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Elisabeth Rose Ehlert Perkal

Candidate

American Studies

Department

This thesis is approved, and it is acceptable in quality and form for publication:

Approved by the Thesis Committee:

Dr. Amy Brandzel, Chairperson

Dr. Jennifer Nez Denetdale

Dr. David Correia

**SETTLER SOCIAL ORDER:
THE VIOLENCE OF POLICING IN NEW MEXICO**

BY

**ELISABETH ROSE EHLERT PERKAL
BACHELOR OF UNIVERSITY STUDIES**

THESIS

Submitted in Partial Fulfillment for the
Requirements for the Degree of

Master of Arts

American Studies

The University of New Mexico
Albuquerque, New Mexico

December 2016

**SETTLER SOCIAL ORDER: THE VIOLENCE OF POLICING IN NEW
MEXICO**

by

Elisabeth Rose Ehlert Perkal

Bachelor of University Studies, University of New Mexico, 2013

ABSTRACT

This thesis argues that in order to understand how and why police violence happens in the U.S., it is necessary to situate these interactions within a framework of settler colonialism. The police exist to maintain social order and, in the case of the U.S., this social order is defined by hegemonic structures of power including settler colonialism. Thus, the police fabricate and enforce *settler social order* that requires subjugating and eliminating Native people in order to preserve settler sovereignty. This thesis intervenes into monolithic critiques of policing in the U.S. and argues that critiques of police violence are most productive if they attend to geographic and historical specificities. This intervention is informed by the fact that, while there has been a significant amount of work done to understand the development of policing in the eastern half of the U.S. (particularly along a North/South divide), decidedly less attention has been paid to the southwest. In order to offset this silence and because it is a site of regular and extreme police violence, New Mexico is the primary site of analysis. Finally, the thesis proposes that by analyzing police violence in New Mexico through the lens of

settler colonialism, it becomes clear that, in addition to the police, settler social order is also enforced by private individuals who police Natives with verbal and physical violence. Though both police violence and private violence against Native bodies advance the settler colonial agenda, individual violence is distanced from police violence because it is regularly read as being isolated and erratic in nature. This distinction does the work of distracting from the violence of police and reinforcing the power of the state because, when individual violence or hate crimes occur, the police and the courts are called upon to bring justice for the victims.

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Introduction

On October 21, 2016, King County Sheriff's department shot and killed Renee Davis, a Native woman who was five months pregnant and experiencing depression, in her home on the Muckleshoot reservation. Davis' foster sister had called the sheriff's department and asked that they perform a "wellness check." When she failed to come to the door, the police entered her home and, upon supposedly finding her armed with a handgun while her two children were in the house, both officers fired on her and killed her.¹ Although striking and disturbing, Davis' experience is not unfamiliar, but rather it is reminiscent of other instances of police violence in the U.S. where police are called to help and someone ends up dead. Similar cases include those of Alfred Olango, Tim Elliot, Edgar Rene Alvarado, and Melissa Boartes.² And yet, while there are some important commonalities between these deaths, it is important to emphasize that Davis' death is distinct from other instances of police violence because, as a Native woman living in a settler colonial society, the structure of settler colonialism upon which the U.S. was built allowed her indigeneity to be read as a threat and marked her for elimination.

The drive to eliminate Native people can be seen in the high rates of police killings of Native people. Only a week before Davis' death, investigative journalist Stephanie Woodard published an article showing that police kill Native Americans at a

¹ Kenrya Rankin, "Police Kill Renee Davis, Pregnant Native Woman: The 23-year-old mother of three reach out for her with her depression. She ended up Dead," *Colorlines*, October 24, 2016, <https://www.colorlines.com/articles/police-kill-renee-davis-pregnant-native-woman>

² This names only a handful of hundreds of people who've died under similar circumstances: Welseley Lowery, Kimberly Kindy, Keith L. Alexander Julie Tate; "Distraught People, Deadly Results: Officers often lack the training to approach the mentally unstable, experts say," *Washington Post*, last updated June 30, 2015, <http://www.washingtonpost.com/sf/investigative/2015/06/30/distraught-people-deadly-results/>

higher rate than any other demographic group in the U.S.³ What's more, she highlights the astounding failure of the media to cover these killings—what she labels a “media blackout.” Evidence of this blackout is supported by a study she cites conducted by Claremont Graduate University researchers Roger Chin, Jean Schroedel and Lily Rowen which found that articles published in the top ten U.S. newspapers (by circulation) between May 1, 2014, and October 31, 2015 covering officer involved shootings routinely overlooked police violence against Native people.⁴ Of the twenty-nine Native people killed during that period, just two shootings were covered, with a total of eight stories published (in two of those articles the victim was wrongly reported to be Latino, not Native). Taken in tandem with the media blackout, the high rate of police killings of Native people reveals the lack social value Native life has.

These findings provoke questions about which lives have value in U.S. society. Whose lives matter? What lives are considered disposable? What is the role of police? Why do the police target Native people, along with people of color and people experiencing mental health issues at higher rates than other groups?⁵ In this thesis I begin to answer these questions by forwarding a three-fold argument. First, I argue that in order to understand how and why police violence happens in the U.S., it is necessary to situate these interactions within a framework of settler colonialism. Settler colonialism describes a dynamic where settlers access resources and gain wealth by taking land from Indigenous inhabitants. Within this structure of power, Indigenous people's *inherent*

³ Stephanie Woodard, “The Police Killings Now One Is Talking About,” *In These Times*, last updated October 17, 2016,

http://inthesetimes.com/features/native_american_police_killings_native_lives_matter.html

⁴ Ibid. The top ten newspapers by circulation are *Wall Street Journal*, *New York Times*, *USA Today*, *Los Angeles Times*, *New York Daily News*, *New York Post*, *Chicago Sun-Times*, *Denver Post*, *Washington Post* and *Chicago Tribune*.

⁵ Ibid.; Lowery and Kindy, “Distraught People, Deadly Results.”

claim to the land threatens settler sovereignty, which is predicated on ownership of stolen Native land.⁶ This is relevant to the work of police because, as other scholars have demonstrated, the police exist to maintain, or in the words of Mark Neocleous, *fabricate* social order.⁷ In the case of the U.S., this social order is defined by hegemonic structures of power including settler colonialism. Thus, I argue that the police fabricate and enforce *settler social order* that requires subjugating and eliminating Native people in order to preserve settler sovereignty.

Importantly, the definition and enforcement of settler social order is informed by the fact that the colonization of the U.S. developed differently according to geographically specific social, political, demographic, and environmental factors. In light of this, my second argument is an intervention into scholarship addressing police and police violence that sees the work of the police and police violence as a monolithic category. The way policing happens in Charlotte, North Carolina is different from the way policing happens in King County, Washington, which is also different from the way policing happens in Albuquerque, NM. Therefore, I argue that critiques of police violence are most productive if they attend to geographic and historical specificities in order to understand contemporary policing in the U.S. In sum, in order to understand how police violence happens in the U.S., a settler colonial society, it is necessary to specifically address the logics and influence of settler colonialism. Although in this thesis I focus specifically on how these logics impact the treatment of Native people, the settler

⁶ Patrick Wolfe, "Settler colonialism and the elimination of the native," *Journal of Genocide Research* 8, no. 4 (December 2006): 389-387-409.

⁷ Mark Neocleous, *The Fabrication of Social Order: A Critical Theory of Police Power* (London: Pluto Press, 2000), 7-8.

social order that is policed to maintain the structure of settler colonialism influences how all people in the U.S. are policed.

This intervention is informed by the fact that, while there has been a significant amount of work done to understand the development of policing in the eastern half of the U.S. (particularly along a North/South divide), decidedly less attention has been paid to the southwest. For this study, I focus my analysis of policing on New Mexico in order to offset this silence and because it is a site of regular and extreme police violence. New Mexico is also the place I, a white settler, call home. Due to my complicity in the structure of settler colonialism, I believe that it is important to do whatever work I can to unsettle and disrupt the structure, which includes identifying the insidious ways that it functions. Further, expanding knowledge on how policing happens in New Mexico will enable decolonial activism in the state to become even more effective.

