

the cuts.¹

cheyanne turions and Sadia Shirazi

This text was crafted in dialogue. Our conversation began over Skype (bridging the distance between Toronto, New York and the various other places we found ourselves writing from), was continued through email and culminated in our meeting, for the first time, at the Vera List Center's colloquium Indigenous New York, Critically Speaking. Instead of cheyanne writing an essay on the topic "Land Writes—Citing Territory" and Sadia composing a response, we were both interested in a more process-based written exchange, in which we might allow our writing to evolve out of, as much as it could for two people who did not know one another, an incipient dialogue.

A relationship to history is more than a recitation of it. A relationship to history, if it is to be called a relationship at all, must bear upon the forms made of the future, in the now.

I write these words in Toronto, a place whose name derives from a Haudenosaunee word. When I cite this place, invoking history, I note that it is the land of the Mississaugas of New Credit, though by doing so, I am privileging a moment of colonial encounter through treaty making. The history of this place cannot be summarized through this relatively recent encounter because this is a place that many different Indigenous peoples, for thousands of years, have called home. In marking this history, starting the story earlier than colonial encounter orients the acknowledgement to Indigenous perspectives on the history of this place that is now known as Canada.

I have learned this practice of citing land from colleagues and mentors, and my understanding of these kinds of territorial acknowledgements is that they are a relatively new practice, begun as a way of centering Indigenous relations and presence in settler-colonial spaces. Following the conclusion of the Truth and Reconciliation Commission (TRC), the practice of performing territorial acknowledgements at cultural events—panel discussions, performances, screenings et cetera—has noticeably increased. Here, the tie between history, orality and the present-becoming-future is tasked with resisting the placation of performance as justice. To

¹ This title is drawn from Layli Long Soldier's *WHEREAS* (2017).

acknowledge the settler colonial condition of these lands is not redress to the many forms of colonial dispossession that continue to shape the lives of Indigenous people here. Territorial acknowledgements should be discomfiting, a cursory form of truth-speaking that provokes considerations of how cultural work is not distinct from the political realities that shape civic society. They should provoke labour in service of redistributing power, privilege and resources, drawing from the specific capacities of art—to lend gravity to strange propositions that cannot be articulated elsewhere (such as in politics or science)—to propose new ways of being in relation.

At this particular political moment I wonder how this practice of acknowledging territory, as taken up in the spaces of art, might be able to bear upon other structures of dispossession, like those I see at work in, for instance, the seven/six nations travel ban.² I know the actual effects of the executive order(s) are in flux, but the anxiety and fear they produces in those potentially affected is nonetheless sustained. It feels more important than ever to talk about land, mobility and the ways that white supremacy conditions the social and political forces that dictate who has access to certain places/privileges and who does not.

I'm not sure that all the assumptions here hold, but: if territorial acknowledgements can work to dismantle the supports of a settler-colonial white supremacy, then is it possible that the effects of this can also trouble the racism and Islamophobia that have allowed for the travel ban? If we acknowledge the ways that an ongoing colonial project and a ubiquitous white supremacy condition us, can we use the specific extra-rational capacities of art³ as a way to organize relation otherwise?

Here's one example of this coming together of cultural forms and political agency, of this working toward a something else:

² Originally written in February 2017, we were first referring the seven nations travel ban, which applied to people from Iran, Iraq, Syria, Libya, Sudan, Somalia and Yemen. In the time since our initial draft was composed, the executive order has been rearticulated in order to avoid legal concerns that have otherwise effectively stalled the implementation of the previous executive order. The current ban covers six nations—excluding Iraq from the list above—and goes into effect on 16 March 2017, after the publication of our writing.

³ The specific phrase “extra-rational” is a reference to an idea of David Garneau’s that describes artworks (objects, performances or time-based media) that “through visceral and intuitive means [endeavour] to provoke change in other bodies—to alter moods, attitudes, dispositions and sensibilities first, in the hope that arguments, reason, judgment and minds will follow.” Garneau, David. “Extra-Rational Aesthetic Action and Cultural Decolonization,” *FUSE Magazine*, vol. 36 no. 4 (2013). Accessed 13 February 2017. http://fusemagazine.org/2013/10/36-4_garneau.



