#### History is written by the colonizers, framing the Native as the perpetual victim of genocide, denying an always-present resistance to colonialism.

Lamphere 5 (Peter, “A Native War of Independence”, International Socialist Review Issue 39, January–February 2005, Vance)

THE HISTORY of Native Americans is usually presented as a passive tale of victimization. After greeting the Pilgrims with Thanksgiving bounty at Plymouth, we are told, the original inhabitants of the Americas were helpless to resist the European onslaught. They were quickly wiped out by disease, a few short wars, and the superior technology of the settlers. In this scenario, Indians were always a "vanishing" people, destined by their "inferior" status to disappear off the face of the earth. The most that many students heard of the great Native leader Tecumseh, for example, is usually the campaign slogan of his lifelong enemy President William Henry Harrison: "Tippecanoe and Tyler too."1 Sociologist James Loewen in Lies My Teacher Told Me, writes that "historically, American Indians have been the most lied-about subset of our population," and goes on to point out that no major high school history text recognizes the role that Tecumseh and Native Americans played in the War of 1812.2 The real history of Native North America, however, shows how colonialism, oppression, and genocide were met with vigorous resistance–a resistance that, while most often ending in defeat, ensured that Native Americans continue to survive and to struggle today. There is a rich tradition of fighting back, stretching from the Great Pueblo Revolt of 1680 that expelled the Spanish from the Southwest for twelve years, to the struggle to free Leonard Peltier, an American Indian Movement (AIM) activist framed for murdering two FBI agents on Pine Ridge Reservation in South Dakota in 1975. Peltier still struggles from his jail cell in Leavenworth, Kansas, where U.S law enforcement officials are determined he remain, in spite of the lack of evidence against him.3 The uprising of the Shawnee chief Tecumseh (pronounced Tecumthé in Shawnee) along with his brother, Tenskwatawa, from 1805 to 1813 is a shining example of this resistance.4 They led a movement, first religious then political, to unify disparate tribes on the frontier of the new American state. Tecumseh was an unparalleled orator, who was compared by white observers to his contemporaries Henry Clay and Daniel Webster. In the words of Harrison, he was "one of those uncommon geniuses which spring up occasionally to produce revolutions and overturn the established order of things. If it were not for the vicinity of the United States, he would, perhaps, be the founder of an empire that would rival in glory Mexico or Peru."5 But Tecumseh was not an empire builder: He was simply looking to defend the land of his people from white encroachment. The expansion of the U.S. empire into the Northwest Territories at the beginning of the nineteenth century was only the first wave of America’s imperial reach. In face of this, Tecumseh and his brother led a rebellion in a bid for an independent Native American nation.

#### Even this very debate round is structured by a history of colonization and resistance—just miles from here is where the Battle of Tippecanoe was fought, with Native forces led by Tecumseh, a Shawnee leader whose struggle against encroachment inspires us today.

Lamphere 5 (Peter, “A Native War of Independence”, International Socialist Review Issue 39, January–February 2005, Vance)

The War of 1812 was not just a border skirmish between the new American republic and the British Empire. It was a revolt of the Native peoples of the frontier for independence and in defense of their homelands. Five out of the seven major land battles were fought primarily against Native forces, and perhaps its most important result was the defeat of the dream of an independent Native state in the Northwest.37 Tecumseh fought on the side of the British as a temporary ally, and they proved to be unreliable ones in the end. The significance of Tecumseh’s efforts are well summarized by Anthony Hall: Tecumseh, no less than Gandhi or Nelson Mandela, was faced with the need to instill a sense of shared purpose and identity among an array of diverse peoples facing a common oppressor. Tecumseh could see that the United States was essentially grooming a caste of Indian collaborators to give the appearance of legitimacy to a system of land transfer.… For Tecumseh, the only way to break this disastrous cycle was for Indian peoples to stand together…and to demand that their shared territories be treated as the inviolate realm of a sovereign Aboriginal dominion.38 Tecumseh’s defeat and death meant the end of the any hope for the Shawnee, who were eventually driven across the Mississippi to eastern Kansas, although some descendants of Tecumseh even went as far as Mexico to avoid settlement. But this was by no means the end of Native American resistance. There were countless other struggles of different nations–Osceola and the Seminoles in Florida; the plains war of Sioux resistance under Crazy Horse and Sitting Bull; the flight of the Nez Perces; the Apache wars of Cochise and Geronimo against the white settlers, and countless others–but they were by and large separate struggles, not united confederacies. Tecumseh’s dream of unifying Native nations would rise again later in the century with the great Ghost Dance movement of 1890—91, a religious revivalist movement reminiscent of the earlier ones under Delaware and Tenskwatawa–a fainter, more despairing echo, though, of it’s predecessors. It was cut short by the murder of Sitting Bull and the massacre of Big Foot and his followers at Wounded Knee in December 1890. A century later, the American Indian Movement united radicals of many tribes to fight back against the alienation and oppression of reservation life, as well as the unemployment and degradation of urban life, leading to occupations of land and armed confrontations with the authorities. The conditions that gave rise to those struggles remain. More than one-quarter of Native American families live below the poverty level, and the Census Bureau reports unemployment on reservations ranging from 14 to 44 percent, with the Bureau of Indian Affairs reporting unemployment rates as high as 70 percent for some reservations.39 The new Indian struggles of the1960s and 1970s rose and fell in tandem with other struggles–against the war in Vietnam, for Black liberation, and so on. They will rise again and find new allies in battles to come, because today the fight for Native self-determination, against poverty, and so on, cannot be separated from other struggles if it is to have a chance of success. That’s why Tecumseh’s example of resistance–in particular the idea that we should not let oppressors use divide and rule tactics to separate us–should continue to inspire us today. Tecumseh’s rebellion is a powerful argument for all of us to defend the right of Indian nations to their own lands and cultural practices. His vehement opposition to giving up any Native rights should be a beacon to us all when self-determination is threatened anywhere.

#### Unfortunately, settler responses to Native resilience continue to justify Presidential deployment of Armed Forces against Indigenous bodies as demonstrated at Wounded Knee

Brand 93 (Joanna, The Life and Death of Anna Mae Aquash, Pg. 44, Vance)

Within hours of the seizure of the historic village, about 90 FBI agents and U.S. marshals, members of the Special Operations Group trained to handle domestic crises, surrounded the village. The following day their ranks increased to 250—swollen by federal agents who had been waiting in readiness, billeted in the hotels and motels of nearby towns. It was a turn of events the OSCRO-AIM group had not anticipated. Domestic police agencies—the FBI, the BIA police and the U.S. marshals—were equipped with armed forces personnel carriers (APCs), helicopters, planes, ammunition, high-powered rifles and technical advisors. The APCs, troop-carrying tanks, served as federal bunkers during the siege and became a regular feature on the hills surrounding the village. In all, the 71-day siege of Wounded Knee is estimated to have cost the police forces between five and seven million dollars, including the cost of the equipment supplied covertly and illegally by the Pentagon. It was not until long after the occupation was over that U.S. journalist Ron Ridenhour disclosed that military operations at Wounded Knee were part of a well-rehearsed government plan—Operation Garden Plot—to quell domestic disturbances. Under the code name Cable Splicer, local police were trained in military counter insurgency techniques to enable them to respond rapidly and efficiently to any civil disturbance. At Wounded Knee the plan was put into action, but the involvement of the armed forces had to be disguised since participation of the military in U.S. domestic affairs is illegal without a presidential order. Thus, while the personnel on the blockades were FBI agents, BIA police and marshals, their training, outfitting and direction was supplied by the Pentagon under the command of the 82nd Airborne Division. Stated government policy was not to fire until fired upon; yet thousands of rounds were fired into the occupied village before the confrontation ended on May 8. Observers inside the village claimed that in all but one case, the government started firing first. While the 11 hostages at first gave the occupiers some protection against an all-out government attack they were soon released. Some actually chose not to leave the fortified compound that Wounded Knee village had become.

