# Dancing Bullets 1AC

## Wounded Knee

**On February 27, 1973, Oglala Lakota members of the American Indian Movement seized the town of Wounded Knee on the Pine Ridge Indian Reservation, resulting in a long and brutal US Government occupation. Kevin McKiernan, a journalist, was there. His account of the events of April 17, 1973, months into the occupation provide a vivid story.**

**He writes,**

**“Food Drop! I scramble away from the floor** of the trailer house **and run outside. It seems incredible. Three single engine planes flying from the north, dipping** low wing to wing **over Wounded Knee. Seven silly parachutes float to earth. The aircraft fan out**, disappearing over the pine studded hills. They’re **gone as quickly as they came**. One parachute lands in a field across Manderson Road. **Food! What a beautiful sight for sore eyes and hungry bellies. People are flocking** from everywhere, gathering up the chutes, **ripping the bundles open** – **fresh carrots, potatoes, rice, chocolate bars, rolling tobacco**. And Leaflets bearing the words, “Freedom from Oppression in Indochina” **Then all hell breaks loose. There’s sniper fire from “Vultures”, the** largest of the **federal heliocopters. It’s raking Manderson Road where food’s being carried** to the security building **for distribution. Bullets are dancing around Florine Hollowhorn’s kids.** It’s like a salt-shaker pouring around them. **A miracle nobody’s hit.** I grab some food and run back to the traile**r.”**

**Although the American Indian Movement was not successful, its resurgence against contemporary colonialism informs our understanding of an Indigenous decolonized project. Guns are the colonial manifestation of the White settler. They represent the imposition of the White narrative.**

**Riley explains,**

Undoubtedly, race and t**[T]heories of racial hierarchy also explain a great deal about the early contact between Europeans and Indian “savages.”** **Belief in the racial inferiority of a “primitive” race provided the ideological underpinning necessary to justify** the **subjugation and dispossession[.]** of Indian peoples. Indi- ans, like blacks—both enslaved and free—had to be controlled by whites in order for the colonial project to proceed. **Whites utilized guns to fight warring Indians and drive them from their lands.** But colonizers also welcomed the trade in guns and ammunition with Indians. It not only advanced whites’ economic position but fed a futile cycle of Indian dependence on whites, tied to the gun, with disastrous ends. **The dynamic ultimately concluded with massive land dispossession, most** **[Indigenous]** Indians **situated on reservations**, guns in disrepair, **and the** near extinction of a primary form of currency (after lands), the American bison. These interrelated dynamics set the stage for evolving convergence **and divergence of [the Indigenous]**Indians **as a racial subject in American law.**¶ The following Part details the story of Indians and guns in American history. Beginning with the point of contact and tracing the historical thread through the ratification of the Constitution and the Second Amendment, this Part concludes with the conferral of citizenship on all American Indians. At each juncture, I describe the relationship between Indians, Indian nations, and guns, demonstrat- ing how acts of the U.S. government, in particular, constructed, oftentimes inadvertently, incoherence in the legal framework still at work today.¶ 29. See CLAYTON E. CRAMER, ARMED AMERICA: THE REMARKABLE STORY OF HOW AND WHY GUNS BECAME AS AMERICAN AS APPLE PIE 44 (2006) (explaining that the government in the Carolinas armed its Indian allies to assist it against the French and hostile Indian tribes).¶ 30. See U.S. CONST. art. I, § 8, cl. 3.¶ 31. Here, I refer to citizenship in the United States but do not engage indigenous critiques of Indian citizenship or the absence of consent of the governed in regards to Indian peoples.¶ ￼¶ 1684 THE GEORGETOWN LAW JOURNAL [Vol. 100:1675¶ \*\*\*\*¶ At the point of contact by Europeans with the New World, the Indian population was estimated at around 20 million.32 In just two centuries after Columbus’s encounter in the New World, that population is believed to have declined by as much as 95%.33 As historian and demographer Russell Thornton points out, there are numerous, interrelated reasons for that decline, which “stemmed from European contact and colonization: introduced disease, includ- ing alcoholism; warfare and genocide; geographical removal and relocation; and destruction of ways of life.”34 While the historical record leaves little doubt that disease served, far and away, as the greatest culprit in reducing Indian popula- tions,35 it is evident that the gun ultimately had a profound impact on the shifting military power of Indian tribes and colonizers after the point of contact. Some historians argue no other object brought to America by Europeans so rapidly changed Indian culture as the gun.36 Undoubtedly, the drive to acquire guns, and the expertise developed in relation to them, shaped the winners and losers on the American frontier as settlers battled tribes and tribes battled one another for control over now threatened territory.37 Ultimately, multiple factors caused the decline of the military force of Indians, but “firearms became the decisive factor in subduing the Indian and in settling the quarrels between white men during their early occupation of the New World.”38 Indeed, t[**T]he role of the gun in subjugating and conquering indigenous inhabitants by Europeans is a story that was replicated across the globe.**39

## Plan

**As such, I affirm that: “In the United States, Indigenous governments ought to be able to ban handguns absent federal intervention.”**

**Riley 2 explains,**

**One way for [nations]** tribes **to deal with the question of gun regulation** in Indian country **is to enact universal disarmament and criminally ban all** firearms and **handguns[.]** on the reservation entirely. **This was essentially the tack taken by Washington D.C. and Chicago** **before the Supreme Court determined such bans were constitutionally impermissible. But [nations]** tribes **could enact such bans without federal or state constitutional restraints.** Of course, those tribes whose own constitutions contain a right to bear arms would have to overcome their own legal barriers to such a law.397 But, absent that potential restriction, tribes have relative freedom to enact such laws. And c**[C]omplete bans may**, for some tribes, **constitute a good cultural, governmental, and institutional fit.** The benefits may be persuasive. Tribes would not have to strain their already limited resources to enact tailored gun laws, put permitting procedures in place, or discern between authorized and unauthorized uses of guns. A complete ban would free the tribe from policing various forms of permissible and impermissible gun use. If the tribe faces a large amount of gun crime committed by tribal members or even other Indians, a criminal prohibition on guns may result in reduced reservation gun crime. This is particularly so given that most murders in the United States are committed with guns, and at least triple that number of nonlethal injuries occur each year due to guns.398 **And, pursuant to inherent tribal sovereignty, the tribe may also criminally prosecute[.]**—up to the limits proscribed by the In[digenous]dian Civil Rights Act—all Indians who violate the ban. Thus, a tribe that either has few non-Indian residents or few non-Indian reservation visitors may find a criminal gun ban an appealing option.

**I reserve the right to clarify to prevent needless theory debates that hinder topical and critical discussions that undermine our education. The 1AC uniquely solves; banning handguns is unique.**

**Riley 3 explains,**

**Tribal sovereignty and Indi[genous]**an **otherness has**, perhaps unwittingly, **created a legal chasm within which [nations]** tribes **may engage in innovative governance[.]** to address reservation security. **Their extraconstitutional status affords them the freedom to tailor their gun laws and engage community-based solutions[.]** to reservation ills that have not been fully explored to date. As sovereign nations unconstrained by the federal Constitution and, concomitantly, the Supreme Court’s interpretation of the Second Amendment, tribal **[Indigenous] governments can exercise local control over guns and devise systems and codes in line with their tribally distinct needs.** **The freedom from restraint means each tribe’s own culture, history**, current legal status, **and contemporary governance challenges will set the standard for which courses of action to take to address governance issues**.¶ Ultimately, then, t**[T]his** Article **is as much about tribal sovereignty as it is about gun policy.**443 And Indian nations’ sovereignty is expressed by each tribal nation individually. Proposing one solution would not only be legally impossible but would also be unwise. Instead, I have demonstrated that the relationship be- tween Indians and guns is one that has been undertheorized and understudied. **The convergence of the unique legal status of** **[the Indigenous]** Indians, Indian nations, **and guns** with the availability of innovative governance solutions in Indian country **allows [nations]** tribes **to address issues of crime, violence, racial inequities, and social justice in ways that would be impermissible if undertaken by federal or state governments.**444 **Suggesting one solution for all [nations]** tribes**—other than a uniquely shared freedom to define their own path forward**—**would undermine tribal sovereignty and ultimately derail the purpose of the project[.]**—to emphasize the sovereign nature of tribal governments and their concomitant freedom to devise gun policy that works for their own nation.

## Solvency

**The 1AC challenges a dominant narrative. Indigenous nations have historically been excluded from discussions about guns, especially in legal discourse. The 1AC is formation of new scholarship.**

**Riley 4 explains,**

**The relationship of [the Indigenous]** Indians **to guns in legal literature has largely gone untouched.**11 **Though Second Amendment scholarship has turned**, at various points, **towards the question of which people could exercise the right to bear arms**,12 **[the Indigenous]** Indians **are regularly left out of this discussion.** When they are included it is typically to recount the view—as expressed in voluminous documentation produced contemporaneously with ratification of the Constitution as well as in more current settings, such as Justice Kennedy’s questioning during oral argu- ments on Heller—that settlers’ fears of “hostile” Indians at least partially motivated the Framers’ commitment to a right to bear arms.13 **The paucity of academic scrutiny as to the relationship between** **Indi[genous]**ans **and guns**—or, more accurately in some instances, between Indian nations and guns—**is curious** (if not surprising), **considering the prominence given** **in** legal **scholarship to the Second Amendment and gun control[.]** as well as an emergent literature dealing with issues of criminal law enforcement in Indian country14 and the unique arrangement of quasi-constitutional protections applicable to Indian tribal gov- ernments.

**Working within the state fails. The United States government has used violence and assimilative tactics to engrain colonial structures that erase Indigeneity. Only an affirmation of the right for Indigenous nations to choose solves. Liberation can only be achieved through an examination of Eurocentric scholarship. Prefer the 1AC, as I use the topic as a starting point for the reconstruction of scholarship.**

**Riley 5 explains,**

This Article endeavors to fill this gap in existing gun rights scholarship. **The** relationship **between the Indi[genous]**ans **and guns holds particular salience for reservation residents**, **where crime is high**, jurisdictional limitations cabin the ability of tribal governments to police Indian country, **and political and fiscal barriers inhibit adequate complementary law enforcement by other sovereigns.**15 **Thus, an inquiry into Indi[genous]** ans **and guns is long overdue[.]**, particularly in light of an apparent irony. The scenario at the root of Justice Kennedy’s questioning in Heller—the presence of vast, rural landscapes where Americans are unable to rely on the protection of the state against threatening forces—is actually still at work on some of the most rural Indian reservations in the United States, though the threats to security have been radically redefined.16 Yet, these are the very places where gun rights may be most severely curtailed and by tribal govern- ments themselves.¶ Though largely unexplored, the issue of guns in Indian country resonates far beyond reservation borders. A combination of key events—including the Su- preme Court’s recent opinions and the assassination attempt on Congresswoman Giffords in Arizona,17 which contains over 21 million acres of Indian reserva- tion land18—has reignited the gun debate. There has been a corresponding flood of societal, judicial, and academic interest on the topic of guns and gun control in the United States, much of it flowing in one direction—more guns and greater gun rights.19 Consequently, the question of whether and to what extent governments may limit gun ownership has reemerged as a critical, political issue. As many theorists and pundits pointed out in the wake of Heller, “[o]pinion polls demonstrate that an overwhelming majority of Americans believe that individuals should have the right to possess firearms,”20 and “a majority of the population understands that right to be rooted in constitutional text and tradition.”21 **Examining how gun rights manifest**, if at all, **within** **Indi[genous]**an **country presses on the dominant American understanding of a cohesive constitutional frame and the rights attendant to citizenship.**

## Resurgence

**In her novel *The Painted Drum*, Louise Erdrich, Ojibwe writer and storyteller, illustrates the reality of Indigenous existence through metaphor.**

**She writes,**

**“Wolf,** I said, **your people are hunted from the air and poisoned from the earth and killed on sight** and **you are** outbred and **stuffed into cages and almost wiped out. How is it that you go on living with such sorrow? How do you go on without turning around and destroying yourselves?”**

**Erdrich illustrates the suppression of the Indigenous identity throughout White society. The 1AC is a confrontation with White settler epistemology and aims to help realize the horrors of the perpetual colonization of Indigenous bodies.**

**Wilson explains,**

**North American colonialism** and settlement **occurred through** different practice and policy. In the United States, **physically and overtly violent tactics were frequently employed to deal with the “Indian” problem.** **In 1830, for instance, President Andrew Jackson signed the Indian Removal Act, forcing Indigenous Cherokee nations off of their spiritual land[.]s** in an event now know as the “Trail of Tears” (Library of Congress 1). The **United States Federal Government** likewise **waged numerous “American Indian Wars”,** such as the Great Sioux Wars, **glorifying generals like George Custer.** In Canada, **the** government chartered residential schools, drafted folly Treaties and created a **reservation system [is]**, described by Robert Lovelace as, “**the way-stop between the homelands of our ancestors and nowhere**” (2). Canada’s Indian policy was covert **and operated to assimilate and undermine Indigenous identities.** **The result of this history**, for Kahnawake Mohawk scholar Taiaiake Alfred, **is a society built on fear, which has become normalized to the point of invisibility in colonial society[.]** (“Colonial Stains” 5-6). **Political and legal institutions have been built**, as a result of such fear, **to manage and biopolitically regulate our knowledge. Within the dominant settler state, fear is employed as an “aversion to the truth” and a denial of the past[.] (**Alfred, “Colonial Stains” 5). **For our colonial society to recognize the abhorrent history of settlement would be to acknowledge our privilege, racism and dehumanization of the Indigenous Other.** **Decolonization** therefore **becomes a process of** not only regenerating the Indigenous identity as demarcated from colonial institutions, but also **deconstructing and understanding the implications of a long history of colonialism.**

**Decolonization begins through a process of resurgence. Resurgence begins through a process of reclaiming of the repressed narrative. The 1AC is a regeneration of Indigeneity, as it advocates for the self-determination of Indigenous communities; this is the only form of solvency. Beginning with the self is key and the precursor to larger political action; each round is important.**