Dylan A.T. Miner, *No Bans on Stolen Lands*. 2017

I first encountered this sign hanging in the street-facing window of a cafe in Toronto, where it connected a pre-colonial history of the lands now know as the United States to current legislation that attempts to govern who has access to them. “Bans” foregrounds how the executive order has been constructed to bar access and “stolen” highlights the foundational violence of American statehood. As an imaginative exercise, to whose authority should one appeal when seeking permission to settle on these shores? What would it look like to re-articulate immigration policy in a way that acknowledges law as a colonial framework and pivots, instead, to Indigenous legal orders to administer cross-cultural relationships, including who has access to these territories? Such an orientation would trouble an assumptions of the sign: that these lands are stolen. “Stolen” locates dispossession in the idea that ownership has been wrongfully reneged, but on my understanding, ownership of land is a western/colonial idea, not an Indigenous one. If land cannot be owned, how can land be stolen? Instead: No Bans on Indigenous Lands. Or: Indigenous Legal Orders on Indigenous Lands. Or even: Treaty Frameworks as Immigration Policy. I admit, these are not quite as catchy as slogans, but there’s something useful in the complications they offer, in the paradigm shifts they propose. And something useful in the making public of them through aesthetic channels.

—cheyanne

I began writing in response to you, cheyanne, on the 75th anniversary of Japanese internment in the United States. The Executive Order 9066 signed by President Roosevelt in 1942 resulted in the “evacuation” and internment of residents and American citizens of Japanese ancestry. Smaller groups of German and Italian immigrants were also caught in its net. You wrote to me about the seven nations travel ban and about land, legislation and dispossession, something I have been thinking through, too. I had mentioned to you on Skype that I am wary of the juridical lenses the state uses to capture people, to define whose bodies pose a threat to the security of the state within and outside its territorial borders.

I happened upon the image “No Bans On Stolen Lands” that you described seeing in a cafe window in Toronto. I saw it circulating online, with its text sprawling across the territorial outline of the United States first in an all blue image and then in the colors of the Medicine Wheel. Dylan A.T. Miner designed the image and had posted it on social media and written “Feel free to use this image” and “please share.”⁴ Prints of the image were also used to raise donations to support people affected by the terrorist attack at the Islamic Cultural Center of Quebec City. The image was recently updated by the artist to read “No Raids on Stolen Lands.” Your thoughts on the sign and the question of ownership brought to my mind the legal case *Johnson v. M’Intosh* (1823) that laid the foundation for the dispossession of Indigenous land in the United States. In this case between two non-Native men over land sold to one by the Piankeshaw, Chief Justice John Marshall ruled that Indigenous tribes and nations could not sell land to private citizens. He cited the “discovery doctrine” that was used to legitimize European colonization and that justified colonial theft through the premise of “discovery” as legalized dispossession of non-Christian lands. This case established the foundational violence of dispossession of Indigenous land and Indigenous erasure, echoing what you described as the foundational violence of the state.

You wrote of the practice of acknowledging territory as working to dismantle the supports of settler-colonial white supremacy. You wondered how territorial acknowledgement could bear upon structures of dispossession behind the recent seven nations travel ban, Executive Order 13769, “Protecting The Nation From Foreign Terrorist Entry Into The United States.” As a second generation American, and the first generation to grow up in this country, I am struck by

⁴ Dylan A.T. Miner is a a Métis artist who has posted these images on instagram under his handle “wiisaakodewinini,” accessed February 28, 2017. <https://www.instagram.com/wiisaakodewinini/?hl=en>

how this nation-state and its laws are a palimpsest of successive dispossessions and inclusions. Wartime incarcerations of long term residents and American citizens for the “threat” they pose to its security has many precedents as do immigration bans. Executive Order 9066 was preceded in both the United States and Canada by the Chinese Exclusion Acts, from 1882 in the United States and 1923 in Canada. The recent travel ban was preceded by Executive Order 13768, “Enhancing Public Safety in the Interior of the United States” that subjects undocumented immigrants to deportation. Indigenous peoples and nations posited as threats to the state precede all of these.

