# 1NC

## 1NC -- T

#### Interpretation -- an unconditional right to strike excludes specification of prison workers – placing limits on the right to strike renders it conditional

Merriam Webster ND -- (Merriam Webster, No Date, "Definition of UNCONDITIONAL," Merriam Webster, https://www.merriam-webster.com/dictionary/unconditional, accessed 11-20-2021)//nikki

Definition of unconditional

1: not conditional or limited : ABSOLUTE, UNQUALIFIED

unconditional surrender

unconditional love

2: UNCONDITIONED sense 2

#### Violation – the aff only defends a right to strike for prison workers

#### Prefer our interp –

#### 1] Precision – Our definition is most precise which is the biggest internal link to predictability - anything else justifies the aff arbitrarily jettisoning words in the resolution which is the only stasis point we know before the round.

#### 2] Predictable limits - their interpretation justifies a race to the margins where affs can pick any infinitely small subset of workers to defend – explodes neg prep burdens which is the key internal link to rigorous argumentative testing

#### 3] Ground – their interpretation makes it impossible for neg teams to access stable generic ground – no PICs such as essential workers or public sector compete, no CPs that compete off of universality or unconditionality, econ DA can’t garner a strong enough link based on one group of workers, we lose k links to broader labor laws -- thecaseturns in this 1NC barely apply because the forms of labor the aff deals with are not legally recognized

#### TVA solves all their offense – read a whole res aff with an advantage about prison labor

#### Paradigm Issues –

#### 1] T is DTD – A] their abusive advocacy skewed the debate from the start B] DTA is incoherent because we indict their advocacy

#### 2] Comes before 1AR theory -- A] If we had to be abusive it’s because it was impossible to engage their aff B] T outweighs on scope because their abuse affected every speech that came after the 1AC C] Topic norms outweigh on urgency – we only have a few months to set them

#### 3] Use competing interps on T – A] topicality is a yes/no question, you can’t be reasonably topical B] only our interp sets norms -- reasonability is arbitrary and invites judge intervention C] reasonability causes a race to the bottom of questionable argumentation

#### 4] No RVIs – A] Forcing the 1NC to go all in on the shell kills substance education and neg strat B] discourages checking real abuse C] Encourages baiting – outweighs because if the shell is frivolous, they can beat it quickly

## 1NC -- K

#### Racializd carcerality extends far beyond the prison -- carceral space is an ordering paradigm **which marks the geographies of black and indigenous life through emplacement and displacement. The plan’s rule-bound criminal justice reform is a tool of the civil rights carceral state to reorganize everyday geographies to facilitate state-sanctioned containment. The alternative is a prior question to political organization and try or die for human survival**

Rifkin, 19 – Mark, Professor of English and Women’s Studies at UNC-Greensboro. Fictions of Land and Flesh: Blackness, Indigeneity, Speculation. *Chapter 3: Carceral Space and Fugitive Motion*, Duke University Press. p. 117-122 – KLab2020