**Tecumseh and Wounded Knee are part of the interconnected struggle against settler-society. Native militancy is inevitable, it’s only a question of our alignment with that struggle.**

**Williams 12** (Kate, DEGREE OF DOCTOR OF PHILOSOPHY UNIVERSITY OF MINNESOTA, “Cyd-Safiad (Standing Together): The Politics of Alliance of Welsh and American Indian Rights' Movements, 1960s-Present”, <http://conservancy.umn.edu/bitstream/11299/139840/3/Williams_umn_0130E_13107.pdf.txt>, Vance)

Similarly, **American Indians** also **experienced settler colonialis**m a**nd**, as in Wales, **this process served as the catalyst for pan-tribal resistance efforts. The numerous tribal nations who populated America experienced waves of colonization following Columbus's voyage in 1492, as people from various European nations sailed across the Atlantic to "discover" the New World** and established settlements.31 While settlers claimed land through conquest and treaties, **Indians fought back and resisted in myriad ways**, including warfare and diplomacy. However, **with the birth of the United States in 1776, Indians now faced not only a unified opponent, but also one that** had clearly **decided to settle** in America **permanently**. This period, as Gregory Dowd has argued, also marked an expansion in Native calls for a pan-Indian alliance and some success in their fulfillment.32 **Advocates of Native unity faced challenges in the years after 1790**, however, including internal divisions in tribal nations over the best course of action. While **there were** occasionally **leaders** or prophets **who drew Indian peoples together, such as the Shawnee visionary Tecumseh**, the War of 1812 effectively ended that period of pan-Indian resistance.33 By the 1830s, **as the US aimed to consolidate its land base, the rhetoric of Manifest Destiny translated into the large-scale removal of Indian peoples** to reservations west of the Mississippi. While **the Cherokee nation** famously used legal measures to oppose the measures, other tribal leaders and nations such as **Black Hawk** in Illinois **and the Florida Seminoles physically resisted in the 1830s and 1840s.** Ideas of American Indian unity inspired several of these attempts.34 However, the US government reacted to further Indian resistance to their policy of concentration with military force and the use of total warfare, which often led to **horrific massacres. For example,** US forces killed hundreds of Cheyenne and Arapaho Indians in the Sand Creek Massacre in Colorado in 1864 and a similar number of Piegan Blackfeet at the Marias River in 1870. By the late nineteenth century, as warfare between American Indians and the US Army declined, Americans declared the closing of the West and the 'end of the Indian Wars.' **US policy turned towards assimilation** through boarding school education, and with the end of treaty-making in the late 1860s, the government allowed white settlers to further encroach on Indian lands through allotment. As with the Welsh, American Indians now faced more concerted attempts at economic and cultural colonization. However, this in many ways led to a new era of pan-Indian resistance. As scholars such as Brenda Child have argued, boarding schools were an important part of creating a new pan-tribal identity, **as in "the process of attending these schools, Indians became more alike.** They learned bits of each other's languages, and everyone learned English. Graduates married into other tribes.. .**New political alliances were forged**."35 It is hardly surprising, then, that many of the founding members of the national pan-Indian 'Society of American Indians,' formed in 1911, had ties to these schools.36 **While the Society** problematically **supported assimilationist policies** and had ceased to exist by 1923, **it laid the groundwork for other national pan-tribal movements.** One of its members founded the National Council of American Indians in 1926, for example.37 However, in the post-war period, national pan-Indian movements had more sustained success. Facing termination and other cultural and economic challenges, Indian peoples established the National Congress of the American Indian in 1944, and the 1960s saw the proliferation of pan-tribal Red Power movements, such as the National Indian Youth Council and the American Indian Movement.38 There were notable differences in these histories of Wales and American Indian nations, including the challenges facing them and the forms of resistance used. For example, while there were several tribes or kingdoms that made up Wales in the Roman and Anglo-Norman periods, the Welsh nation has existed as a single geopolitical entity for centuries. In contrast, **there are hundreds of different American Indian nations, and they have been and continue to be recognized as distinct units with discrete languages and traditions**. While there have been tensions in Welsh nationalist movements over regional concerns and representation, these groups have therefore not faced the same challenges in attempting to stand for the concerns of their peoples as the national pan-Indian movements. Also, the Welsh, while having been termed dark-skinned and savage at various points in history, have not had to contend with racial discrimination, such as exploitative scientific experiments to measure intellectual capacity in the nineteenth century or signs posted in bars or restaurants in the twentieth century that proclaimed "No Indians."39 Likewise, while there were deliberate attempts and a definite intent on the part of the British government to eradicate Welsh language and culture, there was no systematic effort. The Welsh did not endure government boarding schools or allotment, for example, unlike American Indians. Not only did the Welsh face different challenges, but they also did not have the same resistance tactics available to them. American Indian nations, for example, have often used the distinct legal status provided by their treaty rights to assert their sovereignty. In Wales, no such treaties ever existed. However, Wales has continued to exist as a political body. A referendum on Welsh devolution from the UK Parliament was defeated in 1979, despite a significant campaign by the Welsh nationalist political party, Plaid Cymru, to persuade people to vote 'yes.' In 1997, however, Wales voted for devolution. The Welsh Assembly, the devolved government of Wales, began operating in 1999. While initially Assembly Members had to seek permission from the British government to make laws on devolved issues, Welsh people voted for greater lawmaking powers in a 2011 referendum. With its authority to directly create legislation regarding certain issues, including agriculture, education, the environment, and health, the Assembly provided another avenue for Welsh resistance.40 Also, the most violent aspects of colonization in Wales occurred almost a thousand years ago. As such, the Welsh generally do not have the same level of awareness or historical memory of these attempts at conquest as American Indian peoples, for whom the violence of Wounded Knee, for example, is only a generation or two past. Consequently, one of the greatest challenges Welsh nationalists have faced is the apathy of their own people, and they have struggled to reconcile their aims for Wales with the delicate political maneuvering necessary to gain widespread public support. The direct action tactics of some Welsh activists therefore provoked more general condemnation than those of AIM, even from other Welsh nationalists. Despite these differences, there were many similarities in the histories of both peoples. They had resisted the settler colonialism of their lands, but once the respective nation-states of Britain and the United States had been established, they also faced the challenge of government policies of assimilation in the 19th century and economic exploitation in the 20th century. These government policies would shape the activism of American Indian and Welsh peoples as they fought against similar general problems: the loss of land; the 'vanishing' of their language and cultural traditions; and a state narrative of history that had a vested political interest in claiming that they did not exist as a distinct people anymore. **AIM** and Welsh nationalists, despite their differences, therefore **shared an anti-colonial struggle that became reinvigorated in the 1950s and 1960s as they sought to remind the world that they were still here and that the challenges they faced still existed**. During these histories, American Indian and Welsh activists had looked abroad several times in their struggles to maintain their sovereignty. As theoretical models within transnational social movement theory suggest, "it is blockage in the domestic society that sends domestic social movement actors into the transnational arena. This blockage is often due to repression, authoritarianism, or both."41 The frustrations of some American Indian and Welsh activists in failing to find a solution within the nation-state led them to establish transnational alliances in pursuit of a global solution. They puzzled over the best strategies, concepts, and language of nationhood to use to achieve their goals. As historian Hugh Heclo has argued about nation-state governments: "Politics finds its sources not only in power, but also in uncertainty - men collectively wondering what to do...Governments not only 'power'.. .they also puzzle."42 In this dissertation I argue that it is not only governments who 'puzzle" before they 'power.' Minority nationalists who sought self-determination or sovereignty for their peoples also had to puzzle in various ways and collectively wonder what to do. They considered different concepts in understanding their struggle, including internal colonialism, indigeneity, self-government, self-determination, sovereignty, and peoplehood, as well as different strategies to achieve these goals. American Indian activists have drawn on global networks in their diplomatic efforts for centuries. For example, several American Indian nations sent diplomatic envoys to London in the 1700s in order to strengthen their ties with the Crown and to raise awareness of their concerns43 With the end of the British Empire in America and the rise of the United States, Native peoples had to find new political sites for diplomacy. In 1923, Iroquois leader Deskaheh petitioned the League of Nations in Geneva. Based on a 17th century agreement with the Netherlands to provide mutual aid, Deskaheh persuaded them to place the Six Nations' petition before the League. When that fell through, he petitioned for the Six Nations to be granted formal membership as a state, a bid that, while eventually unsuccessful, was supported by Ireland, Panama, Persia, and Estonia.44 With the rise of Red Power in the 1960s, Indian activists still looked globally for inspiration, although, as Robert Warrior has argued, they were careful to "define their own ideology from the specific history and experiences of American Indian people."45 As scholar Paul Rosier argued in his article, "'They Are Ancestral Homelands,"' termination and the Cold War "fostered an international perspective among Native American activists," and Daniel Cobb has emphasized