Lastly, I argue that by analyzing police violence in New Mexico through the lens of settler colonialism, it becomes clear that, in addition to the police, settler social order is also enforced by private individuals who police Natives with verbal and physical violence. Though both police violence and private violence against Native bodies advance the settler colonial agenda, the latter is distanced from police violence because it is regularly read as being isolated and erratic in nature.⁸ The distinction between police violence and private violence is facilitated by the categorization of violence done by individuals as “hate crimes” or “vigilante violence.” This distinction does the work of distracting from the violence of police and reinforcing the power of the state because, when hate crimes occur, the police and the courts are called upon to bring justice for the

⁸ Amy Brandzel, *Against Citizenship: The Violence of the Normative* (IL; University of Illinois Press, 2016), 33.

victims. This, then, distracts from the systemic violence of the police. And so, I argue that the policing of Native people happens on a spectrum that ranges from state sanctioned policing committed by police officers to policing through violence perpetrated by private individuals. To understand one without the other is to obscure the ways in which settler colonialism, along with other structures of power such as capitalism, heteropatriarchy, and white supremacy, have worked historically to position Native lives as disposable. The reality we must acknowledge is that both police violence and private violence work to fabricate settler social order.

To make my argument I begin by outlining a definition of settler colonialism. I then briefly review some scholarship critical of police in the U.S. to show the important work various scholars have done to understand definitions of social order and the role of police in society. I intervene into this body of literature and highlight the absence of meaningful engagement with the structure of settler colonialism. Since much of the literature on policing in the U.S. focuses on the north and south, I demonstrate what this works stands to gain by incorporating a settler colonial framework. Specifically, I show why geographically situated historical analyses of policing are key to understanding contemporary policing in the U.S. Next, I demonstrate what it would look like to conduct an analysis of police violence in New Mexico through a lens of settler colonialism using two case studies. The first is an instance of public policing where a Native man, Clint John, was shot to death by a police officer in Farmington, New Mexico. I examine the circumstances of his death to uncover the relationship between police and settler social order. The second case study is an instance of private violence wherein two Native men were attacked and beaten to death by three Latino teenagers. Here, I study the role

individual violence plays in shoring up the power of the state and alibiing the police brutality. In doing so, I underscore the importance of such analysis for producing critiques of policing that adequately reflect the structural nature of police violence. Only with an accurate analysis of violent policing may we begin to dismantle the settler policing that upholds settler colonialism.

Methods, Methodologies, and Sources

The methodological framework in which I situate my argument includes Critical Indigenous Studies and Feminist Studies methodologies. First, a Critical Indigenous Studies framework highlights and counters the violence of colonialism by centering Indigeneity. To center Indigeneity and to acknowledge the value of Indigenous epistemologies is to destabilize and challenge both the current neoliberal and liberal post-war racial rhetorics of inclusion and tolerance as well as settler colonialism's aim to eliminate Native lives. Chickasaw scholar Jodi Byrd asserts that Critical Indigenous Studies is not a project of recovery but, rather, a site of critical analysis for the overlapping influence of hegemonies such as "indigeneity, sexuality, colonialism, gender, race, and class" as they relate to Native identity.⁹ As a framework, Critical Indigenous Studies leads me to question how contemporary power dynamics have historically developed and thus to understand the material consequences of settler colonialism. Elsewhere, Byrd writes that, "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, [Critical Indigenous] theory has the potential in this mode to offer

⁹ Jodi A. Byrd, "'In the City of Blinding Lights': Indigeneity, Cultural Studies, and the Errants of Nostalgia" *Cultural Studies Review* Vol. 15, No. 2 (Sept. 2009): 16.

a transformative accountability.”¹⁰ And so, by acknowledging and critiquing the material consequences of power dynamics, the field demands critical and honest scholarship that enables change. For Native scholars this involves grounding their work in, “the knowledges of their communities,” so that their work may “reflect the best of [Native] governance and diplomatic traditions.”¹¹ In the case of non-Native scholars such as myself this requires that we, “acknowledge [our] 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.”¹² This means challenging the settler project which aims to naturalize the theft of Native land as acceptable and irreversible.

Second, I employ a Feminist Studies methodology, which centers the ways that systems of difference produce identities, which, in turn, intersect in ways that have material consequences. Importantly, a feminist methodological framework demands that analyses of police violence be intersectional and account for the ways that various facets of one’s identity get coded as being inherently threatening. An intersectional framework helps me to challenge the rendering of police violence as a series of individualized events or as disconnected from larger historical factors. It enables me to explore how police, policing, and police violence are systemic and predicated on hierarchies of social value. Due to the fact that social value is inherently relational, it would be difficult to understand how value is constructed without an intersectional analysis. For example, Lisa Cacho argues that in order to gain recognition as “good” immigrants or “deserving” U.S.

¹⁰ Byrd, *Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xxx.

¹¹ Byrd, *Transit of Empire*, xxv.

¹² Byrd, *Transit of Empire*, xxx.

citizens, people of color must situate themselves in relationship to “another devalued racial other of U.S. citizenship and American empire.”¹³ This speaks to the fact that social value is not simply a top down ordering mandated by settler colonialism. Rather, it is a process that recruits all individuals to join in and help police each other to figure out where we stand in relationship to others. A Feminist Studies methodology pushes me to figure out how this happens and, importantly, how we can dismantle the structures of power that depend on this process of devaluation.

This framework includes the contributions of Native Feminist theory to Feminist Studies. This body of work demands that Feminist Studies account for the ways in which settler colonialism, and its naturalization of heteropatriarchy, informs structures of power in the U.S.¹⁴ In light of the fact that Feminist Studies has come into being on colonized land and therefore is complicit in the colonization of Indigenous people, Native Feminist theory pushes Feminist Studies to avoid centering white voices and instead to ground intersectional analyses in a history of settler colonialism. With this in mind, a Feminist Studies methodological framework enables me to account for the ways that various structures of power, like settler colonialism, white supremacy, capitalism, and heteropatriarchy, work together and impact contemporary policing and the daily lived realities of those who are a threat to social order and thus vulnerable to policing.

Within these methodological commitments, I use Foucauldian discourse analysis to understand what goes unsaid in the discussion of policing and police violence. I examine the ways in which written and spoken language in the media relates to larger

¹³ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 14.

¹⁴ Maile Arvin, Eve Tuck, and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25, no. 1 (Spring 2013): 14.

structures of power that normalize hierarchies of social value and the importance of violently fabricating settler social order. Kay E. Cook states that this method, “focuses on the power inherent in language and seeks to understand how historically and socially instituted sources of power construct the wider social world through language.”¹⁵ The sources I analyze include newspaper articles from local and national media sources that address various instances of police violence. Using discourse analysis, I reveal the ways in which media coverage, in its attempts to describe these events, ends up guiding readers to take away a certain understanding of social value, violence, and power. That is to say, the media has the ability to reinforce or challenge structures of power. Therefore, by applying discourse analysis to newspaper articles, I am able to unsettle and challenge the ways in which oppression is normalized. In addition to newspaper articles, I also analyze government reports on homelessness, police violence, and discrimination in border towns in New Mexico. I analyze these sources in the context of two case studies to understand the ways in which social order, social value, and settler colonialism inform how policing happens in New Mexico. A discourse analysis of these sources reveals the invisibilized connections between structures of power and makes it possible to understand how policing and police violence are justified and perpetuated.

Social Value, Settler Social Order, and the Geography of Policing

In order to understand the distinct ways that policing occurs within a settler colonial context, it is necessary to have a clear understanding of settler colonialism, police, and policing. In this section, I define settler colonialism and its relationship to policing. From there, I briefly review the work on police of a handful of critical scholars.