The vast intensification and proliferation of apparatuses of imprisonment over the past forty years suggest a growing experience of emplacement in terms of racialized carcerality for Black subjects in the United States. While rates of imprisonment hovered at around one per one thousand people in the U.S. population over the course of the twentieth century, in the 1970s the rates began to rise precipitously, becoming one in 107 by the 2000s. Currently, about 3 percent of adults (one in thirty-one) are subjected to criminal justice supervision, with about 2.2 million people in prisons and jails and 4.8 million on probation or parole. These figures represent a fivefold growth over the past forty years. With respect to African Americans, the statistics are even more dire. African Americans stand at about 13 percent of the U.S. population, but they represent approximately 37 percent of the prison population. In the mid- 2000s, about one in fourteen Black men was incarcerated versus one in 106 white men, and those African Americans born after 1965 who have not earned <end p 118> a high school diploma are more likely than not to be imprisoned at some point in their lives.1 More than solely illustrating a sharp rise in incarceration, these statistics index a much wider and intensifying system of surveillance and regulation that governs Black neighborhoods, particularly in urban areas. If fungibility and enfleshment provide a frame for conceptualizing Black embodiment, as discussed in the previous chapter, carcerality speaks to the geographies of Black life in the United States. As Alice Goffman illustrates, in inner-city African American neighborhoods “the role of law enforcement changes from keeping communities safe from a few offenders to bringing an entire neighborhood under suspicion and surveillance.”2 Carceral space, then, extends far beyond the prison per se, offering an ordering paradigm for blackness in the contemporary United States. The criminal justice system increasingly insinuates its technologies of mapping and capture into virtually all aspects of everyday Black life in places deemed criminal largely due to the predominance of people of color. Lisa Marie Cacho suggests, “[R]ace and racialized spaces are the signifiers that make an unsanctioned action legible as illicit and recognizable as a crime.”3 The association of particular places with nonwhite subjects transforms those areas into sites of heightened police scrutiny, regardless of whether criminal activity of various kinds actually is greater in them.4 Law enforcement presence in Black communities has been characterized by some as akin to an “occupation,”5 but since this mounting surveillance and regulation is not justified in race-explicit terms, instead legitimized as part of a broader need to maintain “law and order” in putatively high-crime areas, it does not constitute something like a formal apartheid structure, despite the fact that proportionately more African Americans currently are imprisoned in the United States than were Blacks in South Africa during the height of the apartheid regime.6 As long as policies are couched in facially neutral criteria, without directly indicating an intent to target people of color, they do not trigger investigation into the ways they might violate constitutional principles and laws against racial discrimination. Such patterns arise out of the history of what Naomi Murakawa has termed “liberal modernization” and the “civil rights carceral state,” in which putatively antiracist efforts to reduce racial bias in law enforcement after World War II and through the Civil Rights era gave rise to the notion that “racial violence could be corrected through the establishment of well-defined, rule-bound, and rights-laden uniform state processes”: “[L]iberal law-and- order reinforced the common sense that racism is a ghost in the machine, some immaterial force detached from the institutional terrain of racialized wealth inequality and the possessive investment in whiteness,” such that “the more carceral machinery <end p 118> was rights-based and rule-bound, the more racial disparity was isolatable to ‘real’ black criminality.”7 From this perspective, the problem of racism lies in attitudinal prejudice rather than structural disadvantage. Therefore, the vast expansion of imprisonment and police power in ways that are directed toward and that decimate communities of color are not conceptualized as inherently functioning as a mode of institutionalized racism so long as the rules instituted and followed themselves do not directly invoke race—or, more specifically, blackness—as an organizing logic. Framed in this way, the transformation of Black neighborhoods into carceral spaces is not understood as constituting racist practice, because such practices take shape around apparently racially neutral goals and metrics. These dynamics provide the animating context for Walter Mosley’s Futureland: Nine Stories of an Imminent World (2001), in which he offers a speculative theorization of the principles immanently at play in such neoliberal modes of captivity while addressing the central function of processes of racialization in the kinds of datafication on which such social mappings increasingly rely. This collection of linked stories set a few decades into the future explores the proliferation of carceral mechanisms and technologies beyond the prison, including the reorganization of everyday geographies in ways that facilitate state-sanctioned containment separate from punishment for criminal activity per se. Yet while largely focused on African Americans, the text presents these patterns as expanding to incorporate large swaths of the population, building on existing racial demarcations while also generating additional and compounding modes of racialization that arise out of the application of ostensibly race-neutral criteria. In this way, Mosley sketches the potentials for radically expanding existing carceral topographies while engaging the ways such captivities reconfigure existing racism(s). In offering this speculative analysis, he suggests the political futility of collective assertions of place and explores the notion of perpetual fugitivity as a means of realizing freedom.8 Much of the scholarly work that attends to the racial dynamics of the criminal justice system focuses on the ways it targets people of color and seeks to dominate areas associated with such populations, but as Mosley suggests, the matrix of carcerality itself engenders, intensifies, and disseminates processes of racialization. Michelle Alexander observes, “[T]he ‘negative credential’ associated with a criminal record represents a unique mechanism of state-sponsored stratification” that functions as “a form of branding by the government,” later adding that “mass-incarceration, like Jim Crow, is a ‘race-making institution.’ ”9 The attribution of differential identity in relation to actual or potential criminal acts—or violations of existing institutionalized rules and norms—creates a status distinction between those deemed <end p 119> criminal and those not. While in theory anyone could commit a crime, legal, political, and popular discourses cast inclinations toward criminality as innate within particular groups in ways that do not appear to follow from race as such, even as these attributions both implicitly rely on existing racial categories and portray the forms of belonging they cite as indicative of inherent qualities in ways that function as racial knowledge.10 In Futureland, the possibilities for being consigned to a criminalized status expand exponentially beyond current racial categories, suggesting a vast extension of the “race-making” capacities of the carceral state and its geographies of internment.11 While appropriate behavior largely gets defined in terms of gainful employment and conformity to corporation-driven mandates, the text illustrates how evaluations of the propensity for (non)normativity themselves depend less on individuals’ particular choices than the ways all aspects of their lives are collated into statistical sets that function as racializing assemblages. 12 As David Lyon indicates about current systems of surveillance, “If the category in which your personal data place you renders you ‘suspicious,’ then you are hardly ‘innocent until proven guilty,’ ” adding, “It is a profile that, in many cases, simply suggests what sort of person is here. The category, not the character, is all-important.” 13 In the text, to be unemployed itself becomes a quasi-criminalized status, one that leads (absent any judicial process whatsoever) to confinement in a subterranean space called “Common Ground.” What emerges in Mosley’s stories is something like a capitalistically oriented eugenics, in which determinations of fitness less follow from racial identity as conventionally understood than from population-making calculations driven by statistical models of likely contributions to revenue and relative costs that take place alongside legally mandated modes of racial neutrality. In addition, options for residence and mobility are scaled in relation to these actuarial evaluations and their racializing trajectories; the social landscape is organized around ostensibly objective assessments of employability, such that the prisonlike structure of Common Ground simply serves as the extreme of tiered layers of carcerally inflected space in which everyone but the wealthiest are enmeshed. Mosley’s futurist imaginary, then, highlights the ways the prison functions in the contemporary moment less as anomaly than paradigm, as a state-organized means of regulating (un)employment in which racializing attributions of innate ability and aberrance—and aggregations of those potentialities into categorical identities (especially through forms of dataveillance)—regulate one’s relation to place even, or perhaps especially, in the absence of explicit race talk and segregation. Futureland lifts off of the present in order to engage in a speculative redescription of the early twentieth century that traces and highlights <end p 120> patterns of racializing governmentality; thus, the text enables an engagement with carcerality and fugitivity as ways of figuring the immanent dynamics of contemporary sociopolitical formations. Communal claims to place play no role in the text, since Mosley offers no sense that they could do anything other than reiterate extant systems of domination (in ways reminiscent of the Xenogenesis trilogy). The geographies of everyday life are thoroughly regulated and stratified by political-corporate interests, apparatuses, and mappings. There is virtually no place that is not owned and controlled by corporations, such that alternative projects of occupancy and sovereignty appear completely untenable, at best, and, at worst, merely replicate existing modes of governmentality. Given its focus on questions of collective situatedness, though, Daniel Wilson’s Robopocalypse series can provide an illuminating counterpoint to Mosley. Wilson’s novels help highlight how Mosley’s work orients away from questions of territoriality, thereby drawing attention to the potential difficulties of engaging indigeneity—and place-based peoplehood more broadly—within a frame organized around captivity and flight. Wilson’s texts imagine how existing, reconfigured, and newly formed peoples might develop forms of located collectivity in the midst of technologically induced cataclysm. Himself Cherokee, Wilson offers a vision in which connections to territory remain a durable part of human social life, even—and in some ways especially—in the face of the breakdown of contemporary social structures and geographies. In becoming conscious, an artificial intelligence, Archos, launches a campaign of mass murder against humanity in which wireless networks provide the means for conscripting all manner of machines into the aim of decimating the human race. However, in this dystopian imaginary, modes of peoplehood and placemaking become crucial—to humans, robots, and various kinds of sentient beings that arise out of human advances in computing. While not primarily focused on Indigenous peoples’ struggles for self-determination as such, the novels highlight the existence and emergence of forms of collective territoriality that not only serve as the basis for human social organization and survival but that are presented as integral to the being and becoming of all life. In this way, the framework through which Wilson approaches the violence and possibilities of technology, and futurist speculation more broadly, can be understood as drawing on the principles and politics of indigeneity, even when not engaging Indigenous people( s) per se (although the novels do return repeatedly to the Osage Nation in ways that underline Indigenous histories and contemporary presence, while also largely leaving aside Indigenous mobilities and diaspora). The centrality of these issues in Wilson’s work helps draw attention to their absence in Mosley’s—the ways that long-term <end p 121> relations to particular spaces function for Mosley as an effect of imprisonment rather than a vehicle of liberation or autonomy. Mosley figures freedom not in terms of collective habitation but in/as flight. If Octavia Butler makes the malleability attributed to blackness into a touchstone for speculatively envisioning antiracist modes of fleshly becoming, Futureland presents the lack of spatial fixity as crucial to thwarting extant systems of racialization. In this way, the text articulates a poetics of fugitivity as a positive conception of open relation that seeks to break from the racializing geographies imposed by the state (largely acting in the service of corporate interests). This investment in the liberatory potentials of movement, as contrasted with carceral technologies and cartographies, can generate difficulties in engaging forms of identification and relation predicated on (a politics of ) collective emplacement. Such an equivocation can be seen at play in Mosley’s later novel The Wave (2007), with which the chapter closes. In the novel, an entity, the Wave, that has been living underground for millions of years on lands now claimed by the United States becomes active and is targeted for destruction by the U.S. government as a threat to national security and sovereignty. The entity itself appears as a pool of blackness, and the fact that the duration of its dwelling dwarfs the history of U.S national sovereignty becomes an occasion for an implicit meditation on the question of the relation between blackness and indigeneity and the affective dynamics of Black presence in the Americas. However, the text’s representation of located belonging comes to be oriented around flight (movement away from the Earth) and imprisonment—capture and torture within the expanding apparatus of internment and state-authorized murder in the wake of 9/11. The novel’s exploration of the relation between blackness and indigeneity occurs against the background of mobility and escape. The novel, then, brings into greater speculative relief the conceptual tensions that arise when addressing the relations between Black and Indigenous histories and aspirations through the frame of carcerality and fugitivity.

#### The aff is complicit in the perpetuation of the myth of just governance – the settler state is structured by an ontological logic of elimination constantly manifest in the everyday reiteration of fluid ontology and settler moves to innocence that define white identity – decolonization of settler states is a prior question to any understanding of governance as just.