**Wilson 2 explains,**

**Indigenous persons** are **diverse in terms of** language, **culture**, political and economic institutions, and their geopolitical situations. However, regardless of nation or culture, **all** Indigenous persons **share a struggle to survive the challenges presented by** settler **colonial** **societies** (Alfred and Corntassel 139). All Indigenous persons are united in their struggle to preserve their Indigeneity while living in a world that attempts to assimilate and undermine their epistemologies. **To be “Indigenous” means to think and act with the aim to** recapture and **regenerate one’s identity as connected to land and community** (Alfred and Corntassel 144). As such, **recapturing an Indigenous identity**, as it is posed against colonial society, **is necessary to envision a decolonized future. Colonialism is** not just the appropriation of land and resources, but likewise **the removal of Indigeneity; it precludes ways of thinking** and living **that contradict** that inhibit **the maintenance of the Canadian national narrative** and the exploitative nature of capitalism. **The renewal of Indigenous identities, according to Alfred, occurs through resurgence**, which results in a “decolonization process in which Onkwehonwe will be extricated form, not further entrenched within, the values, cultures and practices of liberal democracy” (“Colonial Stains” 9). **The reconstruction of traditional** Indigenous **communities predicated on the** cultural **values of Indigeneity is thus the aim of resurgence**. Additionally, the notion of **renewing the Indigenous identity that recognizes the rhizomatic** and interdependent **aspects of community and environment contrasts sharply with Eurocentric epistemologies**. Indigenous epistemologies treat the world as a “circular flux” in which humans directly participate. **Life becomes defined not by universal abstract theories derived from within** the walls of **the ivory tower, but rather as an interactive relationship** (Battiste and Henderson 14). Whereas a European epistemology treats the natural world as external and separated from a transcendent “man”, Indigenous epistemologies regard humans as existing in a dependent, symbiotic relationship with nature. Moreover, when considering the nuances of Indigenous epistemologies, it is important to recognize that a biased and racist mainstream European ethnographic tradition categorized and labeled Indigenous cultures and “worldviews” as “primitive” and “uncivilized”, constructing myths that attempt undermine the thinking of such epistemologies objectively. For Battiste and Henderson, “[Ethnographers] depicted Indigenous people as members of a harmonious, internally homogenous, unchanging culture. Form such a perspective, Indigenous knowledge appeared to ‘need’ progress” (16-17). While the colonizing mentality to “save” the “Indian savage” created resistance from Indigenous communities, Indigenous epistemology and culture certainty did change as a result of colonialism, raising important questions of how one can recapture their Indigeneity and initiate a process of decolonization. **Decolonization begins with the self and the regeneration of one’s Indigenous identity. While collective consciousness of colonial structures** and large-scale renewal of Indigeneity **is crucial for broader decolonization, regeneration is not a collective process. Instead**, “they are **shifts in thinking and action that emanate from** recommitments and **reorientations at the level of the self** that…manifest as broad social and political movements (Alfred and Corntassel 143). The grassroots approach contrasts sharply to the top-down colonial power structures that force conformity. Indigenous **decolonization begins not with state power, but individual agency and self-determination.** It can be argued that forms of resurgence that depend on individual action and the organization of grassroots movements do not result in real political or social change. However, Idle-No-More, sparked by a federal omnibus bill in October 2012, is an example of a grassroots Indigenous movement that aims to recapture Indigeneity (Idle-No-More “Living History”). Idle-No-More represents the crucial fact that Indigenous people must challenge neocolonialism through an Indigenous methodology.

**Storytelling as performance, as done through the 1AC, is a particularly important act of Indigenous resistance. By including historical accounts of colonial injustice and traditional stories from Obijwe writers, the affirmative’s speech act carries emancipatory potential.**

**Sium and Ritskes explain,**

**Indigenous stories place Indigenous peoples at the center of** our/their **research** and its consequences. This is something denied by so-called ‘objectivity’. In fact Indigenous peoples have come to be suspicious of all claims to objectivity, since, “for the native, objectivity is always directed against him” (Fanon, 1963, p. 77). **By telling** our **stories we’re at the same time disrupting dominant notions of intellectual rigor and** legitimacy, **while** also **redefining scholarship as a process that begins with the self**. Zavala challenges the ideology of social science as politically neutral and as something that disassociates the self. In place of so-called intellectual neutrality, he calls for “the transformation from mainstream, colonizing social science to a transformative, anti-colonial project” (p. 58) that takes its direction from grassroots communities and activism. Of course *who* does the storytelling, remains an important question in decolonization work. While Indigenous peoples have been the subjects of ‘objectivity’, it has been White settlers who have been in the position of power to wield it with impunity. How can we contest and break down these settler positions to further a decolonization agenda that includes solidarity between Indigenous and non-Indigenous peoples? In her exploration of the psychiatrization of Indigenous children in the child welfare system, LeFrancois speaks from the tenuous position of a settler scholar. First, describing her article as a “storytelling approach to research” (p.87) that seeks to disrupt and implicate, she continues to explain the fragility of ‘telling’ from the position of an outsider: “There are no short phrases or words to signify whether I should be given access, whether I fit the definition, whether I am really a privileged intruder or not, whether I am a pretender or not; I cannot be authenticated easily” (p.88). In many ways, LeFrancois speaks to the sometimes contested nature of storytelling, both who speaks and from what perspective they enter the story. Although it’s not an easy task, this article pushes us to think about how Indigenous peoples, settlers, and arrivants can ethically produce knowledges about the others. In truth, Kaomea (2003) demands of settlers and Indigenous alike, “We need to tell more uncomfortable stories” (p. 23). But if storytelling is inherently personal, then how do we do it without appropriating the voices of those we speak of/to? Howard (2006), in his exploration of White bodies in antiracist classrooms, speaks to what LeFrancois is trying to accomplish when he states, “Detached, rational discussions of an unembodied whiteness cannot serve antiracist ends” (p. 59). Settler narratives must speak stories of embodying colonial violences and complicity in the ongoing settler violence(s) against Indigenous peoples. Particularly evident in knowledge production as personal is the fact that **storytelling is agentic and participatory. Storytellers have never been silent in the face of colonial violence that** subverted and **neutralized** various **other forms of resistance; the storytellers** and griots **have never been idle**, working through participatory mediums to maintain and sustain Indigenous ways of being and living. Here, the role of the storyteller is central to the exercise of agency and renewal. In Indigenous traditions around the world, **storytellers are sacred knowledge keepers, they** are the elders and medicine people, and they **shape communities through the spoken and written word.** **Stories** are not only agentic and individual but they are communal sharings that **bind communities together spiritually and relationally**. As Leanne Simpson (2013) tells us: “Spiritual and social practices such as storytelling, the oral tradition, ceremonies, feasting, and gift-giving are designed to bond people together toward a common understanding.” **Stories become mediums for Indigenous peoples to both analogize colonial violence and resist it in real ways**. A kind of embodied reciprocity exists between a people and their stories. African novelist Ben Okri says that “people are as healthy and confident as the stories they tell themselves. Sick storytellers can make their nations sick. And sick nations make for sick storytellers” (Okri in Parkinson, 2009, p. 31). Contrary to liberal notions of stories as depoliticized acts of sharing, **we must recognize stories as acts of creative rebellion**. Decolonizing the very act of storytelling means breaking from liberal notions of stories as a kind of multicultural ‘show and *tell*’. It means closing the false gap that often exists between *speaking* and *acting*. Lastly, it means calling upon Indigenous concepts like Ankh Mdw - Kemetic beliefs in the “Living Word” - and others that recognize words as alive inside us, what Somerville (2010) describes as the home fire burning within each person. It’s fitting to paraphrase a question asked by Watts (this issue): What does it mean to think of words as living acts? Or as creative acts? Finally, in answering these questions in the affirmative, how will this be reflected in our scholarship? If stories are archives of collective pain, suffering and resistance, then to speak them is to heal; **to believe in them is to reimagine the world.**

## Role of the Ballot

**Colonialism has wreaked havoc on all manner of Indigenous struggles, but the path towards true self-determination starts with personal decolonization, not institutional change. The role of the judge is to endorse the debater who best decolonizes the debate space; local spaces are key.**

**Alfred and Corntassel,**

For Manuel and Posluns, the Fourth World is founded on active relationships with the spiritual and cultural heritage embedded in the words and patterns of thought and behaviour left to us by our ancestors. **The legacies of their struggles to be Indigenous form the imperatives of our contemporary struggles to regenerate** authentic **Indigenous existences.** A Fourth World theory asserting Indigenous laws on Indigenous lands highlights the sites of ongoing state–nation conflicts while reaffirming the spiritual and cultural nature of the struggle. **This is** not simply another taxonomy relating Indigenous realities in a theoretical way to the so-called First, Second and Third Worlds, but a recognition of a spiritual ‘struggle to enter the Fourth World’ and to decode state motivations as they invade under the ‘mantle of liberation and development’.37 The Canadian historian Anthony Hall describes this as **a battle against the ‘empire of possessive individualism’ and the ‘militarization of space’**: ‘the idea of the Fourth World provides a kind of broad ideological umbrella to cover the changing coalitions of pluralistic resistance aimed at preventing the monocultural transformation of the entire planet . . .’38 While the concepts of peoplehood and the Fourth World undoubtedly provide solid bases for thinking about strategies of resurgence, the question remains: how can these be put into practice? In *Real Indians: Identity and the Survival of Native America*, the **Cherokee sociologist Eva** Marie **Garroutte discusses the concept of ‘Radical Indigenism’ [is] as a process** of pursuing scholarship that is **grounded in Indigenous** community **goals** and which ‘follows the path laid down in the models of inquiry traditional to their tribal community’.39 **This intellectual strategy entails utilizing all of the talents of the people inside** and within **a community to begin a process of regeneration. The** larger **process** of regeneration, as with the outwardly focused process of decolonization, also **begins with the self. It is a self- conscious** kind of **traditionalism** that is the central process in the ‘reconstruction of traditional communities’ based on the original teachings and orienting values of Indigenous peoples.40 **Colonialism corrupted the relationship between original peoples and the Settlers**, and it eventually led to the corruption of Indigenous cultures and communities too. **But our discussion** thus far **has**, we hope, **illustrated** the fact **that decolonization and regeneration** are not at root collective and institutional processes. They **are shifts in thinking and action** that emanate from recommitments and reorientations **at the level of the self** that, over time and through proper organization, manifest as broad social and political movements to challenge state agendas and authorities. To a large extent, institutional approaches to making meaningful change in the lives of Indigenous people have not led to what we understand as decolonization and regeneration; rather they have further embedded Indigenous people in the colonial institutions they set out to challenge. This paradoxical outcome of struggle is because of the logical inconsistencies at the core of the institutional approaches. Current approaches to confronting the problem of contemporary colonialism ignore the wisdom of the teachings of our ancestors reflected in such concepts as Peoplehood and the Fourth World. They are, in a basic way, building not on a spiritual and cultural foundation provided to us as the heritage of our nations, but on the weakened and severely damaged cultural and spiritual and social results of colonialism. **Purported decolonization and watered-down cultural restoration processes that accept the** premises and **realities of our colonized existences as their starting point are** inherently flawed and **doomed to fail. They attempt to reconstitute strong nations on the foundations of** enervated, dispirited and **decultured people**. That is the honest and brutal reality; and that is the fundamental illogic of our contemporary struggle.

**The judge has the obligation to cast a ballot that promotes a discourse that embodies an anti-oppressive perspective. This should be your primary concern because any other benefit in the debate space can only be accessed by an equal space for dialogue.**

**Smith explains,**

It will be uncomfortable, it will be hard, and **it will require continued effort but the necessary step in fixing this problem**, like all problems, **is the community as a whole admitting that such a problem** with many “socially acceptable” choices **exists** in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where **competitors attempt to win by rushing to abstractions** to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations butas someone who understands that experience, **the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown**, **and** then **find strategies to deal with the issues** at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. **A student should not,** **when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is** not just a game, **but a learning environment with liberatory potential.** Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape. **Current** coaches and **competitors** alike **dismiss concerns of racism and exclusion**, won’t teach other students anything about identity in debate other than how to shut down competitors who engage in alternative styles and discourses, **and refuse to engage** in those discussionseven outside of a tournament setting. A conversation on privilege and identity was held at a debate institute I worked at this summer and just as any theorist of privilege would predict it was the heterosexual, white, male staff members that either failed to make an appearance or stay for the entire discussion. No matter how talented they are, we have to remember that the students we work with are still just high school aged children. If those who are responsible for participants and the creation of accessible norms won't risk a better future for our community, it becomes harder to explain to students who look up to them why risking such an endeavor is necessary. As a student provided with the opportunity and privilege of participation by the Jersey Urban Debate League, I can remember plenty of tournaments in high school where the only black students at the tournament were individuals from my high school. It was a world shattering experience; no one spoke to us first and those we did approach didn’t have to acknowledge the fact that, every weekend, our failures and successes made us the representatives of black America in the minds of students and judges that never had to freely associate with black people. The irony of participation for black students is that to understand your existence in an academic, usually white, space throws that very space into question. They are both told that joining debate will make you smarter, more personable, and better able to communicate; however those who are already there don’t speak to them, they don’t vote for them, and they don’t associate with them. The unanswered question, then, is “For which bodies does LD exist?” **Continuing to parade LD under the guise of neutrality will reproduce the problem at hand.** Hiring practices, Judge Preferences /Strike Sheets, invitations to Round Robins, and who coaches don’t require their students to associate with all contribute to the problem at hand because they “accidentally” forget to include people of color. When only two major debate workshops bothered to hire anyone black to work with their students this summer it spoke to the reality of which bodies are seen as being competent enough to teach. Their skills as pedagogues weren’t dismissed because they aren’t qualified, but because they are black .**If we are to confront structural discrimination** against the black community, **we** can’t retreat to a defense of neutrality **but have to take strides in addressing and ending the cycle of exclusion**. If black students do not feel comfortable participating in LD they will lose out on the ability to judge, coach, or to force debate to deal with the truth of their perspectives.SK

**The 1AC concludes by returning to the story of the Painted Drum. For the Ojibwe people, the Drum represents the fabric of life that ties together generations, cultures and the power of Indigeneity.**

**Erdrich concludes,**

**“My grandfather sat down** next to one of the great logs and leaned against the curve of the wood. **He could see far across the bay** into the opening of the channel **and through** that **to an island so far, blue, and cloudy** that **it seemed** almost **a mirage. Yet it was very real** and Shaawano remembered it well. **He and Anaquot had run away** to that island from their camp, and there they had made their daughter in the first sweetness of their love. **They had wanted to be alone together**, just the two of them, feeding each other berries and touching whenever they wanted, **in the open, underneath a limitless sky.** **Perhaps the great trees had seen their fumbling**, human, all too brief happiness and taken pity. **Perhaps the trees knew all along**. Perhaps the trees had decided to do what they could for the childish lovers, and for their daughter. **The body of a drum is a container for the spirit, just as if it were flesh and bone. And although love between a man and woman can change and fail**, overreach itself, fall prey to suspicions, yet **the drum lives on. The drum waits with the patience of unliving things and yet heals with life itself.**

# Extensions

Extend **McKiernan** who provides an account of the Wounded Knee occupation. The historical story illustrates the brutality of the month long occupation of the Pine Ridge Indian Reservation by the US government. Although the American Indian movement was not successful, its resurgence against contemporary colonialism informs our understanding of an Indigenous politics of decolonization.

