## 1

#### The land we stand on today once belonged to the Karankawa and Coheuiltecan who once occupied Portland, Texas. Eventually settlers arrived, and the tribes fought to protect teir ancestral land. But by 1891, these tribes were considered to be extinct and were forced to move west to Kansas by the 19th century with no traces left.

#### The role of the ballot is to vote for who best centers indigenous scholarship and resistance-- Any ethical commitment requires that the aff place themselves in the center of Native scholarship and demands.

Carlson 16 (Elizabeth Carlson, PhD, is an Aamitigoozhi, Wemistigosi, and Wasicu (settler Canadian and American), whose Swedish, Saami, German, Scots-Irish, and English ancestors have settled on lands of the Anishinaabe and Omaha Nations which were unethically obtained by the US government. Elizabeth lives on Treaty 1 territory, the traditional lands of the Anishinaabe, Nehiyawak, Dakota, Nakota, and Red River Metis peoples currently occupied by the city of Winnipeg, the province of Manitoba, (2016): Anti-colonial methodologies and practices for settler colonial studies, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1241213) // recut SJ DL

Arlo Kempf says that ‘where anticolonialism is a tool used to invoke resistance for the colonized, it is a tool used to invoke accountability for the colonizer’.**42** Relational accountability should be a cornerstone of settler colonial studies.I believe settler colonial studies and scholars should ethically and overtly place themselves in relationship to the centuries of Indigenous oral, and later academic scholarship that conceptualizes and resists settler colonialism without necessarily using the term: SCT may be revelatory to many settler scholars, but Indigenous people have been speaking for a long time about colonial continuities based on their lived experiences. Some SCTs have sought to connect with these discussions and to foreground Indigenous resistance, survival and agency. Others, however, seem to use SCT as a pathway to explain the colonial encounter without engaging with Indigenous people and experiences – either on the grounds that this structural analysis already conceptually explains Indigenous experience, or because Indigenous resistance is rendered invisible.43 Ethical settler colonial theory (SCT) would recognize the foundational role Indigenous scholarship has in critiques of settler colonialism. It would acknowledge the limitations of settler scholars in articulating settler colonialism without dialogue with Indigenous peoplesand 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 broade\_r view. Indigenous oral and academic scholars are indeed the originators of this work. This space is not empty. Of course, powerful forces of socialization and discipline impact scholars in the academy. There is much pressure to claim unique space, to establish a name for ourselves, and to make academic discoveries. I am suggesting that settler colonial studies and anti-colonial scholars resist these hegemonic pressures and maintain a higher anti-colonial ethic. As has been argued, ‘the theory itself places ethical demands on us as settlers, including the demand that we actively refuse its potential to re-empower our own academic voices and to marginalize Indigenous resistance’.44 As settler scholars, we can reposition our work relationally and contextually with 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 Indigenous 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 scholarship and mentorship, I believe our contributions to settler colonial studies are even more deeply problematic.

#### Settler colonialism is not a one-off occurrence – it requires the combination of external and internal colonialism fused with the identity-making of the settler through the erasure of indigenous populations that rewrites ontological identity and relationships.

Tuck and Yang 12 Eve Tuck and K. Wayne Yang, 2012, “Decolonization is not a metaphor,” Decolonization: Indigeneity, Education & Society

Generally speaking, postcolonial theories and theories of coloniality attend to two forms of colonialism2 . External colonialism (also called exogenous or exploitation colonization) denotes the expropriation of fragments of Indigenous worlds, animals, plants and human beings, extracting them in order to transport them to - and build the wealth, the privilege, or feed the appetites of - the colonizers, who get marked as the first world. This includes so-thought ‘historic’ examples such as opium, spices, tea, sugar, and tobacco, the extraction of which continues to fuel colonial efforts. This form of colonialism also includes the feeding of contemporary appetites for diamonds, fish, water, oil, humans turned workers, genetic material, cadmium and other essential minerals for high tech devices. External colonialism often requires a subset of activities properly called military colonialism - the creation of war fronts/frontiers against enemies to be conquered, and the enlistment of foreign land, resources, and people into military operations. In external colonialism, all things Native become recast as ‘natural resources’ - bodies and earth for war, bodies and earth for chattel. The other form of colonialism that is attended to by postcolonial theories and theories of coloniality is internal colonialism, the biopolitical and geopolitical management of people, land, flora and fauna within the “domestic” borders of the imperial nation. This involves the use of particularized modes of control - prisons, ghettos, minoritizing, schooling, policing - to ensure the ascendancy of a nation and its white3 elite. These modes of control, imprisonment, and involuntary transport of the human beings across borders - ghettos, their policing, their economic divestiture, and their dislocatability - are at work to authorize the metropole and conscribe her periphery. Strategies of internal colonialism, such as segregation, divestment, surveillance, and criminalization, are both structural and interpersonal. Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap4 - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves5 , whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural.

#### Conceptions of objectivity fail into the guise of progress. The truth of Settler Colonialism must be publicly confronted from personal experience which settlers will always encroach upon.