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(Mark, ‘Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance,’ pp. 7-10)

If nineteenth-century American literary studies tends to focus on the ways Indians enter the narrative frame and the kinds of meanings and associa- tions they bear, recent attempts to theorize settler colonialism have sought to **shift attention from its effects on Indigenous subjects** to its implications for **nonnative political attachments, forms of inhabitance, and modes of being**, illuminating and tracking the **pervasive operation of settlement as a system**. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—**invasion is a structure not an event**” (2).6 He suggests that a “logic of elimination” drives settler governance and sociality, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an **organizing principle of settler-colonial society** rather than a one-off (and superceded) occurrence” (388). Rather than being superseded after an initial moment/ period of conquest, colonization persists since “the logic of elimination marks a return whereby **the native repressed continues to structure settler- colonial society**” (390). In Aileen Moreton-Robinson’s work, whiteness func- tions as the central way of understanding the domination and displacement of Indigenous peoples by nonnatives.7 In “Writing Off Indigenous Sover- eignty,” she argues, “As a regime of power, patriarchal white sovereignty operates ideologically, materially and discursively to reproduce and main- tain its investment in the nation as a white possession” (88), and in “Writ- ing Off Treaties,” she suggests, “**At an ontological level the structure of subjective possession** occurs through the imposition of one’s will-to-be on the thing which is perceived to lack will, thus it is **open to being possessed**,” such that “possession . . . forms part of **the ontological structure of white subjectivity**” (83–84). For Jodi Byrd, the deployment of Indianness as a mobile figure works as the principal mode of U.S. settler colonialism. She observes that “colonization and racialization . . . have **often been conflated**,” in ways that “tend to be sited along the axis of inclusion/exclusion” and that “**misdirect and cloud attention from the underlying structures of settler colonialism**” (xxiii, xvii). She argues that settlement works through the translation of indigeneity as Indianness, casting place-based political collec- tivities as (racialized) populations subject to U.S. jurisdiction and manage- ment: “the Indian is left nowhere and everywhere within the ontological premises through which U.S. empire orients, imagines, and critiques itself ”; “ideas of Indians and Indianness have served as **the ontological ground through which U.S. settler colonialism enacts itself**” (xix).

#### Movements against neoliberalism and worker exploitation must first address the structural dispossession of indigenous people.

Baker 17 (W Oliver Baker, PhD candidate and Mellon Fellow American Literary Studies at the University of New Mexico, intersecting histories of settler colonialism, racial capitalism, white supremacy, and class in American literature and culture, “Democracy, Class, and White Settler Colonialism”, 2017, https://www.academia.edu/34506752/Democracy\_Class\_and\_White\_Settler\_Colonialism)//RC

In recent years. settler state policies have shifted away from a strategy Of direct violence and forced assimilation—mostly in response to the political threat posed by the anticolonial nation• alisms of the mid-twentieth century—and toward what Glen Coulthard describes as a politics of -colonial recognition.- in which settler societies promise greater accommodation and recognition of Indigenous groups but only to the extent that claims of sosvreignty or demands for decoloniza- tion go unheard and remain disavowed: A politics of colonial recognition also calls for reconciliation and healing between settlers and Indigenous peoples as a way to mend what is believed to be a racial or cultural conflict rather than a struggle over land and sovereignty. While settler societies might atnrtn the diversity Of Indigenous cultures or even lament past incidents Of colonial violence. Centuries-old structures and institutions of dispossession remain in place. These can be witnessed today in the underdevelopment of tribal economies that encourages the privati- zation of (or the attempt to dissolve) tribally-held land and resources; neoliberal policies that slash public services and deregulate predatory credit and loan industries. while funding entrepreneurial self-help initiatives in Indian Country; the use of state and police violence to brutalize. incarcerate. and murder unsheltered and working poor Indigenous peoples whose presence -off the reservation- in border towns is seen as a threat and danger to the property and flows of capital of settler society. extraction industries that destructivelv seek to unearth and/or transport fossil fuels on or through tribal lands: and the ongoing refusal of federal governments to honour the treaties, land claims. and rights to self.determination of the Indigenous nations of North America. A second key analytic of settler colonial studies and Indigenous critical theory is the concept of Indigeneity. Although defined in various ways, for this essay3 purposes Indigeneity can be described as the social category of persons whose ways of life. forms of knowing. and modes Of being depend upon originary relationships to land bases that Euro-American settlers have enclosed and continue to occupy. Because Indigenous peoples claim originary ties to these land bases. their presence or attempt to live on and through them challenges the legitimacy of settler society. As a social category constituted through elimination and genocide. Indigeneity should be understood as distinct from, for example. the category of the wage labourer that is structured by proletarianization and hegemony. If wage labourers. whether employed or unemployed. are struc- turally included in the marketplace where their labour power is exploited. the marketplace itself and the liberal state form that upholds it are nonetheless premised on the elimination of Indigenous peoples altogether. The ideological framework that mediates, legitimates. and reproduces Indigenous dispossession and its category of Indigeneity is the colonial and racial grammar of what Jodi Byrd calls "Indianness.¯• The Indian came to be a social ontology in which Indigenous peoples were under- stood as savage. ancient. living fossils of early humanity. stuck outside of time and space in a state of nature. The Indian was and continues to be both abjected and romanticized in settler culture as a person who exists in a state of natural warfare. instability. and conflict. while also appearing liberated from the constraints and alienation of modern life. In this state of nature, the Indian is understood to lack the capacity to labour productivity. possess property. or enter into social con • tracts. Through such meanings. the Indian emerges as the outside or Other to Euro-American forms of liberal democracy. selfhood. and civil society.• As Byrd emphasizes. - European moder- nity hinges upon Indians as the necessary antinomy through which the New World—along with civilization. freedom. sovereignty. and humanity—comes to have meaning. structure. and pres- ence.-•• The Indian. in short, became the figure of the un-sovereign through which it was understood that the Indian might occupy but could never possess the ability or right to own lands or possess selfhood.' i The dispossession of Indigenous lands. resources. and bodies thus came to be seen less as a form of theft than the natural transition from -savage- communalism to civilized market society. Today. Indianness continues. as Byrd puts it. to "transit U.S. empire,- or put into motion, facil. itate, and cohere the United States' settler imperial project that reaches around the world." It is through Indianness that settlers come to view the lands. resources. and bodies of the earth as spaces and objects of a barren wilderness (terra nullius) freely available for expropriation. The current and future populations living in spaces of the lands and controlling the resources that US settler imperialism attempts to seize or control are, as Byrd explains. made "Indian- or abjected as mindless terrorist-savages whose confrontation with the agents of enclosure is under- stood not as an attempt to resist and survive colonization. occupation. and genocide. but an irrational attack against society. civilization. humanity. and the forces of modern progress. In short. Indianness is what legitimates the process of primitive accumulation or what David Harvey calls -accumulation by dispossession.- which is central to the formation. expansion. and domi- nance of global finance capitalism. What an understanding. then. of settler colonialism. Indigeneity. and Indianness demon• strates concerning the question of alliance-building among oppressed groups today is that political organizing through the spaces of the democratic commons or the identity of the settler wage labourer supports rather than disrupts the colonization of Indigenous peoples of North America In the case of the democratic commons. calls for preserving and expanding the public institutions and spaces of liberal democracy in order to cultivate more radical and progressive forms of democracy is a demand not to undo or transform but to uphold the settler colonial state As Byrd argues. "one reason why a racial' and just democratic society is a lost cause in the United States is that it is always already conceived through the prior disavowed and misremembered colonization of Indigenous lands that cannot be ended by further inclusion or more participation."" Coulthard echoes this point. showing that "in liberal settler states...the •com. not only belong to somebody.. .they also deeply inform and sustain Indigenous modes of thought and behavior"" While it should be acknowledged that the democratic Commons histori- eally has served an important role in cultivating and producing emancipatory modes Of analysis and forms Of social belonging. such gains have nonetheless always depended upon the tion of Indigenous peoples. Any defence. then, of the democratic commons today must at the same time defend Indigenous sovereignty. This means rethinking how groups relate in the spaces Of the commons in Ways that do not perpetuate liberal democracy's colonial project Oi building public institutions and democratic spaces through the seizure, theft, and colonization of Indigenous lands. bodies. and resources. Class .first models of a renewed workers' movement also risk reproducing colonial disposses. Sion When they fail to recognize that the Indian and the settler Wage labourer are structurally distinct categories Of oppression. former is constituted by dispossession through elimination. while the latter is structured by exploitation through hegemony. Even though exploited. settler wage labourers nonetheless come to experience their status in settler colonialism as a place Of refuge and protection tiom dispossession and abjection. The role of the settler state is to ensure and safeguard the settler wage labourers right not only to possess but not to be dispossessed of property, even if the only property the wage labourer possesses is labour power. In fact. possessing labour power as a commodity to sell on the market indexes the settler wage laboureös right and ability to enter the social Contract and find security from the forms structural exclusion natu• ralized in the position of the Indian. Such a status explains why. when neoliberal forms of precarious labour and exclusions from waged life increasingly target settler wage labourers, they are felt and represented as abnormal. undeserving, and. more importantly. grievable occurrences. The dispossession Of settlers challenges the symbolic and material consisten€y Of settler societies that are premised on dispossessing colonial peoples in order to reward and advantage settlers Of all classes. Settler society retains and reproduces its coherence as the promised site of settler sov. ereignty, possession. and rights by figuring the neoliberal dispossession of settlers as the exception to be if only because Indigenous dispossession remains the norm to be reproduced and repeated. grievability of neoliberal dispossession. heard today in the refrain that globalization has -abandoned the white working class.- depends upon the ungrievability and normalization of Indigenous dispossession that. in the narratives not only Of manifest destiny but also the demo- cratic commons and normative socialist futures. is depicted and accepted as a natural. inevitable. and necessary process. One of the limits. then. of calling for solidarity through the political identity of the wage labourer is that. in settler colonialism. what organized settler wage labourers demand is not necessarily an end to exploitation but the freedom. protection, and refuge from structural dispossession and exclusion that are normalized and naturalized in the social and racial ontologies of the Indian. Movements on behalf of settler labourers risk ending in reform rather than revolution precisely because they do not so much seek to confront capital as they seek refuge and protection within and through it.