Extend **Riley 1**—guns are the colonial manifestation of the White settler and represent the imposition of the White colonial narrative, as colonizers utilized guns to fight warring Indians and drive them from their lands. The role of the gun is imperative in histories of land dispossession and genocide.

Extend the **plan-text**: “In the United States, Indigenous governments ought to be able to ban handguns absent federal intervention.”

Extend that I reserve the right to **clarify** in cross-ex to prevent needless theory debates that hinder topical and critical discussions that undermine education.

Extend **Riley 2**—a way for nations to deal with gun regulation is to enact a ban on all handguns. Complete bans constitute a good cultural, governmental and institutional fit for nations.

Extend **Riley 3**—banning handguns is uniquely important. Tribal sovereignty has created a loophole that allows nations to engage in innovative governance. They have an extra-constitutional status; gun legislation allows nations to address issues of violence and racial injustice in their communities.

This implies that their Constitutionality NCs are completely **non-unique**. There is an extra-constitutional status that applies to Indigenous communities on issues of gun regulation—terminal defense.

Extend **Riley 4**—the 1AC is a challenge to the dominant colonial narrative. Indigenous nations have historically been excluded from discussions about guns, especially in legal discourse. The 1AC is a new form of scholarship.

Constitutionality is a **link** into the 1AC criticism—it demonstrates the perpetual exclusion of Indigenous persons from both legal doctrines and discourse. Their endorsement of the constitution is an endorsement of settler colonialism.

Extend that working within the **state fails**. The US government has used violence and assimilative tactics to engrain colonial structures that erase Indigeneity. Only an affirmation of the right for Indigenous self-determination solves.

Extend **Riley 5**—liberation can only be achieved through an examination of Eurocentric scholarship. Discussions about how gun rights exist within Indigenous societies are long overdue. Prefer the 1AC as I use the topic as a starting point for the reconstruction of Indigenous scholarship.

Extend the **Louise Erdrich** story about the Wolf, who is constantly hunted, poisoned and stuffed into cages. How does the Wolf go on living with such sorrow? This is the suppression of Indigeneity by White colonial society.

Extend **Wilson**—the 1AC is a confrontation with White settler epistemology and aims to help realize the horrors of perpetual colonization of Indigenous bodies. North American colonialism has been violent, with the imposition of reserve systems and the waging of wars. The result is a society built on fear and an aversion to the past.

Extend **Wilson 2**—decolonization begins through a process of resurgence, which begins through a process of reclaiming Indigeneity. The 1AC is a regeneration of Indigeneity, as it advocates for the self-determination of Indigenous communities, as colonialism is the removal of Indigeneity.

Extend that decolonization starts with the **self** and is the precursor to larger political action. While collective consciousness is important, shifting in thinking and action must emanate from individual reorientations. This implies that my role of the ballot is important in the context of EACH debate round.

Extend **Sium and Ritskes**—storytelling, as performance, is particularly important as an act of Indigenous resistance. By including historical accounts of colonial injustice and traditional stories from Obijwe writers, the 1AC’s speech act carries emancipatory potential. Storytellers, for Indigenous communities, are knowledge keepers and bind the community together.

This argument is not about one performance being superior to another, but instead about how storytelling is a means of **resurgence** against colonialism. Poetry and narratives are great, but Indigenous storytelling carries cultural implications that such performances do not.

Extend **Alfred and Corntassel**—the role of the judge is to endorse the debater who best decolonizes the debate space. Colonialism has wreaked havoc on all manner of Indigenous struggles, but the path towards self-determination starts with personal decolonization, not institutional change—each round is key.

Extend **Smith**—the judge has the obligation to cast a ballot that promotes a discourse that embodies an anti-oppressive perspective. This should be your primary concern because any other benefit in the debate space can only be accessed by an equal space for dialogue.

Extend **Louise Erdrich’s** story of the Painted Drum. The Drum represents the fabric of life that ties together generations, cultures and the symbolic power of Indigeneity in confronting the perils in life. Voting aff is a recognition that the Drum must continue to sound and that the Drum lives on.

# Weighing

## RoB > Fairness

Extend **Alfred and Corntassel**—the role of the judge is to endorse the debater who best decolonizes the debate space. Colonialism has wreaked havoc on all manner of Indigenous struggles, but the path towards self-determination starts with personal decolonization, not institutional change—each round is key. Prefer my role of the ballot to the fairness voter:

**1.** Fairness appeals to the same institutional standards. By arguing that the unfair aspects of the aff prevent them from engaging in an equitable discussion about it, the 1NC merely reproduces forms of colonial domination—fairness is a link.

**Churchill** explains**,**

I’ll debunk some of this nonsense in a moment, but first I want to take up the posture of self-proclaimed leftist radicals in the same connection. And I’ll do so on the basis of principle, because justice is supposed to matter more to progressives than to rightwing hacks. Let me say that the pervasive and near-total silence of the Left in this connection has been quite illuminating. **Non-Indian activists**, with only a handful of exceptions, **persistently plead that they can’t really take a coherent position on the matter of Indian** land **rights because “unfortunately,” they’re “not really conversant with the issues”** (as if these were tremendously complex). **Meanwhile, they do virtually nothing, generation after generation, to inform themselves on the topic of who actually owns the ground they’re standing on. The record can be played only so many times before it wears out and becomes** just **another variation of “hear no evil, see no evil.”** At this point, it doesn’t take Albert Einstein to figure out that the Left doesn’t know much about such things because it’s never wanted to know, or that this is so because it’s always had its own plans for utilizing land it has no more right to than does the status quo it claims to oppose. The usual technique for explaining this away has always been a sort of pro forma acknowledgement that Indian land rights are of course “really important stuff” (yawn), but that one” really doesn’t have a lot of time to get into it (I’ll buy your book, though, and keep it on my shelf, even if I never read it). Reason? **Well, one is just “overwhelmingly preoccupied” with working on “other** important **issues”** (meaning, what they consider to be more important issues). Typically enumerated are sexism, racism, homophobia, class inequities, militarism, the environment, or some combination of these. It’s a pretty good evasion, all in all. Certainly, there’s no denying any of these issues their due; they are all important, obviously so. But more important than the question of land rights? There are some serious problems of primacy and priority imbedded in the orthodox script. To frame things clearly in this regard, lets hypothesize for a moment that all of the various non-Indian movements concentrating on each of these issues were suddenly successful in accomplishing their objectives. Lets imagine that the United States as a whole were somehow transformed into an entity defined by the parity of its race, class, and gender relations, its embrace of unrestricted sexual preference, its rejection of militarism in all forms, and its abiding concern with environmental protection (I know, I know, this is a sheer impossibility, but that’s my point). When all is said and done, the **society** resulting from this scenario **is** still, **first and foremost, a colonialist society,** an imperialist society in the most fundamental sense possible with all that this implies. This is true **because** the scenario does nothing at all to address the fact that **whatever is happening happens on someone else’s land,** not only without their consent, but **through an adamant disregard for their rights to the land.**

Multiple Implications:

**a.** Outweigh on Magnitude—their fairness arguments don’t even recognize the most basic fact of colonial society, namely that the grounds on which they claim fairness don’t even belong to them. It’s a performative contradiction because the 1NC can never be fair unless we deal with Indigenous issues.

**b.** Fairness is a scapegoat used by even progressive liberals to avoid discussing important yet contested topics. Just because you’re not prepared to have a discussion on these issues doesn’t mean I should lose. Their fairness arguments link into the criticism since they are means of avoiding real discussions about Indigeneity.

**c.** Even if fairness is constitutive to debate or a pre-requisite to evaluating the round properly it doesn’t matter because the value of fairness is already skewed. The role of the ballot corrupts the meaning of fairness and comes first. There’s not point of using something that has a counter-productive value.

**d.** Strength of link to the Churchill evidence—the idea that “they can’t really take a coherent position” due to unfairness is EXACTLY what the neg debater is saying; don’t let them sever out of this position by saying they don’t link to the critique. They should’ve just engaged with the advocacy instead of running away from oppression.

**2.** Extend **Smith—**the judge has the obligation to cast a ballot that promotes a discourse that embodies an anti-oppressive perspective. This should be your primary concern because any other benefit in the debate space can only be accessed by an equal space for dialogue. Fairness and theory are literally an abstraction, an attempt to exclude key discussions of oppression from the debate space. Prefer the Smith evidence because he writes about how the debate space is corrupted by arguments, such as fairness. Their arguments why fairness comes first can’t explain that debate isn’t already broken.

**3.** They conceded the most important warrant in **Wilson 3**. Extend that decolonization starts with the **self** and is the precursor to larger institutional change. While collective consciousness is important, shifting in thinking and action must emanate from individual reorientations. This implies that my role of the ballot is important in the context of EACH debate round. This is also warranted in Alfred and Corntassel. This outweighs on **specificity** because the individual has a significant role to play in the 1AC’s project of decolonization. Fairness appeals to institutional standards and norm creation, but this is always less important in the context of the debate round because change needs to start with the individual and their views on oppression.

**4.** Theory is an example of the academic procedural dogma that inhibits creative thinking and unique problem-solving strategies. Engaging debate on debate’s terms to weed out arguments that challenge its assumptions feeds into an ever-growing system of censorship that controls who is allowed to access certain knowledge—this means I outweigh because the neg militarizes the debate space.

**Bleiker** explains,

Bleiker 2000 [Roland, Senior Lecturer at the University of Queensland, *Popular Dissent, Human Agency, and Global Politics*, pgs 18-19] **Gazing beyond the boundaries of disciplinary knowledge is necessary to open up questions of traversal dissent and human agency. Academic disciplines**, by virtue of what they are, **discipline the production and diffusion of knowledge. They establish the rules of intellectual exchange and define the methods**, techniques, and instruments **that are** considered **proper for this purpose. Such conventions not only suggest on what ground things can be studied legitimately, but also decide what issues are worthwhile** to be assessed in the first place. **Thus, as soon as one addresses academic disciplines on their own terms, one has to play according to the rules of a discursive “police” which is reactivated each time one speaks.** In this case, **[O]ne cuts off any innovative thinking spaces that exist on the other side of this margin.**

## Storytelling First

Extend **Sium and Ritskes**—storytelling, as performance, is particularly important as an act of Indigenous resistance. By including historical accounts of colonial injustice and traditional stories from Obijwe writers, the 1AC’s speech act carries emancipatory potential. Storytellers, for Indigenous communities, are knowledge keepers and bind the community together.

This argument is not about one performance being superior to another, but instead about how storytelling is a means of **resurgence** against colonialism. Poetry and narratives are great, but Indigenous storytelling carries cultural implications that such performances do not—reasons why storytelling comes first.

If I win my role of the ballot, then arguments about Indigenous resurgence are the most important in the round. This implies that storytelling would come first because it’s how Indigenous communities have historically resisted colonialism.

Prefer **storytelling** to other forms of performance in the context of Indigeneity as stories is the form of communication that connects generational influences on Indigenous cultures and act as the PRIMARY mode of education. Stories are the glue for such communities and relationships.

**Wason-Ellam** explains,

**Stories hold the key to the traditions**, the rituals, **and the social ways of Indigenous passed on messages** about loyalty, respect, responsibility, honesty, humility, trust, and sharing–all those qualities that helped them within the relationships in their daily lives. **Storytelling** was much more than a pastime. Storytelling **was a social institution**, an “oral university” **that taught people** young and old **about being “human”** -- **that is, how to function in the community.** Traditional repertoires of oral tales embody systems of belief and guiding principles of personal behavior that are as relevant today as they were in centuries past (Cruikshank, 1990, p.x). In today’s communities, **storytelling** can be an important teaching strategy as it **creates bonds, increases listening skills, and fosters communication. Unlike the passivity of television and videos**, which are pervasive in the child and youth culture, **storytelling is interactive**. Television and videos are one-way communication, whereas, **storytelling by its very nature is a two-way communication.** Storytelling is mouth-to-ear, eye-to-eye, and face-to- face communication that answers questions about our daily lives. **The stories we tell** and retell about our significant small moments or big ideas **help us return to moments that mark us in some way**, to search for a moment’s meaning, or to repeat its meaning to ourselves or our students. **Sharing stories create** classroom **connections. They produce a relationship between the storytellers and the listeners**, as well as becoming stories belonging to a classroom community. The stories that are shared evolve from the lives that are brought together in forming a community of learners. In the Pulitzer Prize Poet, Lisel Mueller’ s poem “Why we tell stories?” (1980), a verse states we tell stories “because the story of our life becomes our life. Because each one of us tells the same story but tells it differently and none of us tells it the same way twice....” We all live through our stories and the stories live through us. **Storytelling is never the same way twice**, even when the same words are used, because the dialogical relationship is always shifting. Thus, **stories are dynamic rather than static**. Depending on who is listening there are many different messages that can be received. **Stories have many layers of meaning**, giving the listener the responsibility to listen, reflect **and** then interpret the message. “Stories incorporate several possible explanations for phenomena, allowing the listeners to creatively expand their thinking processes so that for each problem they encounter in life it **can be viewed from a variety of angles** before a solution is reached” (Lanigan, 1998, p.113). The community created by the teacher and students will determine the dynamics of the stories being told and shared.

## RoB K2 Lib Projects

**The 1AC is a prerequisite to any genuine liberation politics in North America—my role of the judge arguments outweigh.**

**Kenis** explains,

It’s time to stop fantasizing and confront what this consummation might look like. To put it bluntly, colonialism is colonialism, no matter what its trappings. You can’ t end classism in a colonial system, since the colonized by definition comprise a class lower than that of their colonizers. 13 You can’ t end racism in a colonial system because the imposed “inferiority” of the colonized must inevitably be “explained” (justified) by their colonizers through contrived classifications of racial hierarchy. 14 You can’ t end sexism in a colonial system, since it functions—again by definition—on the basis of one party imposing itself upon the other in the most intimate of dimensions for purposes of obtaining gratification.15 If rape is violence, as feminists correctly insist, 16 then so too is the interculture analogue of rape: colonial domination. As a consequence, it is impossible to end social violence in a colonialist system. Read Fanon and Memmi. They long ago analyzed that fact rather thoroughly and exceedingly well.17 Better yet, read Sartre, who flatly equated colonialism with genocide.18 Then ask yourself how you maintain a system incorporating domination and genocidal violence as integral aspects of itself *without* military, police, and penal establishments? The answer is that you can’t. Go right down the list of progressive aspirations and what you’ll discover, if you’re honest with yourself, is that none of them can really be achieved outside the context of Fourth World liberation. So long as indigenous nations are subsumed against our will within “broader” statist entities—and this applies as much to Canada as to the United States, as much to China as to Canada, as much to Mexico and Brazil as to China, as much to Ghana as to any of the rest; the problem is truly global—colonialism will be alive and well.19 So long as this is the case, all efforts at positive social transformation, no matter how “revolutionary” the terms in which they are couched, will be self-nullifying, simply leading us right back into the groove we’re in today. Actually, we’ll probably be worse off after each iteration since such outcomes generate a steadily growing popular disenchantment with the idea that meaningful change can ever be possible. This isn’t a zero-sum game we’re involved in. As Gramsci pointed out, every failure of supposed alternatives to the status quo serves to significantly reinforce its hegemony.20 When a strategy or, more important, a way of looking at things, proves itself bankrupt or counterproductive, it must be replaced with something more viable. Such, is the situation with progressivism, both as a method and as an outlook. After a full century of failed revolutions and derailed social movements, it has long since reached the point where, as Sartre once commented, it “no longer knows anything.”21 The question, then, comes down to where to look for a replacement.