¹⁵ Kay E. Cook, “Discourse” in *The Sage Encyclopedia of Qualitative Research Methods: A-L; Vol 2, M-Z*, edited by Lisa M. Given (Los Angeles, CA: Sage Publications, 2008), 216-217.

This serves to demonstrate the important work that has been done to understand the origins and function of the police. It also allows me to offer an intervention into the absence of critique of settler colonialism. The failure to account for the impact of settler colonialism and the fact that all police interactions occur on Indigenous land leaves these analyses of police and police violence impoverished. Finally, I build on this intervention by demonstrating what a geographically and historically situated analysis of police violence differs from current scholarship and thus what scholars stand to gain by centering settler colonialism.

U.S. settler social order is understood as the successful elimination, either through displacement, death, or assimilation, of Native people. According to scholars Eve Tuck and K. Wayne Yang, settler colonialism is distinct from other types of colonialism in that “settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain.”¹⁶ This has two important consequences. First, since land is the desired object, Native inhabitants who have an inherent claim and connection to the land, are seen as a threat to the settler social order. And so, constructed as a threat to settler social order, Natives become the target of and vulnerable to public and private violence. This violence comes in the form of displacement where Natives are unendingly asked to move on, accused of trespassing, told they should “go back to the rez,” and literally removed from urban centers and dumped outside of city limits.¹⁷ It can come in the form of elimination through death—either at the hands of an individual or through the more covert killing of death due to

¹⁶ Eve Tuck and K. Wayne Yang, “Decolonization is not a Metaphor” *Decolonization: Indigeneity, Education, and Society*, 1(1), (2012): 5.

¹⁷ Sherene Razack, “‘It Happened More than Once’: Freezing Deaths in Saskatchewan,” *Dying from Improvement* (Toronto: University of Toronto Press, 2015), 164-191.

exposure.¹⁸ Elimination can also be achieved through assimilation. Diné scholar Melanie Yazzie argues that Natives are policed according to the “common sense of colonization” which ensures that “Indigenous citizens agree and act according to rules of U.S. common sense.” The condition for subscribing to this common sense is the erasure of Indigeneity. Yazzie argues that Native people who refuse to buy into this common sense of colonization are understood to be threatening and thus “open to punishment of indiscriminate degree from multiple sources.”¹⁹ The logic of settler colonialism produces a distinct understanding of social order as being tied to ownership of the land. This means that it is important to remember that whether Natives are policed through displacement, death, or assimilation, their policing is always directly related to their inherent claim and connection to the land.

The second consequence is that, in order for the settler colonial project to work, it requires a social hierarchy wherein Natives have no social value. This, then, makes the policing of Native people seem natural, ordinary, and warranted. Thus, settler colonialism produces and depends upon a social hierarchy in which different bodies are awarded different levels of social value.²⁰ Looked at in a broader context, it is clear that the ability and justification for police targeting of specific populations is dependent on the existence of a commonsense notion of social value—i.e. those who are “good,” well intentioned, innocent, *those who matter* and those who are “bad,” mischievous, guilty, *those who do not*. Importantly, the juxtaposition between good and bad is necessary because social value is understood *relationally*. Since nothing gains value in a vacuum, social value is

¹⁸ For a critique of “exposure” as the accepted cause of death for many Natives, see “No Dead Natives: The Gallup Report,” *Red Nation*, January 12, 2016.

¹⁹ *Ibid.*

²⁰ Rauna Kuokannen, “Globalization as Racialized, Sexualized Violence” *International Feminist Journal of Politics*, 10, no. 2 (2008): 217-219.

constructed using an “other” to serve as a point of comparison.²¹ No subject can be valued without another subject against which to measure that value.

Importantly, settler colonialism is not the only structure of power that determines social value. However, the way in which social value is produced *through* settler colonialism makes interactions between the police and Native subjects distinct from all other police encounters. The settler colonization of the U.S. produced Native people in such a way that their lives and social value could only be understood in contrast to settler lives and settler social value.²² Despite the interplay and interdependence of capitalism, colonialism, heteropatriarchy, and white supremacy, it is important that colonialism remains a discrete structure of power. To collapse colonization into other systems of power risks erasing settler colonialism and placing Native people into a category of “minority” and their quest for liberation as being the same as other struggles for “minority rights.” Indigenous scholar Jodi Byrd illuminates this in her argument that while race and colonialism work together globally to secure white control of property, equating them allows for the solution to Native “issues” in the U.S. to be greater inclusion into the nation state and evades discussions of justice through repatriation of Indigenous land.

To understand how policing happens, it is necessary to understand how social value is constructed and how notions of criminality are normalized. This, then, points to the need to understand the social structures, like settler colonialism, which define social value. Hierarchies of social value create the conditions of possibility for violence against

²¹ Cacho, *Social Death*, 13.

²² For more on the ways in which settler subjects are produced through difference see Mark Rifkin, *When Did Indians Become Straight?: Kinship, The History of Sexuality, and Native Sovereignty*, Oxford: Oxford University Press, 2011.

certain devalued populations as violence against them is seen as normal rather than shocking or extraordinary. In order to police certain subjects (according to the various hierarchies of social value that exist in the U.S.), the criminality of devalued populations must be accepted as common sense; in other words, they must be criminalized. Another way of looking at it, as scholar Lisa Cacho puts it, is that “to be criminalized is to be prevented from being law-abiding.”²³ This means that, regardless of what people who are criminalized *do*, their actions and existence are always read *as criminal*. This explains how cell phones, butter knives, or bags of Skittles can be claimed to be seen as a gun—the intersections of various aspects of one’s identity makes their criminalization commonsense. Cacho further explains that “people who occupy legally vulnerable and criminalized statuses are not just excluded from justice; criminalized populations and the places where they live *form the foundation* of the U.S. legal system, imagined to be the reason why a punitive (in)justice system exists.”²⁴ In sum, hierarchies of social value established and normalized by settler colonialism inform who should be policed and therefore who is marked for violence.

Now I turn to a brief overview of the important work a handful of scholars critical of police violence are doing to shed light on the work and consequences of the police. Mark Neocleous historicizes the development of police in Europe as part of the production of bourgeois social order, which was enabled through the “exercise of state power.”²⁵ He argues that the history of the police project, which happened in tandem with the consolidation of state power and the implementation of a “system of bourgeois rule,”

²³ Cacho, *Social Death*, 4.

²⁴ *Ibid.*, 5.

²⁵ Mark Neocleous, *Fabrication of Social Order: A Critical Theory of Police Power* (Sterling, VA: Pluto Press, 2000), 5.

can be divided into three distinct stages.²⁶ However, throughout each stage he asserts that there is a common theme, which is the fact that police *fabricate* order and in this fabrication lays “work and the nature of poverty.”²⁷ In his analysis of modern policing he argues that the job of police, rather than being focused exclusively on crime prevention, has been expanded across a variety of services and institutions.²⁸ He explains that the role the police play in fabricating social order has been spread across “other administrative agencies dedicated to ordering the lives of citizens, notably those of the working class who might not work willingly, be ‘decent’ (‘proper’) in public and ‘orderly’ at all other times.”²⁹ For Neocleous, the fabrication of social order is understood strictly as being a bourgeoisie social order.

In his essay “The Whiteness of Police” Nikhil Pal Singh furthers this analysis and proposes that the bourgeoisie social order that Neocleous writes about was inherently racialized. He argues that whiteness does not come from private property but from the act of governing property. This logic sees those without property as those who do not understand and thus may be a threat to the sanctity of a propertied order.³⁰ Whiteness reflected a means of determining a person’s value and of their ability to access resources like land and labor. For those without this access, claiming whiteness allowed people to mimic privilege and thus gain materially valuable access to a higher peg in the racial order. Thus, the development of racial differentiation has been consistently remade to affirm and reproduce “publicly sanctioned private accumulation and the social costs,

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid., 91.

²⁹ Ibid.