The interior of the United States feels like fear. This fear justifies a state of constant violence mobilized against a field of moving targets. German Jews were caught in the net of Executive Order 9066, as there was not yet a move to distinguish between Jewish as an “ethnicity” and German as a national identity. I am alarmed by the way in which discourse around the seven nations travel ban marks the state’s racialization of a religious group that was not previously self-articulated as an “ethnicity” or “race.” When did Muslim become a racialized category? What is borne out of Islamophobia as a distinct category of exclusion? To ward off a suffusive feeling of fear as the miasma through which our marked bodies move in this country, I turn towards a deeper desire to hold the people I know and love, to trace a history in order to understand how we might sit, stand and lie down shoulder to shoulder and foot to foot, together. I want to remember, too, people whom I have not yet met or who are within and amongst us, who were and are also still treated like strangers in this land. In the shifting entanglements of settler-native-slave relations that undergird settler colonialism how can we theorize and attend to the particularities of immigrant arrivants?⁵ Drawing from the post-9/11 neoimperial language of threats to the state within and outside its borders, Jodi Byrd writes “In the United States, the Indian is the original enemy combatant who cannot be grieved.”⁶

This land belongs to strangers.

—Sadia

⁵ Arrivant is a term I adapt from the work of Jodi A. Byrd, who borrows the term from African Caribbean poet Kamau Brathwaite. Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xix.

⁶ *Ibid.* xvii.

Recent actions by the governments that call themselves Canada and the United States demonstrate how even an acknowledgement of harm caused by the kinds of legislation you describe can be morally neutered. Apology, it turns out, has been manipulated so as to preserve state power and its attendant logics, rather than administering a kind of justice that challenges these systems. An adequate redress to wrongs should correlate to changes in behaviour, no?

In the place that I live, what has come to be known simply as “the apology” was performed on 11 June 2008 and it involved then-Prime Minister Stephen Harper conceding to the insidious, inter-generational and ongoing violence of the now-defunct residential school system. The apology was administered as part of the Indian Residential Schools Settlement agreement that, according to the government, sought a “fair and lasting resolution to the legacy of Indian Residential Schools.”⁷ The much-lauded Truth and Reconciliation Commission (TRC) was also a part and this settlement agreement, tasked with collecting the stories of residential school survivors and their kin, and disseminating this history to a broader Canadian public. The TRC process culminated in 2015 with the of release its final report, which included 94 calls to action. Directed mostly toward the government and its agencies, none of the calls suggest dismantling the structures that made the residential school system possible. None of the calls recommend the repatriation of land and resources to Indigenous people. Perhaps this is unsurprising. Power is conservative, predisposed to preserving existing conditions rather than challenging them. To the extent that the calls to action challenge the status quo, they do so in ways that the state can recognize and abide by, on its own terms. These calls, addressing one specific manifestation of settler-colonial rule, do not make a decolonial discourse for there is not Indigenous self-determination at their core.

In the place that you live, the Congressional Resolution of Apology to Native Americans was signed by then-President Barack Obama on 19 December 2009. The apology was not performed, in that Obama did not offer his breath to these words, he did not speak them aloud to any of the people to whom they were ostensibly addressed. In some deeply existential irony, this apology was enacted into law as part of a defence spending bill (H.R.3326—Department of Defense Appropriations Act, 2010, Sec. 8113) and concluded with the following disclaimer: “Nothing in this section authorizes or supports any claim, or serves as a settlement of a claim,

⁷ “Indian Residential Schools,” *Indigenous and Northern Affairs Canada*, accessed 24 February 2017, <http://www.aadnc-aandc.gc.ca/eng/1100100015576/1100100015577>.

against the United States.”⁸ In essence, as the government acknowledged the harm wrought by settler colonialism on Indigenous people in its name, it simultaneously absolved itself of culpability (or, at least, accountability) for any of those wrongs. This stands in contradistinction to President Ronald Reagan’s Japanese Internment Apology, signed into law in 1988, that carried with it token financial restitution to those survivors of the camps that were still living. The settlement agreement of which Harper’s apology was a part also included token payments to residential school survivors.