**Brake 7/5** [Justin; Justin Brake is an independent journalist from Ktaqmkuk (Newfoundland) who presently lives and works in unceded Algonquin territory. A settler with Mi’kmaq ancestry, much of Justin’s work focuses on Indigenous rights and liberation. He is a writer and editor with the Breach and a regular contributor to the Independent. “Built on a foundation of white supremacy””. 7-5-2021. https://briarpatchmagazine.com/articles/view/built-on-a-foundation-of-white-supremacy.] SJ//VM

**Objectivity and settler colonialism** “Watch your language.” That was the warning, written into [an op-ed](https://www.saltwire.com/newfoundland-labrador/opinion/pam-frampton-watch-your-language-135558/) title, given by a daily newspaper columnist who took issue with my and other journalists’ use of the term “land protector” in our coverage of the Muskrat Falls resistance. “Reporters should avoid such language, laden as it is with inherent subjectivity,” the columnist went on. “[T]he last thing any journalist wants is to fuel those who are perpetually coiled and ready to yell ‘Media bias!’” The debate over the utility and legitimacy of objectivity in journalism is almost as old as the ideal itself. Objectivity “hinges on a more fundamental belief that there is a knowable world, a way of seeing that, once we set aside our own subjectivities, can be universally achieved or at least universally agreed upon,” journalist Lewis Raven Wallace writes in *The View From Somewhere*. Defenders of objectivity, like The Elements of Journalism authors Bill Kovach and Tom Rosenstiel, argue that “[o]bjectivity was not meant to suggest that journalists were without bias. To the contrary, precisely because journalists could never be objective, their methods had to be. In the recognition that everyone is biased, in other words, the news, like science, should flow from a process for reporting that is defensible, rigorous, and transparent.” **“That the prose may have become less ‘blatant’ however suggests that the audience has become more familiar with the genre conventions of colonial discourse. To put it another way: the nation has been built.”** But too often, objectivity is conflated with the views of those in positions of power. In *Seeing Red: A History of Natives in Canadian Newspapers,* Mark Cronlund Anderson and Carmen L. Robertson detail how, over the course of this country’s short history, Canadian newspapers have supported and advanced settler colonialism. Under the guise of “objective” reporting, journalists have consistently othered and stereotyped Indigenous Peoples, misrepresented them, and outright erased their histories and cultures. “The colonial stereotypes have endured in the press, even flourished,” the authors noted a decade ago. “That the prose may have become less ‘blatant’ however suggests that the audience has become more familiar with the genre conventions of colonial discourse. To put it another way: the nation has been built.” Robert Ballantyne, a Cree-Mohawk grad student at Carleton University and former CBC and *Toronto Star* journalist, is researching anti-colonial reporting methods. He says objectivity “makes it difficult for journalists to confront their own work, as if they are somehow capable of transcending their own backgrounds, biases, and communities.” Armed with what Ballantyne calls a perceived “superpower of fairness,” journalists’ indoctrination in objectivity “can create an almost impossible situation to have difficult conversations and create change if someone believes they are beyond reproach.” Tałtan journalist Candis Callison and her colleague Mary Lynn Young argue in their book *Reckoning: Journalism’s Limits and Possibilities* that “what journalists think happened is deeply related to who they are and where they’re coming from in broad and specific senses – and that there are multiple truths and perspectives that contribute to understanding what ‘really’ happened,” they write. Instead of pretending to be objective, they suggest journalists could be transparent about who they are and where they come from. “Recognizing individual and collective social and historical location needs to become part of the methodology for journalists in order to situate themselves, their knowledge, and expertise within a wider web of relations and entanglements.

#### The alternative is unforgetting – connecting structures of the past to the present, uncovering ignorance that sustains settler colonialism, and decolonization.

Shotwell 16 Alexis Shotwell, 2016, “Against purity: living ethically in compromised times,” University of Minnesota Press, Alexis Shotwell is Associate Professor of Sociology and Anthropology, and the Department of Philosophy, at Carleton University, SJBE