this in his studies of 1960s Native activism.46 In his article "Talking the Language of the Larger World," he explored how American Indian activists' involvement in the Southern Christian Leadership Conference's Poor People's Campaign introduced them to the language of decolonization and the similarities between their problems and those of others around the world.47 Alyosha Goldstein has similarly examined how the National Congress of American Indians (NCAI) made proposals that drew on the United States' post-World War II Point Four program, which was designed to provide assistance to underdeveloped foreign countries.48 Given this history, AIM's forging of European support networks should not be understood as a case of "Indians in unexpected places," as Native activists maintained an international perspective centuries before termination and the Cold War. Instead, these Indians sought out political support and inspiration in precisely the global arenas this history would suggest: European countries, many of which had a former treaty relationship with Native peoples, and the United Nations, the supranational body that had effectively filled the space left by the demise of the League of Nations. Similarly, Welsh nationalists had also developed an international perspective in their campaigns, although the tools they used differed. In the mid 19th century, with increasing industrial unrest and the efforts of the British government to extinguish the Welsh language, several nonconformist ministers began promoting the idea of establishing a new Welsh nation abroad to preserve the language and culture of Wales. They established settlements in Pennsylvania, Ohio, and Tennessee, and a few hundred Welsh emigrants also settled in a region of Patagonia in South America, although their dreams of establishing a bastion of Welsh nationhood went unrealized.49 While some scholars have argued that this history of colonialism in some ways nullifies any Welsh claim to a postcolonial status, others have pointed out that a more complicated understanding of the binaries of colonizer and colonized is needed in order to understand the ways in which "the Welsh have been subjected to a form of imperialism over a long period of time, while also acknowledging the way the Welsh have been complicit in their own subjugation and in the colonization of others."50 Certainly, while the Welsh nationalists I interviewed for this dissertation noted the need to acknowledge this history, they did not see it as mitigating Wales's own claims to being colonized.51 They would in fact draw on these diasporas for support in the mid 20th century. In addition to establishing settlements in the United States and Patagonia, Welsh activists have also fought passionately for international recognition of Wales's nationhood. The Welsh Home Rule Army, for example, which would later become Plaid Cymru, campaigned for Welsh membership in the League of Nations.52 In the post-war period, Welsh nationalists were also inspired by the decolonization struggles and successes of movements in former British colonies, such as the Kenya Africa Union.53 Like American Indian activists, Welsh nationalists had looked globally for a solution to their struggle for self-government long before the 1960s and 1970s. While both American Indian and Welsh peoples have an extensive history of forging global networks, this particular historical moment in the 1960s and 1970s represented a beginning in a new chapter of these interactions. In this period, as American Indian and Welsh peoples faced new challenges to their sovereignty, culture, and land, some activists argued that the status quo of their resistance was not working and they needed to find a different approach. In puzzling, these movements looked globally for inspiration and ideas and saw relationships with other movements, as well as possibly the language and tactics, as useful. The theory of stateless nations suggests that the rise of globalization in this period provided a perfect context for these networks. In her work, Nations Without States, Montserrat Guibernau argues that the rise of "nations without states is closely connected to.. .the intensification of globalization processes," which "opens the possibility of establishing contact with, or at least being aware of, the existence of other communities suffering similar problems in other parts of the world."54 This suggests that alliances increased as communication with other groups became easier, an assertion supported by John McGarry and Michael Keating's work. In the introduction to European Integration and the Nationalities Question, Keating and McGarry challenge the assertions of earlier theorists, such as Karl Deutsch and Eric Hobsbawm, by arguing that globalization and access to communications helps explain the rise in minority nationalisms in the last fifty years.55 In this dissertation, I explore the particular historical moment in which transatlantic communication was becoming easier, which made it possible for the American Indian Movement and Welsh nationalists to look to each other and see similarities in their shared histories of oppression. The crucial difference in the global networks Welsh and American Indian activists forged with each other and related movements worldwide in this period is that they identified with each other's struggles. **They** therefore **recognized a kinship** of sorts **based on** a shared history of **oppression through land, identity, and history, markers of "Indianness**" or indigeneity **tha**t AIM had set out in their stories of Wounded Knee in 1973. **As** Jodi **Byrd has contended** in her work, Transit of Empire, there is an "interconnectedness a**nd grievability embodied within** and among **relational kinships created by histories of oppressions**."56 Drawing on LeAnne Howe's story "Chaos of Angels," **she discussed the haksuba** or chaos that occurs when Indians and non-Indians "**bang their heads together in search of cross-cultural understanding**."57 In particular, Byrd explored the relational kinships created in settler colonies between colonized and colonizer through their shared histories, and she contended that **the time has come for "settler, arrivant, and native to...grieve together the violences of U.S. empire**."581 argue that these concepts are also productive way of understanding the significance of AIM's relationships with European peoples, especially those who identified as 'native,' rather than 'settler.' The networks of cooperation AIM forged with some non-Indians in Europe can be viewed as relational kinships between peoples who shared a history of being oppressed by others and who grieved the violences of empire, represented by the loss of their minority cultures and languages, sometimes stretching back to the Romans. In the aftermath of the Wounded Knee trials in 1973, AIM looked to Europe for financial and moral support, but unexpectedly found that their narratives had intersected with those of European ethnic minorities and those with a tribal heritage, including the Welsh. These peoples were grieving the 'vanishing' of their tribal and minority cultures and languages, especially with the fairly recent rise of nation-states, and, in this particular moment, AIM's activism inspired them. They identified with **the struggles of Native peoples** and **considered Indianness** or indigeneity, **not** as **a political identity, but** as a cultural identity and **a strategy for taking a stand against** their own **loss**. Pragmatism shaped the Welsh nationalist response to AIM's campaigns. Recognizing the similarities between their narratives of colonization, Plaid had contacts with AIM and met with representatives. Given their political strategy and need to appeal to the electorate, however, they could not use indigeneity as a tactic because generally Welsh people did not understand themselves to be oppressed in that way. As such, they could only help indigenous peoples, but were again constrained by their choice to engage in the British political system. Ironically, despite the party's commitment to decolonization, Plaid could do more to help those in countries still within the British Empire and Commonwealth. In contrast, Welsh grassroots movements not only recognized the relational kinship with American Indians, but also drew on AIM's tactics and in turn used American Indian struggles to "wake up Wales" to its own colonization. In puzzling over the best strategies to achieve their goals and searching for an alternative to Plaid's method of working within the system, these movements looked to American Indians and AIM. In this moment, they, like other European ethnic minorities, considered indigeneity as both an inspiration and a practical strategy.32 In turn, **AIM was inspired by** these **networks as they realized that people worldwide had shared their experiences** and were dedicated to helping them in this common struggle. Consequently, **the ultimate significance of these networks lies in the mutual inspiration they engendered as these movements realized they were not alone in their struggle and so were motivated to continue in their campaigns.** As historian Robin Kelley has argued, **scholars have** often **evaluated social movements** such as AIM and Welsh nationalists **based on "whether or not they 'succeeded' in realizing their visions rather than on** the merits or **power of the visions themselves**." He suggests that **thi**s way of und**erstanding success is deficient because while many movements may not have succeeded** in their ambitious goals to change basic power relations, they and **their aspirations may have had a significant impact on later generations**.59 While Kelley's expanded definition of success is useful, my work illustrates that the visions of social movements traveled horizontally in space, as well as vertically through time, creating an exchange of ideas between movements. Through exploring the transnational networks of cooperation AIM and Welsh nationalists forged with each other and with a variety of people around the world, I demonstrate the ways in which their visions and campaigns shaped contemporaries across different social movements, in addition to successive generations, and also show how they were in turn influenced and inspired by these contacts. Indigenous Peoples has resisted providing a definition "in order to prevent nation-states from policing the category."60 In this dissertation, when discussing indigenous peoples, I am using the description outlined in Taiaiake Alfred and Jeff Comtassel's essay, "Being Indigenous": **Indigenousness is an identity constructed**, shaped, and lived **in the** politicized **context of** contemporary **colonialism**. The communities, clans, nations and tribes we call **Indigenous peoples are** just that: **Indigenous to the lands they inhabit, in contrast to and in contention with the colonial societies and states that have spread out from Europe and** other centres of **empire. It is this oppositional, place-based existence, along with the consciousness of being in struggle against the dispossessing and demeaning fact of colonization by foreign peoples, that fundamentally distinguishes Indigenous peoples** from other peoples of the world.61