#### A democratic model of “rights” encourages neoliberal multiculturism which focuses on collective identity which would keep people hoping to qualify for state rights rather than working towards a total restructuring —turns the case as their plan will never spillover to abolitionist aims

Shannon Speed, citizen of the Chickasaw Nation of Oklahoma, Director of American Indian Studies and Associate Professor of Gender Studies and Anthropology at UCLA, 2016,” States of Violence: Indigenous women migrants in the ra of neoliberal multiculturism,” University of Texas at Austin, https://projects.iq.harvard.edu/files/indigenous/files/critique\_of\_anthropology-shannon.pdf

The 1990s were a time of hope, at least in some regards, for indigenous people in Latin America. ‘‘Globalization’’ and the so-called ‘‘end of history’’ seemed to mandate a wave of democratization and expansion of rights, in tandem with the spread of neoliberal economics. As states undertook an often massive reorientation of their economies (Mexico is particularly notable), ending land reform, eliminating state subsidies for farming and industry, privatizing capital and natural resources, limiting tariffs on foreign goods, and slashing government social welfare programs, they also moved toward popularly elected governments and expanded notions of human rights and the rule of law. A number of states, including Mexico and Guatemala, reformed their constitutions to recognize indigenous peoples and extend to them some level of collective indigenous rights. Often posited as the inevitable spread of neoliberal democracy on a US model (at times with an evolutionist flavor of development toward the highest state of being, naturally epitomized by the United States), these processes seemed to promise at least a minimal increase in political stability, rights, and accountability. Debates about the benefits and limitations for indigenous peoples of the new recognition and rights regimes were the subject of considerable theorizing regarding the period of ‘‘democratic opening’’ in Latin America. While some theorists hailed the recognition of indigenous peoples rights as a significant victory ‘‘shaping the quality of democracy in Latin America’’ and signifying ‘‘a major power shift’’ and ‘‘a more generalized opening of the political system to excluded and vulnerable sectors of society’’ (Van Cott, 2007: 127, see also Van Cott, 2000), others signaled a need to ‘‘qualify somewhat premature and narrow discussion of democratic consolidation’’ (Yasher, 1999). Analysts also sounded alarm bells about the ways in which multicultural rights regimes might work against indigenous peoples, by reinforcing state power and creating structures that, by focusing on collective identity rather than collective well-being, obscured the economic inequalities that were certain only to grow under neoliberalism. Charles Hale questioned the multiculturalism that underpinned the politics of recognition and analytically tied it to neoliberalism, coining the term ‘‘neoliberal multiculturalism’’ as he warned of the dangers of an overinvestment in limited cultural rights at the expense of an analysis of socio-economic inequality and state subject making (Hale, 2005; 2006). Hale (2002) also suggested that the limited rights afforded by neoliberal multiculturalism served to keep people focused on the possibility of qualifying for state-sponsored rights, rather than engaging in struggles for potentially more just systems of governance. Other theorists focused on the dangers for indigenous people of relying on the legal regimes of the state for their liberation and highlighted to multiple forms of state subject-making at work in these arenas (Garcı´a, 2005; Hernandez et al., 2004; Park and Richards, 2007; Postero, 2006; Sieder, 2002; Speed, 2005; Speed and Sierra, 2005).

#### The inevitable presentation of a right to strike as a form of benevolent governance bestowed by the state on Indigenous communities problematizes Indigenous nonconformity as the cause of labor exploitation and shifts the analytical frame of criticism away from the settler state.

Strakosch 17 Elizabeth Strakosch, 10-21-17, Neoliberal Indigenous Policy: Settler Colonialism and the "Post-Welfare" State, <https://books.google.com/books/bout/Neoliberal_Indigenous_Policy.html?id=TPFbrgEACAAJ> mvp