To do this, we need to revisit how we remember and reckon with this past, opening different possibilities for the present and future. In the Canadian context, such reckoning perceives the continuity between then Prime Minister Harper’s seemingly disjunctive statements: the apology and acknowledgment of Indian Residential Schools as a wrong, and the claim that Canada has no history of colonialism. Strangely, these statements—one that seems to acknowledge colonialism, the other that disavows it—are both forms of disavowing colonialism as a patterned and continuing network of social relations. Following Patrick Wolfe, we can understand this “move” as an attempt to frame colonialism as a fixed event; he argues that instead we should understand colonialism as “a structure rather than an event,” existing as a complex social formation across time (Wolfe 2006, 390). Events happened in the past, and they are finished; remembering them is a form of closure, nostalgia, or recapitulation. Practices of colonialism are written into the infrastructure of the states founded through expropriation, and in this sense they ascend from the past as the infrastructure of the present. Patterns of social relations, as structure not event, then predict the practices of the future. Remembering how these patterns came to be is a practice of opening questions, defamiliarization, and (perhaps) refusal of the social relations that produced events of the past. As Glen Sean Coulthard argues: In settler-colonial contexts—where there is no period marking a clear or formal transition from an authoritarian past to a democratic present—statesanctioned approaches to reconciliation must ideologically manufacture such a transition by allocating the abuses of settler colonization to the dustbins of history, and/or purposely disentangle processes of reconciliation from questions of settler-coloniality as such. . . . In such conditions, reconciliation takes on a temporal character as the individual and collective process of overcoming the subsequent legacy of past abuse, not the abusive colonial structure itself. (Coulthard 2014, 108–9) How might we think and act in more adequate ways as we stand in relation to shared pasts and presents? Historian of Indigenous struggles and revolutionary, Roxanne DunbarOrtiz formulates the beautiful concept of unforgetting as a part of resistance to colonialism. In this section, I dwell with conceptions of critical memory practices as a way to think about how white people can work with anticolonialism and decolonizing as praxis. For me, the aspiration to this kind of practice has intimately to do with memory and with the process of understanding the work of memory in colonial contexts. It is key to hold in mind that the stakes of memory and forgetting are not equal; while people, and white settlers in particular, benefit from forgetting the past that organizes the racist present, Indigenous people bear the weight of memory oppression. As Patricia Monture-Angus writes, drawing on Paula Allen Gunn’s views on memory: “It must be remembered, especially by Aboriginal individuals, that the roots of our oppression lie in our collective loss of memory” (MontureAngus 1995, 235). I’ll focus here on the question of decolonization as a challenge to forgetting, which implies that this collective loss of memory could perhaps be understood as a theft of memory, a dispossession integral to the colonial process. Dunbar-Ortiz says: The definition of lying is what white South African anti-apartheid writer Andre Brink plays with in his book An Act of Terror. What’s the opposite of truth? We think immediately “the lie.” But in Greek, the opposite of truth is forgetting. This is a very subtle thing. What is the action you take to tell the truth? It is un-forgetting. That is really meaningful to me. It’s not that the origin myth is a lie; it’s the process of forgetting that’s the real problem. . . . Alliances without un-forgetting at their core aren’t going to go anywhere in the long run. So, it is a dilemma, but we have to find a way. (Dunbar-Ortiz 2008, 57) Unforgetting, on this view, is an activity, just as forgetting is an activity. Political forgetting names an epistemology (a way of knowing) and an ontology (a way of being). Epistemically, forgetting is a core piece of colonial practice. Charles Mills and others call this an epistemology of ignorance: just as what we know arises from political situations and choices, what we do not know is actively shaped and carries politics (Mills 2007; Sullivan and Tuana 2007). Ignorance is not just an absence of knowledge; it is a way to (not) know things. In our being, ontologically, we become who we are in part through what we know and what we are made (or made able) to forget. Unforgetting, following Dunbar-Ortiz, can be an important part of resistance. A central feature of white settler colonial subjectivity is forgetting; we live whiteness in part as active ignorance and forgetting. In situations where facts of the matter are routinely brought to our attention, forgetting must be an active and ongoing thing. In general, I believe that systemic oppression is, in fact, present enough in our world that the kinds of ignorance and lack of knowledge running alongside oppression deserve explanation. Consider that some people think that they “just don’t see race,” or that poverty doesn’t exist in their community, or that Indigenous people aren’t part of their national consciousness. One way to understand what is at play here is through imagining a kind of benign ignorance—people just haven’t been taught the facts of the situation, and so they can’t be held responsible for not understanding how race, poverty, indigeneity, and more, are present in their lives. If this were the problem, just giving people more and better information would correct their knowledge problem. But we don’t just have a knowledge problem—we have a habit-of-being problem; the problem of whiteness is a problem of what we expect, our ways of being, bodily-ness, and how we understand ourselves as “placed” in time. Whiteness is a problem of being shaped to think that other people are the problem. Another way to understand this dynamic is to realize the very complex entanglement of practices and habits of ignorance, repression, and active disavowal that constitute an active settler process of not telling, not seeing, and not understanding the truth of the matter, which is a truth of being shaped as the legacy of the harms of the past. We unforget, actively and resistantly, because forgetting is shaped by forces bigger than ourselves. In their book about regulation of sexuality through state surveillance, Gary Kinsman and Patrizia Gentile say: “In part, capitalism and oppression rule through what we call ‘the social organization of forgetting,’ which is based on the annihilation of our social and historical memories. . . . We have been forced to forget where we have come from; our histories have never been recorded and passed down; and we are denied the social and historical literacy that allows us to remember and relive our past, and, therefore, to grasp our present” (Kinsman and Gentile 2010, 21). We white people might, on some level, like living with annihilated social and historical memories—we might like to think that the present can be innocent of the past that produced it. We might like to think, though we’re ashamed to admit it, that we don’t need to tell or hear the painful stories of the actions that created the world we live in. That feeling, of wanting to be people unmoored from history, of endorsing the pretense that we have nothing to do with the past that constitutes our material conditions and our most intimate subjectivities, is a feeling that defines us. The social organization of forgetting means that our actual histories are lost, and it means that we have a feeling of acceptance and normalness about living with a lie instead of an unforgetting. How do we tell a resistant, anticolonial story without using colonial frameworks? What would it mean to understand this history without foregrounding a conception of individualized and disconnected history that may be completely unintelligible within Indigenous social and legal systems? How can we tell histories of residential schools without replicating another colonial trope, that of the innocent, pure, all-good natives corrupted by colonial education? That is, how can we see the people forced to attend residential schools as victims of profound injustice, and also as people who manifested profound resistance, then and now? How can we understand the people who were forced to attend residential schools but who identify