#### The resolution is not a neutral descriptor of legality but purposefully constructed to exclude the ongoing Indian Wars—the colonial nation-state controls the frame of discussion

**Pugliese 13** (Joseph [Associate professor of cultural studies @ Macquarie University]; State Violence and the Execution of Law Biopolitical Caesurae of Torture, Black Sites, Drones; p. 48-55; kdf)

The articulation of a series of carceral and genocidal caesurae predicated on¶ biopolitically separating out the human/ culture from the animal/vestibule must¶ be tracked back to those foundational moments of colonial violence that continue¶ to shape and inform the US nation. Spillers' concept of the vestibule works to¶ articulate a defining feature of colonial violence; specifically, a seriality of power¶ that survives by being flexible and adaptive to different geopolitical sites and¶ bodies. Moreover, this colonial violence must be seen, in the context of the US's¶ ongoing war on terror, as operating at once intra- and internationally; the two¶ categories conjoined through the concept of 'relational geographies.' 'Relational¶ geographies' is a term coined by Trevor Paglen in his detailed identification and¶ mapping of 'black sites,' that is, secret government and military sites that are¶ beyond public scrutiny and accountability. 56 One of the black sites that Paglen discusses is Nellis Range, Nevada, occupying Western Shoshone land. Created in¶ 1940, Nellis Range has been described as 'the single largest gunnery range in the¶ world' and 'the single largest "peacetime militarized zone on earth." '57 The¶ Western Shoshone peoples, the traditional owners of this land, call the Western¶ Shoshone nation 'the most bombed nation on earth.' In his analysis of Nellis¶ Range, which houses one of the ground control centres for the international operation¶ of drones, Paglen insistently draws attention to the past history of white¶ colonial invasion and violent displacement of the Native Americans of the region¶ and the contemporary relations of violence exercised by the US state in their¶ ongoing persecution of Indigenous Americans attempting to claim back lands¶ sequestered by the US government in their establishment of black sites and areas¶ for nuclear weapons testing. He describes being welcomed into a trailer in¶ Crescent Valley, Nevada, that¶ was home to the Western Shoshone Defense Project, and from this remote¶ location, an elderly Native American woman named Carrie Dann and her¶ staff of two full-timers and two part-timers take on the military, the Bureau of¶ Land Management, mining and defense contractors, and the US government¶ itself. Dann says that the United States has been illegally occupying Western¶ Shoshone land for 150 years and that she has the paperwork to prove it.¶ Paglen documents the repeated violent raids that Dann and her people are¶ compelled to endure. The US state has repeatedly attempted to charge Dann and¶ her people with trespassing on government land. This a charge that Dann derisively¶ rejects, arguing that she cannot be accused of trespassing 'land she saw as¶ rightly belonging to her people' precisely because 'the Shoshone NEVER gave,¶ ceded, or sold their land to the United States government, by treaty or otherwise.'¶ In the face of this defiance, the US government has attempted to crush¶ Western Shoshone resistance by deploying the full arsenal of state terror, including¶ federal agents, helicopters, a plane and a fleet of All-Terrain Vehicles: ' "I could¶ not help but think of how this is how our ancestors felt when they saw the cavalry¶ coming. So many of my people were killed on this land and now it's happening again." The Feels rounded up Dann's cattle and loaded them into trucks to be sold at auction. The ranch was devastated.'62 Paglen connects this national exercise of¶ contemporary colonialism and state-violence to the larger, transnational picture¶ he has been delineating in order to underscore the system of continuities that hold¶ between the two: 'For the collection of [Native American] activists sitting in an¶ unmarked trailer in the recesses of Nevada's vast valleys, the black world is much¶ more than an array of sites connected through black aircraft, encrypted communications,¶ and classified careers. It is the power to create geographies, to create¶ places where anything can happen, and to do it with impunity.'63 The enormity of¶ this power to create geographies while simultaneously obliterating others is¶ perhaps best exemplified by the Pentagon's ambitious proposal to create a virtual¶ 'drone state' that will further expropriate large tracts of Native American land,¶ creating 'the largest Joint Forces Future Combat Systems training site in the¶ world':61 'Under this plan, 7 million acres (or 11,000 square miles) of land in the¶ southwest corner of Colorado, and 60 million acres of air space (or 94,000 square¶ miles) over Colorado and New Mexico would be given over to special forces¶ testing and training in the use of remote-controlled flying machines. '65¶ Paglen's concept of 'relational geographies' can be productively amplified by¶ conjoining it with the concept of 'relational temporalities,' that is, diachronic relations¶ that establish critical connections across historical time and diverse geographies.¶ Relational temporalities draw lines of connection between seemingly¶ disparate temporal events: for example, the US state's genocidal history against¶ Native Americans and the killing of civilians in places such as Iraq, Afghanistan or¶ Pakistan. In her tracking of the violent history of attempted genocide against¶ Native Americans, Andrea Smith writes: 'the US is built on a foundation of genocide, slavery, and racism.'66 Situated in this context, what becomes apparent in the¶ scripting of the 9/11 attacks as the worst acts of terrorism perpetrated on US soil¶ is the effective erasure of this foundational history of state-sponsored terrorism¶ against Native Americans. This historicidal act of whitewashing effectively clears¶ the ground for contemporary acts of violence against the United States to be¶ chronologically positioned as the 'first' or hierarchically ranked as the 'worst' in¶ the nation's history. The colonial nation-state deploys, in the process, a type of¶ Nietzschean 'active forgetting' that ensures the obliteration of prior histories of¶ massacre and terror such as the catastrophic Trail of Tears that resulted from the¶ Indian Removal Act of 1830. This Act enabled the forced removal of a number of Native American nations and their relocation to Oklahoma; in the process, at¶ least four thousand Native Americans died. The Trail of Tears has been described¶ as 'the largest instance of ethnic cleansing in American history.'67 This example of¶ state terror is what must be occluded in order to preserve the 'innocence' of the¶ nation so that it can subsequently claim, post 9/11, to have lost the very thing it¶ had betrayed long ago. Jimmie Durham remarks on the repetition of this national¶ ruse: 'The US, because of its actual guilt ... has had a nostalgia for itself since its¶ beginnings. Even now one may read editorials almost daily about America's "loss¶ of innocence" at some point or other, and about some time in the past when¶ America was truly good. That self-righteousness and insistence upon innocence¶ began, as the US began, with invasion and murder¶ Such acts of white historicide are constituted by a double logic of taken-for-grantedness¶ and obsessive repetition. Steve Martinot and Jared Sexton, in their¶ forensic analysis of the operations of white supremacy, articulate the seemingly¶ contradictory dimensions of this double logic:¶ It is the same passive apparatus of whiteness that in its mainstream guise¶ actively forgets that it owes its existence to the killing and terrorising of those¶ it racialises for that purpose, expelling them from the human fold in the same¶ gesture of forgetting. It is the passivity of bad faith that tacitly accepts as 'what¶ goes without saying' the postulates of white supremacy. And it must do so¶ passionately since 'what goes without saying' is empty and can be held as a¶ 'truth' only through an obsessiveness. The truth is that the truth is on the¶ surface, flat and repetitive, just as the law is made by the uniform.1"l¶ The it 'goes without saying' is the moment in which the very ideology of white¶ supremacy is so naturalized as to become invisible: it is the given order of the¶ world. Yet, in order to maintain this position of supremacy, a logic of tireless¶ iteration must be deployed in order to secure the very everyday banality, and thus¶ transparency, of white supremacy's daily acts of violence. For those in a position¶ to exercise these daily rounds of state violence, their performative acts are banal¶ because of their very quotidian repetition; yet, because their racialized targets¶ continue to exercise, in turn, acts of resistance and outright contestation, these¶ daily acts of state violence must be obsessively reiterated. Underpinning such acts¶ of white supremacist violence and historicidal erasures is the official - government,¶ media and academic - positioning of Native Americans as a 'permanent¶ "present absence"'that, in Smith's words, 'reinforces at every turn the conviction¶ that Native peoples are indeed vanishing and that the conquest of Native lands is justified.'70 Precisely what gets erased in the process are the contemporary Indian¶ wars that are being fought across the body of the US nation. These are wars that¶ fail to register as 'wars' because the triumphant non-indigenous polity controls the¶ ensemble of institutions - legal, military, media and so on - that fundamentally¶ determines what will count as a 'war' in the context of the nation.

#### Posed with the question of the resolution, Austin and I offer a critical indigenous affirmation of the topic that increases restrictions on the war powers authority of the President of the United States to introduce armed forces into hostilities against Native Americans.

#### When faced with a society at war with their very existence, the only question is how Natives should respond—death or resistance.

Churchill 98 (Ward, might be a plagiarist, Struggle for Land, Pg. 40-41, Vance)

In 1793, Thomas Jefferson, author of the American Declaration of Independence and a leading official of the newly founded republic, summed up his own country's position by observing that "the Indians [have] full, undivided and independent sovereignty as long as they choose to keep it, and . . . this might be forever."22 Henry Knox, the first US. Secretary of War, echoed this understanding by reflecting that indigenous peoples " ought to be considered as foreign nations, not as the subjects of any particular State."23 And again, in 1 83 2 , John Marshall, fourth Chief Justice of the U S. Supreme Court, reflected on how the " Indian nations have always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil since time immemorial."24 Among other things. such acknowledgments mean that the laws by which indigenous nations governed themselves and/ or regulated their relationships to others-"aboriginal law," as it is often called-was and is possessed of a jurisdictional standing equivalent to that of the nation-states of Europe (or anywhere else).25 This is to say that, within their respective domains, the legal system of each native people carried preeminent force, and was binding on all parties, including the citizens of other countries. Whether or not something was "legitimate" was/is entirely contingent upon whether it conformed to the requirements of relevant international and aboriginal law, not the domestic statutory codes of one or another interloping state.26 Perhaps above all, indigenous nations, no less than any others, have always held the inherent right to be free of coerced alterations in these circumstances .27 For any country to set out to unilaterally impose its own internal system of legality upon another is to adopt a course of action which is not just utterly presumptuous but invalid under international custom and convention (and, undoubtedly, under the laws of the country intended for statutory subordination) .28 To do so by resort to armed force, a pattern which is especially prominent in the history of US/Indian relations, is to enter into the realm of "waging aggressive war," probably the most substantial crime delineated by international law. 29 While given countries may obviously wield the raw power to engage in such conduct-witness the example of nazi Germany-they never possess a legal right to do so. Thus, whatever benefits or advantages they may obtain through such behavior are perpetually illegitimate and subject to repeal. Conversely, those nations whose inherent rights are impaired or denied in such fashion retain an open-ended prerogative-indeed, a legal responsibility-to recover them by all available means.31 It is, moreover, the obligation of all other nations, and the citizens of the offending power itself, to assist them in doing so at the earliest possible date.32 Although the matter has been subject to almost continuous obfuscation, usually by offenders, there are no exceptions to this principle within the Laws of Nations . 33

**Our critical indigenous reading of the topic offers a starting point for resolving Native social death which is not inevitable but only a product of dominant orientations toward space and place**