# Topicality Frontlines

## A2 Effects Topicality

**Counter Interp—**The affirmative may affirm the resolution by arguing that Indigenous people should have the sovereignty to choose gun legislation as long as it’s proven that the Indigenous nations will ban handguns.

**Implications:**

**1.** I meet. Nations have already banned handguns under certain circumstances and will continue to do so. Solves abuse—they have disadvantage and counterplan ground on Nations that have already created the ban or will ban.

**Tweedy** explains,

Just as the Supreme Court suggested in District of Columbia v. Heller17 with respect to the meaning of the right to bear arms under the U.S. Constitution, for tribes, explicitly protecting the right to bear arms does not necessarily mean that the right cannot be regulated.18 **Navajo Nation,** for instance, **prohibits both the use of firearms and the carrying of** loaded **firearms in Marble Canyon Navajo Nation Park**,19 and the Nation also generally prohibits the carrying of loaded weapons with exceptions, such as for possession in the home or in a motor vehicle, for hunting, and for engaging in religious practices.

**2.** I meet. **Riley 2** explains that handgun bans constitute good cultural and governmental practices for these nations. Solves abuse because it demonstrates that there’s a reason why Indigenous nations ought to ban handguns.

**3.** No abuse. I clarified in cross-ex that I would defend any disadvantages that linked into the Alfred and Corntassel role of the ballot. Even if the aff is effects-topical, I’m willing to defend against all neg ground. My advocacy isn’t unpredictable because I clarified specifically in cross-ex that I wouldn’t be able to shift out of my advocacy.

**4.** No abuse. The text is disclosed on the wiki. Solves predictability claims because they could’ve just prepped out the case prior to the round. Their lack of pre-round prep and research shouldn’t be a reason for me to lose.

**Reasons to Prefer:**

**1.** Self-determination is necessary for Indigenous decolonization. Government imposed strategies, such as a plan-text that says the US federal government ought to ban handguns in Indigenous nations, always fail. Self-governance is not a viable strategy for decolonization and has failed in the past.

**Wilson** explains,

Other scholars, however, prescribe a framework of “self-governance”, which grants Indigenous communities autonomy within the colonial state. Cora Voyageur and Brian Calliou, proponents of a “self-governance” model, argue that self-government provides Aboriginal peoples “more control over their lives, territories, and resources” (209). **Self-governance**, however, **concedes to the colonial state, weakly accepting that complete decolonization is impossible**, demonstrating the hegemonic power of the state. This paper asserts, along with Alfred and others that **decolonization cannot occur within the colonial state, but must act against it. Working with the state apparatus serves to re-legitimize** the forms of **hegemony** that place Indigenous communities in abject poverty. **Whereas self-governance implies a right of First Nations to live as equals within the colonial state, self-determination demands recognition of independence from the colonial state. Indigenous communities, rather than living as “equals” within a Canadian society, ought to decolonize by utilizing their traditional values.** Alfred acutely points out that historically “there is in fact not a shred of empirical evidence that increasing the material wealth of Indigenous people…improves the mental or physical health…of people in First Nations communities” (“Colonialism and Dependency” 47). **Instead** **of dealing with the core problem for Indigenous people, self-governance and economic development solutions are invested in the colonial state, increasing dependency and control** by allowing state apparatus to avoid scrutiny. The rekindling of the Indigenous spirit, for Alfred, is the best pathway to decolonization. Indigenous people, rather than continue to live complicity within the state, need to challenge existing colonial structures by regenerating Indigeneity. **Increasing Aboriginal “rights”, wealth, or self-governance fail to demarcate First Nations from the state.** Indigenous people are a crucial historical moment. In an era of globalization and neoliberalism, environmental exploitation and unsustainability have become normalized and tacitly accepted, posing new threats to Indigenous communities merely fighting for physical survival. The colonial state will not simply disappear, but instead must be deconstructed and defeated. Recapturing Indigeneity and the intimate connections with nature provide the only conceivable pathway to decolonization and the revival of the Indigenous identity. The decolonization process is not simple or easy. The colonial state, through discourses of Aboriginalism and self-governance, will continue to suppress and attempt to erase Indigenous histories of resurgence. Yet, Corntassel asserts that, “If colonization is a disconnecting force, then resurgence is about reconnecting with homelands, cultures and communities” (97). Indigenous people must reclaim their identities and lands that were stolen. Indigenous scholars, such as Alfred, Sunseri, Lovelace and Corntassel, understand the importance of Indigeneity. Once a cultural heritage is lost and assimilation is complete, colonization becomes inevitable and decolonization becomes a mere spectre of the past. **Self-determination and the recapturing of Indigeneity must be the future of Indigenous communities**.

Thus, the neg’s interp merely recreates colonial power structures by demanding that the US federal government or debaters speak for Indigenous communities, rather than having them speak for themselves. This undermines ALL notions of fairness because the 1NC takes away the agency and freedom of Indigenous nations to choose for themselves, instead prescribing colonial state-based solutions. This has the strongest link into my role of the ballot, the only framework for the round, because Alfred and Corntassel prescribe the necessity of self-determination for decolonization. This argument is OFFENSE—the 1NC is actively creating colonial structures through their interp. Voting aff is a vote AGAINST colonialism.

**2.** Neg interp destroys all of my ground because **Riley 2** explains how Indigenous nations have extra-constitutional and judicial status in the United States. Other forms of the plan-text don’t work because they are legally impossible. This would imply that the 1NC forces me to defend utopian interps, undermining the possibility of real world change and undermining the effectiveness of my speech act against colonialism. This implies that their interp undermines my ability to speak in the first place, which precludes fairness because debate is based on the ability to engage.

## A2 Agent Spec

C/I: The affirmative may affirm by specifying that Indigenous people ought to be able to ban handguns absent federal intervention if the text is disclosed on the wiki and it has a solvency advocate

Solves 100% of the abuse – solvency advocate means it is grounded in the literature which means it’s a key part of aff ground and disclosure of the text means that I don’t kill any negative ground.

**I – meet**your interp – I said I’m willing to clarify in CX which means I could’ve defended it – also means your interp is proactively bad because it distracts from discussions of colonialism – that’s Alfred and Corntassel.

RTP:

A. Specifying that Indigenous governments take the action is key to the plan – defending an actor such as the USFG is nonsensical in this context as it is not viable – destroys aff ground and outweighs on specificity – that’s Wilson.

Two impacts:

1. The neg’s interp recreates colonial power structures by demanding that the US federal government or debaters speak for Indigenous communities, rather than having them speak for themselves. This kills accessibility which is an independent voter because the judge has to foster an inclusive debate space as the 1NC takes away the agency and freedom of Indigenous nations to choose for themselves, instead prescribing colonial state-based solutions.

2. This has the strongest link into my role of the ballot, the only framework for the round, because Alfred and Corntassel prescribe the necessity of self-determination for decolonization. This argument is OFFENSE—the 1NC is actively creating colonial structures through their interp. Voting aff is a vote AGAINST colonialism.

B. You have conceded Riley 3 who explains that tribal sovereignty is good – insofar as you concede the advantages to the plan and the Alfred and Corntassel evidence which indicates that indigenous discussion is good you concede that the plan is a good idea within the context of the round – outweighs your links to fairness and education because these arguments determine who has access to those notions in the first place.

C. You kill aff solvency because the plan doesn’t work independent of Indigenous nations – that’s Riley 4 - means that your interp excludes every part of the affirmative – insofar as you have conceded that talking about Indigeneity is a good thing this outweighs.

D. Clash: Spec is key to clash because otherwise we couldn’t generate productive discussions about groups that are oppressed – simply reading a general disad would merely encourage either (a) oppression olympics or (b) no discussion about these groups and thus destroy discussions relevant to actual productive solutions to these problems. Clash is an independent voter because it is constitutive of debate. Also – my interp means that you have infinite access to CP ground because you can read an actor CP, an advantage CP or a Topical CP which (a) outweighs any abuse coming out of the aff because it creates an infinity to 1 skew against me that I am willing to take if it means discussing indigeneity and (b) means we can actually discuss productive *solutions* to these problems

## A2 Enforcement Spec

## Drop the Argument

**1.** Dropping the debater makes theory an access to the ballot for the negative, which forces me to spend all of my time in the 1AR responding to theory, rather than focusing on substantive debate, which has liberatory potential. Increasing topical debate is always more important because it gives debaters more opportunity to discuss important issues and learn to become advocates. While the rules of the debate round are only trivially significant, the skills we learn and the arguments that we endorse through performance will impact our lives—I outweigh.

**2.** Dropping the debater encourages theory whenever you encounter a strategy that you don’t want to engage with. Makes his theory a link into the criticism, as he avoids engagement in decolonization of the colonial state, and outweighs because it creates a bad norm for debate, which is the purpose of theory debate.

**Sigel** explains,

A reasonable position can be developed that **voting to punish a team sets a bad precedent**. Since **it is extremely difficult to decide when** an abusive **[a] practice** really **justifies punishment, the risk that debaters will exploit punishment as a destructive strategic device seems great.** In theory, the punishment argument is the spontaneous response by a team to the abusive debating of their opponents. In practice, however**, debaters plan out strategies to "get a link" to punishment because they don't have** any **substantive answers to** **the other team's** policy **arguments**. Given the already apparent over-use of punishment arguments by debaters, It seems plausible that **voting for them in the future sets a dangerous precedent.** **The "whine" argument has become the most serious problem in** contemporary **debate**. **Too many teams employ arguments like topicality and punishment instead of substantive** policy **positions because it allows them to avoid research**. The activity cannot survive if the "best and the brightest" are plotting ways to make ad hominem attacks on their opponents. Andy Rist's complaint that he "find[s] the punishment paradigm annoying and [that he] usually consider[s] it only formalized whining" 6 is a candid and accurate description of one of the greatest problems in contemporary debate--the punishment paradigm.

Prefer this argument because it’s specific to norms creation. Theory and topicality have the goal of creating good norms for topical debate, so their voters should do the same; otherwise, it’s a performative contradiction.

**3.** Voting down debaters excludes arguments that don’t link into the interpretation, which is arbitrary and totalizes the aff advocacy. I should be able to use the arguments that don’t violate. Losing a significant part of my advocacy and forcing me to reset the round in the 1AR is enough of a deterrent and punishment. We don’t kill people for stealing in the real world. Punishment has to fit the crime.

**And**, debates over theory voters often become irresolvable because of the amount of arguments without weighing. Prefer my arguments because they were ORIGINALLY weighed against my opponents. Also, err aff on drop the debater vs. drop the argument because there are so many other topics the aff has to cover in a time crunched 1AR; this precludes my ability to access the ballot.

## RVIs

**1.** The claim that RVIs incentivizes good theory debaters to run abusive arguments over generalizes the argument; good theory arguments will always beat abusive arguments because if the abuse is worth running theory for the theory shouldn’t be hard to articulate. RVIs only chill bad theory—best for norms creation.

**Sigel** explains,

The reverse voting issue serves to discourage abuse of the punishment approach. Teams advancing stupid punishment arguments should themselves be punished. Teams making punishment arguments should be held responsible for those arguments--if they lose them they should pay. It is this author's belief that the criticisms that have been lodged against punishment ignore the built-in check provided by the reverse-voting issue. For example, one common attack is that punishment "chills" new theory--teams will be afraid to innovate for fear of being punished. Actually, punishment only "chills" bad theory. New theory--if it truly is an educational advance--would be defensible and could alone be a reason to vote for the team introducing it through the reverse voting issue concept. In fact, since there would be a need to rigorously support any new theory against punishment arguments, new theory would be more carefully articulated and defended.

**2.** The argument isn’t that I shouldn’t win for being fair, but rather that unreciprocal theory makes it impossible for me to win. Proving that I have been fair demonstrates the needlessness of the 1NC, making it merely a strategy tool, which itself has become abusive by skewing my time. Aff’s are forced to over-allocate time on theory because it comes first, which supercharges the abuse. Time skew is severe against the aff on theory because the 7 to 4 and 6 to 3 discrepancy makes it so that the neg can always kick theory if the aff overcovers it and win substance or go for theory if its undercovered. Time skew outweighs all arguments because if I don’t have the time to make the argument then the neg will always win. Time constraints the type and quantity of arguments we can make.

**And**, prefer my RVI arguments since they are explicitly comparative. Because the aff always has less time the neg can just dump on things like the RVI, making it impossible for the aff to win. Reject new arguments against RVI’s in the 2NR because it makes it conceptually impossible for me to win due to the 3 minutes 2AR. Prefer my weighing done in the first speech because it occurred first—the neg could’ve still weighed the importance of arguments; instead, they just made blips.

# Substantive Frontlines

## A2 Gov’t Ban CP

## A2 Constitution NC

## A2 Speaking for Others

## A2 Wilson Isn’t Organic

**1.** Wilson’s essay begins with a qualification about his precarious position; he’s not writing to speak for Indigenous people, but rather seeks to replicate the goals of other non-Indigenous scholars, cited and credited throughout his work, such as Taiaiake Alfred, Jeff Corntassel, Lina Sunseri and Robert Lovelace. Wilson doesn’t assume credibility.

**2.** Wilson is, at worst, all ally, as he writes from the position of a settler desiring a politics of decolonization. The recognize of privilege demonstrates that Wilson has demarcated himself from the most dangerous aspect of colonial society, namely, the silence of the settler. Wilson embraces Indigeneity.

**3.** Indigeneity is an epistemology and ontology that is based off of a relationship to the land. It’s not the same as anti-racism where White authors are subsuming a racial category. Indigeneity isn’t a race—that’s a construct of colonialism. It’s not a binary thinking. It’s not us vs. them. It’s rather about embracing a certain epistemology and worldview. Their argument is nonsensical.