³⁰ Nikhil Pal Singh, “The Whiteness of Police,” *American Quarterly* 66, no. 4 (December, 2014): 1091.

division, and crises that it engenders.”³¹ Within this racialized, bourgeoisie social order, police power became the means of enacting an “unequal ordering of property relations”—what Singh calls the *whiteness of police*.³² For Singh, policing is about the protection of property and a bourgeoisie social order but this must be understood in the context of racial differentiation, “against which an elastic and inclusive sense of whiteness coalesced as a political subjectivity.”³³ And so, policing functioned as a form of racial management that ranged from inclusion into whiteness to the persecution and killing of whole communities.

For Robin D.G. Kelley, understanding social order requires an analysis of slavery, the gendered racialization it produced, and empire building. In “Slangin’ Rocks...Palestinian Style: Dispatches from the Occupied Zones of North America” he argues that in order to understand the relationship between police and communities of color, it is necessary to root our analysis in the “colonial encounter.”³⁴ At the beginning of his essay he acknowledges that colonial oppression manifested through occupation, surveillance, pacification, and genocide. From there, his explanation of the roots of policing in the U.S. is almost exclusively examined through the black experience. He explains that in the U.S. South, before the Civil War, policing developed as a means to control slave populations and hunt fugitive slaves. It was codified in law that slaveholders and slave patrols were free to dole out punishment as they wished.³⁵ Even as *de jure*

³¹ Ibid., 1092.

³² Ibid., 1092

³³ Ibid.

³⁴ Robin D.G. Kelley, “Slangin’ Rocks...Palestinians Style: Dispatches from the Occupied Zones of North America,” in *Police Brutality* Jill Nelson (ed) (New York: W.W. Norton & Company, 2002), 26.

³⁵ Ibid.

slavery ended, blacks in the South continued to be violently policed through legal mechanisms such as the Black codes and private violence like lynching.

Kelley argues that lynching “was as American as apple pie” both because of its utility in policing and disciplining black populations domestically, as well as colonial populations from Southwest Africa to the Philippines.³⁶ By reading lynching as policing he demonstrates the ways that policing has historically been racialized, gendered, and sexualized. The lynchings that attracted the most attention were those that involved a black man and a white woman. Since the idea that a white woman would desire a black man was unimaginable, any encounter was read as rape. In this way, it was a means of preserving and protecting white, female purity.³⁷ Kelley emphasizes that lynchings were a form of private violence that were very much allowed and condoned by the state. His analysis does the important work of centering the intersection between racialized and gendered police violence, but he falls short in his attempt to address the way the “colonial encounter” in the U.S. impacted both racialization and policing.

While this scholarship has contributed a significant amount to our understanding of police and the logics of policing, in the U.S. based critiques of policing there is a lack of attention both to the role settler colonialism plays in defining the “social order” that police exist to maintain as well as to the different ways that settler colonialism was realized in the U.S. Singh and Kelley fail to interrogate the ways in which the U.S. has been differently colonized in the east and west and how both Spanish colonialism in the southwest and U.S. colonialism across the country have produced a regionally specific racialization and therefore a distinct practice of policing. cursory references made to the

³⁶ Ibid., 27.

³⁷ Ibid.

foundational violence and ordering of settler colonialism, while well intentioned, reaffirm settler colonial logics that aim to relegate Native people to the past.³⁸ Further, these references erroneously imply that settler colonialism is a monolithic structure that developed evenly and statically across the U.S.

The focus on the development of police within the context of the North or the South fails to account for the way in which the settler colonization of the U.S. was a foundational violence that worked to define social order and hierarchies of social value. This sets a precedent where policing is exclusively understood through the lens of slavery and a North/South binary creating a bind where these understandings of police are then mapped onto other regions of the country, necessarily leaving those analyses impoverished. In this section I provide a model for applying a geographically and historically specific analysis of settler colonialism in order to better understand contemporary police violence. I outline how different structures of power and their related definitions of social control in the North and South developed in order to highlight the importance of engaging with the specific settler colonial context of the U.S. Importantly, my analysis of the historical roots of policing in the North and South is not meant to be exhaustive but rather meant to underscore just how diverse the roots of policing truly are.

In the context of the North, policing for the purposes of maintaining social order began in the form of disciplining and subjugating Native populations. One of the first ways that the policing of Native people manifested in the North was through the trade of “redskins.” The scalping of Native peoples served to counter Native resistance to colonization. These scalps served as portable trophies that communicated power and

³⁸ For more on this see Byrd, *Transit of Empire*.

dominance over Native people. What's more, scalp hunting, which was encouraged through bounties, became a lucrative endeavor. Importantly, over time Native men's scalps gained value while Native women's scalps lost value, which served to incentivize the murder of Native men specifically.³⁹

Another way in which the practice of policing developed was in the form of a night watch system where men, (often volunteers with the goal of evading military services or sometimes in punishment for a crime) would stand guard to watch out for crime and fires as well as interrupt "disorder." The first cities to institute a night watch system were Philadelphia, PA, Boston, MA, and Chicago, IL.⁴⁰ During the seventeenth century, the work of crime prevention and enforcing of social order happened reactively—exclusively in response to reports of crime or disorder. The night watch was used in tandem with a constable system. The constables took on a variety of tasks, which ranged from overseeing the night watch to acting as a land surveyor to managing "disorder." Unlike the volunteer night watch, constables were paid (usually with the money generated from fines), making this a coveted position.⁴¹ Policing continued in this form until the 1830's when urbanization and dramatic population growth shifted the definition of social order and enhanced the threat that disorder posed.

In the nineteenth century, it was the mercantile classes that determined the definition of disorder, defined as any threat to productivity that could hinder the business elite's ability to make profit. As Gary Potter puts it "the emerging commercial elites needed a mechanism to ensure a stable and orderly work force, a stable and orderly

³⁹ Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston, MA: Beacon Press, 2015), 64-65.

⁴⁰ Gary Potter, "The History of Policing in the United States," *EKU Online*, 2.

⁴¹ Samuel Walker and Charles M. Katz, *The Police in America: An Introduction* (McGraw-Hill Publishers, 2013), 27.

environment for the conduct of business, and the maintenance of what they referred to as the ‘collective good.’”⁴² This became increasingly important as industrialization and urbanization created and highlighted class stratification. This inequality materialized in the form of long hours, dangerous working conditions, and miniscule pay for the working class. The working class was able to challenge this inequality through protest or “rioting,” which would later become strikes. This, then, became the epitome of disorder for which police and the practice of policing were intended to be the solution. Importantly, this “solution” was packaged in the form of “the rule of law” rather than the protection of profit.⁴³

In the South, policing emerged for the purpose of surveilling and disciplining slaves. Plantation owners who had a vested interest in maintaining an orderly and compliant workforce formed slave patrols. Particularly in states like South Carolina, where slaves outnumbered whites, they were essential to maintaining social and political control. For this reason, in 1686 a South Carolina statute imbued anyone with the power to “apprehend, chastise and send home any slave found off his/her plantation without authorization.”⁴⁴ With statues like this in place, whites of all professions and class backgrounds were recruited to police slaves and remind them of their definitively lower social status.⁴⁵ That said, patrolling was not an enjoyable task, which is why fines were doled out to anyone who failed to do their duty.⁴⁶ In *Slave Patrols: Law and Violence in the Virginias and the Carolinas*, Sally Hadden explains that while in urban areas in the

⁴² Gary Potter, “The History of Policing in the United States,” 3.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Sandra Bass, “Policing Space, Policing Race: Social Control Imperatives and Police Discretionary Decisions,” *Social Justice*, 28:1 (Spring 2001): 160-161.

⁴⁶ Sally E. Hadden, *Slave Patrols: Law and Violence in the Virginias and the Carolinas* (Cambridge: Harvard University Press, 2003), 55-56.