**Byrd 11** (Jodi, Transit of Empire, Pg. Intro, Vance)

As civil rights, queer rights, and other rights struggles have often cathected liberal democracy as the best possible avenue to redress the historical violences of and exclusions from the state, scholars and activists committed to social justice have been left with impossible choices: to articulate freedom at the expense of another, to seek power and recognition in the hopes that we might avoid the syllogisms of democracy created through colonialism. Lisa Lowe provides a useful caution as she reminds us that “**the affirmation of** the desire for **freedom is** so **inhabited by the forgetting of its condition of possibility** that every narrative articulation of freedom is haunted by its burial, by the violence of forgetting.” **The ethical moment before us is to comprehend** “the particular loss of the intimacies of four continents, **to engage slavery, genocide, indenture, and liberalism as a conjunction, as an actively acknowledged loss within the present**.”19 In attempting to people the intimacies of four continents, Lowe activates the Chinese indentured laborer in the Caribbean just after Britain abolished the slave trade in 1807 as the affective entry point into “a range of connections, the global intimacies out of which emerged not only modern humanism but a modern racialized division of labor.”20 Her turn to the colonial racialized labor force in the Americas helps to reveal the degree to which intimacy—here tracked through the spheres of spatial proximity, privacy, and volatility—among Africa, Asia, and Europe in the Americas has served as the forgotten and disavowed constitutive means through which liberal humanism defines freedom, family, equality, and humanity. In fact, **liberal humanism**, according to Lowe, **depends upon the “‘economy of affirmation and forgetting’” not just of** particular **streams of human history, but of** the loss of their **geographies, histories, and subjectivities**.21 In the indeterminacies between and among freedom, enslavement, indentureship, interior, and exterior, the recovered Asian contract laborer, functioning as historical site for Lowe, can reveal the processes through which liberalism asserts freedom and forgets enslavement as the condition of possibility for what constitutes “the human.” “Freedom was” Lowe stresses, “constituted through a narrative dialectic that rested simultaneously on a spatialization of the unfree as exteriority and a temporal subsuming of enslavement as internal difference or contradiction. The ‘overcoming’ of internal contradiction resolves in freedom within the modern Western political sphere through displacement and elision of the coeval conditions of slavery and indentureship in the Americas.”22 But **what seems** to me to be further **disavowed**, even in Lowe's important figuration of the history of labor in “the intimacies of four continents” **is** the **settler colonialism** that such labor underwrites. **Asia, Africa, and Europe** all **meet in the Americas to labor over the dialectics of free and unfree, but what of the Americas themselves and the prior peoples upon whom that labor took place?** Lowe includes “native peoples” in her figurations as an addendum when she writes that she hopes “to evoke the political economic logics through which men and women from Africa and Asia were forcibly transported to the Americas, who with native, mixed, and creole peoples constituted slave societies, the profits of which gave rise to bourgeois republican states in Europe and North America.”23 By positioning the conditions of slavery and indentureship in the Americas as coeval contradictions through which Western freedom affirms and resolves itself, and then by collapsing the indigenous Americas into slavery, **the fourth continent of settler colonialism through** which **such intimacy is made to labor is not just forgotten or elided**; **it becomes the very ground through which the other three continents struggle intimately for freedom, justice, and equality**. Within Lowe's formulation, the native peoples of the Americas are collapsed into slavery; their only role within the disavowed intimacies of racialization is either one equivalent to that of African slaves or their ability to die so imported labor can make use of their lands, “thus, within the “intimacies of four continents,” **indigenous peoples in the new world cannot**, in this system, **give rise to any** historical **agency or status within the “economy of affirmation and forgetting,” because they are the transit through which the dialectic of subject and object occurs**. In many ways, then, this book argues for a critical reevaluation of the elaboration of these historical processes of oppression within postcolonial, critical race, queer, and American studies at the beginning of the twentyfirst century. By foundationally accepting the general premise that racialization (along with the concomitant interlocking oppressions of class, gender, and sexuality) causes the primary violences of U.S. politics in national and international arenas, multicultural liberalism has aligned itself with settler colonialism despite professing the goal to disrupt and intervene in global forms of dominance through investments in colorblind equality. Simply put, prevailing **understandings of race** and racialization **within U.S.** postcolonial, area, and queer studies **depend upon an historical aphasia of the conquest of indigenous people**s. Further, **these framings have forgotten**, as Moreton-Robinson has argued, that “**the question of how anyone came to be white or black in the United States is inextricably tied to the dispossession of the original owners** and the assumption of white possession.”24 **Calls to social justice** for U.S. racialized, sexualized, immigrant, and diasporic queer communities that include indigenous peoples, if they are **not attuned to** the ongoing conditions of **settler colonialism** of indigenous peoples, **risk deeming colonialism** in North America **resolved**, if not redressed, two cents for 100 billion dollars. Given all these difficulties, how might we place the arrivals of peoples through choice and by force into historical relationship with indigenous peoples and theorize those arrivals in ways that are legible but still attuned to the conditions of settler colonialism? These questions confront indigenous peoples still engaged in anticolonial projects of resistance. **Colonialism brought the world**, its peoples, **and their own structures of power** and hegemony **to indigenous lands.** Our contemporary challenge is to theorize alternative methodologies to address the problems imperialism continues to create. The conflation of racialization and colonization makes such distinctions difficult precisely because discourses of humanism, enfranchisement, and freedom are so compelling within the smooth narrative curves through which the state promises increasing liberty through pluralization. Just as Indianness serves as a transit of empire, analyses of competing oppressions reproduce colonialist discourses even when they attempt to disrupt and transform participatory democracy away from its origins in slavery, genocide, and indentureship. One reason why a “postracial” and just democratic society is a lost cause in the United States is that it is always already conceived through the prior disavowed and misremembered colonization of indigenous lands that cannot be ended by further inclusion or more participation.251 hope to disrupt this dilemma by placing indige-nous phenomenologies into conversation with critical theory in order to identify indigenous transits and consider possible alternative strategies for legibility. One such strategy is to read the cacophonies of colonialism as they are rather than to attempt to hierarchize them into coeval or causal order. Southeastern indigenous phenomenologies understand the Middle World (the reality we all inhabit) as a bridge between Upper and Lower Worlds of creation. When the boundaries between worlds break down and the distinctive characteristics of each world begin to collapse upon and bleed into the others, possibilities for rejuvenation and destruction emerge to transform this world radically. The goal is to find balance. To understand the dualistic pairings of this dynamic system is to understand, as Cherokee scholar Daniel Heath Justice has argued, “its necessary complementarity; it is a dynamic and relational perspective, not an assumption of unitary supremacy.” 26 Choctaw novelist and scholar LeAnne Howe demonstrates in her writing the ways a phenomenology that draws upon traditional Southeastern cosmologies of balance between worlds might transform written narratives and theorizations to represent the passage of time and the interactions of relationships and kinship differently. In her short story, “A Chaos of Angels,” Howe explains that “when the Upper and Lower Worlds collide in the Between World,” there are repercussions in this world.27 The resultant chaos, or what she translates into Choctaw as "haksuba,” is both a generative, creative force as well as a potentially destructive one. Her story focuses on the collision between the Choctaw, Chickasaw, French, and British worldings that occur in the creation of New Orleans. "Haksuba or chaos,” she tells us, “occurs when Indians and non-Indians bang their heads together in search of cross-cultural understanding.”28 When the French, Choctaw, Haitian, Creole, Chickasaw, indigenous, slave, and free identities collide in the lands that will become Louisiana, the “banging together” creates shockwaves that ripple outward from the collision in time, space, and popular culture (so hard that Darth Vader himself feels the impact). Throughout the story, Howes narrator is tracked by a black Haitian woman and a bullfrog. Both characters taunt her and incessantly remind her of connections and kinship relationships that she has denied or refused. The frog turns out to be the Frenchman Jean-Baptiste Le Moyne de Bienville, whose obsessions are responsible for erecting New Orleans on the mosquito-infested swampland that the Choctaw gave him as a joke; the Haitian woman is the narrator’s sister and cousin, a relative of Choctaws stolen by Bienville and sent as slaves to the Caribbean. The haksuba that Howes story presents is not so much chaos as it is the intercontextual relations between histories and lived experiences. The reader learns along with the narrator how to traverse the past and future worlds that begin to bleed into the present through a rebuilding of kinship networks as an interpretive strategy. Howe’s evocation of the tattooed, bluelipped Ancient Ones who watch over the narrator as she floats naked in a primordial swimming pool at the beginning of the story is simultaneously a reference to the Choctaw women’s tradition of tattooing their lips with blue ink and a genealogical trace to the African and African-Choctaw ancestors of the Haitian woman. Bienville’s presence attests to Choctaw diplomacies in negotiating with those arriving from Europe and reminds the narrator that New Orleans was originally Choctaw land. Through the course of the story, the narrator struggles to understand the densities that surround her and her place within them. At the end, when the narrator is reunited with her dead grandmother who has traversed life and death, past and future, in the living challenge of a “cross-cultural afterlife,” the narrator is told, “‘Never forget that we are all alive! All people, all animals, all living things; and what you do here affects all of us everywhere. What we do affects you, too.”29 The haksuba that Howe’s story describes provides a foundational ethos for indigenous critical theories that emphasize the interconnectedness and grievability embodied within and among relational kinships created by histories of oppressions. The narrator learns throughout the story to see that those pieces and elements “banging together” have deeper motivating logics that place and connect them within already established and functioning Choctaw worldings. By privileging Southeastern indigenous philosophical understandings and bringing them into conversation with Western philosophical traditions, this book responds in part to calls Dale Turner (Teme-Augama Anishnabai), Sandy Grande (Quechua), Robert Warrior (Osage), and Chris Andersen (Michif) have made for an intellectual disciplining of American Indian and indigenous studies with both an inward and outward turn.30 Ngati Pukenga scholar Brendan Hokowhitu has suggested that, “as a canonical field ‘Indigenous studies’ does not exist. Its genesis,” he continues, “has been ad hoc, yet organic, in the sense that the amorphous concept of ‘Indigenous studies’ has arisen out of pre-established local departments, such as Maori studies in New Zealand, Aboriginal studies in Australia and Native studies departments in the US and Canada.”31 The challenge facing indigenous studies in the academy is not just the need to negotiate the Western colonial biases that render indigenous peoples as precolonial ethnographic purveyors of cultural authenticity instead of scholars capable of research and insight, but also the need to respect the local specificities, histories, and geographies that inform the concept of indigeneity. Despite these pitfalls, however, indigenous critical theory as an emergent undertaking has made strides in comparative indigenous studies attuned to the local conditions of colonialism that might speak across geopolitical boundaries. Although the United Nations’ Working Group on Indigenous Peoples¶ and the 2007 Declaration on the Rights of Indigenous Peoples have resisted¶ defining “indigenous peoples” in order to prevent nation-states from¶ policing the category as a site of exception, Jeft Corntassel (Cherokee) and¶ Taiaiake Alfred (Kahnawake Mohawk) provide a useful provisional definition¶ in their essay “Being Indigenous”:¶ **Indigenousness is an identity constructed**, shaped, and lived **in the politicized context of** contemporary **colonialism.** The **communities, clans, nations and tribes we call Indigenous peoples are** just that:¶ **Indigenous to the lands they inhabit, in contrast to** and in contention¶ with **the colonial societies and states that have spread** out from¶ Europe and other centres of empire. **It is this oppositional, place based existence**, along **with the consciousness of** being in **struggle against** the dispossessing and demeaning fact of **colonization** by¶ foreign peoples, that fundamentally **distinguishes Indigenous peoples** from other peoples of the world.32¶ In their definition there emerges a contentious, oppositional identity¶ and existence to confront imperialism and colonialism. Indigenousness¶ also hinges, in Alfred and Corntassel, on certain Manichean allegories¶ of foreign/native and colonizer/colonized within reclamations of “placebased¶ existence,” and these can, at times, tip into a formulation that does¶ not challenge neoliberalism as much as it mirrors it. But despite these¶ potential pitfalls, **indigenous critical theory** could be said to **exist in its best form when it centers itself within indigenous epistemologies and the specificities of the communities** and cultures from which it emerges **and then looks outward to engage European philosophical, legal, and cultural traditions in order to build upon all the allied tools** available. **Steeped in anticolonial consciousness that** deconstructs and **confronts** the colonial logics of **settler states carved out of** and on top of **indigenous** usual and accustomed **lands**, **indigenous critical theory has the potential** in this mode¶ **to offer a transformative accountability**.¶ **From this vantage, indigenous critical theory** might, then, **provide a diagnostic**¶ **way of reading and interpreting the colonial logics that underpin**¶ **cultural, intellectual, and political discourses**. But **it asks** that **settler, native**,¶ **and arrivant each acknowledge their own positions within empire and**¶ **then reconceptualize space and history to make visible what imperialism**¶ and its resultant **settler colonialisms** and diasporas **have sought to obscure**.¶ Within the continental United States, **it means imagining an entirely different**¶ **map and understanding of territory and space**: a map **constituted by**¶ **over 565** sovereign **indigenous nations**, with their own borders and boundaries,¶ **that transgress what has been naturalized as contiguous territory divided**¶ into 48 states.33 “**There is always**,” Aileen **Moreton-Robinson writes**¶ of indigenous peoples’ incommensurablity within the postcolonizing settler¶ society, “**a subject position that can be thought of as fixed in its inalienable**¶ **relation to land. This subject position cannot be erased by colonizing**¶ **processes which seek to position the indigenous as object, inferior, other**¶ **and its origins are not tied to migration**.”34