The RPA gives both government and Indigenous parties space to outline their priorities (the Ngaanyatjarra Council in FaCSIA 2005: 1.6, and governments in 1.7). Indigenous priorities include cultural survival, connection to land, securing infrastructure funding and maintaining control over their own affairs. Government objectives reflect the COAG National Framework Principles for Service Delivery to Indigenous Australians (including sharing responsibility, harnessing the mainstream, efficiency and accountability) (Council of Australian Governments 2002), and also indicate specific priority areas. These areas for change in Indigenous lives include early education, substance misuse, family functionality and economic participation (1.7.6). Therefore, the RPA does give Indigenous parties space to articulate their values to governments, and these values do not align with the governments’ own neoliberal principles. However, the following section outlines the common agreement objectives, and these overall objectives are all directed at meeting government goals: In making this Agreement the Ngaanyatjarra Council and the Governments have agreed to work together ... [for the] provision of better coordinated and resourced programs and services to achieve improvements in the priority areas listed in Section 1.7.6. (2.1–2.1.1.1) But as noted above, section 1.7 outlines government priorities, rather than goals agreed upon by both parties. Government priorities have become common priorities, and the key objectives of the partnership. Therefore, while the agreement seeks to harmonise Indigenous and government interests, it requires reform within the Indigenous rather than government parties. The most important priority becomes the commitment by the Indigenous party to share government responsibility and goals. As with all mutual obligation-type compacts, this involves a complex temporal manoeuvre in which the obligations of government become reconfigured as gifts of government, and hence become legitimate consideration in a contractual exchange. In return for this gift, the state makes its own demands for change in its subjects. In the legal and political imaginary of the liberal contract, ‘consideration’ is an objective benefit of legal value which is exchanged by parties to a formal contract (Paterson et al. 2009: 74). It is the ‘price of the promise’: ‘[i]f we need to know whether A’s promise to B can be enforced by B, we must ask whether B ... has given consideration for that promise’ (Paterson et al. 2009: 73, 74). Superficially, the consideration exchanged in an SRA contract seems obvious: Indigenous peoples give the settler state a promise to share responsibility for their own government, and in return, the state offers resources to assist in this government. This is represented in Figure 7.1. However, more careful examination shows that the existence of government consideration relies on a complex temporal movement. Neoliberal Indigenous policy works on the assumption that the proper liberal government of Indigenous lives is the responsibility of Indigenous peoples themselves, but that they need to consciously recognise and accept this responsibility. Thus, while Indigenous governmental responsibility might exist at a theoretical level, there is an important sense in which it does not already exist as an actual fact. This lack is what makes the Indigenous undertaking to share responsibility a benefit to government (as discussed above, the wicked problem of Indigenous disadvantage is a government problem, and the mobilisation of subject responsibility is a government initiative to resolve that problem. This is not to say that this deprivation does cause suffering, or that Indigenous communities do not wish to address it; rather, I suggest that the specific kind of liberal self-government sought by the settler state is not automatically a goal and moral imperative for Indigenous peoples). Until the moment of exchange, in fact, both the responsibility for the full liberal government of Indigenous subjects, and the concrete resources for this government, belong to the government party (see Figure 7.2). The Ngaanyatjarra RPA agreements state that a key purpose of the contract, and therefore a shared interest of Indigenous and government parties, is to ‘share responsibility for achieving measurable and sustainable improvements for people living in the Ngaanyatjarra Lands’ (FaCSIA 2005: 2.1.1). However, ‘sharing responsibility’ is also listed as an objective of the governments, while it is not an interest listed by the Indigenous party (1.6–7). The RPA, therefore, turns an interest of the government party into a mutual interest. It enables government to divest some of the responsibility which would otherwise accrue entirely to it, and this divestment itself is the contractual benefit government seeks. So, in a sense, the major asset or power that Indigenous peoples bring to the contractual table is freedom from the burden of their own liberal/colonial rule, and the ability to take on some of the burden of their own government for the benefit of the state. However, until this responsibility is shared, the concrete resources that the state brings to Indigenous peoples are not recognisable as an item of value to the Indigenous party – they are simply the resources that the state must mobilise to meet its own responsibility to govern. To push this point further, we might even consider the governmental resources, such as unemployment support, community-building projects and adequate education, as rights possessed by Indigenous peoples by virtue of their status as citizens. Neoliberal rationality redefines the goods which the state owes its citizens as voluntary gifts which can legitimately be withheld (Ramia 2002). When governmental responsibility is shared and becomes a common interest with the governed, however, these goods are transformed into contributions to a common cause. They become contractual consideration, and their allocation is seen as an action that requires a reciprocal contribution from Indigenous peoples (Figure 7.3). SRA and RPA quasi-contracts, like the neoliberal SRA program logic which simultaneously recognises and seeks to create Indigenous governance capacity, have a peculiar suspended or circular temporality. Before the moment of contractual agreement, they make no sense. Only in the instant when Indigenous peoples take upon themselves the burden of their own adequate liberal government are government resources removed as a right and regifted as a contractual contribution to a common cause. This is the complex movement by which SRAs attempt to mobilise Indigenous subjects as resources in their own government, and as members of the sovereign community. Conclusion: government and sovereignty in Indigenous capacity building SRAs and RPAs aimed to enact Indigenous governmental consent to multiple, specific and concrete projects. However, this process also worked to generate sovereign consent to the settler state, and to erase Indigenous political difference. Capable Indigenous communities were seen as ‘willing to understand and work with governments’ in the project of addressing their own disadvantage (Morgan Disney 2006: 7). This meant demonstrating acceptance of the neoliberal problematisation of themselves as disadvantaged citizens, and the understanding of this disadvantage as a ‘wicked problem’ requiring Indigenous shared responsibility. In turn, they were asked to accept that their disadvantage was intimately connected to their own behaviour. Within the SRA framework, Indigenous communities could no longer locate the cause of their disadvantage in the action of settler authorities, or refuse to understand their lives as deficient in relation to the settler ‘norm’. Instead, the logic seeks to drive their consent to the settler state’s own framing of itself as the natural and legitimate partner in addressing Indigenous deficiencies. At a deeper level, the liberal settler state is seeking to bind itself to Indigenous communities by asking them to accept their own lives and behaviours as lacking, to request government assistance for change, and to help design the concrete governmental programs for this state intervention. Hindess suggests that liberalism must continually justify its project of rule, given its commitment to the abstract natural freedom of all individuals, and that its sovereign legitimacy therefore constitutes a ‘precarious practical accomplishment’ (Hindess 1997: 261; also Hindess 2005). A liberal polity must show that its (potential) subjects are failing in some way and that sovereign rule is necessary to help them attain their governmental goals. This means that its subjects must identify endless governmental goals, and always understand themselves as failing and in need of state assistance. SRAs aimed to build the capacity of Indigenous communities to identify their ‘needs and priorities’, articulate these to government and advise the government on appropriate interventions (Council of Australian Governments 2002: 1). These communities were being assisted to self-problematise and to provide the settler state with justifications for extending its authority into their lives. If liberal sovereign nation-states constitute a community of mutual governmental responsibility, then SRAs attempt to fully absorb Indigenous subjects into the sovereign state by absorbing them into this governmental community. Simultaneously, the SRA admission that Indigenous peoples were not yet part of such a community of mutual government exposed settler colonial sovereignty as an incomplete project.

#### The settler colonial project requires the disappearance or assimilation of the Native, who produces Settler anxieties that confound national belonging – this is an ongoing genocide that also exists in premature moves to reconciliation and the desire to not have to deal with the Indian problem anymore.

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Recently in a symposium on the significance of Liberal Arts education in the United States, Eve presented an argument that **Liberal** **Arts education has historically excluded any attention to or analysis of settler colonialism.** **This, Eve posited, makes Liberal Arts education complicit in the project of settler colonialism and, more so, has rendered the truer project of Liberal Arts education something like trying to make the settler indigenous to the land he occupies.** The attendees were titillated by this idea, nodding and murmuring in approval and it was then that Eve realized that she was trying to say something incommensurable with what they expected her to say. She was completely misunderstood. **Many in the audience heard this observation: that the work of Liberal Arts education is in part to teach settlers to be indigenous, as something admirable, worthwhile, something wholesome, not as a problematic point of evidence about the reach of the settler colonial erasure.** Philip Deloria (1998) explores how and why the settler wants to be made indigenous, even if only through disguise, or other forms of playing Indian. Playing Indian is a powerful U.S. pastime, from the Boston Tea Party, to fraternal organizations, to new age trends, to even those aforementioned Native print underwear. Deloria maintains that, “From the colonial period to the present, the Indian has skulked in and out of the most important stories various Americans have told about themselves” (p. 5). The indeterminacy of American identities stems, in part, from the nation’s inability to deal with Indian people. Americans wanted to feel a natural affinity with the continent, and it was Indians who could teach them such aboriginal closeness. Yet, in order to control the landscape they had to destroy the original inhabitants. (Deloria, 1998, p.5) L. Frank Baum (author of The Wizard of Oz) famously asserted in 1890 that the safety of white settlers was only guaranteed by the “total annihilation of the few remaining Indians” (as quoted in Hastings, 2007). D.H. Lawrence, reading James Fenimore Cooper (discussed at length later in this article), Nathaniel Hawthorne, Hector St. John de Crevecoeur, Henry David Thoreau, Herman Melville, Walt Whitman and others for his Studies in Classic American Literature (1924), describes Americans’ fascination with Indigeneity as one of simultaneous desire and repulsion (Deloria, 1998). **“No place,” Lawrence observed, “exerts its full influence upon a newcomer until the old inhabitant is dead or absorbed.”** Lawrence argued that in order to meet the “demon of the continent” head on and this finalize the “unexpressed spirit of America,” white Americans needed either to destroy Indians of assimilate them into a white American world...both aimed at making Indians vanish from the landscape. (Lawrence, as quoted in Deloria, 1998, p. 4). Everything within a settler colonial society strains to destroy or assimilate the Native in order to disappear them from the land - this is how a society can have multiple simultaneous and conflicting messages about Indigenous peoples, such as all Indians are dead, located in faraway reservations, that contemporary Indigenous people are less indigenous than prior generations, and that all Americans are a “little bit Indian.” These desires to erase - to let time do its thing and wait for the older form of living to die out, or to even help speed things along (euthanize) because the death of pre-modern ways of life is thought to be inevitable - these are all desires for another kind of resolve to the colonial situation, resolved through the absolute and total destruction or assimilation of original inhabitants. Numerous scholars have observed that **Indigeneity prompts multiple forms of settler anxiety, even if only because the presence of Indigenous peoples - who make a priori claims to land and ways of being - is a constant reminder that the settler colonial project is incomplete** (Fanon, 1963; Vine Deloria, 1988; Grande, 2004; Bruyneel, 2007). The easy adoption of decolonization as a metaphor (and nothing else) is a form of this anxiety, because it is a premature attempt at reconciliation. The absorption of decolonization by settler social justice frameworks is one way the settler, disturbed by her own settler status, tries to escape or contain the unbearable searchlight of complicity, of having harmed others just by being one’s self. The desire to reconcile is just as relentless as the desire to disappear the Native; it is a desire to not have to deal with this (Indian) problem anymore.