**4.** Focus on identity drains decolonization movements. Who cares if he’s not a Native American? The arguments by the neg link further back into the critique by creating a politics of distraction. We still need to focus on decolonizing the Fourth World.

## A2 Tuck and Yang

**1. Perm - It’s try or die for research—it’s the only hope for inquiry—the aff is an investigation of the psychological and racial biases that are largely obscured, which is what their evidence calls for.**

**Tuck and Yang** explain,

Research is a dirty word among many Native communities (Tuhiwai Smith, 1999), and arguably, also among ghettoized (Kelley, 1997), Orientalized (Said, 1978), and other communities of overstudied Others. **The ethical standards of the academic industrial complex** are a recent development, and like so many post–civil rights reforms, **do not always do enough to ensure that social science research is deeply ethical, meaningful, or useful for the individual or community being researched**. Social science often works to collect stories of pain and humiliation in the lives of those being researched for commodification. However, **these same stories of pain and humiliation are part of the collective wisdom that often informs the writings of researchers who attempt to position their intellectual work as** decolonization. Indeed, **to refute the crime, we** may **need to** name it. How do we learn from and respect the wisdom and desires in the stories that we (over) hear, while refusing to portray/betray them to the spectacle of the settler colonial gaze? How do we develop an ethics for research that differentiates between power—which deserves a denuding, indeed petrifying scrutiny—and people? At the same time, as fraught as research is in its complicity with power, it is one of the last places for legitimated inquiry. It is at least still a space that proclaims to care about curiosity. In this essay, **we theorize refusal not just as a “no,” but as a type of** investigation into “what you need to know and what I refuse to write in” (Simpson, 2007, p. 72). Therefore, **we present** a refusal to do research, or **a refusal within research, as a way of thinking about humanizing researchers.**

**2. Perm—Endorse the 1AC as an affirmation of desire based research—that’s what Tuck and Yang actually advocate for.**

**Tuck and Yang** explain, [Tuck and Yang 14 Eve Tuck earned her Ph.D.in Urban Education at The Graduate Center, The City University of New York in 2008. She has conducted participatory action research with New York City youth on the uses and abuses of the GED option, the impacts of mayoral control, and school non-completion, and K. Wayne Yang, the co-founder of the Avenues Project, a non-profit youth development organization, and also the co-founder of East Oakland Community High School. He also worked in school system reform as part of Oakland Unified School District’s Office of School Reform. An accomplished educator, Dr. Yang has taught high school in Oakland, California for over 15 years and received the Academic Senate Distinguished Teaching Award in 2010, 2014, “R-Words: Refusing Research”. <https://www.academia.edu/3570279/R-words_Refusing_research>. SK]

Alongside analyses of pain and damage-centered research, Eve (Tuck 2009, 2010) has theorized desire-based research as not the antonym but rather the antidote for damage-focused narratives. Pain narratives are always incomplete. They bemoan the food deserts, but forget to see the food innovations; they lament the concrete jungles and miss the roses and the tobacco from concrete. Desirecentered research does not deny the experience of tragedy, trauma, and pain, but positions the knowing derived from such experiences as wise. This is not about seeing the bright side of hard times, or even believing that everything happens for a reason. Utilizing a desire-based framework is about working inside a more complex and dynamic understanding of what one, or a community, comes to know in (a) lived life. Logics of pain focus on events, sometimes hiding structure, always adhering to a teleological trajectory of pain, brokenness, repair, or irreparability—from unbroken, to broken, and then to unbroken again. Logics of pain require time to be organized as linear and rigid, in which the pained body (or community or people) is set back or delayed on some kind of path of humanization, and now must catch up (but never can) to the settler/unpained/abled body (or community or people or society or philosophy or knowledge system). In this way, the logics of pain has superseded the now outmoded racism of an explicit racial hierarchy with a much more politically tolerable racism of a developmental hierarchy.2 Under a developmental hierarchy, in which some were undeterred by pain and oppression, and others were waylaid by their victimry and subalternity, damagecentered research reifies a settler temporality and helps suppress other understandings of time. Desire-based frameworks, by contrast, look to the past and the future to situate analyses.

**1. Turn—Not speaking for others reflects blame and maintains the oppression of others; speaking is necessary and good.**

**Sells** explains,

In her recent article, "The Problems of Speaking For Others," Linda Alcoff points out the ways in which this retreat rhetoric has actually become an evasion of political responsibility. Alcoff's arguments are rich and their implications are many, but one implication is relevant to a vital feminist public forum. The retreat from speaking for others politically dangerous because it erodes public discourse. First, the retreat response presumes that we can, indeed, "retreat to a discrete location and make singular claims that are disentangled from other's locations." Alcoff calls this a "false ontological configuration" in which we ignore how our social locations are always already implicated in the locations of others. The position of "not speaking for others" thus becomes an alibi that allows individuals to avoid responsibility and accountability for their effects on others. The retreat, then, is actually a withdrawal to an individualist realm, a move that reproduces an individualist ideology and privatizes the politics of experience. As she points out, this move creates a protected form of speech in which the individual is above critique because she is not making claims about others. This protection also gives the speaker immunity from having to be "true" to the experiences and needs of others. As a form of protected speech, then, "not speaking for others" short-circuits public debate by disallowing critique and avoiding responsibility to the other. Second, the retreat response undercuts the possibility of political efficacy. Alcoff illustrates this point with a list of people--Steven Biko, Edward Said, Rigoberta Menchu--who have indeed spoken for others with significant political impact. As she bluntly puts it, both collective action and coalition necessitate speaking for others.

**3.** **Turn—Narratives of suffering are key to compassion and political action. The conclusions of the K are nonsensical.**

**Porter** explains,

First, attentiveness to suffering is needed because as fragile, vulnerable humans, we all suffer sometimes. The suffering I refer to here is that which has political implications. "How we engage with the suffering humanity around us affects and mirrors the health of our souls and the health of society" (Spelman 1997a, 12). Feeling compassion is a moral prompt to encourage a response to those we know are suffering. Nussbaum suggests that compassion rests on three beliefs about the nature of suffering.20 First, that the suffering is serious, not trivial. Second, "that the suffering was not caused primarily by the person's own culpable actions" (1996, 31).21 For example, suffering is caused by mercenaries or armies who murder all men in a village as "soft targets"; "smart bombs" that "surgically" destroy independent media networks and family homes; "friendly fire" that accidentally kills allies; and missiles on "probing missions" that kill civilians in war as "collateral damage." The Australian government's mandatory policy of detaining asylum seekers causes suffering. Third, "the pitier's own possibilities are similar to those of the sufferer" (31). Compassion acknowledges vulnerability, an admittance of one's own weakness, without which arrogant harshness prevails. For this reason, those who have suffered great hardship, pain, or loss are often are the most compassionate. Yet, we do not wish suffering on anyone simply to teach what is required for compassion. Cornelio Sommaruga, who headed the International Committee of the Red Cross for ten years, has reflected that it **was** his "daily realization that the more one is confronted with the suffering caused by war, the less one becomes accustomed to it**" (1998, ix). Just as Weil used the term "discernment" (quoted in R. Bell 1998), Nussbaum suggests that "judgment" that does not utilize the "intelligence of compassion in coming to grips with the significance of human suffering is blind and incomplete" (1996, 49). This judgment is crucial for understanding the conditions that give rise to injury and thus to the wise responses that might address such harms. When the experience of, forexample, being in a detention camp in a remote desert area seems to crush the morale of asylum seekers, attentiveness to their plight in the form of gifts, letters, and practical or legal help affirms their humanity. We see this dignity explained in Seyla Benhabib's concept of the "generalized other," which treats people as having equal rights and duties including the right to seek asylum when one has been persecuted, and the "concrete other," which "requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution" (1987, 164).** Ethical politics is about trying to cultivate decent polities that affirms human dignity. Such politics acknowledges the uniqueness of citizens, and affirms "our humanity in making others part of our lives while recognizing their right to be different**"** (Coicaud and Warner 2001, 13). It is [End Page 112] by no means simple to humanize the experience of the other when that experience is horrific, such as in torture, war-rape, sexual trafficking, or existing in detention camps. The "humanizing" comes in recognizing the intensity of pain, feeling some of the anguish, and realizing human vulnerability to the point of appreciating that in different situations, we too might be tortured, raped, forced into prostitution, or seeking asylum. Yet there are competing interpretations of the nature of pain and its causes, consequences, and moral, religious, and social significance. Debating pain and suffering places it in a political space. A compassionate society that values people must value different people with different interpretations of what is needed to ease suffering. It is hypocritical for states to mouth the rhetoric of compassion and respect of obligations to others, but in practice to ignore suffering. For example, mandatory detention of asylum seekers in Australia can last for many years.22 Isolation, uncertainty, separation from families, and memories of past traumas in one's country of origin often lead to mental breakdown or prolonged anguish. Yet the Australian government claims to respect the 1951 UN Refugee Convention and the 1967 Protocol Relating to the Status of Refugees. I have explained what constitutes suffering and that attentiveness affirms dignity. I clarify further the nature of attentiveness. If morality is about our concerned responsiveness, attention is the prerequisite to intense regard. Iris Murdoch borrowed the concept of "attention" from Simone Weil "to express the idea of a just and loving gaze" (1985, 34) on the reality of particular persons. Part of the moral task is, as Murdoch reiterated, to see the world in its reality—to see people struggling in pain and despair. Weil, too, gave "attention" a prominent place, grounded in concrete matters of exploitation, economic injustice, and oppression.23 Her emphases were pragmatic in struggling against the debilitating nature of life—how "it humiliates, crushes, politicizes, demoralizes, and generally destroys the human spirit" (quoted in R. Bell 1998, 16)—and idealistic in striving to put ideals into practice. Too readily, we think about suffering in the height of media accounts of famine, suicide bombings, terrorist attacks, refugee camps, and war's destructive impact, and retreat quickly into our small world of self-pity. As Margaret Little explains, Murdoch's point was that "the seeing itself is a task—the task of being attentive to one's surroundings" (1995, 121). We need to "see" reality in order to imagine what it might be like for others, even when this includes horrific images from war violence.24 Yet despite the presence of embedded journalists, media reporting of such events as the invasion of Iraq has remained entirely typical in that "the experience of the people on the receiving end of this violence remains closed to us" (Manderson 2003, 4). Without political imagination, we will not have compassionate nations. "Without being tragic spectators, we will not have the insight required if we are to make life somewhat less tragic for those who . . . are hungry, and oppressed, and in pain" (Nussbaum 1996, 88). In order for political leaders to demonstrate [End Page 113] compassion, they should display the ability to imagine the lives led by members of the diverse groups that they themselves lead.

## A2 Anti-Racism K

**1.** Perm do both. Anti-Racism theorists fail to include discussion of land theft and ongoing colonization, which further suppresses the Indigenous bodies and ensures that Indigenous people are viewed as a “dying race”. Including Indigenous perspectives through the perm increases the material benefits of anti-racist scholarship.

**Lawrence and Dua** explain**,**

**“**Antiracist and postcolonial theories have not integrated an understanding of Canada as a colonialist state in to their frameworks. It is therefore important to begin by elaborating on the means through which colonization in Canada as a settler society has been implemented and is being maintained. We also need to reference how Indigenous peoples resist this ongoing colonization. **Settler states in the Americas are founded on, and maintained through, policies of** direct **assimilation. The premise** of each **is to ensure that Indigenous peoples** ultimately **disappear *as* peoples, so** that **settler nations can** **seamlessly take their place**. Because of the intensity of genocidal policies that Indigenous people have faced and continue to face, **a common error on part of antiracist** and postcolonial **theorists is to assume that genocide has been** virtually **complete, that Indigenous peoples,** however unfortunately, **have been ‘consigned to the dustbin of history’** (Spivak, 1994) and non longer need to be taken into account. **Yet such assumptions are scarcely different from settler nation-building myths, whereby ‘Indians’ become unreal figures**, rooted in the nations prehistory, **who died out and no longer need to be taken seriously**…To speak of Indigenous nationhood is to speak of land as Indigenous, in ways that are neither rhetorical nor metaphorical. Neither Canada nor the United States—or the settler states of ‘Latin’ American for that matter—which claim sovereignty over the territory they occupy, have a legitimate basis to anchor their absorption of huge portions of that territory (Churchill, 1992: 411). Indeed, nationhood for Indigenous peoples is acknowledged in current international law as the right to inherent sovereignty. The notion that peoples known to have occupied specific territories, who have a common language, a means of subsistence, forms of governance, legal systems, and means of deciding citizenship, are nations—particularly if they have entered into treaties. As Churchill notes (ibid, 19-20), only nations enter into treaty relationships. In contrast, the legal system in Canada, a settler state, is premised on the need to preempt Indigenous sovereignty. The legal system does this through the assertion of a ‘rule of law’ that is daily deployed to deny possibilities of sovereignty and to criminalize Indigenous dissent. Because this rule of law violates the premises on which treaties were signed with Aboriginal people, the Supreme Court occasionally is forced to acknowledge the larger framework of treaty agreements that predate assertions of Canadian sovereignty. Historically, however, court decisions have been alternated between enlarging the scope of the potential for a renewed relationship between the Crown and Aboriginal peoples and drastically curtailing those possibilities…**The immediate problem facing Aboriginal peoples** in Canada **is that the status quo of a colonial order continues to target them for** legal and cultural **extermination, while undermining the viability of communities through theft of** their **remaining lands** and resources. **Aboriginal people need to re-establish control over** their **communities**. They must have their land returned to them, making communities viable and rebuilding nationhood, with a legal framework that brings Aboriginal peoples’ existing and returned lands under their own authority. **This requires** a total **rethinking** of Canada. Sovereignty and self-determination must be genuinely on the table as fundamental to Indigenous survival, not as lip service. **If they are truly progressive, antiracist theorists must begin to think about their personal stake in this struggle**, and about where they are going to situate themselves. We also need a better understanding of the ways in which Aboriginal peoples resist ongoing colonization. **At the core of Indigenous survival** and resistance **is reclaiming a relationship to the land. Yet, within antiracism theory** and practice, **the question of land as contested space is seldom taken up**. From Indigenous perspectives, **it speaks to a reluctance on the part of non-Natives of any background to acknowledge that there is more to this land than being settlers on it**, that there are deeper, older stories and knowledge connected to the landscapes around us. To acknowledge that we all share the same land base and yet to question the differential terms on which it is occupied is to become aware of the colonial project that is taking place around us**.”**

**2.** Perm do the AC and then the K. Anti-racist theories of nationalism preclude forms of Indigenous nationhood, as anti-racist forms of nationalism depend on the land stolen from Indigenous nations. The perm is always net beneficial since it allows both nationalist movements to flourish.