the experience as a positive part of their pasts? In other words: How can we tell the full complexity of this narrative in a way that foregrounds the needs and interests of people most affected by vectors of oppression and vulnerability— without reinscribing the very categories delimiting purity and impurity that were deployed to organize this form of colonization, and without inscribing an ontology of vulnerability as definitive of Indigenous being? What would inhabiting the full complexity of that narrative do to settlers, white settles in particular? When I, as a white settler woman living on stolen land, narrate these questions or take up and amplify other people’s engagement with questions like these, can I simultaneously take responsibility for whiteness and undo it? These are not meant to be rhetorical questions, but they are difficult to answer. They become even more difficult when the questions apply not just to one school, or to one system of forced schooling, but to an entire area now constituted as a country, Canada, and the entire network of relations threading through it. And it is this entire network and this complex and dense history that the work of unforgetting would stand in relation to. Recall that the TRC’s mission statement states: “The Truth and Reconciliation Commission will reveal the complete story of Canada’s residential school system, and lead the way to respect through reconciliation . . . for the child taken, for the parent left behind” (Truth and Reconciliation Commission 2012, 2). Telling the complete story of Indian Residential Schools involves substantial struggle against a social organization of forgetting; in Canada, unlike in places in transitional contexts such as South Africa in the wake of apartheid, there has not been widespread attention to the TRC process from white people and settlers generally. Also, and this is the key categorical point, the process itself has been delimited. It did not involve a reckoning with the entire history of colonialism and its violence—it addressed itself to the more historically and socially bounded wrong of residential schools. Residential schools have been a widespread colonial technology. In addition to Indian Residential Schools in the Canadian context, there were Indian Boarding Schools in the United States and the forced removal of Australian Aboriginal children, though they were held in more dispersed institutional housing and schooling situations.3 There is a way in which the TRC process contributes to a major struggle against the social organization of forgetting. Paulette Regan was research director with the Truth and Reconciliation Commission of Canada. In reflecting on the responsibilities settlers hold to undertake an engagement with this process, she quotes theorist Roger Simon. She says: Such an undertaking would enable us, as Simon states, not only to “correct memory” by “engag[ing] in an active re/membering of the actualities of the violence of past injustices” but also to “initiate rememberance of the discursive practices that underwrote the European domination, subjection, and exploitation of indigenous peoples.” Engaging in these acts of “insurgent remembrance” makes visible to non-Indigenous people the colonial roots of historical patterns and structures that shape our contemporary thinking, attitudes, and actions towards Indigenous people: . . . my own act of insurgent remembering involves deconstructing the peacemaker myth, linking the discursive practices of nineteenth-century treaty making and Indian policy to a flawed contemporary discourse of reconciliation, and thus tracing the continuity of the violent structures and patterns of Indigenous-settler relations over time. (Regan 2010, 49–50) Insurgent remembrance, unforgetting, reveals salient lines of history, dwelling with how the past shapes the present. For example, consider the presumption that the Canadian state keeps peace rather than practices violence, or that things were not already profoundly violent. This presumption is part of a dense process of forgetting. The Canadian military has been deployed relatively rarely on Canadian soil, but almost always against Indigenous peoples, and almost always in relation to land claims. From a different view, then, we can say that the military brings the violence, rather than quelling it. It would be a truer, less of a forgetting mode of thinking, to understand the historical context of the founding and grounding violence of the Canadian state—violences directed toward many immigrant and enslaved peoples, as well as toward Indigenous peoples. Erasing the memory of past wrongs may be a key part of settler consciousness, even if disavowed. As Regan says, “[O]ur willingness to negotiate outstanding historical claims with Indigenous people is mediated by our willful ignorance and our selective denial of those aspects of our relationship that threaten our privilege and power—the colonial status quo” (Regan, 35). Unforgetting, in these terms, can be understood as requiring not only the acknowledgment (the coming into knowledge) of things that threaten the colonial status quo. Unforgetting, following Regan, will also require a willingness from those of us who partake in the legacy of colonialism and have the potential to affect what is remembered and why. This, again, involves a shift from knowing about particular things to taking action in particular ways informed by that understanding. This is because more is at stake than the truth; the colonial status quo involves vast apparatuses and histories that have a material effect of immiseration for many people and profit for few. As Donna Haraway argues, “Some differences are playful; some are poles of world historical systems of domination. ‘Epistemology’ is about knowing the difference” (Haraway 1991, 161). The point of reckoning with the social organization of forgetting is, if it is anything, to craft a future different from the horrific past we have collectively inherited and differentially live in the present. Such crafting would change the material conditions of our lives, though in ways that we cannot completely predict or determine. So this is an epistemic task, but it is also ontological, in that it aims to change the being of the social and political world. When I’ve taught university classes about Canadian colonial histories, my mostly white settler students worry that if we reckoned for real with the histories they’re learning about, often for the first time in their lives, they and their families would be kicked out of Canada. They worry that Canada would cease to exist. Some of them know where their families came from, and many of them do not. But they consistently say, “Where would we go, and what country would take us in?” These responses are connected to the healthism narrative I outlined above; they assume that responsibility for harms of the past will (or should) be addressed through individual retribution. The assumptions my students make in these worries tell me something about how they see themselves. My students assume that if Indigenous people were in charge of the geographical place now called Canada that they would expel and expunge all the white people and all the settlers of color. They assume that the social relations of oppression, violation, and dispossession would be merely reversed, and not transformed. They assume there is no way to reckon with the past that does not reiterate the founding violences that they have learned about for the first time. This tells us something useful about how people, even when they have not reflected on the problem very deeply, view whiteness and settler colonialism—these students see one part of the historical role of white people with accuracy, and it is a shameful role, one that terrifies them to imagine being reversed. Their response also redeploys a classificatory rigidity, transposing the activities of settler colonialism into a settled identity that cannot be transformed but only rejected. I am profoundly sad about these conversations, and in this way working with wellintentioned mostly white settler young people has shown me something about my own experience of seeing whiteness as a problem. When we learn even small parts of the shared histories that constitute racialization, most of the time we encounter those histories as something above and outside us— as reified, settled, and unchangeable. This more often produces despair than actuates possibility. So we will need some way of working with what Sue Campbell calls the “present past,” a concept that I will unpack shortly, understanding that mere reversal does not transform oppressive relations.