To be honest, the only reason I know about the American apology is because of poetry. Or rather, because of poetry’s capacity to confront power through détournement and refusal, and because of one poet’s insistence on doing so. (There was very little promotion of the apology through official government channels, and as far as I can tell, most press coverage was through Indigenous media outlets.) Layli Long Soldier’s *WHEREAS* (2017) shapes itself after the original Joint Resolution, which was put forward by Republican Senator Sam Brownback and (weakly) informed the final language of the Act.⁹ For every whereas statement in the resolution that grapples with the immense history of Indigenous presence on these lands and the violence of genocidal attempts at erasure, Long Soldier writes back. She takes the language and turns it. In her hands, the capacity of poetry to make meaning thick, to enact life, to become flesh is wielded with precision. In her whereas statements, she carries the undue weight of emptiness, she carves a curative collectivity, she shows inheritance seeping in through cracks. In her whereas statements, she tears the state’s language apart and performs, instead, a divergent kind of beingness.

In this poetry, a way forward, and I see it in your proposal too. You advocate tending to the energies we make when together: the poetry of bodies, speaking truth to power.

And yet, I can’t shake this feeling of a something else, shuddering to think of the other poems, yet to be written, the ones that will speak back to the motivations behind—and consequences

⁸ “H.R.3326 - Department of Defense Appropriations Act, 2010,” *Congress.gov*, accessed 24 February 2017, <https://www.congress.gov/bill/111th-congress/house-bill/3326>.

⁹ The Joint Resolution was significantly altered and watered down in its adoption into law. Consider that the Joint Resolution was over 1000 words in length, whereas the entirety of its section in the Act is 122 words. Full text of the resolution can be seen here: <https://www.congress.gov/bill/111th-congress/senate-joint-resolution/14/text>.

of—the seven nations travel ban, of the racialization it provokes and that you have diagnosed, of the apology I imagine will one day be offered in consequence.

—cheyanne

The apology

Fair and lasting resolution

Truth and Reconciliation Commission

94 calls to action

The Congressional Resolution of Apology to Native Americans

Disclaimer

The Japanese Internment Apology

Settlements for survivors

The American apology

Layli Long Soldier writes back

There is a violence that inheres to the juridical language of these resolutions and apologies. The language of law is a counterpoint to the theft that precedes it, a contrapuntal violence in which the resolution or apology is a response to the prior call of state violence. The fact that the Congressional Resolution of Apology to Native Americans was unperformed, as you noted, exhibits a parallel violence to the originary dispossession enacted by *Johnson v. M'Intosh*. In that case, the Indigenous were disappeared from the land and any claims to it. In this Resolution of Apology, the Native American is rendered into a spectral figure that haunts the exteriority of the law with neither land nor body, so spectral that it cannot even be spoken to aloud. What is actually enacted in an state's apology to an addressee with whom there is no reciprocal communication but only unidirectional address? In which there is no performance of a poietic social practice that institutes a relation beyond subjugation by the laws of the state?¹⁰ This is why Layli Long Soldier writing back is such a powerful gesture, her poetry enacts life and becomes flesh, as you beautifully describe. It feels important that Long Soldier is not just speaking back but performing what you describe as "a divergent kind of beingness" through which "she carves a curative collectivity." To the call of the state to violence and the response of the law to apology, Long Soldier returns in refigured flesh.

The Congressional Resolution of Apology to Native Americans includes the Indigenous without consent into the state, it calls the Indigenous Americans. This functions to capture the Indian

¹⁰ For more on poietic social practice and heterolingual address, see: Naoki Sakai, *Translation and Subjectivity: On "Japan" and Cultural Nationalism* (Minneapolis: University of Minnesota Press, 1997).