North the night-watch and constable system were replaced with organized police groups in the eighteenth and nineteenth centuries, the South clung to slave patrols for much longer before transitioning to organized police forces. These patrols functioned like organized police by detaining suspicious people and attempting to prevent disorderly conduct before it happened. Of these patrols Hadden writes, ‘The history of police work in the South grows out of this early fascination, by white patrollers, with what African Americans slaves were doing. Most law enforcement was, by definition, white patrolmen watching, catching, or beating black slaves.’⁴⁷ Thus the patrols provided a system of “organized terror” that worked to discourage slaves from revolting and punish slaves for being black.⁴⁸

A settler colonial analysis highlights the ways in which the relational nature of social value incentivized populations to police each other. For instance, Cherokee Indians were recruited to participate in the economy of slavery. Settlers were unenthusiastic about working with Cherokee but they were selected to be slave hunters because their willingness to enter and search swamps, coupled with their knowledge of the territory made them uniquely suited to the task. Importantly, it was their role as slave hunters that prevented them from being forced to join the ranks of the black slaves.⁴⁹ In return for their work, they were afforded a slight amount of elevation in their social status and granted access to European goods. Their role as slave hunters became formalized in the Treaty of Dover which stipulated that if black slaves ran away, the Cherokees were legally obligated to return them to their plantation owners, at which point they could

⁴⁷ Ibid., 4.

⁴⁸ Potter, “The History of Policing,” 2.

⁴⁹ Hadden, *Slave Patrols*, 15.

collect their compensation.⁵⁰ After a time, Cherokees began keeping black slaves for themselves, which, as historian Tiya Miles puts it, “simultaneously reproduced and resisted the Euro-American system of slavery.”⁵¹

Not only limited to black subjects, policing in the South also manifested through the disciplining and displacement of Native Tribes. The Indian Removal Act of 1830 dictated that The Cherokee would “cede all Cherokee lands to the [U.S.] government in exchange for land in ‘Indian Territory.’”⁵² Miles captures the violence of the policing through displacement: “if slavery is the monumental tragedy of African American experience and the trauma of continual return in the memory of black people, then removal plays the same role in American Indian experience.”⁵³ In this way it becomes clear that although displacement is not readily figured as policing, within the settler colonial context of the U.S. it was one of the modes through which the social order, understood as the elimination of the Native, was maintained.⁵⁴ From the late eighteenth century to the late nineteenth century Tribes were slowly forced to live on reservations, created through the exchange of Indigenous territory (Native nations were granted significantly smaller land base) for protection by the U.S. government and for social services.⁵⁵ After the late nineteenth century the policing of Natives through forced relocation was reframed as being gifts to Indigenous people, demonstrating the insidious nature of U.S. settler colonial policing and land theft.

⁵⁰ Tiya Miles, *Ties that Bind: The Story of An Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005), 31-32.

⁵¹ *Ibid.*, 33.

⁵² Dunbar-Ortiz, *An Indigenous Peoples' History*, 110.

⁵³ Miles, *Ties that Bind*, 151.

⁵⁴ Razack, *Dying from Improvement*, 15, 33.

⁵⁵ Dunbar-Ortiz, *An Indigenous Peoples' History*, 10-11.

In order for whites to maintain their power and property after the Civil War, they needed to transform freed black into a docile class of workers. As emancipation brought previously enslaved black people into the class of the poor it changed the way in which they were policed and subjugated. Hadden marks how the patrols transitioned to public policing in the form of the police force and private policing in the form of vigilante groups like the Klu Klux Klan.⁵⁶ At the same time, a bevy of anti-loitering and vagrancy laws as well as the Black Codes were introduced.⁵⁷ As the crisis of how to maintain white power continued, formalized tools for policing black people continued to flourish and expand. For instance, Jim Crow laws, which mapped inequality onto social spaces and sent a message that whites were superior to blacks.⁵⁸ With Jim Crow in place, police forces fit neatly into this paradigm as they were able to hold blacks to arbitrary legal standards, punish them (often with physical violence) if they transgressed Jim Crow laws, and protect white economic interests by disciplining black life.⁵⁹

Up until this point I've outlined how policing has developed in the North and South as a means of highlighting just how differently policing develops in different regions. Although in both regions policing is rooted in a desire to maintain social order, how that order is defined and maintained is contingent on social, political, geographic, and economic factors that construct various classes as a threat to social order. In the section that follows, I do a discourse analysis of two case studies, each an instance of violent policing of Native people, to understand how and why policing happens in New

⁵⁶ Hadden, *Slave Patrols*, 4.

⁵⁷ Bass, "Policing Space," 160.

⁵⁸ *Ibid.*, 160-161.

⁵⁹ *Ibid.*

Mexico. In doing so, I hope to demonstrate how such analyses can produce and reveal knowledge about the nature of policing that settler colonialism has normalized.

Public Policing and Native Subjects

On June 10, 2006 Clint John, a Diné man from Kirtland, New Mexico was shot and killed by a white Farmington police officer named Shawn Scott. That afternoon, Scott received a call about a domestic violence incident in the Wal-Mart parking lot. He showed up to an interaction between John and his partner Lynn Negale. Eyewitness accounts, divided along racial lines, offer two very different stories of what happened next. According to white witnesses, Scott's interaction with John soon turned into a physical fight and John grabbed the baton from officer Scott and began beating him with it. To protect himself against these blows, the officer shot John. According to Diné eyewitnesses, Scott began yelling and beating John with a baton. John tried to protect himself from the blows by putting his hands up but could not stop them. Finally, Scott shot John four times—three times in his torso and a fourth fatal shot to his head.⁶⁰ The San Juan County Sheriff's Department's investigation found the shooting to be justified.⁶¹

On the surface, this shooting can look like many other “justified” officer involved shootings or instances of police violence against men of color in the U.S. I chose to analyze this shooting precisely because it appears to be so similar and yet, I argue that, once situated within the history of settler colonial violence within Farmington, it becomes clear that the fact that John was Diné and the fact that he was killed in a border town is

⁶⁰ “Assessing Race Relations Between Navajos and Non-Navajos, A Review of Border Towns Race Relations 2008-2009” *Navajo Nation Human Rights Commission*, July 10, 2010, 4.

⁶¹ *Ibid.*; “Farmington police sergeant involved in man's death,” *Tri City Tribune*, accessed September 3, 2016, <http://www.tricitytribuneusa.com/farmington-police-sergeant-involved-in-man%E2%80%99s-death/>.

not incidental to his death but rather constitutive of it. In this section I demonstrate what it would look like to apply a geographically and historically situated analysis of police violence in Farmington, NM. First, I show how the structure of settler colonialism has produced a settler social order that creates and maintains settler sovereignty predicated on the theft of land from and subjugation of Native people. Only by understanding the production of a settler social order can we appreciate the threat John's presence posed to non-Natives in an urban, non-reservation space like Farmington and how elimination through death, with little media or public outcry, is conceivable. With that historical context in place, it becomes clear that the media, through the consistent mention of his criminal history, portrays John as a violent person and a criminal. Importantly, the media coverage does not create the structure of settler colonialism that enabled Scott to read John as a violent criminal who did not deserve to live. However, by studying the way in which the media covers the shooting, it becomes possible to see the underlying subtext, something that Scott may have never articulated out loud but that informed his view of the world. By placing the shooting in historical context, it becomes clear that John's death at the hands of a police officer was not an isolated event but rather part of a structure of violence predicated on the devaluation and disappearance of Native people.