#### Rather than conceiving as militancy as a repetition of the cycle of violence, you should think of it as the only available option to combat assimilation.

Fortin 13 (Seth, JD UCLA Law, “THE UNEXTINGUISHED MILITIA POWER OF INDIAN TRIBES”, AMERICAN INDIAN LAW JOURNAL Volume II, Issue I – Fall 2013, Pg. 48-55, Vance)

Assuming they have the right to do so, we may ask why Indian tribes might need or want to organize a citizen militia. The very short answer is, for the same reasons any other sovereign might. But a slightly more nuanced answer should address reasons specific to tribal governments. With the caveat that of course no single governance tool (including citizen militias) will be appropriate to every one of the 565 federally-recognized Indian communities,223 I examine some of these reasons below. A. Maintaining Territorial Control and Reducing Crime Tribes, like other sovereigns, have the right to secure their territories and exclude unwanted intruders.224 Among sub-federal sovereigns in the United States, this ability may be subject to federal limitations. For example, states may not exclude citizens from other states.225 Indian tribes, by contrast, have some powers that states do not have226—including the power to exclude nonmembers, at least from trustheld, tribally-owned, or member-owned lands within the reservation,227 and in certain cases from the reservation entirely.228 Tribal police, however, are often understaffed and asked to patrol vast territories.229 They simply may not have the manpower to exclude, for example, non-Indian criminals taking shelter within the reservation, or to prevent them from engaging in criminal conspiracies with tribal members.230 A citizen militia could give professional law enforcement a substantial manpower boost without the cost of adding full-time employees to already tight tribal budgets. This may be especially useful on-reservations that are essentially “border states.” Both the St. Regis Mohawk territory in New York and the Tohono O’odham territory in Arizona stretch across national borders— reaching into Canada and Mexico, respectively. Each has become a gateway for smugglers who take advantage of the lack of law enforcement as well as “[t]he deep loyalty that exists within tribes, where [cross-border] neighbors are often related, and the intense mistrust of the American justice system” among reservation residents.231 Some members may even flout the tribal government’s own laws to take part in or support crossborder activities.232 This dynamic leads to both weakening of the tribal government’s legitimacy and the intrusion of federal authorities. At Tohono O’odham, for example, the Border Patrol presence has been described as an “occupying army”233 and a “militarized zone”234 on the reservation. The creation of a tribal citizen militia could address these sorts of problems in several ways. First, a militia could provide a mechanism by which the federal government could provide support and training for better law enforcement and border control without invading the reservation and taking over. In Part IV(C) I suggest that it might be possible to incorporate tribal militias into the National Guard system. Even absent such a drastic step, it seems that a reservation population with arms and some militia training might be effectively mobilized to provide much of the manpower needed, even when federal authorities do feel the need to take action on the reservation. Second, the adoption of militia laws on the reservation could go hand-in-hand with an overall gun control scheme: the tribal government could use the militia as a conduit for registration of household weapons, and weapons not registered through the militia could be outlawed or tightly regulated.235 This would give law enforcement an additional tool in detaining, arresting, and prosecuting criminals on the reservation even when they are not presently engaged in smuggling or trafficking. Third, there is at least a plausible argument that a citizen militia, especially if universal, could forge a tighter bond between the people and their government. This might generate positive effects in both directions—deterring crime by citizens on the one hand, but also deterring corruption and the capture of government institutions by crime syndicates on the other.236 From the perspective of the political theory that informed the framing of the Constitution, this is a primary purpose of a citizen militia: to act as a safeguard against overreach by a government. To put it in a more positive light, the more tightly a government’s use of force is bound to the people’s consent, the more legitimacy it will have. Therefore, where a tribal government has struggled to enforce the law against its own citizenry’s wishes, the militia becomes a way for the citizenry to “buy into” government and for the government to acquire a measure of trust. In short, endowing tribal governments with the ability to organize the people to disrupt criminal enterprises, drive out intruders, and patrol their own territory could greatly augment existing police forces and increase public safety. It might also increase the legitimacy of tribal governments, both by forestalling federal intervention on the reservation and by giving tribal citizens a direct role in the use of force by the government. B. Disaster Readiness Apart from strengthening tribes’ ability to exercise territorial control, a citizen militia could be useful in other ways. Like everyone else, tribes face increased threats of natural disasters in the coming years. In 2011, for example, the massive Las Conchas fire devastated the Santa Clara Pueblo,237 and the Crow Reservation experienced catastrophic flooding.238 The Spirit Lake Reservation has been dealing with continuous flooding for nearly two decades,239 and in 2011 it and two other reservations in North Dakota were declared part of a disaster area.240 In such situations, it may be useful to have the people organized as a rapid-response force to mitigate damage, rescue the injured, and control opportunistic crime. In addition, the Federal Emergency Management Agency urges individual tribal members to have an emergency plan ready in case a natural disaster strikes.241 However, as with the American population at large, that idea is not always translated into practice, as a 2009 survey on the Chehalis Reservation illustrates. According to the survey, only 13 percent of Chehalis citizens had a household emergency plan, and only 17 percent had spare supplies set aside for an emergency.242 Yet, the same remoteness from federal and state hubs that makes reservations subject to inadequate law enforcement can likewise make them subject to delays in emergency services as well as greater difficulty evacuating.243 A militia—especially a universal militia, with members in every household— could be a useful hub for distributing supplies, ensuring that citizens are familiar with emergency plans and evacuation routes, and training household members in first aid and other useful self-help skills. C. Esprit de Corps/Tribal Identity Finally, tribes may wish to create tribal militias for purely cultural reasons. For about a century, various assimilationist policies of the federal government encouraged or demanded that Indians relinquish traditional ways and become “civilized” in accord with Euro-American norms.244 In recent years, many tribes have attempted to reverse the damage wrought by assimilation by training young people in inherited ceremonial and practical skills.245 A tribal militia might similarly be a venue for young tribal members to engage in tribal traditions of self-sacrifice, public service, and physical bravery.246 Such a venue may be especially useful for young men who feel trapped by both poverty and the history of cultural destruction.247 An interview with Anderson Thomas, director of the Ramah Navajo behavioral health program, confirms this point: [I]t’s typically young men who are dying by suicide, not young women. “I’d say more than 90 percent of girls here go through their traditional coming-of-age ceremony,” he said. In contrast, little is done for young males. In large part, he said, that’s because traditional male activities like hunting have diminished, so rituals related to them have dropped off as well. Though Ramah Navajo men and boys can obtain conventional therapy, they also need ceremonies, Thomas said.248 Always keeping in mind that tribal militias need not be male-only enclaves, military service to the community surely counts as a “traditional male activity,” and a citizen militia could be used to connect young men with culturally specific military traditions. In short, a citizen militia may serve a tribe’s immediate practical needs, and it may also serve longer-term, less concrete needs such as maintaining sovereignty, and transmitting tribal values and traditions to the next generation. But what form of militia would be most useful in achieving those goals? The next Part attempts to answer that question.

