to center indigenous scholarship and research. Indigenous theories must come before settler frameworks. We need to hold colonizers accountable to open the space up for new narratives and disrupt colonial institutions.

**, the role of white settler academics is at the periphery, making space for Indigenous resurgence and knowledges, and pushing back against colonial institutions,** **We can disrupt practices, within the academy.** Thi**When scholars subvert colonialism in the academy, the ethics are improved, and more space is made for Indigenous scholars** ‘**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 Indigen- ous resistance’**.. **If our work has no foundation of Indigenous scholar- ship and mentorship, our contributions are problematic**

#### Resolved means a policy action.

: Resolve: 1.. To decide by vote. 3. resolution": A course of action, the topic community craft a resolution which can be ANSWERED in either direction. because the resolution will serve as the basis for debate. Resolved comes from resolutions by legislative bodies. A resolution is either adopted or it is not..

#### TURN – unions have a history of ableism and forcing instituilizionation, even if they feign soldiartiy, they will always choose workers over disabled rights – turns their Foucault evidence.

, Pennsylvania’s close the Polk State Center, people with developmental disabilities, are often housed involuntarily. The Arc of Greater Pittsburgh, , hailed the news, because research shows that people with disabilities are better served living in communities, But the Polk Center, which employs 700 people of employees holding signs reading “ “They don’t want to leave. Ask them!” Another union with their fists raised. It was a demonstration of solidarity with workers — but not with people with disabilities. This was hardly the first time unions have aggressively opposed steps that would allow people with disabilities to live with their loved ones. t unions’ interest in keeping their members’ good-paying jobs conflicts with the interests of people with developmental unions have fought the closure of state hospitals, asylums and other large congregate settings that in many instances have harmed people with disabilities. These institutions, are tied to an outdated paradigm about disability, the Polk Center became instruments to weed out the “feebleminded” and others deemed “unfit.” the Polk Center was rife with abuse and mistreatment:. The unions frequently assert that some people are too disabled to live in the community and require institutionalization. unions often couple with pro-institutionalization groups. AFSCME describes deinstitutionalization as “yet another way to push the responsibility for service and funding into the private sector.” the Association of University Centers on Disabilities, examined 36 studies of outcomes for almost 5,000 people showed positive outcomes for those who moved from institutions to community living settings.

# 2N

#### Guaranteeing the right to strike means a governmental action and recognition

NLRB no date National Labor Relations Board, https://www.nlrb.gov/strikes  
Section 7 of the [National Labor Relations Act](https://www.nlrb.gov/how-we-work/national-labor-relations-act) states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.