In order to settle the southwest, the settler government and policy makers needed to empty the land of its Indigenous inhabitants. In the case of the southwest and the Navajo, this meant a very literal and very violent displacement from their homeland Diné Bikéyah. In 1846, Governor of the New Mexico territory, General James H. Carleton ordered Colonel Christopher "Kit" Carson to oversee the removal of the Navajo. In what came to be known as "The Long Walk," 8,000 Diné were rounded up and forced to march

300 miles across New Mexico to a forty-square-mile reservation near Bosque Redondo and Fort Sumner.⁶² The removal served two purposes: first it opened up the land to be taken over by Americans moving west; second, it created an opportunity for the Navajo to be “civilized” through conversion and education about a sedentary farming lifestyle.⁶³ The Diné remained at the Fort Sumner reservation until 1868 when it became clear that the Navajo would not be converted to a sedentary farm life. As Rodney Barker puts it, “neither punishment nor indoctrination nor hard work could convert them to a way of life not inherently their own...the spirit of The People outlasted the patience of the white authorities.”⁶⁴ The U.S. eventually signed the Treaty of 1868 which allowed the Navajo to return to their homeland, specifically parts of it that were not, due to tough farming conditions and a dearth of profitable resources, valuable to American farmers.⁶⁵

Although it may seem far removed from contemporary police violence, it is within the historical context of the Long Walk that Clint John and other Natives are policed in border towns. At its core, the Long Walk communicated that Native lives are disposable, as evidenced by the thousands of people who died from starvation, dehydration, and exposure on the march to Fort Sumner.⁶⁶ As Roxanne Dunbar-Ortiz points out, the return from exile was not due to a benevolent government appalled at the horrible and deadly conditions of the camp, but rather because long term detention was

⁶² Margaret Connell-Szasz, “Cultural Encounters: Native People, New Mexico, and the United States, 1848-1948,” in *Telling New Mexico: A New History*, Marta Weigle, Frances Levine, and Louise Stiver (eds.) (Santa Fe: Museum of Santa Fe Press, 2009) 197; Dunbar-Ortiz, *An Indigenous Peoples' History*, 138.

⁶³ Connell-Szasz, “Cultural Encounters,” 197.

⁶⁴ Rodney Barker, *The Broken Circle: A True Story of Murder and Magic in Indian Country* (New York City: Simon and Schuster, 1992), 51.

⁶⁵ *Ibid.*, 51-52.

⁶⁶ *Ibid.*

too expensive.⁶⁷ The Long Walk laid a foundation that normalized a ruthless and brutal policing of space in order to maintain settler social order. Their return marked the creation of the Navajo reservation and the delineation between Native space and settler space was created.⁶⁸ As part of this, “border towns” were created. These are urban spaces built on Indigenous land that are constructed as a settler sphere where Native people are, as Indigenous studies scholar Jennifer Nez Denetdale puts it, “cast as the invaders and aliens who threaten white civilization.”⁶⁹ Of these imposed colonial geographies and the “rez/non-rez” binary, Native scholar Mishuana Goeman writes they “must be understood *as yet another method to eliminate or eradicate or absorb that which is Native.*”⁷⁰ The colonial geography of border towns like Farmington facilitates the maintenance of settler social order by allowing for, as Philip Deloria puts it, “fixity, control, visibility, productivity, and, most important, docility.”⁷¹ While far from exhaustive, the historical context of the Long Walk illuminates the history of colonization and subjugation that informs Anglo/Indigenous relationships in Farmington today. Far from random, settler colonialism is the condition of possibility for border town violence and the death of Clint John.

In addition to the history of settler colonialism, contemporary political context must also be accounted for in order to fully understand the condition and consequence of

⁶⁷ Dunbar Ortiz, *An Indigenous Peoples' History*; Barker, *Broken Circle*, 51-52; Mishuana Goeman *Mark My Words: Native Women (Re)mapping Our Nations* (Minneapolis: University of Minnesota Press, 2013) 88.

⁶⁸ The dichotomy between “rez” and “off-rez” was solidified in the mid-twentieth century in the era of termination and relocation but the work of carving out settler land in distinction to Native land began with the implementation of the reservation system. I discuss the termination and relocation era in greater length in the second case study. For more on the consequences of the rez/off-rez dichotomy see Goeman, *Mark My Words*, 87-118.

⁶⁹ Jennifer Nez Denetdale, “‘No Explanation, No Resolution, and No Answers’: Border Town Violence and Navajo Resistance to Settler Colonialism,” *Wicazo Sa Review* 31, no. 1 (Spring 2016): 114.

⁷⁰ Goeman, *Mark My Words*, 30.

⁷¹ Philip Deloria, *Indians in Unexpected Places*, (Lawrence: University of Kansas Press, 2004), 27.

John's death. Less than a week before John was killed, a 46-year-old Diné man named William Blackie was kidnapped and assaulted by three young white men just outside of Farmington, NM. That night, three white teens named C.L. Carnie, Freddie Brooks, and John Winer were trolled the city looking for someone to beat up. They picked up Blackie under the premise that they would give him a ride in exchange for him buying them beer with their money. However, once in the car, they drove away from the center of town and told him that instead they were taking him to "party" on the edge of town. Nervous about their behavior, Blackie asked Carnie to stop the car so he could get out and pee. As soon as he got out of the car the three men began beating him with a club, stomping on him, and kicking him. As they kicked and beat him yelled "Die nig***! Just die!" They attempted to rob him but when they realized that he had no money they abandoned him on the side of the road. Blackie soon called the 911, telling them what had happened and when the police arrived he begged them not to shoot him.⁷² It is no coincidence that when the police arrived Blackie feared for his life. Private and public policing are popularly understood to exist on opposite ends of the spectrum—hate crimes are illegitimate violence while police violence, although at times questionable, is considered to be part of polices legitimate and necessary authority to use force. However, both private and public violence work in service of policing a normative settler social order. Even in the relief he may of felt in surviving the attack, he knew that his indigeneity was no less threatening to police officers.

Blackie's experience, an act of private policing called "Indian rolling," is a ruthless policing of settler claimed space that reflects this interrelated relationship

⁷² Susy Buchanan, "Violence Against American Indians is a Pervasive Problem" *Southern Poverty Law Center*, January 16, 2007, <https://www.splcenter.org/fighting-hate/intelligence-report/2007/violence-against-american-indians-pervasive-problem>.

between public and private policing. Specifically, Indian rolling is the act of abusing and torturing Native people, most often those who live in conditions of homelessness, usually while they are intoxicated, and dumping them outside city limits.⁷³ The term dates back to May of 1974 after the Chokecherry Canyon Massacre. That spring, the bodies of Herman Dodge Benally, John Earl Harvey, and David Ignacio were discovered burned and beaten in the Chokecherry Canyon, located just outside of Farmington.⁷⁴ In response to the massacre and the frequent Indian rollings (ten that spring total) the New Mexico Advisory Committee conducted a study to understand the social and economic relationship between Navajo and whites in Farmington. The result, “The Farmington Report: A Conflict of Cultures,” discusses the Chokecherry Canyon massacre and the court proceedings that followed, charts the violence and injustices Navajos experience, and details the relationships between Natives and non-Natives. At its core, the report tracks the pervasive policing of Native subjects and how again and again, Native subjects are pushed out of the city and abused, told that their bodies and lives do not matter.

The “Farmington Report” was written to document the social climate of Farmington in order to change it and yet, as evidenced by Blackie’s abduction, the settler social order has not changed. The message Benally, Harvey, and Ignacio in the 1970’s and Blackie and John in the mid 2000’s received was that their lives do not matter and that they do not belong in settler spaces. Indeed, only two years after John’s killing and Blackie’s assault, the Committee returned to Farmington to “learn of changes in the relationships between Farmington and San Juan County and the Navajos living in the

⁷³ “The Farmington Report: A Conflict of Cultures,” *New Mexico Advisory Committee to the United States Commission of Civil Rights*, July 1975, 1.