#### The alternative is an incommensurable project of decolonization that necessitates the repatriation of indigenous lands, the abolition of slavery and property, and the dismantling of the global imperial metropole – this is a complete disavowal of settler futurity that refuses to be punctuated by narratives of reconciliation.

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**Having elaborated on settler moves to innocence, we give a synopsis of the imbrication of settler colonialism with transnationalist, abolitionist, and critical pedagogy movements - efforts that are often thought of as exempt from Indigenous decolonizing analyses - as a synthesis of how decolonization as material, not metaphor, unsettles the innocence of these movements.** **These are interruptions which destabilize, un-balance, and repatriate the very terms and assumptions of some of the most radical efforts to reimagine human power relations. We argue that the opportunities for solidarity lie in what is incommensurable rather than what is common across these efforts.** **We offer these perspectives on unsettling innocence because they are examples of what we might call an ethic of incommensurability, which recognizes what is distinct, what is sovereign for project(s) of decolonization in relation to human and civil rights based social justice projects.** There are portions of these projects that simply cannot speak to one another, cannot be aligned or allied. **We make these notations to highlight opportunities for what can only ever be strategic and contingent collaborations, and to indicate the reasons that lasting solidarities may be elusive, even undesirable.** Below we point to unsettling themes that challenge the coalescence of social justice endeavors broadly assembled into three areas: Transnational or Third World decolonizations, Abolition, and Critical Space-Place Pedagogies. For each of these areas, we offer entry points into the literature - beginning a sort of bibliography of incommensurability. Third world decolonizations **The anti-colonial turn towards the transnational can sometimes involve ignoring the settler colonial context where one resides and how that inhabitation is implicated in settler colonialism, in order to establish “global” solidarities that presumably suffer fewer complicities and complications.** This deliberate not-seeing is morally convenient but avoids an important feature of the aforementioned selective collapsibility of settler colonial-nations states. Expressions such as “the Global South within the Global North” and “the Third World in the First World” neglect the Four Directions via a Flat Earth perspective and ambiguate First Nations with Third World migrants. **For people writing on Third World decolonizations, but who do so upon Native land, we invite you to consider the permanent settler war as the theater for all imperial wars**: ● the Orientalism of Indigenous Americans (Berger, 2004; Marez, 2007) ● discovery, invasion, occupation, and Commons as the claims of settler sovereignty (Ford, 2010) ● heteropatriarchy as the imposition of settler sexuality (Morgensen, 2011) ● citizenship as coercive and forced assimilation into the white settler normative (Bruyneel, 2004; Somerville, 2010) ● religion as covenant for settler nation-state (A.J. Barker, 2009; Maldonado-Torres, 2008) ● the frontier as the first and always the site of invasion and war (Byrd, 2011), ● U.S. imperialism as the expansion of settler colonialism (ibid) ● Asian settler colonialism (Fujikane, 2012; Fujikane, & Okamura, 2008, Saranillio, 2010a, 2010b) ● the frontier as the language of ‘progress’ and discovery (Maldonado-Torres, 2008) ● rape as settler colonial structure (Deer, 2009; 2010) ● the discourse of terrorism as the terror of Native retribution (Tuck & Ree, forthcoming) ● Native Feminisms as incommensurable with other feminisms (Arvin, Tuck, Morrill, forthcoming; Goeman & Denetdale, 2009). Abolition **The abolition of slavery often presumes the expansion of settlers who own Native land and life via inclusion of emancipated slaves and prisoners into the settler nation-state.** As we have noted, it is no accident that the U.S. government promised 40 acres of Indian land as reparations for plantation slavery. Likewise, indentured European laborers were often awarded tracts of ‘unsettled’ Indigenous land as payment at the end of their service (McCoy, forthcoming). **Communal ownership of land has figured centrally in various movements for autonomous, self-determined communities. “The land belongs to those who work it,” disturbingly parrots Lockean justifications for seizing Native land as property, ‘earned’ through one’s labor in clearing and cultivating ‘virgin’ land.** For writers on the prison industrial complex, il/legality, and other forms of slavery, we urge you to consider how enslavement is a twofold procedure: removal from land and the creation of property (land and bodies). **Thus, abolition is likewise twofold, requiring the repatriation of land and the abolition of property (land and bodies).** Abolition means self-possession but not object-possession, repatriation but not reparation: ● “The animals of the world exist for their own reasons. They were not made for humans any more than black people were made for white, or women created for men” (Alice Walker, describing the work of Marjorie Spiegel, in the in the preface to Spigel’s 1988 book, The Dreaded Comparison). ● Enslavement/removal of Native Americans (Gallay, 2009) ● Slaves who become slave-owners, savagery as enslavability, chattel slavery as a sign of civilization (Gallay, 2009) ● Black fugitivity, undercommons, and radical dispossession (Moten, 2008; Moten & Harney, 2004; Moten & Harney, 2010) ● Incarceration as a settler colonialism strategy of land dispossession (Ross, 1998; Watson, 2007) ● Native land and Native people as co-constituitive (Meyer, 2008; Kawagley, 2010) Critical pedagogies The many critical pedagogies that engage emancipatory education, place based education, environmental education, critical multiculturalism, and urban education often position land as public Commons or seek commonalities between struggles. Although we believe that “we must be fluent” in each other’s stories and struggles (paraphrasing Alexander, 2002, p.91), we detect precisely this lack of fluency in land and Indigenous sovereignty. Yupiaq scholar, Oscar Kawagley’s assertion, “We know that Mother Nature has a culture, and it is a Native culture” (2010, p. xiii), directs us to think through land as “more than a site upon which humans make history or as a location that accumulates history” (Goeman, 2008, p.24). The forthcoming special issue in Environmental Education Research, “Land Education: Indigenous, postcolonial, and decolonizing perspectives on place and environmental education research” might be a good starting point to consider the incommensurability of place-based, environmentalist, urban pedagogies with land education. ● The urban as Indigenous (Bang, 2009; Belin, 1999; Friedel, 2011; Goeman, 2008; Intertribal Friendship House & Lobo, 2002) ● Indigenous storied land as disrupting settler maps (Goeman, 2008) ● Novels, poetry, and essays by Greg Sarris, Craig Womack, Joy Harjo, Gerald Vizenor ● To Remain an Indian (Lomawaima & McCarty, 2006) ● Shadow Curriculum (Richardson, 2011) ● Red Pedagogy (Grande, 2004) ● Land Education (McCoy, Tuck, McKenzie, forthcoming) More on incommensurability Incommensurability is an acknowledgement that decolonization will require a change in the order of the world (Fanon, 1963). This is not to say that Indigenous peoples or Black and brown peoples take positions of dominance over white settlers; the goal is not for everyone to merely swap spots on the settler-colonial triad, to take another turn on the merry-go-round. The goal is to break the relentless structuring of the triad - a break and not a compromise (Memmi, 1991). Breaking the settler colonial triad, in direct terms, means repatriating land to sovereign Native tribes and nations, abolition of slavery in its contemporary forms, and the dismantling of the imperial metropole. **Decolonization “here” is intimately connected to anti-imperialism elsewhere. However, decolonial struggles here/there are not parallel, not shared equally, nor do they bring neat closure to the concerns of all involved - particularly not for settlers.** Decolonization is not equivocal to other anti-colonial struggles. It is incommensurable. **There is so much that is incommensurable, so many overlaps that can’t be figured, that cannot be resolved.** **Settler colonialism fuels imperialism all around the globe.** Oil is the motor and motive for war and so was salt, so will be water. Settler sovereignty over these very pieces of earth, air, and water is what makes possible these imperialisms. The same yellow pollen in the water of the Laguna Pueblo reservation in New Mexico, Leslie Marmon Silko reminds us, is the same uranium that annihilated over 200,000 strangers in 2 flashes. The same yellow pollen that poisons the land from where it came. Used in the same war that took a generation of young Pueblo men. Through the voice of her character Betonie, Silko writes, “Thirty thousand years ago they were not strangers. You saw what the evil had done; you saw the witchery ranging as wide as the world" (Silko, 1982, p. 174). In Tucson, Arizona, where Silko lives, her books are now banned in schools. Only curricular materials affirming the settler innocence, ingenuity, and right to America may be taught. In “No”, her response to the 2003 United States invasion of Iraq, Mvskoke/Creek poet Joy Harjo (2004) writes, “Yes, that was me you saw shaking with bravery, with a government issued rifle on my back. I’m sorry I could not greet you, as you deserved, my relative.” Don’t Native Americans participate in greater rates in the military? asks the young-ish man from Viet Nam. **“Indian Country” was/is the term used in Viet Nam, Afghanistan, Iraq by the U.S. military for ‘enemy territory’.** The first Black American President said without blinking, “There was a point before folks had left, before we had gotten everybody back on the helicopter and were flying back to base, where they said Geronimo has been killed, and Geronimo was the code name for bin Laden.” Elmer Pratt, Black Panther leader, falsely imprisoned for 27 years, was a Vietnam Veteran, was nicknamed ‘Geronimo’. Geronimo is settler nickname for the Bedonkohe Apache warrior who fought Mexican and then U.S. expansion into Apache tribal lands. The Colt .45 was perfected to kill Indigenous people during the ‘liberation’ of what became the Philippines, but it was first invented for the ‘Indian Wars’ in North America alongside The Hotchkiss Canon- a gattling gun that shot canonballs. **The technologies of the permanent settler war are reserviced for foreign wars, including boarding schools, colonial schools, urban schools run by military personnel.** It is properly called Indian Country. Ideologies of US settler colonialism directly informed Australian settler colonialism. South African apartheid townships, the kill-zones in what became the Philippine colony, then nation-state, the checkerboarding of Palestinian land with checkpoints, were modeled after U.S. seizures of land and containments of Indian bodies to reservations. The racial science developed in the U.S. (a settler colonial racial science) informed Hitler’s designs on racial purity (“This book is my bible” he said of Madison Grant’s The Passing of the Great Race). The admiration is sometimes mutual, the doctors and administrators of forced sterilizations of black, Native, disabled, poor, and mostly female people - The Sterilization Act accompanied the Racial Integrity Act and the Pocohontas Exception - praised the Nazi eugenics program. Forced sterilizations became illegal in California in 1964.