## **2**

#### Interpretation: The affirmative may only garner offense from the hypothetical implementation that in a democracy, a free press ought to prioritize objectivity over advocacy.

#### Violation: All their offense of fem outweighs substance.

#### At best they're extra topical which is a voter for exploding limits and inflating aff solvency or effects topical which is worse, since any small aff can spill up to the resolution.

#### Vote neg for competitive equity and clash: changing the topic favors the aff because it destroys the only stasis point and makes prep impossible because any ground is self-serving, concessionary, and from distorted literature bases. Their model allows someone to specialize for 4 years giving them an edge over people who switch every 2 months. Filter this through debate's nature of being a game where both teams want to win, which becomes meaningless without constraints.

#### Impacts:

#### Movement Lawyering Skills – contingent, focused debates around locus points of difference are key to develop activists skills for political justice.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem into manageable components. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

#### 1~ Procedural fairness outweighs—a) intrinsicness—debate is a game and equity is necessary to sustain the activity b) probability—debate can't alter subjectivity, but it can rectify skews c) metaconstraint—all your arguments concede fairness since you assume they will be evaluated fairly d) application—your model only indicts how fairness has been applied not that it's intrinsically bad—their model would justify exclusion.

#### 2~ Switch Side Debate—they can read it as a K against affirmatives—forces debaters to consider issues from multiple perspectives. Non-topical affs allow individuals to establish their own metrics for what they want to debate leading to dogmatism.

#### 3~ TVA – defend an affirmative that defends the topic – their whole aff is about how why democracy is good but only engage in post fiat offense.

## **Case**

### Overview

#### Presumption flips neg against K affs – they have the burden of proof since they aren’t defending the rez. That’s key to ensure the neg has a shot at engagement

#### role of the judge is to sign that ballot. Anything else is self-serving arbitrary and vagueness is good – allows us to test different modes of engagement which creates rigorous contestation that is key to generate self-reflexivity to become more ethical and educated subjects.

#### 2] Reject arguments premised solely on identity and performative offense – a] they distract from discussion to target specific groups b] It terminally justifies things like vote against Disabled people, Jews, Natives, etc c] Discussion should center around how we act as our identity since I can’t control my identity nor negate yours.

#### 3] They can’t solve anything – a] Systems--the 1AC says institutions create social realities that replicate violence but in-round discourse does nothing to alter conditions. All you do is encourage teams to write better framework blocks. b] Spillover--they are missing an internal link as to why they need the ballot or why the reading of the aff forwards change. Empirically denied – judges vote on fem affs all the time and nothing happens. c] Competition--debate is the wrong forum for change and competition moots any ethical value of the aff. Winning rounds just makes it seem like you want to win and a loss is internalized as a mistake.

#### 5] Forced Negation – the aff mt be a good idea for them – but what is the role of the negative being forced to disagree – turns their offense forces debaters to run to the margin and have to negate individual coping mechanisms OR say that spirit murder is good.