⁷⁴ David Correia, “The Return of the Albuquerque Death Squads,” *Counter Punch*, last updated November 23, 2011.

community and in the adjoining reservation.”⁷⁵ The report notes a “marked improvement” in race relations between Anglos and Natives.⁷⁶ As an example, it highlights the improved relationship between Natives and the police department, quoting the Farmington Chief of police, Mike Burrige, saying, “we have aggressively addressed issues concerning racism and intolerance within the community. As an example, after several rumors of Native Americans being assaulted, we immediately assigned our Street Crimes Task Force to address those issues and rumors.”⁷⁷ Here it is possible see Murakawa’s critique of race liberal policies that see racial violence as something that can be transformed and controlled using the prison system in action. In his statement, Burrige perpetuates the logic that public and private policing exists in separate spheres. In doing so, he delineates unacceptable violence—Indian rolling—thereby creating room for the existence of *acceptable* violence.⁷⁸

The report goes on to say, “Sherriff Melton told the Advisory Committee that the San Juan Country Sheriff’s Department, as all police agencies nationwide, had as its priority impartiality, fairness, courtesy, and the use of force *only when appropriate*.” The report shores up the power of public policing by presenting it as a rational alternative to the irrational violence of hate crimes. Both statements also serve as a reminder that, through public policing, random racial violence can enter into a rational space where unbiased judgments are made. Despite the progress the report measures, the power to reverse the subjugation and exploitation of the Diné does not lay with the U.S. Commission on Civil Rights nor does it lie with the police department. This is because

⁷⁵ “The Farmington Report: Civil Rights for Native Americans 30 Years Later,” *New Mexico Advisory Committee to the U.S. Commission on Civil Rights*, November 2005, ii.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, 14.

⁷⁸ *Ibid.*, 15. Emphasis added.

the violence Native people experience is not merely an administrative deficiency or a question of educating officers to be more tolerant; rather it was and is rooted in the very structure of the government itself.

It is within this historical context that John was killed, and yet, the media coverage of the event obscures the social and political history of Farmington. By presenting John's death without acknowledging the history of violence against and policing of Native people in Farmington, the media condoned this violence and obscured the structure of settler colonialism. For instance, one media outlet put out a story days after the shooting that outlined the details of the event but made no mention of William Blackie, other anti-Indian violence, or the history of racism in Farmington. Instead, what the article included was a review of violent events that occurred previously at Wal-Mart.⁷⁹ In doing so, the article forecloses discussions of race and settler colonialism and implies that Wal-Mart, not structural oppression, is the common thread. Other articles only included information directly pertaining to the shooting.⁸⁰ In these articles, the absence of the historical context erases the structure of settler colonialism by making it difficult to see the ways in which race and power informed Scott's understanding of John and his ability to shoot him four times.

Even articles that acknowledge the history of Farmington and the role race played in the killing, fail to make connections between settler colonialism and the violence of policing. For example, in her article titled "Racism fears a 'simmering pot' in N.M. rez border town," AP writer Deborah Baker contextualizes John's killing in the history of the

⁷⁹ "Man Killed in Shooting By Farmington Police Officer: Police Responded to Alleged Fight in Wal-Mart's Parking Lot," *KOAT Albuquerque*, last modified June 11, 2006, <http://www.koat.com/Man-Killed-In-Shooting-By-Farmington-Police-Officer/6097276>.

⁸⁰ "Kirtland man killed by officer in Farmington," *Associated Press*, last modified June 11, 2006, http://lubbockonline.com/stories/061106/nat_061106083.shtml#.V-mu9bV2o-9.

extreme violence and Indian rolling that happened in the 1970s and calls attention to the relationship between racism and violence. While this is important and necessary journalistic work, Baker refers to the Chokecherry Massacre as a “low point” in Farmington’s tenuous race relations and fails to connect that violence to a structure of settler colonialism.⁸¹ To look at race without addressing colonialism in coverage of police brutality, is to disguise the role the shooting plays in propping up settler sovereignty.

While the media coverage, both local and national, failed to contextualize the shooting in Farmington’s settler history, the information that was consistently included was a detailed history of John’s criminal history explicitly painting him as a criminal and a violent person. In doing so, journalists make Scott’s claim that he “feared for his” life sympathetic and believable.⁸² This, then, works to naturalize John as a criminal and helps to justify his death. For instance, one article published early in the morning the day after John’s death states “John had a long list of criminal activity police said. He had several aggravated battery convictions in 2001, and he was also convicted of battery against a household member in 2003.”⁸³ Published less than twenty-four hours after his death, when very little was certain, his criminal record was somehow deemed essential to communicate to the public. To pair the news of his death with his criminal background, without including any other contextual information, plants the idea that something unsavory happened and connects his death to his criminality. In a separate article Baker writes, “the sheriff’s office in its report said John had ‘a history of violent behavior’ that

⁸¹ Deborah Baker, “Racism fears a 'simmering pot' at N.M. rez border town,” *The Arizona Daily Sun*, last modified August 8, 2006, http://azdailysun.com/news/racism-fears-a-simmering-pot-at-n-m-rez-border/article_c74eab2c-54bb-5578-b2df-fd5df8babbaf.html.

⁸² Ibid.

⁸³ “Man Killed in Shooting By Farmington Police Officer” *KOAT Albuquerque*.

included arrests for domestic violence, aggravated assault and aggravated battery.”⁸⁴ In these articles, John’s criminal record was rehashed, ostensibly in the name of balanced journalism. However, far from being neutral, this act serves a settler agenda in multiple ways. It makes implicit knowledge that systemic racism ascribes to, that Natives are criminals, explicit by providing irrefutable evidence that he was, in fact, “a criminal.” This information is implicit insofar as the concepts of criminal and criminality directly rely on structures of power like capitalism and settler colonialism to be legible. Within these interdependent structures of power, criminalization doesn’t occur when one commits a crime but rather when one’s identity renders them inherently criminal. By listing his criminal charges, the media makes it clear that John was indeed a criminal, subtly using his history as justification.

While the media coverage relied on John’s history to naturalize him as a criminal, they simultaneously called on Scott’s experience as a police officer to assert his innocence. In an article titled, “Man Killed in Shooting by Farmington Police Officer,” published days after the shooting, the author followed the list of John’s criminal convictions with the statement that “Scott is a 13 year veteran of the Farmington Police Department.”⁸⁵ The article provides no other information about Scott. It does not mention that he was white nor does it talk about his history or past experiences. The juxtaposition of John’s criminality with Scott’s legitimacy via his job further justifies the shooting. Further, it impedes any discussion of race, racism, or colonialism. By making John’s criminal history the backdrop for the shooting, the media erases the relationship between race, settler colonialism, and policing. Further, in describing John’s past and saying

⁸⁴ Baker, “Racism fears a ‘simmering’ pot.”

⁸⁵ “Man Killed in Shooting By Farmington Police Officer” *KOAT Albuquerque*.

nothing about Scott, the media coverage reflects and perpetuates the logic of a settler social order that understands Native people to be a threat and therefore sees their deaths as tragic but inevitable.

In addition to the repeated mentions of John's criminal history, every article, without fail, discussed and often emphasized his drunkenness. The centrality of alcohol to the narrative of John's death is neither coincidental nor is it apolitical. Instead, the media used alcohol to further cement the knowledge that John was violent and a criminal. Dian Million categorizes the understanding of the drunk Indian as "felt common knowledge."⁸⁶ She argues, "that 'the Indian' is an unconscious and unconscionable body is *known*. It is a known that can erase other differences, a moral common knowledge not readily in question. *It is* the systemic knowledge; it feels *right*."⁸⁷ Like with the inclusion of John's criminal record, repeated discussion of his intoxication immediately makes what happened known and removes any lingering doubt about his innocence. Not only was he a threat to the settler social order and his existence was policed into extermination, but his death was also easy to comprehend.

From the outset of U.S. colonial interactions east of the Mississippi, there was a skepticism of alcohol among Natives. However, despite reservations they may have had about alcohol, they were coerced into a lucrative (for whites) trade economy that involved Natives trading bison meat and other goods for corn and grain alcohol. As early as 1842, there is documentation that hundreds of Native men in and around the trade routes from Missouri to Santa Fe died annually from alcohol consumption or alcohol

⁸⁶ Dian Million, *Therapeutic Nations: Healing in an Age of Indigenous Human Rights* (Tucson, AZ: University of Arizona Press, 2013), 47.

⁸⁷ *Ibid.*

related illnesses.⁸⁸ This, coupled with disease, food shortages, outright killings, and Native slavery, created the conditions for a steep decline in Native populations. The introduction of alcohol specifically, Roxanne Dunbar-Ortiz writes, “proved addictive and deadly, adding to the breakdown of social order.”⁸⁹ In this way, the dissemination of alcohol into Native communities furthered the settler colonial project’s aim to disappear and disempower Natives.