**Lawrence and Dua** explain,

**“**Finally, **theories of nationalism render Indigenous nationhood unviable**, which has serious ramifications in a colonial context. **The** postcolonial **emphasis on deconstructing nationhood furthers Indigenous denationalization for those targeted** for centuries **for** physical and **cultural extermination**, and facing added fragmentation through identity legislation (Grewal and Kaplan, 1994; Jackson and Penrose, 1993; Anderson, 1991; Hall, 1994). **Such deconstructions** can **ignore settler state colonization** (Anderson, 1991). Or they theorize, from the outside, about how communities “become” Indigenous solely because of interactions with colonialist nationalist projects (Anderson, 2003; Warren, 1992). If the epistemologies and ontologies of Indigenous nations do not count, Indigeneity is evaluated through social construction theory. More problematic still are works that denigrate nationalism as representing only technologies of violence (McClintock, 1997), or a reification of categories that can degenerate into fundamentalism and “ethnic cleansing” (Penrose, 1993; Nixon, 1997). There is also the simple dismissal of “ethnic absolutism” as an increasingly untenable cultural strategy (Hall, 1996b: 250, quoted in Weaver, 1998: 14), which calls into question the very notion of national identity. None of these perspectives enable Indigenous peoples in the Americas to envision a future separate from continuous engulfment by the most powerful colonial order in the world, or their continuous erasure, starting with Columbus, from global international political relations (Venne, 1998). In this respect, **postcolonial deconstructions of nationalism [are] appear to be premised on** what Cree scholar Lorraine Le Camp calls “terranullism,” **the erasure of an ongoing post-contact Indigenous presence** (Le Camp, 1995). Perhaps it is not surprising that from these perspectives, **decolonization, nationhood, and sovereignty begin to appear ridiculous and** irrelevant, impossible and futile (Cook-Lynn, 1996: 88). For Aboriginal peoples, **postcolonial deconstructions of nationalism simply do not manifest any understanding of how Aboriginal peoples actualize nationhood and sovereignty** given the colonial framework enveloping them. According to Oneida scholar Lina Sunseri (2005), **Indigenous nationhood existed before Columbus; when contemporary Indigenous theorists** on nationalism **explicate traditional Indigenous concepts of nationhood, they redefine the concept of a nation by moving beyond a linkage of a nation to the state** and/or modernity and other European-based ideas and values. In summary, **critical race and postcolonial theory systematically erases Aboriginal peoples** and decolonization **from the construction of knowledge about “race,”** racism, racial subjectivities, **and antiracism**. This has profound consequences. **It distorts our understanding of “race” and racism, and of the relationship of people of color to** multiple projects of **settlement. It posits people of color as innocent** 11 **in the colonization of Aboriginal peoples. Left unaddressed is the way in which people of color in settler formations are settlers on stolen lands.** It ignores the complex relationships people of color have with settler projects. **Although marginalized, at particular historical moments they may have been complicit with** ongoing **land theft and colonial domination** of Aboriginal peoples. It distorts our writing of history; indeed, the exclusion of Aboriginal people from the project of antiracism erases them from history**.”**

**3.** Perm. Do the 1AC as a way of recognizing the Indigenous identity. The refusal of anti-racist scholarship to recognize that it is written on land that is still colonized undermines scholarship and reproduces settler-colonialism, which turns case.

**Lawrence and Dua** explain,

**“The refusal of** international **scholarship to address settler state colonization and Indigenous decolonization is problematic**, especially **since the same epistemological and ontological frameworks are reproduced in** Canadian **antiracism theory**, which is **written on land that is still colonized. The failure of** Canadian **antiracism to make colonization foundational has meant that Aboriginal peoples’ histories**, resistance, **and** current **realities have been segregated from antiracism.** In this section, we will explore how this segregation is reflected in theory, as well as its implications for how we understand Canada and Canadian history. Second, we shall complicate our understandings of how people of color are located in the settler society. Antiracism’s segregation from the knowledge and histories of resistance of Aboriginal peoples is manifested in various ways. Aboriginal organizations are not invited to participate in organizing and shaping the focus of most antiracism conferences. Indigeneity thus receives only token recognition. Their ceremonies feature as performances to open the conference (regardless of the meaning of these ceremonies for the elders involved). Usually, one Aboriginal person is invited as a plenary speaker. A few scattered sessions, attended primarily by the families and friends of Aboriginal presenters, may address Indigeneity, but they are not seen as intrinsic to understanding race and racism. At these sessions, Aboriginal presenters may be challenged to reshape their presentations to fit into a “critical race” frame- work; failure to do so means that the work is seen as “simplistic.” In our classes on antiracism, token attention—normally one week—is given to Aboriginal peoples, and rarely is the exploration of racism placed in a context of ongoing colonization. **In antiracist** political **groups, Aboriginal issues are placed within a liberal pluralist framework, where they are marginalized** and juxtaposed to other, often-contradictory struggles, such as that of Quebec sovereignty. These practices reflect the theoretical segregation that underpins them. **Within antiracism scholarship, the widespread practice of ignoring Indigenous presence at every stage of** Canadian **history** fundamentally flaws our understandings of Canada and Canadian history. In this view, Canadian history is replete with white settler racism against immigrants of color. If Aboriginal peoples are mentioned at all, it is at the point of contact, and then only as generic “First Nations,” a term bearing exactly the degree of specificity and historical meaning as “people of color.” **The “vanishing Indian” is as alive in antiracism scholarship as it is in mainstream Canada.** A classic example is James Walker’s 1997 text, *“Race,” Rights and the Law in the Supreme Court of Canada*, which considers four historic Supreme Court rulings that were instrumental in maintaining racial discrimination and anti-Semitism in Canada. Disturbingly, legal decisions affecting Native peoples are ignored in this text. By comparison, Constance Backhouse’s 1999 work, *Colour-Coded: A Legal History of Racism in Canada, 1900–1950*, goes a long way toward filling this gap. In this text, Backhouse addresses crucial cases such as the legal prohibition of Aboriginal Dance, *Re: Eskimos,* which ruled on whether “Eskimos” were legally “Indians,” as well as other instances of colonial and racial discrimination in the law against Aboriginal peoples and people of color. Backhouse’s approach reveals a more in-depth view of the embeddedness of racism in a colonial regime. Unfortunately, this kind of inclusive perspective is rare. These practices of exclusion and segregation reflect the contradictory ways in which peoples of color are situated within the nation-state. **Marginalized by a white settler nationalist project, as citizens they are nonetheless invited to take part in ongoing colonialism.** The relationship of people of color to Indigeneity is thus complex. We turn now to the dynamic interaction between people of color, Indigeneity, and colonialism. **People of color are settlers.** Broad differences exist between those brought as slaves, currently work **as** migrant laborers, are refugees without legal documentation, or émigrés who have obtained citizenship. Yet **people of color live on land that is appropriated and contested, where Aboriginal peoples are denied nationhood and access to** their own **lands**. This section will examine how people of color, as settlers, participate in, or are complicit in, the ongoing colonization of Aboriginal peoples. **Histories of the settlement of people of color have been framed by racist exclusion and fail to account for the ways in which** their **settlement** **has taken place on Indigenous land**. As citizens, they have been implicated in colonial actions. Moreover, there are current, ongoing tensions between Aboriginal peoples and people of color, notably in terms of multiculturalism policy and immigration**.”**

## A2 Ableism K

**1.** **Historical Materialism DA. Their reform will not result in better treatment or more rights for the disabled—the issue is primarily economic, as disabled people are not viewed as profitable. Even inclusion will fail because the economic system values production that will always view disabled people as inferior and too costly. Russell,**

Society still perceives disability as a medical matter. That is**, society associates disability with** physiological, anatomical, or mental **defects and hold these conditions responsible** for the disabled person ís lack of full participation in the economic life of our society, **rather than viewing their exclusion for what it is** -- **a matter of hard constructed socio-economic relations that impose** isolation (and **poverty**) **upon disabled people**. This medicalization of disability places the focus on curing the so-called abnormality - the blindness, mobility impairment, deafness, mental or developmental condition - rather than constructing work environments where one can function with such impairments. In my view, **the economic system can be held primarily responsible for disabling physically and mentally impaired people. Disablement is a product of the political economy or the interaction between** individuals (**labor) and the means of production**. In this view, **disabled people ís oppression can be traced to the restraints imposed by the capitalist system**. **Those who control** the **means of production** in our economy **impose disability upon those with** bodies which have **impairments** perceived to cause functional differentials and as such, do not conform to the standard (more exploitable) workerís body. **Since passage of the Americans with Disabilities Act** in 1990, for example, **business has fought**, tooth and nail, **integrating disability in the workplace** by providing a reasonable accommodation as required by the ADA. In the first decade of the law, the disabled employment rate has not budged from its pre-civil rights figure of 70 percent unemployed. Capitalist business accounting practices can be held accountable. **Disabled persons are isolated** and excluded from full participation in work life **because business practices foster it**. As I have written previously: ìThe goal of business is to make profits. **The basis of capitalist accumulation is the business use of surplus labor from the work force of skilled labor** in a way which generates profits. Typical business accounting practices weigh the costs of employment against profits to be made. **Productive labor**, or exploitation of labor, **means** simply **that labor is used to generate a surplus value** based on what business can gain from the worker productivity against what it pays in wages, health care, and benefits (the standard costs of having an employee). The surplus-value created in production is then appropriated by the capitalist. The worker receives wages, which in theory, covers socially necessary labor, or what it takes to reproduce labor-power every working day. The employer will resist any extra-ordinary or nonstandard operation cost. **From a business perspective, the hiring** or retaining **of a disabled employee represents** nonstandard **additional costs** when calculated against a companyís bottom line. [Economist, Richard] Epstein endorses this point of view, stating that employment provisions of the ADA are a ìdisguised subsidyî and that ìsuccessful enforcement under the guise of ëreasonable accommodationí necessarily impedes the operation and efficiency of firms.î Whether real or perceived in any given instance, **employers continue to express concerns about increased costs** in the form of providing reasonable accommodations, anticipate extra administration costs when hiring nonstandard workers, and speculate that a disabled employee may increase workerís compensation costs in the future. Employers, if they provide health care insurance at all, anticipate elevated premium costs for disabled workers. Insurance companies and managed care health networks often exempt ìpre-existingî conditions from coverage or make other coverage exclusions based on chronic conditions, charging extremely high premiums for the person with a history of such health care needs. Employers, in turn, tend to look for ways to avoid providing coverage to cut costs. In addition, employers characteristically assume that they will encounter increased liability and lowered productivity from a disabled worker. Prejudice-based disability discrimination, resting on employer assumptions that the disabled person cannot do the job or on employer-resistance to hiring a blind, deaf, mobility or otherwise impaired person just as they might not want to hire blacks or women, undoubtedly contributes significantly to the high unemployment rate of disabled people. **Disabled workers** also **face inherent economic discrimination within the capitalist system, stemming from employers expectations of encountering additional nonstandard production costs** when hiring a disabled worker as opposed to hiring a worker with no need for special accommodation, environmental modifications, liability insurance, maximum health care coverage or even health care coverage at all. Using this analysis, **the prevailing rate of exploitation determines who is "disabled" and who is not. Disability thus represents a social construct** which defines who is offered a job and who is not. **An employee who is too costly** (significantly disabled) **will not likely become** (or remain) **an employee at all.** Census data tends to support his view. For working-age persons with no disability the likelihood of having a job is 82.1 percent. For people with a non-severe disability, the rate is 76.9 percent; the rate drops to 26.1 percent for those with a significant disability.î [ìBacklash, the Political Economy, and Structural Exclusion,î 21 BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW (Feb. 2000) pp 348-349.] The ADA has not ìleveled the playing fieldî - the goal of most civil rights legislation - by eliminating economic discrimination. In liberal capitalist economies, redistributionist laws which, if enforced, will cost business are necessarily in tension with business interests, which resist such cost-shifting burdens. This is evidenced by employers hard resistance to providing reasonable accommodations, the business-biased conservative courts which are consistently ruling on behalf of employers, not workers with impairments and the persistent high disabled unemployment rate. **Capitalists benefit by not having to employ or retain a worker with an impairment. Therefore many disabled workers are,** and will continue to be, **eliminated from mainstream economic activity**. So the question becomes is **it possible to reform business practices so that disabled persons are not excluded from the workforce?** Government could offer subsidies to offset business costs to level the playing field. Indeed it has recently passed one such reform, the Work Incentives Act, a subsidy that will allow disabled workers to retain their public health care by permitting them to buy into Medicare and Medicaid. But typical of most reforms, this measure falls way short. For example, the buy-in is only for an eight year stretch. What then? Other dubious subsidies already exist. Section 504 of the Rehabilitation Act of 1973 provides that federally-financed institutions are required to pay a "fair" or ìcommensurateî wage to disabled workers, but they are not required to meet even minimum wage standards. The traditional sheltered workshop is the prototype for justifying below-minimum wages for disabled people, based on the theory that such workers are not able to keep up with the average widget sorter. Any nonprofit employer is allowed to pay subminimum wage to disabled employees under federal law, if the employer can show that the disabled worker has "reduced productive capacity." 6,300 such U.S. workshops employ more than 391,000 disabled workers, some paying 20 to 30 percent of the minimum wage; as little as $3.26 an hour and $11 per week. In reality, workers with disabilities in these workshops know that they are sometimes paid less, not because they lack productive capacity but because of the nature of segregated employment. Government could pay for disabled workersí reasonable accommodations. Perhaps that would remove the issue of that added cost from the employerís bottom line and stop some employers from fighting disabled employeesí much needed accommodations in court. Such **reform**, however, **is not likely to make a difference in any substantive sense**. For one, **productivity is the center of capitalist accumulation**. **Labor is always**, a priori, **the retarding factor of productivity** because labor can never produce fast enough or equivalently, at a low enough valued rate, to suit the expectation of an accelerating profit curve. **It is likely that impaired persons** (due to the reasons explained above) **will always be seen as less than what is desirable** to maximize profit. In addition, the put-into-practice theory of a natural unemployment rate assures that the Federal Reserve will see to it that large numbers of people are kept unemployed to preserve the ìhealthî of the economy. Disabled persons are traditionally a part of this ìreserve army of labor.î

**2. Root Cause. No solvency deficit to the alt—even if normalization regarding disability predates capitalism, cap is the rooted cause and foundational element in the systems of normalization, exclusion, and violence that exists today. Harn,**

The influences that have relegated people with disabilities to a significant role in the industrial reserve army' probably can be traced by historical sources that antedate the rise of capitalism Even a cursory review of attitudes toward disabled persons reveals extensive evidence of antipathy and aversion in earlier eras (Oberman 1965) in many respects, predominate feelings about disability have seemed to parallel the persistent legacy of perceptions of aliens in distant lands who were imagined as possessing unusual appearances (Renard 1984) And yet. in searching for a significant part of the explanation for prejudice and discrimination against men and women with disabilities researchers need look no further than major social and economic trends in capitalist nations such as the United States during the nineteenth and twentieth centuries in numerous subtle ways the agents of powerful industrialists in this era implicitly promoted pervasive messages about acceptable forms of human appearance that encouraged consumers to strive relentlessly to approximate these images Fueled by the quest for expanded markets and higher profits capitalists were responsible for promulgating a rigorous set of standards concerning physical characteristics that indirectly resulted in the exclusion of oppressed groups from many areas of community life Although persons with visible physical or other disabilities probably were not significantly affected by these developments, commercial imagery of approved bodily attributes also has had a disadvantageous impact on the social and economic opportunities available to others with personal traits that differ from the norms of the dominant majority This paper argues that these influences have had an important effect upon entrance to the labor force as well as admission to other social activities Moreover, as further technological advances in the twentieth century increased the pervasiveness of visual symbols of an ideal appearance, the social and economic power of these images was constantly reinforced by the mass media Hence, a major source of the historical forces that prevented disabled persons and other oppressed groups from assuming a significant role in the labor market can be found in the dynamics of capitalism itself While these trends may have been based on widespread fears and prejudices that existed previously, much of their strength and effectiveness in producing circumstances that were especially disadvantageous to disabled people resulted from processes that seemed to be dictated by the logic of a capitalistic economic system.