within the territorial boundaries and legal jurisdiction of the United States through a doubled gesture, through legalized dispossession of their land and then again through this call that is a kind of violence, this homogenous naming of heterogenous groups. When did Indigenous tribes and nations named otherwise become Indians? And when did the Indian then become Native American? What is called The Japanese Internment Apology, it struck me, differs from the Apology to Native Americans. The Internment Apology is not even addressed *to* anyone. Its formal structure is a predictive outline for the futurity of other internments and subsequent apologies that you foresee. It is not an apology for evacuation or land theft, which historians have argued accounts for the discrepancy in treatment of long term residents of Japanese descent in the West coast in comparison to Hawaii. It was property in the West coast that the government wanted to seize from them, too. In the 94 calls to action issued by the TRC in Canada you noted that not one suggested dismantling colonial structures nor repatriation of land or resources to Indigenous people, as well as in the United States' unperformed Congressional Resolution of Apology to Native Americans. The state striates its spaces of governance through law, while the land and flesh are entangled.

The Japanese Internment Apology also captures the Japanese in repressed relation to the Native American. These victims are not also named as American, although many were, perhaps because to cast them as Americans would too closely cohere to the predictive logic by which American citizens will continue to be killed and interned, murdered and imprisoned, as a matter of daily practice despite their citizenship. Or as an evocative gesture through which other Americans will have their citizenship unnamed in an effort to demonstrate their nonconformity to the the state's demand that populations homogenize. It also separates the treatment of this minority group named through their national origin and not their residential status nor even their American citizenship, from the murder, internment and colonization of Indigenous people as well people affected by American imperialism across the world. To name Indigenous Nations and Tribes by the names they answer to, in the Congressional Resolution of Apology enacted by this government, instead of as Native Americans, is too threatening to the law that has already rendered them bereft of sovereignty. I wonder how a Japanese Internment Apology that disappears another record of American terror, the dropping of atomic bombs, operates historically. Is there a fictive relation established that determines that war is always elsewhere and not also here within the territorial boundaries of this nation-state? The fact is that war

waged outside the state is simultaneous with war waged internally. The seven nations ban demonstrates this logic perfectly.

That feeling that you cannot shake of something else, is prescient. Violence is a kind of initiation into —American life, for its citizens and non-citizens, it is the wounding of the flesh in some cases and the erasure of the body in others.¹¹ I often think of the state's self-articulations through its architecture, its formal logic. The state's resolutions score its stiff, cold materiality and allow its skin to develop into a more complex and faceted armature. Resolutions and apologies do not rip or tear its skin, they only extend and repopulate it parametrically, so it not only permits the preservation of the state but enhances it. The state is sorry when it says "have one on us." It gives out medals, holds ceremonies, maybe even writes a check for a little money for your people's hard times. Its nonsense is interrupted when Long Soldier writes back. She stages an irruption into the logic of the law; she shreds the skin of the state. Long Soldier enacts the social poesies denied by the unspoken apology and its previous foreclosure of the status of the human to Indigenous people. The racialization of the marked body of the "Muslim" in discourse around the seven and now six nations travel ban is another such naming. It follows the call of violence the state has already inflicted on the bodies of those who resisted neo-imperialism, colonialism and racism, both within and outside this nation-state. I am working on a book of scores for Muslim sociality with my friend Mezna Qato and there is one particular score we wrote that I would like to share with you.¹² In it we try to decipher the utterances that emerge from the moving lips of a severed head. It is a way forward, together, that is also already an everyday practice of invocation and breath.

Score for 13769

786

—Sadia

¹¹ This distinction between the body and the flesh is drawn from the work of Hortense J. Spillers. See: Hortense J. Spillers, *Mama's Baby, Papa's Maybe: An American Grammar Book*, *Diacritics*, Vol. 17, No. 2, Culture and Countermemory: The "American" Connection (Summer, 1987), 65-81.

¹² Sadia Shirazi and Mezna Qato, *7 Scores & The PMK*, 2016-ongoing, *publication forthcoming*. More information can be found here: <http://www.sadiashirazi.com/7-scores-and-the-peoples-mic-khutba>. Accessed March 4, 2017.

cheyanne turions and Sadia Shirazi thank Layli Long Soldier for her provocations and generosity in highlighting the force of language as a tool to make and remake the world. Long Soldier's recent book of poetry, WHEREAS, can be found [here](#).