#### The role of debate is to disrupt settler logics that produce epistemic or material violence  – we control the question of uniqueness as academic institutions are currently saturated with anti-indigenous sentimentality – decolonization is the only ethical demand your ballot should be oriented towards.

## 1NC – Case

### 1NC -- ROB

#### Prefer our ROB -- the footnoting of Native people and concerns under a broader umbrella of social or racial redress is a tokenizing gesture that attempts to assimilate Native people into a settler colonial version of equity rather than attending to specific needs and demands of Native people. It is a move to innocence that exists across Settler policy and educational literature.

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This settler move to innocence is concerned with the ways in which Indigenous peoples are counted, codified, represented, and included/disincluded by educational researchers and other social science researchers. **Indigenous peoples are rendered visible in mainstream educational research in two main ways: as “at risk” peoples and as asterisk peoples.** **This comprises a settler move to innocence because it erases and then conceals the erasure of Indigenous peoples within the settler colonial nation-state and moves Indigenous nations as “populations” to the margins of public discourse.**  **As “at risk” peoples, Indigenous students and families are described as on the verge of extinction, culturally and economically bereft, engaged or soon-to-be engaged in self-destructive behaviors which can interrupt their school careers and seamless absorption into the economy.** Even though it is widely known and verified that Native youth gain access to personal and academic success when they also have access to/instruction in their home languages, most Native American and Alaskan Native youth are taught in English-only schools by temporary teachers who know little about their students’ communities (Lomawaima and McCarty, 2006; Lee, 2011). Even though Indigenous knowledge systems predate, expand, update, and complicate the curricula found in most public schools, schools attended by poor Indigenous students are among those most regimented in attempts to comply with federal mandates. Though these mandates intrude on the sovereignty of Indigenous peoples, the “services” promised at the inception of these mandates do little to make the schools attended by Indigenous youth better at providing them a compelling, relevant, inspiring and meaningful education. **At the same time, Indigenous communities become the asterisk peoples, meaning they are represented by an asterisk in large and crucial data sets, many of which are conducted to inform public policy that impact our/their lives** (Villegas, 2012)**.** Education and health statistics are unavailable from Indigenous communities for a variety of reasons and, when they are made available, the size of the n, or the sample size, can appear to be negligible when compared to the sample size of other/race-based categories. Though Indigenous scholars such as Malia Villegas recognize that Indigenous peoples are distinct from each other but also from other racialized groups surveyed in these studies, they argue that difficulty of collecting basic education and health information about this small and heterogeneous category must be overcome in order to counter the disappearance of Indigenous particularities in public policy. In U.S. educational research in particular, Indigenous peoples are included only as asterisks, as footnotes into dominant paradigms of educational inequality in the U.S. **This can be observed in the progressive literature on school discipline, on ‘underrepresented minorities’ in higher education, and in the literature of reparation, i.e., redressing ‘past’ wrongs against nonwhite Others**. **Under such paradigms, which do important work on alleviating the symptoms of colonialism (poverty, dispossession, criminality, premature death, cultural genocide), Indigeneity is simply an “and” or an illustration of oppression.** ‘Urban education’, for example, is a code word for the schooling of black, brown, and ghettoized youth who form the numerical majority in divested public schools. Urban American Indians and Native Alaskans become an asterisk group, invisibilized, even though about two-thirds of Indigenous peoples in the U.S. live in urban areas, according to the 2010 census. Yet, urban Indians receive fewer federal funds for education, health, and employment than their counterparts on reservations (Berry, 2012). Similarly, Native Pasifika people become an asterisk in the Asian Pacific Islander category and their politics/epistemologies/experiences are often subsumed under a pan-ethnic Asian-American master narrative. **From a settler viewpoint that concerns itself with numerical inequality, e.g. the achievement gap, underrepresentation, and the 99%’s short share of the wealth of the metropole, the asterisk is an outlier, an outnumber.** It is a token gesture, an inclusion and an enclosure of Native people into the politics of equity. These acts of inclusion assimilate Indigenous sovereignty, ways of knowing, and ways of being by remaking a collective-comprised tribal identity into an individualized ethnic identity. From a decolonizing perspective, the asterisk is a body count that does not account for Indigenous politics, educational concerns, and epistemologies. Urban land (indeed all land) is Native land. The vast majority of Native youth in North America live in urban settings. Any decolonizing urban education endeavor must address the foundations of urban land pedagogy and Indigenous politics vis-a-vis the settler colonial state.