### **Framing**

#### **Settler colonialism must come first. Settler colonialism is the root cause of all other impacts, its hierarchal project explains deviancies in settler action**

Glenn 15 [Evelyn Nakano Glenn, 2015, Settler Colonialism as Structure: A Framework for Comparative Studies of U.S. Race and Gender Formation] SJCP//JG

I now turn to an exposition of settler colonialism as an alternative starting point for a framework that can generate a more historically and structurally grounded analysis of racial inequality in the United States, one that pays attention to variation across time and place while also being attentive to structures that link these differing cases. It is a framework that is amenable to intersectional understanding because it is widely understood that colonial projects simultaneously structure race, gender, class, and sexual relations within and between colonists and the colonized. Moreover, since settler colonial projects are transnational in scope, a settler colonialism framework invites investigation of cross-national connections and comparisons. The concept of settler colonialism has been most clearly elaborated by scholars of indigenous studies, especially in Australia, Canada, and the United States. It is a framework that highlights commonalities in the history and contemporary situation of indigenous peoples in many parts of the world. However, although it may seem to be best suited to explain the racialization and treatment of indigenous peoples, I agree with Patrick Wolfe (1999) that settler colonialism should be seen not as an event but as an ongoing structure. The logic, tenets, and identities engendered by settler colonialism persist and continue to shape race, gender, class, and sexual formations into the present. Scholars of settler colonialism argue that it is a distinct form of colonialism that needs to be theorized separately from colonialism more generally. In contrast to classic colonialism whose aim is to take advantage of resources that will benefit the metropole, settler colonialism’s objective is to acquire land so that colonists can settle permanently and form new communities. Lorenzo Veracini (2011) compares the narrative arc of classic colonialism and settler colonialism to the difference between a circle and a line. In classic colonialism, the narrative, as in the Odyssey, takes a circular form, “consisting of an outward movement followed by interaction with exotic and colonized ‘others’ in foreign surroundings, and by a final return to an original location” (p. 205). In contrast, “the narrative generally associated with settler colonial enterprises rather resembles the Aeneid, where the traveler moves forward along a story line that can’t be turned back” (p. 206). Settler colonists do not envision a return home. Rather, they seek to transform the new colony into “home.” The differing goals of classic colonialism and settler colonialism lead to a second major difference: their confrontation with indigenes. In classic colonialism, the object is to exploit not only natural resources but also human resources. Native inhabitants represent a cheap labor source that can be harnessed to produce goods and extract materials for export to the metropole. They also serve as consumers, expanding the market for goods produced by the metropole and its other colonies. Goods and raw materials, like colonists, follow a circular path in classic colonialism. In settler colonialism, the object is to acquire land and to gain control of resources. To realize these ambitions, the first thing that must be done is to eliminate the indigenous occupants of the land. This can be accomplished in a variety of ways: genocide, forced removal from territories desired by white settlers, and confinement to reservations outside the boundaries of white settlement. It can also be accomplished through assimilation. Assimilation can be biological (e.g., through intermarriage to “dilute” indigenous blood) and/or cultural (e.g., by stripping indigenes of their culture and replacing it with settler culture). The second thing that must be done is to secure the land for settlers. This can be accomplished by imposing a modernist property regime that transforms land and resources (sometimes including people) into “things” that can be owned. This regime consists of such elements as mapping and marking boundaries to delimit an object that is to be owned, a system for recording ownership, and legal rules for ownership and sale of objects defined as property. Indigenous people generally understand the land and their relationship to it very differently, viewing themselves as being provided for by the land and in turn as living in harmony with the land and having a sense of responsibility for its welfare. Settler society does not recognize indigenous conceptions and from their own perspective of land as property, views indigenes as failing to make productive use of it. The Logic and Practices of U.S. Settler Colonialism I turn now to the specific case of U.S. settler colonialism. Walter Hixson (2013:29) argues that the British settler colonial project in North America was unique from those of its Spanish and French rivals: “Like the Spanish and the French, the English embraced patriarchy, private property, and Christianity, but the emphasis on the settlement of families and communities distinguished them.” Spanish male colonists were spread thinly across vast vistas of land. French traders and missionaries were surrounded by indigenous people with whom they had to coexist. The French also were overwhelmingly male and often took Indian mistresses and wives with whom they formed Metis (mixed) communities. “By contrast European women migrated with men and children to settle in the English colonies.” This family-based colonization in combination with its rural character proved to be advantageous, enabling “a steady westward migration towards the agricultural frontier as the threat of Indian attack diminished” (Elliott 2006:43–44). With regard to the elimination of the indigene, settlers adopted all of the aforementioned policies at one time or another. Hixson (2013) documents the almost continuous history of settler colonial ethnic cleansing. Regular outbreaks of warfare occurred throughout the seventeenth, second half of the eighteenth, and the nineteenth centuries as settlers pressed up against lands inhabited or used by Native Americans first in the East and then in the Midwest and finally the West. Some genocidal campaigns were carried out by official military forces of the metropole or the colonies, while others were unauthorized actions by settler vigilantes. Attacks launched by vigilantes were likely to be particularly brutal and to involve the slaughtering of women, children, infants, and the elderly. Hixson notes that in 1609 when hostilities broke out between the English settlers in Jamestown and Native Americans in the region, the leader of the colony, James Smith, “pioneered the tradition of irregular warfare in the ‘New World’ by burning and razing Indian homes and agricultural fields” (p. 31). Warfare escalated during and after the Civil War as American settlers pushed to occupy the remaining land in the West and Native tribes fought to preserve their ways of life. The Massacre at Wounded Knee (1890) that resulted in the death of 300 Sioux warriors was one of the last major battles and mostly ended Indian armed resistance (Brown 2007:439–50). A little known aspect of genocidal raids and warfare was the enslavement of indigenous survivors, particularly women and children. In colonial New England, the selling of Indian slaves on the international market in the Caribbean and South America helped defray the costs of the Powhatan Wars. Settler men spoke of their desire for Native American women whom they could use as domestic servants and sex slaves. In the South, according to Alan Gallay (2009:57), “Only through warfare could Carolinians obtain the slaves they desired to exchange for supplies to build their plantations.” In California between 1850 and 1863, Walter Hixson (2013:125) writes, “Some 10,000 Indians were sold into servitude. American slave traders often killed the parents of Indian children so they might be seized and trafficked.” Conflicts over territory were also resolved by removal and relocation under treaties that were agreed to by Native Americans induced to sign by false promises and duress. During the presidency of Andrew Jackson, and at his urging, the U.S. Congress passed The Indian Removal Act of 1830 (IRA). The IRA targeted the “five civilized tribes” of the southeast (Cherokee, Chickasaw, Choctaw, Creek, and Seminole), so called because they had gone furthest in adopting the culture and ways of life of white settlers (including the ownership of black slaves). Through treaty, these tribes were prevailed upon to cede their traditional lands in Mississippi, Alabama, Georgia, and