3. **Turn. They will only perpetuate the societal exclusion of disabled persons because it misdiagnoses the problem and precludes the critical analysis of capitalism necessary to create meaningful structural change. Russell,**

To explain such outcomes, I have sought to examine the relationship between politics, policy and economics—particularly with regard to the interests of business. Disability scholars such as Victor Finkelstein, Michael Oliver, Colin Barnes, Paul Abberley, Nirmala Erevelles, Lennard Davis, Brendan Gleeson and others have advanced the position that the capitalist system—particularly the commodi cation of labour—is a crucial contributing factor to the lack of economic advancement of disabled people. Going back to Marx’s theory of absolute impoverishment, Ernest Mandel clarifies Marx’s observation that capitalism ‘throws out of the production process’ a section of the proletariat: unemployed, old people, disabled persons, the sick, etc. (Mandel, 1962, p. 151) Marx calls these groups a part of the poorest stratum ‘bearing the stigmata of wage labor’. As Mandel says, ‘this analysis retains its full value, even under the “welfare” capitalism of today’ (Mandel, 1962, p. 151). While others have made links between capitalism and disablement my purpose has been to expose how modern capitalism perpetuates this substratum in the face of disabled peoples’ struggle for their place the US labour force. In this vein I have sought to expose systemic economic discrimination against disabled workers in a capitalist economy that the ADA cannot address or remedy and will return to this matter below. I have also argued that ADA court failures have been prompted by capitalist opposition made more powerful in a neoliberal era, where conservative forces have politically achieved a more laissez faire, deregulated economy, successfully targeting regulationships they view as interfering with business for weakening or repeal (Russell 1998; pp. 109–111; 2000, p. 341). The philosophical momentum for social justice that spurred the Civil Rights Act of 1964, and subsequent progressive court decisions in the 1960s and 1970s was well into decline by the 1990s when the ADA was passed. For example, in the era following passage of civil rights laws in 1957, 1960, 1964 and 1968, the Republicans made dramatic inroads into Democratic victories that forged the civil rights movement, established the Of ce of Economic Opportunity and initiated the War on Poverty during the Great Society. Presidents Reagan and Bush dismantled the entire Community Services Administration, responsible for driving much of the 1960s social change agenda by advancing human services, occupational safety, consumer protection and environmental protection laws. On the way out were civil rights and economic entitlements, replaced by a conservative thrust to reduce ‘big bad government’. The dominant agenda of the late 1970s and 1980s was bolstered by corporate goals, which emphasised globalisation and political dominance of government (McMahan, 1985). Increased international capital mobility and liberalised international trade have resulted in the transfer of more power to management, at the expense of labour. (Parenti, 1995, pp. 99–119, 271) Conservative forces targeted protective regulations for repeal or rollback that, in their view, interfered with business (Wolman & Colamosca, 1997; Mishel et al., 1999). Economic policy in the post-1979 period moved decisively toward a more laissez faire, deregulated approach. Industries like transportation and communications have been largely deregulated. Social protections, including safety, health and environmental regulations, the minimum wage, government transfer payments (welfare) and the unemployment insurance system all have been weakened. The ADA was no exception. It was watered down substantially to achieve Congressional consensus and Bush’s presidential approval (Pheiffer, 2000, p. 43). The most recent evidence that these forces remain intact: the Supreme Court’s weakening of the ADA in Garrett, Sutton, Murphy and Albertson’s disability employment decisions; the striking down of the Age Discrimination Act in Kimel v. Florida; and the invalidation of the Violence Against Women’s Act in United States v. Morrison. After years of dedicated civil rights activism in the 1950–60s the American civil rights leader Dr Martin Luther King, Jr outgrew the liberal view that economic justice for blacks was possible through the enactment of civil rights laws geared to make race-based employment discrimination against the law. King realised that civil rights (even when coupled with economic expansion) could not solve the mass unemployment of black Americans. At the 1967 Southern Christian Leadership Conference convention Dr King implored the movement to: address itself to the question of restructuring the whole of American society. There are 40 million poor people here. And one day we must ask the question, ‘Why are there 40 million poor people in America?’ And when you begin to ask that question, you are raising questions about the economic system, about a broader distribution of wealth. When you ask that question, you begin to question the capitalistic economy …’ (Washington, 1991, p. 250) For King, the theme of job creation in a capitalist economy was an ongoing and primary part of his peoples’ struggle for justice. ‘We need an economic bill of rights. This would guarantee a job to all people who want to work and are able to work …’ (King, 1968, p. 24) Today, almost 40 years since the passage of the Civil Rights Act of 1964, no economic rights have been enacted and black unemployment remains twice (8%) that of the of cial national rate (4.2%). This is so even when civil rights have been accompanied by af rmative action measures designed to promote hiring and remedy past race discrimination. The ADA was not followed by af rmative action for disabled workers. There is no reason to believe disability civil rights outcomes will fair better. In practice, civil rights, which primarily focus on attitudes and prejudice, have not given sufficient attention to the barriers that the economic structure and power relationships erect against the employment of disabled persons. This paper explores the shortcomings of the liberalist ‘equal opportunity’ approach to employment. My emphasis will be on the political economy of disablement, on micro- and macroeconomic realities systemic to capitalism, which contribute to the high disabled unemployment rate. Class interests perpetuate the exclusion of disabled persons from the workforce through systemic business accounting practices and compulsory unemployment. If we conceptualise disablement as a product of the exploitative economic structure of capitalist society; one which creates the so-called disabled body to permit a small capitalist class to create the economic conditions necessary to accumulate vast wealth, then it becomes clear that anti-discrimination legislation, by failing to acknowledge the contradictions of promoting equal opportunity in class-based (unequal) society, is insufficient to solve the unemployment predicament of disabled persons. Instead, the liberal rights model serves to forestall criticism of relationships of power at the centre of the exclusion from employment and inequality that disabled persons face. This paper will offer such a criticism.

**4. Commodification DA. Your K places the abled body as the foreground of the disability advocacy, robbing the disabled body of agency over itself and reinforces the belief that the active participation of disabled people in actual legislative debate is irrelevant to the ability of the government to legislate well. This involves a profound moral violence and turns case. Wasserman,**

**The first-hand experience** of stigmatization **may confer two sorts of authority** on people with disabilities**.** The **first** is epistemic. **There should be “nothing about us without us” because any discussion of**, or research into, **disability not informed by that experience would** likely **be inaccurate and misguided.** For example, discussions of well-being that do not take into account the perspective of disabled people may assume that their level of happiness or satisfaction is much lower than it in fact is, or that it is lower mainly because of difficulties directly attributable to impairments rather than attitudes and social barriers. This is but one application of the more general issue of first-person authority: the extent to which people have special or privileged knowledge of their own mental states and experiences [see SEP entry on “Self-Knowledge”]. Although this is a subject of great controversy in the philosophy of mind, there is widespread agreement that, at minimum, first-person ascriptions of mental states carry a defeasible presumption of correctness. But there is an additional epistemic reason for according significant weight to the first-hand reports of people with disabilities. The observations and judgments of all stigmatized minorities are frequently discounted, but **[for] people with disabilities** face a distinct handicap. **There is a** powerful**, pervasive tendency, among philosophers, social scientists, and laypeople to dismiss their self-appraisals as reflecting ignorance, self-deception, defensive exaggeration, or courageous optimism** [see SEP entry on “Feminist Perspectives on Disability”, Sec. 3]. Giving those self-appraisals heightened attention and deference may be an appropriate and effective way to counteract or correct for that tendency. Epistemic authority thus provides a good reason for encouraging disabled people to speak about their experiences and for nondisabled people to listen when they do. But there is another reason as well: **people who suffer stigmatization**, disrespect, and discrimination **have a moral claim to be heard that is independent of the accuracy of their testimony.** **Even if someone lacking those experiences could convey them accurately** and vividly, **she would not be an adequate substitute** for those who had the experiences. **The experience** of stigmatization, like the experience of other forms of oppression, **calls for recognition, and thereby may impose a duty on those fortunate enough to have avoided such experiences** to listen closely to those who have had them. **To settle for second-hand accounts** of those experiences or to ignore them altogether **seems disrespectful** to the victims. The conviction that the oppressed have a right to a hearing lies behind the recent proliferation of Truth Commissions and tribunals. It also helps explain the frustration of crime and torture victims denied an opportunity to tell their stories, even when their oppressors receive punishment without their testimony. Though few **disability advocates** would demand a tribunal for the routine indignities of life with disabilities in developed countries, most **demand a far greater voice in** the media depiction of people with disabilities, in research about them, and in **policies** concerning or **affecting them.**

**When we do something for disabled people that we think they need, even when it is good, it is always coopted as a charitable gift, which results in dehumanization. This means your aff makes the situation worse and turns case. Goldfish,**

I've written before about the way that doing anything for disabled people, including normal things that family members, friends and colleagues do for one another all the time, can be framed as care and take on a special charitable status. Give your non-disabled friend a lift? That's a favour. Give your disabled friend a lift? That's care, have a medal, bask in the warm-fuzzy of your own philanthropy. Thus all interactions with disabled people become tainted with this idea of charity. Employers imagine that employing disabled people would be an act of generosity and compassion, rather than shrewd recruitment. Accessibility is not a matter of fairness, but kindness, and can this organisation afford to be kind? Governments are able to frame disability benefits and social service support as a matter of charity, discussing deserving and undeserving cases, as opposed to straight-forward eligibility. This is a major factor in the abuse of disabled people, with disabled women twice as likely and disabled children three times as likely to experience domestic abuse than their non-disabled peers. Stand next to a disabled person and you'll be assumed to be their carer. Live with one and you'll be assumed to be a saint (see above, re the New Malden murders).

## A2 Feminism K

**First is the Intersectionality DA:**

**Isolating a single form of oppression embraces the same either/or thinking that inherently excludes the potential of those with multiple forms of oppression, like black feminism. This precludes any ability to achieve a paradigmatic shift and liberation—turns case.**

**Collins in 2k9,**

**Additive models of oppression are firmly rooted in the either/or** dichotomous **thinking of Eurocentric,** masculinize **thought. One must be either Black or white** in such thought systems – **persons of ambiguous** racial and ethnic **identity constantly battle with** questions such as “**what are you,** anyway?” **This emphasis** on quantification and categorization **occurs in conjunction with the belief that** either/or **categories must be ranked**. The search for certainty of this sort requires that one side of a dichotomy be privileged while its other is denigrated. Privilege becomes defined in relation to its other. **Replacing additive models of oppression with interlocking ones creates possibilities for** new paradigms. The significance of seeing race, class, and gender as interlocking systems of oppression is that such an approach fosters **a paradigmatic shift of thinking inclusively** about other oppressions, such as age, sexual orientation, religion, and ethnicity. **Race, class and gender represent** the **three systems of oppression that** most **heavily affect African-American women**. But these systems and the economic, political, and ideological conditions that support them may not be the most fundamental oppressions, and they certainly affect many more groups than Black women. Other people of color, Jews, the poor, white women, and gays and lesbians have all had similar ideological justifications offered for their subordination. All categories of humans labeled Others have been equated to one another, to animals, and to nature (Halpin 1989). **Placing [them]** African-American women and other excluded groups **in the center of analysis opens up possibilities** for a both/and conceptual stance, one in which all groups possess varying amounts of penalty and privilege in one historically created system. In this system, for example, white women are penalized by their gender but privileged by their race. Depending upon the context, an individual may be an oppressor, a member of an oppressed group, or simultaneously oppressor and oppressed.

**Empowerment can only occur after rejecting such problematic ways of thinking and viewing all forms of oppression as interlocking—undermines alt solvency.**

**Collins 2,**

**Empowerment involves** rejecting the dimensions of **knowledge**, whether personal, cultural, or institutional, **that perpetuate objectification** and dehumanization. **African-American women** and other individuals in subordinate groups **become empowered when** we understand and use those dimensions of our individual, group, and disciplinary ways of knowing that fosters our humanity as fully human subjects. This is the case when **Black women value** our **self-definitions [and]**, participate in Black women’s activist tradition, **invoke Afrocentric feminist epistemology** as central to our worldview, and view the skills gained in schools as part of a focused education for Black community development. C. Wright Mills (1959)identifies this holistic epistemology as the “social imagination” and identifies its task and its promise as a way of knowing **that enables individuals to grasp the relations between history** and biography **within society. Using one’s standpoint to engage the sociological imagination can empower the individual**. “My fullest concentration of energy is available to me,” Audre Lorde maintains, “only when I integrate all the parts of who I am, openly, allowing power from particular sources of my living to flow back and forth freely through all my different selves, without the restriction of externally imposed definition” (1984, 120-21).