#### Decolonization is the answer, no matter the question—we must respond to the resolution with a decolonial paradigm.

McCaslin & Breton 8 [Wanda D., Law Foundation of Saskatchewan and Research Officer with the Native Law Centre of Canada, and Denise C., founder and executive director of Living Justice Press, “Justice as healing: Going outside the colonizer’s cage,” *Handbook of Critical and Indigenous Methodologies*, eds. Norman K. Denzin, Yvonna S. Lincoln, and Linda Tuhiwai Smith, p 528-529] // myost

Suffice it to say, for the purposes of this chapter, we cannot map a step-by-step administrative, legal, theoretical, or any other specific path of decolonization. This is not a job for two people but for entire nations and peoples, and many paths are needed. What we do suggest -and it is by no means news for the colonized-is that any step of change, however well intentioned, will fall prey to the default framework of perpetuating colonial oppression if those involved do not consciously and intentionally make a paradigm shift and claim a framework of decolonization. If we are serious about justice, healing, transformation, and systemic change, then we must doggedly use decolonization as the standard for evaluating whatever is being proposed or implemented: Does it move us closer or farther from our decolonization? Put positively, does it flow from the framework of who we are as peoples and hence engage us in transformation? Certainly this shift begins with naming colonialism as the root harm that needs to be healed. We must assert the reality-shocking and ungrateful as it may seem to many colonizers that the colonial system is not the savior of Indigenous people but our oppressor, the systemic cause of our suffering. Certainly the shift of framework empowers Indigenous peoples to use our own Indigenous means to respond to harms among our people. Indigenous perspectives must be listened to and heard outside the assumption of colonial rule, and Indigenous autonomy and competence in handling our own affairs through our own ways must be unconditionally respected. And certainly the shift of framework involves the serious, genuine, and difficult nation-to-nation work of rectifying the immense crimes against humanity that we have suffered and that have brought us to where we are now as peoples. We do not need more studies or well-meaning programs to "solve our problems" by colonizer governments. We call for nation-to-nation relationships, land return, reparations, restitution, return of resources or payment for their exploitation with interest, adherence to treaties, and hence the return of our sovereign jurisdiction over our homelands and ancestral land bases. Decolonizing is not just a big word; it is the core of healing justice for Indigenous peoples. It signifies a scope of transformation the likes of which we have not yet seen. And, like the fall season, it must come, because the costs of avoiding it are too great for everyone. In short, the vision of the future is not to leave the colonizer's house for a better colonizer's house or to construct a better, more Indigenous friendly cage for our oppression. The aim is remove the cage altogether and instead to rebuild our tipis-or long houses, hogans, iglus, pueblos, wikiups, earth lodges, wigwams, plank houses, grass houses, or chickees. As we move in a decolonizing direction, we will move closer to practicing justice as a way of life-a way that holds the promise of being transformative for all those involved and hence profoundly healing for both the colonized and the colonizers. May the vision of this koucheehiwayhk inspire and sustain us through the rough waters we inevitably face as we move in this turbulent but fundamentally healing direction.

#### The AFF is an example of survivance – rather than be relegated outside the resolution this debate is about a method to resist War Powers deployed on Natives.

Powell 2 (Malea is Indiana Miami, Eastern Shawnee, and Euroamerican Ancestry and is an Assistant Professor of English, Women's Studies, and Native American Studies at the University of Nebraska, “Rhetorics of Survivance: How American Indians Use Writing”, College Composition and Communication, Vol. 53, No. 3, (Feb., 2002), pp. 396-434, Vance)