Florida in exchange for land west of the Mississippi. The Choctaw, Creek, and Chickasaw were the first to be removed, and they suffered the loss of thousands of men, women, and children who died en route to the West. Cherokees waged a long legal battle that delayed removal until 1838. At that point, the U.S. government sent in 7,000 troops to force the Cherokee into stockades and then sent them on a forced march to the West with inadequate provisions. On the “Trail of Tears,” at least 4,000 Cherokees perished from hunger, cold, and disease. The Seminoles resisted militarily, waging two wars, the second of which did not end until 1858, at which point most Seminoles had been relocated to Oklahoma. Even so, one hardy band of Seminoles managed to hold out in Florida, where their descendants still live (Foreman 1974; Perdue and Green 2008). Near the end of Indian armed resistance in the West in the 1880s, federal Indian policy turned decisively toward assimilation, or as it was often dubbed, “Americanization.” The aim was to phase out Indian treaty rights and other special statuses so as to absorb indigenous peoples into settler society. The twin prongs of Indian assimilation policy were land allotments and education. Under the Dawes Act of 1887, the federal government divided tribal land into individual allotments. Heads of households were entitled to 160 acres, single individuals to 60 acres, and those under 18 to 40 acres (Debos 1973). By allotting larger holdings to heads of households, the program was designed to encourage the formation of heteropatriarchal nuclear households. Proponents of allotment believed that owning and cultivating individual plots would transform Indian men into citizen farmers and Indian women into farm wives. Importantly, the large surplus left after allotments was made available to white settlers and railroad companies for development. The net result of allotment policy was to dramatically reduce the amount of land owned by Indians collectively and individually. In 1887, before the start of allotment, Indians owned 138 million acres; that amount was reduced to 54 million acres by 1934 when the allotment program was terminated (McDonald 1991). Special education for Indian children was meant to complement allotment by preparing Indians for new productive roles in American society. Starting in the 1880s, reformers’ designs for Indian children consisted of two components: child removal and placement in boarding schools. Education officials at the Bureau of Indian Affairs (BIA) favored compulsory removal so as to limit the influence of Indian mothers. Estelle Reed, a longtime Superintendent of Indian Schools, explained, “The Indian child must be placed in school before the habits of barbarous life become fixed and there he must be kept until contact with our life has taught him to abandon his savage ways and walk in the path of Christian civilization” (Superintendent of Indian Schools 1900:426). Over a 24-year period from 1879 to 1902, the federal government established over 150 boarding schools, of which 25 were off-reservation (Reyhner and Eder 2004). BIA recruiters were hired to convince parents to enroll their children, with the promise that their children would be fed, housed, and educated so that they could improve their lives. Once at school, Indian children were given haircuts and issued settler clothing. They were prohibited from speaking their native languages and from practicing native religions and rituals. The curriculum focused on gender-typed vocational training. Boys were trained in farming and trades and girls in domestic skills. Even though most federal officials placed more emphasis on “civilizing” Indian men, they were persuaded to try to educate Indian girls under the tutelage of white female teachers. They blamed Indian women for the “backwardness” of Indian men. In their view, the fact that Indian women did heavy physical labor and were ignorant of modern housekeeping methods accounted for Indian men’s laziness and disinterest in material progress. If Indian women could be educated to focus on the household and to desire better furnishings, Indian men would be impelled to work hard to acquire material goods (Stremlau 2005). Thus, assimilation was intended to instill a sense of gender-appropriate duties and obligations. Ultimately, the aim of Indian schooling was to impose “social death.” Col. Richard C. Pratt, founder and head of the Carlisle Indian School, proclaimed in a speech given in 1892: A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man. (Pratt 1973:260) The decades of the 1940s to the 1960s saw still another shift in settler policy toward Native Americans. The intent was to assimilate Native Americans as individuals into settler society and to break their communal orientation and tribal ties. In 1953 the U.S. Congress passed legislation terminating the tribal status of many Indian groups. Termination of tribal status meant the loss of legal standing as a sovereign dependent nation and the end of federal aid, protections, and services, such as health care, which had been provided by the Indian Health Service. Many reservations were also terminated and reservation land sold off, primarily to non-Indians. Tribal members were unilaterally made U.S. citizens, subject to taxes and state laws from which they had been exempt. Over the next decade the government terminated 109 tribes and removed 2.5 million acres of trust land (Fixico 1986, 2000; Ramirez 2007). A linked policy was to disperse Indians away from reservations. The Indian Relocation Act of 1956 paid moving expenses and provided vocational training and job placement to Native Americans willing to leave their reservations for 9 government-designated urban centers (Chicago, Denver, Los Angeles, San Francisco, San Jose, St. Louis, Cincinnati, Cleveland, and Dallas). Indian men were tracked into low-level, dead end jobs, and Indian women were directed into domestic service in white households. Many relocated Indians found that the promised jobs and stipends did not materialize and fell on hard times in the city; some returned to the reservation. The relocation policy resulted in the dispersal of the Indian population. An estimated 750,000 Native Americans migrated to cities between 1950 and 1980. Whereas in 1940 only 8 percent of Native Americans resided in cities, by 2012, 70 percent did (T. Williams 2013). In the city, Native Americans often found community with members of other tribes, leading to the development of a pan-Indian orientation; intermarriage across tribes increased the proportion of Indians with multi-tribe identities. With the rise of the black civil rights movement, Native Americans began to organize for the cause of self-determination for Indian people. This activism included legal challenges to termination and relocation policy that eventually succeeded (LaGrand 2005; Smith and Warrior 1997). U.S. Settler Colonialism as a Race-Gender Project: Development of National Identity and Normalization of Gendered Whiteness In this section, I describe U.S. settler colonialism as a race-gender project. By that I mean that it transplanted certain racialized and gendered conceptions and regimes from the metropole but also transformed them in the context of and experiences in the New World. What emerged out of the settler colonial project was a racialized and gendered national identity that normalized male whiteness. Since settlers initially were exogenous others seeking to claim rights to land and sovereignty over those who already occupied the land, they needed to develop conceptions of indigenous peoples as lesser beings, unworthy of consideration. They harnessed race and gender to construct a hierarchy of humankind. Conceiving of indigenous peoples as less than fully human justified dispossessing them and rendered them expendable and/or invisible. Land occupied or used seasonally by indigenes was conceived of as terra nullius (empty land or land belonging to no one) and therefore available for taking by white settlers. Simultaneously, settlers conceived of themselves as more advanced and evolved, bringers of progress and enlightenment to the wilderness. Masculine whiteness thus became central to settler identity, a status closely tied to ownership of property and political sovereignty. The latter in turn articulated with heteropatriarchy, which rendered white manhood supreme with respect to control over property and self-rule. This entailed settler wives being denied an independent legal identity; instead, her identity was merged into that of her husband, and her property and labor were under his control**.** Further, it was presumed that “heteropatriarchal nuclear-domestic arrangements, in which the [white] father is both protector and leader should serve as the model for social arrangements of the state and its institutions” (Arvin, Tuck, and Morrill 2013:13