**Implications:**

**A. My opponent’s assertion of a false dichotomy of race and gender prevents us from solving any form of oppression. K outweighs their attempt to solve patriarchy.**

**B. Alt fails to solve oppression—terminal defense on the alt.**

**Second is the Essentialism DA:**

**Essentialist feminism reinforces gender stereotypes through valorization of women’s differences, harming ourselves and our listeners, and killing the transformative potential of their critique—turns case and undermines solvency.**

**Young in 1990,**

Within the context of antifeminist backlash, **the effect of** gynocentric **feminism may be accommodating to the existing structure**. Gynocentric **feminism** relies on and **reinforces gender stereotypes** at just the time when the dominant culture has put new emphasis on marks of gender difference. It does so, moreover**, by relying on** many of those **aspects of women's traditional sphere that traditional patriarchal ideology has** most **exploited** and that humanist feminists such as Beauvoir found most oppressive--reproductive biology, motherhood, s domestic concerns. Even though its intentions are subversive, such renewed **attention to traditional femininity can have a reactionary effect on both ourselves and our listeners** **because it may echo the dominant claim that women belong in a separate sphere.** Humanist feminism calls upon patriarchal society to open places for women within those spheres of human activity that have been considered the most creative, powerful, and prestigious. Gynocentric **feminism** replies that wanting such things for women implies a recognition that such activities are the most humanly valuable. It **argues that** in fact, **militarism, bureaucratic hierarchy**, competition for recognition, and the instrumentalization of nature **and people entailed by these activities are basic disvalues.**24Yet in contemporary society, men still have most institutionalized power, and gynocentric feminism shows why they do not use it well. **If feminism turns its back on the centers of power,** privilege, and individual achievement **that men have monopolized, those men will continue to monopolize them,** and nothing significant will change. Feminists cannot undermine masculinist values without entering some of the centers of power that foster them, but the attainment of such power itself requires at least appearing to foster those values. Still, without being willing to risk such co‑optation, feminism can be only a moral position of critique rather than a force for institutional change.Despite its intention, I fear that gynocentric **feminism may have the same consequence as the stance of moral motherhood** that grew out of nineteenth century feminism a **resegregation of women to a specifically women's sphere, outside the sites of power, privilege, and recognition.** For me the symptom here is what the dominant culture finds more threatening. Within the dominant culture a middle‑aged assertive woman's claim to coanchor the news alongside a man appears considerably more threatening than women's claim to have a different voice that exposes masculinist values as body‑denying and selfish. The claim of women to have a right to the positions and benefits that have hitherto been reserved for men, and that male dominated institutions should serve women's needs, is a direct threat to male privilege. While the claim that these positions of power themselves should be eliminated and the institutions eliminated or restructured is indeed more radical, when asserted from the gynocentric feminist position it can be an objective retreat.Gynocentrism’s focus on values and language as the primary target of its critique contributes to this blunting of its political force. Without doubt, social change requires changing the subject, which in turn means developing new ways of speaking, writing, and imagining. Equally indubitable is the gynocentric **feminist claim that masculinist values in Western culture deny the body**, sensuality, and rootedness in nature **and that** such **denial nurtures fascism,** pollution, and nuclear games. Given these facts, however, what shall we do? To this **gynocentrism has little concrete answer**. **Because its criticism of existing society is so global and abstract, gynocentric critique of values, language, and culture of masculinism can remove feminist theory from analysis** of specific institutions and practices, and how they might be concretely structurally changed in directions more consonant with our visions.

## A2 Queer K

**1. TAG**

**Morgensen,**

While I argue that **homonationalism arises whenever settler colonialism is naturalized in** U.S. **queer projects**, tracing this process demands more than simply adding the word “settler” to the term. Puar examines homonationalism as a formation of national sexuality linked to war and terror, and both must inform a theory of settler homonationalism. Puar argues that in **the biopolitics of U.S. empire,** homonationalism **makes the subjects of queer modernities “regulatory” over queered and “terrorist” populations** that are placed under terrorizing state control. In kind, a theory of settler homonationalism must ask how in the United States, **the terrorizing sexual colonization of Native peoples produced the colonial biopolitics of** modern **sexuality that conditioned queer formations** past and present. My essay reinterprets historical writing on sexual colonization and on modern queer formations to explain how these processes relationally positioned varied non-Native and Native people within a colonial biopolitics. But this account rests, first, on linking insights in Native studies on gender and sexuality to feminist scholarship on bio- politics in colonial studies. Feminist and queer criticism in Native studies already explains terror as key to the sexual colonization of Native peoples.7 Andrea Smith argues that **“it has been through sexual violence and through the imposition of European gender relationships on Native communities that Europeans were able to colonize Native peoples,” in a process that included marking Native people “by** their **sexual perversity” as queer to colonial regimes**.8 Bethany Schneider affirms that “Indian hating and queer hating form a powerful pair of pistons in the history of white colonization of the Americas.”9 In part, **Native peoples were marked as queer by projecting fears of sodomy on them that justified** terrorizing **violence**.10 At the same time, diverse modes of embodiment and desire in Native societies challenged colonial beliefs about sexual nature and were targeted for control. As Smith argues, given that “U.S. empire has always been reified by enforced heterosexuality and binary gender systems” while many Native societies “had multiple genders and people did not fit rigidly into particular gender categories . . . it is not surprising that the first peoples targeted for destruction in Native communities were those who did not neatly fit into western gender categories.”11 And, as Schneider concludes, **“the tendency** or tactic **of Europeans to see sodomy everywhere** in the so-called New World **enabled a devastating two-fisted excuse for murderous violence and** a complicated homoerotics of **genocide**.”12 Such readings of histories of terrorizing violence in Native studies are joined by arguments about how forms of violence acted as modes of social control in the new colonial moral order. Schneider notes that Mark Rifkin’s work shows how “policies aimed at assimilating Indians through the destruction of kinship structures figured Indian cultures as other than heteronormative in order to reinvent and assimilate them as straight, private- property-owning, married citizens.”13 Rifkin pursues this claim by arguing that scholars investigate “(1) how a sustained engagement with American Indian histories and forms of self-representation as part of a history of sexuality in the United States can aid in rethinking what constitutes heteronormativity and (2) how queer critique of federal Indian policy as compulsory heterosexuality can con- tribute to an understanding of its organizing ideological and institutional structure as well as strategies of native opposition to it.” **Queer and feminist readings in Native studies** thus **explain how terrorizing violence became normalized in** **colonial** sexual **regimes.** Such work offers a productive basis for asking how terrorizing methods produce the colonial biopolitics of modern sexuality.

**2. TAG**

**Smith,**

As Jasbir Puar notes, this articulation of queerness as “freedom from norms” actually relies on a genocidal logic of biopower that separates those who should live from those who must die.33 That is, for the queer subject to live under Edelman’s analysis, it must be freed from genealogical, primitivist subjects who are hopelessly tied to reproductive futures. This impulse is similar to Warner’s juxtaposition of a transgressive queer subject with the racialized subject trapped within identity and ethnic organization. Puar terms this tendency a “sexual exceptionalism” that mirrors U.S. exceptionalism, in which a white queer subject rein- scribes a U.S. homonormativity by positioning himself/herself in an imperialist relationship to those ethnic subjects deemed unable to transgress. “Queerness has its own exceptionalist desires: exceptionalism is a founding impulse. . . . ‘Freedom from norms’ resonates with liberal humanism’s authorization of the fully self- possessed speaking subject, untethered by hegemony or false consciousness, enabled by the life/stylization offerings of capitalism, rationally choosing modern individualism over the ensnaring bonds of family.”34 If we build on Silva’s previously described analysis, we can see that the Native queer or the queer of color then becomes situated at the “horizon of death” within a “no futures” queer theory: such individuals must free themselves from their Native identity and com- munity to become fully self-determined subjects. They must forgo national self- determination for individual self-determination; they cannot have both. Racialized subjects trapped within primitive and pathological communities must give way to modern queer subjects. Puar’s analysis of biopower suggests that modern white queer subjects can live only if racialized subjects trapped in primitive and unenlightened cultures pass away. For instance, some LGBT organizations (as well as feminist organizations) supported the U.S. bombing of Afghanistan because the bombing would supposedly free queer people from the Taliban. Apparently, throwing bombs on people frees them. But of course, it was not actually queer people in Afghanistan who were the real subject of liberation—rather, modern queer subjects in the United States could live only if a sexually savage Afghanistan were eliminated. To quote Puar: “Queerness as automatically and inherently transgressive enacts specific forms of disciplining and control, erecting celebratory queer liberal subjects folded into life (queerness as subject) against the sexually pathological and defiant populations targeted for death (queerness as population).”35 Meanwhile, as Puar, Silva, and Povinelli imply, the white queer subject, despite its disavowals, is firmly rooted in a past, present, and future structured by the logics of white supremacy — it is as much complicit in, as it is transgressive of, the status quo. Rather than disavow traditions and futures, it may be more politically efficacious to engage them critically.

## A2 Quare Link

**TAG**

**Smith**,

As Povinelli’s *Empire of Love* describes, queer politics and consciousness often rely on a primitivist notion of the indigenous as the space of free and unfettered sexuality that allows the white queer citizen to remake his or her sexuality. However, once this sexual praxis is engaged, it does not translate into solidarity with indigenous peoples’ land struggles. The subjectless critique thus calls attention to both the importance of Native peoples within scholarly work and their disappearance within this work. At the same time, it may be the case that it is in fact a subjectless critique that disguises the fact that the queer, postcolonial, or environmentally conscious subject is simultaneously a settler subject. This primitivist discourse that relies on the disappearance of the Native is found, ironically, also within ethnic studies and queer of color critique. For instance, within racial justice activism as well as ethnic studies analysis, it is the primitive Native that enables a mature mestizaje consciousness. Gloria Anzaldúa’s *Borderlands*, the foundational text of borderlands theory, situates Indians and Europeans in a dichotomy that can be healed through mestizaje. Anzaldúa positions Indian culture as having “no tolerance for deviance,” a problem that can be healed by the “tolerance for ambiguity” that those of mixed race “necessarily possess.” Thus a rigid, unambiguous Indian becomes juxtaposed unfavorably with the mestiza who “can’t hold concepts or ideas in rigid boundaries.”44 As many scholars have noted, Native identity is relegated to a primitive past, a premodern precursor to the more modern, sophisticated mestizo identity.45 In queer of color critique in particular, mestizaje and queerness often intersect to disappear indigeneity through the figure of the diasporic or hybrid queer subject. The consequence is that queer of color critique, while making critical interventions into both critical race and queer studies, generally lacks an analysis of settler colonialism and genocide. Within queer of color critique, many scholars engage subjectless critique while fully interrogating its limits. As such, this work can benefit the development of Native studies. At the same time, however, a critical limit often not explored by queer of color critique is the limits of settler colonialism. As such, indigeneity frequently disappears within these projects. Once again, a subjectless critique within Native studies assists in interrogating projects based on a queer of color critique that does not directly incorporate an analysis of Native peoples. At the same time, however, queer of color critique’s version of subjectless critique can also veil the queer of color subject’s investment in settler colonialism.

## A2 Biopower DA

**Turn. The state controls Indigenous populations through forms of reproductive biopower.**

**Landertinger**,

Colonialism may come in varying formations and structures. In Canada, the occupation of Turtle Island took the form of settler colonialism. Zureik (2010) explains that settler colonialism involves the occupation and permanent settlement of a territory or country (2). These large-scale undertakings often involve “the displacement and at times extermination of the indigenous population, whose status was reduced from a majority to a minority – if not in numbers, at least in terms of power relations” (Zureik 2010:3). The initial process of colonization then becomes normalized and institutionalized so as to create an oppressive framework that ensures the continued exploitation of indigenous peoples (and their descendants) to the benefit of the colonial settler society.13 While the colonial violence enacted upon indigenous peoples today may differ from the violence during the initial phases of colonization, Canada remains colonial in effect, complete with its legislative and administrative infrastructure. Canadian society continues to function according to the “colonization principle” (Gordon 2008:xix) – a commitment to administer and manage the lives of the people, normalize colonization, and exploit the land's resources.14 Nandy points out that a colonial state may move through different phases of colonization, from “rapacious bandit-kings” to “well-meaning middle class liberals” (quoted in Smith 2008:44).15 Each phase is driven by differing ideologies and economic needs (Smith 2008:44; Stevenson 1999:49). Yet it remains a colonialism based on white supremacy and fuelled by global capitalism (Cannon 2011), with real consequences for the people being colonized. It is particularly in a *settler-colonial* context that the death of the internal Other becomes pivotal. Indeed, the success of the colonial endeavor is intimately bound up with it, since the settler society must “destroy to replace” (Wolfe 2006:390). Let us recall that racism is “not an *effect* but a *tactic* in the internal fission of society into binary oppositions, a means of creating 'biologized' internal enemies, against whom society must defend itself” (Stoler 2006:59; emphasis in original).16 The discursive construction of indigenous peoples as a threat to the well-being of the colonizer, and narratives of “incessant purification” (Smith 2005), justified and continue to justify the subjugation and annihilation of indigenous populations. As Andrea Smith (2005) so aptly puts it, in a colonial society, the creation of the internal Other is effected “through the metaphorical transformation of Native bodies into a pollution of which the colonial body must constantly purify itself” (9). The colonial mindset renders indigenous bodies inherently dirty and tainted by sexual sin (Smith 2005:10), which provides a reason and simultaneously a justification for the use of violence against them. Through this, indigenous peoples are rendered “inherently rapable, their lands inherently invadable, and their resources inherently extractable” (Smith 2008:312). In such a context, it is not only the death of the internal Other that “will make life in general healthier” (Foucault 2003:255) for the settler society. Control over and regulation of the Other's reproduction becomes equally crucial in the eyes of the dominant majority (ibid). To ensure the success of the colonial project, the settler society must not only strive for the elimination of the indigenous populations but simultaneously needs to establish a new social body on the expropriated land base (Wolfe 2006). The management of reproduction, while a concern to any state that works according to a biopolitical rationale (see Foucault 2003:246; 1996:139), is foundational to a settler- colonial state. Not only is the mere existence of indigenous peoples threatening to the well-being of the settler society – indeed their existence serves as a constant reminder of the precarious nature of the colonial nation state – their reproduction is in fact counterproductive to the colonial project (Smith 2006; Wolfe 2006:390). Just as the elimination of the Other is constructed as necessary to ensure the well-being of the dominant majority (Foucault 2003:66), the practices of biopower similarly construct the (physical and cultural) reproduction of the Native-as-Other as problematic. This warrants the regulation or outright prevention of indigenous peoples' reproduction. Naturally, the opposite is true as well in that valuable segments of the population are encouraged to reproduce (Bannerji 2000). In this sense, the role of the “reluctant breeder” is usually forced onto white (preferably middle-class) women, since they are part of the dominant majority and therefore responsible for “counterbalancing” the non-white populations (Bannerji 2000:69). It is them who are encouraged to reproduce to facilitate the process of white nation-building (Deliovsky 2010).