### 1NC -- Solvency -- Historical Failure

#### The call for right to strike is a call to forcibly demand the latest iteration of neoliberal domination under the guise of recognition – labor reconciliation is parasitic on the revolutionary potential of decolonial anticapitalism.

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One of the outstanding ironies in a story rich with many is that the very things which made the prospect of an effective right to strike seem for a time so viable—the unlawful, illiberal, and altogether intolerable coerciveness of sit-down strike and mass picketing, especially—are also what made this concept impossible to ever realize. As we have seen, effective strikes could build the labor movement, validate the Wagner Act, secure the New Deal, and in many ways change America. But they could not make themselves legitimate. So it is that workers have found themselves with a right to strike that equals little more than a right to quit work—and maybe lose their jobs or their houses and savings in the balance. They have a right to strike, as Steinbeck’s character, Mac, complained, but they “can’t picket”—at least, not in a way that is really apt to change anything. And so they do not strike—in fact, under these circumstances they usually should not strike. The proof of this is readily evident, not only in the dramatic decrease in strikes since the 1970s, but in the sad regularity with which even the most vibrant strikes have ended in defeat for workers. Phelps Dodge (1983), Greyhound (1983 and 1990), Hormel (1985-1986), Caterpillar (1992, 1993, and 1994-1995), Detroit Daily News/Daily Free Press (1995-1997)—these are but the most notable of a litany of vibrant strikes since the 1970s that ended in failure.306 They are, in fact, the definitive labor struggles of this period, overshadowing a much smaller number of comparable disputes, like the strikes at United Parcel Service in 1997 and Verizon in 2016 that—often shaped by uniquely favorable labor dynamics—ended in something resembling victory for the union.307 Each of these big and unsuccessful strikes was motived by very modest, in fact anti-concessionary, goals and well-supported by workers and the larger public alike. And each featured mass picketing and other attempts at militancy. But these tactics were met with injunctions, civil suits, mass arrests, and criminal prosecutions, which ended the protests and left the employers free to exert their vast advantages in material wealth and political power, end the disputes on their terms, and leave thousands of strikers unemployed.308 It is true that the last year or so has witnessed what many people have declared to be a miniature strike wave, that has been widely celebrated by unionists and their allies as a welcome departure from past trends and portent, many hope, of a sustained resurgence of labor activism.309 Headlined by statewide teachers strikes in West Virginia, Oklahoma, and Arizona, all in the first part of 2018, the strikes commanded a great deal of media coverage, at least compared to what labor disputes usually receive nowadays.310 However, closer inspection suggests that this wave is mainly an artifact of wishful thinking exacerbated by the novelty for many people nowadays of seeing these strikes reported in the media. For in fact, the number of strikes over the last couple of years has remained close to the level that has prevailed for several decades now.311 Perhaps more significant in putting these strikes in proper context is a reflection on their character. None have been organizing strikes. All of these strikes have been over contracts and working conditions, with many driven by workers’ opposition to concessions and ended with less than spectacular gains by the strikers.312 Moreover, the strikes which comprise this supposed wave have been disproportionately mounted by government workers—teachers, mainly—who are not covered by the National Labor Relations Act. For this reason, several of the strikes have been unlawful, as state law typically denies such workers the right to strike anyway. But at the same time—and this may be the most crucial point—none of these strikes has unfolded in an especially militant way, at least by historical standards. There have been no big sit-down strikes, no threatening episodes of mass picketing, no routing of “scabs,” no destruction of property. Which is all to say that the kinds of strikes that built the labor movement eighty or more years ago remain thoroughly in check. There is little hope within the prevailing political and juridical order that things could ever be any different. Perhaps the right to strike could be made effective if it were fundamentally reconfigured in illiberal, corporatist terms. The right could conceivably be reconfigured such that the government might intervene more aggressively and make the workers protests effective—for example, stepping in to decide by adjudication, mediation, or arbitration which side should win a strike. Elements of this approach, which was vigorously opposed by IWW and AFL unionists alike in the early twentieth century, can be found internationally, in industry-specific statutes like the Railway Labor Act, and in labor statutes that apply to government workers, although most often when the law goes down this path it all but dispenses with the right to strike anyway, treating it as a redundancy, a tool without a purpose. As Senator Wagner himself perceived, alignment between the excessive reliance on the authority of the state to manage labor relations and the denigration of the right to strike was both dysfunctional and dangerous. As he put it back in the summer of 1937, defending the recently-passed statute that bore his name and the right that he placed at the center of it, [t]he outlawry of the right to strike is a natural concomitant of authoritarian governments. It occurs only when a government is willing to assume definitive responsibility for prescribing every element in the industrial relationship—the length of the day, the size of the wage, the terms and conditions of work.313 Clearly no such regime will be instituted in any event, not least because, as interest in such schemes in the twentieth century makes clear, support for this kind of corporatist intervention in labor disputes has itself been an elite reaction against strike militancy that currently does not exist. Where does this leave workers and unions, possessed of a right they cannot afford to surrender but cannot rely on as a means of advancing their interests and standing in society? Are they bound like Steinbeck’s strikers to meet defeat, albeit in a more peaceful way? Maybe. In one of his many commentaries on the sit-down strikes as they raged across the country in the spring of 1937, Walter Lippmann took time to analyze one of the speeches in which James Landis had argued that the tactic might well become a new right, in the same way that the right to strike in general had been created through its persistent assertion in the face of opposition and incredulity. No revolutionary, Lippmann nonetheless understood what Landis apparently did not: that the right Landis spoke of was revolutionary in its conception, and therefore not just an impracticality but a contradiction. “Never in the history of the law has rebellion been made lawful. Only the rights demanded by the rebels have been legalized,” said Lippman.314 As the labor scholars who call for the restoration of an effective right to strike have all understood, the tactics that made such strikes possible were tolerated only so long as there was not a functional system of labor rights in place, one that could stand alone in courts and hearing rooms. Once this was the case—once the rebel unionists’ aims, or at least those imputed to them, were realized—the sit-down strikes were predictably banned, and then so were mass picketing, secondary boycotts, and so forth. Thus it is that in cases like Fansteel and the debates on Taft-Hartley, sit-down strikers, mass picketers, and the like were presented as enemies of the labor law. Even more recent attacks on the right to strike, such as complaints in the 1980s about union violence going uncensored and the modest moves by the NLRB to rein in this, too, have been inevitably justified not in terms of overthrowing the system of labor rights but managing it, reconciling its virtues with the normative and juridical mandates of liberal society. And so it is that the right to strike—the right to an effective strike—has been sacrificed not in the name of capitalist hegemony but on liberalism’s altar of labor peace. Unfortunately, so far as the interests of workers go, these are the same thing.