#### Your idea of a universal heteropatriarchy actively erases tribal social structures and is thus complicit in genocide.

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Native feminist theories further point to the fact that the very categories of “man” and “woman” are creations of heteropatriarchy and settler colonialism, thereby invalidating the conventional assumption that women are singularly oppressed by men. Linda Hogan (1981b) acknowledges that “[f]eminism is a complicated issue for Indian women because what affects the women also affects the entire community. As individual nations, we have allegiances to the members of our tribes that seldom exist for non-Indian women. Political and economic injustices are practiced against entire tribes, and are not limited to just the women” (1). Native men are not the root cause of Native women’s problems; rather, Native women’s critiques implicate the historical and ongoing imposition of colonial, heteropatriarchal structures onto their societies. As Annie Dodge Wauneka (qtd. in Hill Witt 1981) has put it: “Ever since the development of political machinery and bureaucratic organizations among Indians, there has been a sudden perspective of women—and the roles of women—as second-class citizens. The basic reason for discrimination against Indian women stems from the Federal government’s intervention in Indian affairs” (66). M. Annette Jaimes, writing with Theresa Halsey (1992), has further argued that Native peoples have long subverted heteropatriarchal gender norms, as evident in the frequency of decolonization movements led by those who are female-identified, noting that “it is women who have formed the very core of indigenous resistance to genocide and colonization since the first moment of conflict between Indians and invaders”