In short, as a discipline, we've done a pretty good job of not doing a very good job of critically engaging with Native texts. That alone makes the attempts of Native scholars in composition and rhetoric both necessary and quite difficult. And that is what makes me agree with Lyons when he claims "I suspect all talk on rhetorical sovereignty will likely happen away from the university" (466). The hope that I hold, the hope that persuades me to tell these stories here, rests on the continuously reflective, rethinking, revisionary feel of the teachers and scholars who hang out at the C&R ranch. Even so, what has become clear to me as a participant in the discipline of composition and rhetoric is that whether "we" are focusing on cultural and intellectual history or on pedagogical and institutional history, "we" are still often doing so in regards to The Rhetorical Tradition. Typically this Tradition begins with the Greeks, goes Roman, briefly sojourns in Italy, then shows up in England and Scotland, hops the ocean to American and settles in. Additions to the Tradition are rare, though the Tradition itself is often supplemented by writings from Other rhetorical traditions so that we end up with a sort of smorgasbord of traditions distinct and whole unto themselves who nonetheless sometimes "visit" the big house of Tradition for a night or two. While I readily acknowledge the complicated politics of canon formation in any discipline and the recent challenges by women and scholars of color that both support "adding" others of theirs to the canon as a tactical curative for the homogenous focus of much college curriculum, I also don't see this "additive" approach as more than a quick fix for a much more structurally embedded problem, that is, the Western Eurocentric focus of the American academy.3 Elsewhere I have accused the discipline of composition and rhetoric of deliberately unseeing its participation in imperialism, both that of Great Britain and the United States.4 In my mind, that critique is not meant to demean the real and productive work done by traditional scholars in composition and rhetoric; it is, instead, a way to make visible the fact that some of us read and listen from a different space, and to suggest that, as a discipline, it is time we all learned to hear that difference. For example, one of the important canonical texts for the study of nineteenth- century American rhetoric is Gregory Clark and Michael Halloran's edited collection Oratorical Culture in Nineteenth-Century America. In their introduction to the collection, Clark and Halloran tell a story about the transformation of oratorical culture in the nineteenth century in which the emphasis on public citizenship shifts to a preoccupation with individualism and professionalism. Clearly they are primarily referring to Euroamerican oratorical culture here. In telling their story, they make the observation that the "seemingly unlimited landscape made the individualism for which the liberal philosophy of the eighteenth century had argued appear 'natural' and materially necessary" (10). Just to hear that phrase "the seemingly unlimited landscape" used so matter-of-factly is disturbing, but it raises an even more critical question; that is, "necessary" to whom? The subjects implied in this phrase are clearly members of the Euroamerican main-stream. The equally implied absence of others for whom the privileges of "individualism" and "liberal philosophy" were far outside their daily material and rhetorical struggles for survival points to a space, an absence, in a particular conceptual understanding of the nineteenth century. This is the space of absent presence, the space where the rhetorical tactics of folks like Winnemucca and Eastman can be put into conversation with Euroamerican" oratorical culture" as a way to complicate its so-called transformations. This conversation is sometimes painful, almost always awkward, but of absolute necessity to those of us who are teachers and scholars of writing and rhetoric. Even so, this essay offers no quick fix, no teacherly anecdotes or pedagogical advice; it is, instead, an invitation to re-learn and to re-listen, to reconsider the question implicit in the "after the colon" space of Lyons's earlier CCC essay-"Rhetorical Sovereignty: What Do American Indians Want from Writing?"-by paying attention to how two nineteenth- century American Indians used writing. The story I tell here is an invitation to a new imagining, not particularly of the "real" or the "true" but of the possible hearings and tellings of Winnemucca's and Eastman's texts.5 In his now-classic essay, "The Man Made of Words,' N. Scott Momaday offers this advice: "We are what we imagine. Our very existence consists in our imagination of ourselves. Our best destiny is to imagine, at least, completely, who and what, and that we are" (103). Momaday's words make sense to me in a theoretical way. Scholarship is an act of imagination and of telling the stories of that imagining, stories about how the world works. Imagination, for Gerald Vizenor, is "disheartened" in the manifest manners of "documentation and the imposition of cultural representation" by many Euroamerican scholars (Manifest 76). What Vizenor is talking about specifically is a sort of imaginative liberation of indigenous peoples from the stories being told about them that insist on nobility or ignobility, that cannot afford to see Indian peoples as humans. These "manifest manners," then, are the insistences of colonizers, colonialism, and empire. They are the refusal to understand Indian people as anything but "savage brutes who deserved to be exploited, tortured, and exterminated" or members of idyllic, utopian societies-both a result of "paternalistic mythology" (Warrior 16). These manners are the "historical requirement of an imperial process" (Jaimes 1). And because the processes of colonization have continued unremitted in Indian country for over 500 years, it is difficult to describe American Indians as either "postcolonial" or "neocolonial" peoples. The occupying force has not been, nor will it ever be, withdrawn. So in understanding the relationship between colonizer and colonized in North America it is essential to understand our situation in what Vizenor describes as "paracolonial" terms, a colonialism beyond colonialism, multiple, contradictory, and with all the attendant complications of internal, neo- and post-colonialism (Manifest 77). In The Rhetoric of Empire, David Spurr claims that there are "particular languages" that belong to "the historical process of colonization" and that such languages-both generative and enabling-"are known collectively as colonial discourse" (1). Spurr's rhetoric is made up of forms, like surveillance, classification, eroticization, and others, through which the colonized "other" is created and maintained in discourse as well as in materiality. Spurr's rhetorical focus, like much work in postcolonial studies, is on the strategies of European colonizers. The anti-paracolonial project represented in this article takes as its primary focus the tactics and the stories of the "other." In listening to the tellings of Winnemucca and Eastman, I pay close attention to the language of survivance (survival + resistance) that they, consciously or unconsciously, use in order to reimagine and, literally, refigure "the Indian." It is this use that I argue transforms their object-status within colonial discourse into a subject-status, a presence instead of an absence. My understanding of presence and absence in the creation of both "the Indian" and in the maintenance of an Indian identity is much indebted to the theoretical stories of Vizenor. Vizenor anchors his articulations of the trickster and of Native survivance in two European theoretical constructs: the Barthesian deconstructive sense of the striptease, where the excessive hiding of the thing is removed and the absence of the thing being hidden is demonstrated, and the Baudrillardan notion of simulation as the absence of the real. He does so not to pay homage to European postmodern theory and theorists but to tease the very manners through which "the Indian" was created, a trickster alliance as the basis for a new French and Indian War.6 Vizenor's postindian-"the absence of the [occidental] invention"-"renounces the inventions and final vocabularies of manifest manners:' and is a trickster par excellence (Manifest 11, 167). The presence of "the Indian" signals the absence of the postindian; the postindian refigures "the Indian”, teases the manners that maintain this simulation as authentic, and strips "a sovereign striptease" (Vizenor, "Socioacupuncture" 1 80). The striptease" ruins" representation by undermining its claims to be something valuable and "real," and these "ruins of representation"- the revelation of absence-are also the site of an excess of meaning, a "something else" that is the presence of material Indian peoples. Survivance is "simulated" because the striptease of "the Indian" has ruined representation. In order to prevent the same process from undoing the presence of Indian peoples, that presence has to self-consciously include a critique of its own semiotic construction, which is why Vizenor insists that tribal identity is always ironic. It must be in order to counter the simulations of the "authentic Indian" in the manners of dominance. Naanabozho, the Woodlands trickster, is Vizenor's metaphor for that ironic presence in stories that translates simulations of dominance into liberation. A scholarly practice that self-consciously engages with the power of that metaphor is his "trickster hermeneutic"' a tease that allows us access to the ironic, not tragic, presence of the tribes, a practice that is survivance (Manifest 15). For Vizenor, and for myself, this means not only reimagining the possibilities for existence and ironic identity within Native communities, but also reimagining a scholarly relationship to writings by Indian peoples, one that hears the multiplicities in those writings and in the stories told about them.7 So, my own reimaginings of Eastman and Winnemucca, my methodological attempt to "tease" those manners and to imagine "a new tribal presence in the very ruins of representations of invented Indians," begins with an important rhetorical context: the relationship of these early Native intellectuals to the audiences of their time. This problem is not an Indian Commonly referred to as "the Indian problem" or "the Indian question:' the issue that became more and more pressing in the United States during the nineteenth century was intimately related to a vision of America as abundant and bountiful, ripe for the enactment of the desires of those who constituted the new nation. This vision depended on settlers having access to as much land as they desired. The "problem", then on the land that had been, at least ideologically declared empty and available to white settlers. This "problem" has its rhetorical beginnings in the beliefs of the seventeenth-century colonists, in "the Ideas, Symbols, and Images of Savagism and Civilization" that were imposed by Europeans and, later, Euroamericans as a way to make sense out of the seeming chaos of the "new World" (Pearce xviii, 3). In Savagism and Civilization, Roy Harvey Pearce connects these "beliefs" to European philosophical thought. He writes: The colonial concern with the savage Indian was a product of the tradition of Anglo-French primitivistic thinking-an attempt to see the savage, the ignoble savage, as a European manque. When, by the 1770's, the attempt had obviously failed, Americans were coming to understand the Indian as one radically different from their proper selves.... [so they] worked out a theory of the savage which depended on an idea of a new order in which the Indian could have no part. (4, emphasis added) Pearce further links this new "theory" about Indians to a burgeoning American nationalism and emphasizes that this new "American" came to "know who and what he was and where he was going, to evaluate the special society in which he lived and to know its past and its future" most effectively through comparison with "the Indian who, as a savage, had all past and no future" (135). This system of either/or identity-building in which liberation from the past is a central component for the construction of the myths of "America" and "American-ness" is also theorized in Richard Slotkin's Regeneration through Violence and Richard Drinnon's Facing West. Slotkin sees newly arrived European colonists as "preoccupied with defining, for themselves and for others" the nature of their relationship with a "primitive" indigenous culture (15-16). This "defining" ultimately resulted in "violence" through which, Slotkin claims, "America" was constructed as a utopian space, able to offer European settlers the opportunity to "regenerate their fortunes, their spirits, and the power of their church and nation" in order to create a radically different thing/nation than had been created before (3-5; emphasis in original). For Drinnon this is an "ongoing process of empire-building" on the part of the United States in which the primary goal is destroying memory: "they sought to cut off the Remembrance of them [Indian peoples] from the Earth" (Captain John Mason, qtd. in Drinnon xii). Pearce, Slotkin, and Drinnon all tell very similar stories about "the Indian" as a figure against which "the American" can be rendered from the raw materials of the Euro-colonist; and rendered most effectively by making "the Indian" a thing of America's past. In short, "the Indian" (whatever that may be) must disappear so the "American" live. While it is impossible within the scope of this essay to even begin to explain the breadth of U.S.-Indian policy in the nineteenth century, the general movement was from a strategy of extermination and/or removal to one of assimilation by the latter half of the century. Under the "peace policy" instituted during President Ulysses Grant's administration (1870), the attempt was made to force all Indian nations, even those exempt from removal, onto reservations for their own "protection” and religious groups (Quakers, Catholics, Methodists, etc.) were allowed to control both Bureau of Indian Affairs (BIA) appointed offices and the Board of Indian Commissioners in an attempt to disrupt the unfair policies visited upon reservation communities by corrupt BIA officials. Christian agents were also to provide the "proper" example of piety, private property, and agrarian work ethic necessary to convince Native peoples of the values of civilization. Indian reformers throughout the nineteenth century most certainly believed that the salvation of the tribes meant the sacrifice of the "savage" to Christianity and civilization, but prior to 1879, the reform movement "lacked the direction and leadership to implement Indian reform policies:' a state of affairs that changed with the intense public interest in the Ponca tour (Mathes 6)

#### Native existence in settler society is premised on a denial of agency which warrants Native refusal and militancy.

**Heppler 9** (Jason, Academic Technology Specialist in the Department of History at Stanford University, “Intellectual Origins”, <http://www.framingredpower.org/narrative/aim/intellectual-origins/>, Vance)

In February 1967, **Clyde Warrior** articulated Red Power's evolving ideas. In testimony before a presidential commission, Warrior **explained** that **Indians "are not free. We do not make** choices. Our choices are made for us." His testimony was remarkably similar to Carmichael's essay published a few months before. **Warrior expressed frustration with the "not-so-subtle racist vocabulary of the modern middle class" and attacked assimilation and those sympathetic to integration**. His **frustration stemmed from the paternalistic nature of those wanting to help the "deprived" Indians**. As student radicals like Jerry Rubin declared "war against Amerika," Indians shifted their ideas to focus on confrontational action to encourage social change. NIYC and Warrior borrowed rhetoric and tactics from the Black Panthers to root its new ideas. **In a nation that all-too-well remembered the threat of fascism and totalitarianism, Warrior condemned whites as racists, fascists, colonialists**, and reactionaries and derided moderate and conservative Indians as "Uncle Tomahawks" or "Apples"—red on the outside but white on the inside. Paralleling the SNCC demands for Black Power articulated by Stokely Carmichael, NIYC and **Warrior called for "Red Power" and supported direct confrontation with the federal government**, using tactics based on the civil rights, anti-war, and New Left movements: **What can you** do when a society t**ells you that you should be nonexistent?** As I look at it, **the situation will not change unless really violent action comes about. If this country understands violence then that is the way to do it.** Some of the young Indians are already talking revolution. "**We have tried everything else,**" they say. "**The only thing left is our guns. Let's use them**." **Warrior's rhetoric was influential in shaping the way Indians conceived of the world around them**. This shift is evident by examining the attitude towards political demonstrations within the Indian community. NCAI, which took an essentially conservative approach to confronting federal termination policies, continued flying a banner in late 1967 proclaiming "Indians Don't Demonstrate," and such a belief ran through the rest of the Indian community. Future AIM leader Dennis Banks insisted in 1965 that "demonstrations are not the Indian way." These beliefs would all change by 1970, when **confrontations became the staple of AIM's political tactics.**