This felt knowledge is informed by the history of settler colonialism and further justified by the fact that, as the report “Conflict of Cultures” stated, “the crime rate among Navajos in Farmington is substantially higher than for non-Indians, and that the vast majority of those Navajos taken into custody are arrested for alcohol-related crimes.”⁹⁰ Importantly, the felt knowledge and an understanding of Native people as drunks or criminals is more than a stereotype, it is criminalization.⁹¹ Being stereotyped as a criminal or an alcoholic means that one is misunderstood to be someone who committed a crime or who got drunk, whereas criminalization means one’s *very existence* renders them criminal. Thus, to be criminalized, is to be *unable* to abide by the law.⁹² Under settler colonial logics, critique of Native alcoholism alibis racism. While studies show that Natives do not suffer from alcoholism more than other populations, that does not change the fact that the drunken Indian communicates information about a person. And so, when Scott arrived at the scene and saw a Native man, John’s drunkenness was *known*. This knowledge is used to police Natives daily. Take for example the story told

⁸⁸ William E. Unrau, *Indians, Alcohol, and the Roads to Taos and Santa Fe* (Lawrence, KA: University of Kansas Press, 2013), 1, 6-7.

⁸⁹ Dunbar-Ortiz, *Indigenous Peoples’ History*, 41.

⁹⁰ *The Farmington Report: A Conflict of Cultures*, 137.

⁹¹ Cacho, *Social Death*, 4.

⁹² *Ibid.*

by Ruth Russell to the Commission of a time when she and her mother were pulled over by a police officer. As they rolled down the car window the officer immediately accused them of drinking. Russell stated, “My mother and I do not partake of liquor. We do not use alcohol and we were not intoxicated. We were just driving home.”⁹³ Sherene Razack asserts that under settler colonialism, the pathologizing of Native people enables settlers to see Native people as inherently dirty, diseased, and comfortable with poverty, thereby enabling the disavowal of any claims of structural inequality in the U.S. context and particularly the Southwest. This felt knowledge of the “drunken Indian” benefits the settler project in its aim to dehumanize Indigenous people.

When the killing of Clint John is situated within the historical context of settler colonial and anti-Indian violence that permeates border towns, it is easy to see how settler colonialism is the condition of possibility for this violence. This is because, in a settler colonial society, where Natives are a threat to settler social order, Native lives today have no social value. Their devalued social position is both justified and policed through their inherent criminalization. In the shooting of Clint John, the relationship between social order, settler colonialism, and social value comes into stark relief. Settler social order codes Native presence in the U.S. as a threat and social value normalizes policing done in service of settler social order.

Settler Social Order: Maintenance through Private Violence

On July 19th 2014 the bodies of two men were found bludgeoned to death on a mattress in an empty lot on the Westside of Albuquerque.⁹⁴ Their faces were beaten so

⁹³ “Assessing Race Relations,” 17.

⁹⁴Alysa Landry, “Victims of Brutal Joy Killing Come Looking for Work,” Last updated July 30, 2014, <http://indiancountrytodaymedianetwork.com/2014/07/30/victims-brutal-joy-killing-had-come-looking-work-156119>

violently that they were mutilated beyond recognition and it took some time to identify them as Allison “Cowboy” Gorman and Kee “Rabbit” Thompson. Jerome Eskeets, who had been sleeping next to them, woke up to the sound of screams and saw Gorman and Thompson being beaten with “a bat or a pole.”⁹⁵ He tried to help the men who he referred to as his uncle and his brother, screaming at them to run.⁹⁶ Eskeets got away but was left with a broken nose, bruised ribs, and baseball shaped bruises on his neck, chest, and back.⁹⁷ Soon after their bodies were discovered, the attackers were identified as three Chicano teenagers named Alex Rios, Nathaniel Carrillo, and Gilbert Tafoya.⁹⁸ The night before, they left a party with the intent of finding “someone to beat up.”⁹⁹ They used t-shirts to cover their faces and walked to an open lot near their houses where they found Eskeets, Gorman, and Thompson asleep on a mattress.¹⁰⁰ They beat the men, all Diné, with cinder blocks, metal poles, bricks, and their fists for over an hour. At the end, they smeared dirt on Gorman and Thompson’s faces; one attacker yelled, “Eat mud bitch,” and they left them to die.¹⁰¹

The attack quickly became a media flashpoint and made Albuquerque the focus of national attention. The attention was due to the heinous nature of the crime and the young

⁹⁵ Laura Thoren, “Man who survived beating shares his story: Jerome Eskeets said his brother was killed in beating,” *KOAT Albuquerque*, last updated July 22, 2014 <http://www.koat.com/news/man-who-survived-beating-shares-his-story/27090068>.

⁹⁶ Tracy Connor and Lucy L. Scott, “Albuquerque ‘Homeless’ Double-Killing Survivor Says Teens Giggled,” *NBC News*, last updated July 21, 2014, <http://www.nbcnews.com/news/us-news/albuquerque-homeless-double-killing-survivor-says-teens-giggled-n161141>.

⁹⁷ *Ibid.*

⁹⁸ Ryan Boetel “Teenage attacker to homeless victims: eat mud,” *Albuquerque Journal*, last updated July 23, 2014, <https://www.abqjournal.com/433805/suspect-says-two-homeless-men-were-told-to-eat-mud.html>.

⁹⁹ Alysa Landry, “‘Murder For Fun’: Alex Rios Guilty of Killing Homeless ABQ Men,” *Indian Country Today Media Network*, last updated December 10, 2015, <http://indiancountrytodaymedianetwork.com/2015/12/10/murder-fun-alex-rios-guilty-killing-homeless-abq-men-162717>.

¹⁰⁰ *Ibid.*

¹⁰¹ Boetel, “Teenage attacker to homeless victims.”

age of the attackers, two things that made it awful and surprising. However, by applying a geographically and historically situated analysis of policing to this case, it becomes obvious that, rather than surprising, the attack is an instance of policing for a settler social order. In this section I explain how Gorman and Thompson came to be homeless and drunk on the edge of the city, something the media took for granted as normal. I then lay out the political context of Albuquerque at the time of the murder, including the release of the Department of Justice report that detailed and critiqued APD's culture of violence. I argue that it became possible to mourn the loss of Native life, something that U.S. settler colonial society constructs as valueless, because it was in service of shoring up the power of the state by legitimizing the work of the police. The attack garnered local and national attention because it served as a clear reminder that the police are good and necessary. This was facilitated by the use of the framework of hate crimes, which further obscured APD's history of violence. By studying this case through a lens of settler colonialism, it becomes clear how public and private violence are two sides of the same coin that both produces and maintains settler social order.

In order to understand why the wave of media attention was exceptional, it is first necessary to understand Native people's experience of homelessness in Albuquerque. Indeed, the movement of Native people between reservation and non-reservation is informed by settler colonial policies aimed at eliminating the threat Natives pose (to settler's claim to the land) by assimilating them into U.S. culture within the "civilized" space of the city. The perceived divide, rez/non-rez, where reservation space is equated with the "authentic" Indian and urban space is equated with non-Indians, has been used in different ways for particular ideological purposes. Proponents of federal relocation policy

positively framed this divide as “progress,” with Indians moving away from the past (reservation/Native culture) toward a future (urban/civilized) environment as self-sufficient citizens.¹⁰² In the case of the Navajo, the rez/non-rez divide was made starker in the winter of 1947-1948 when devastating snowstorms depleted livestock numbers, leaving many Native farmers without a means of earning a living.¹⁰³ Only decades earlier, in the 1930s, federal Indian policy mandated a 50% reduction in Navajo livestock, supposedly in order to protect rangeland. This colonial policy created the conditions wherein a hard winter was able to completely devastate Navajo farmers and families and force them to look elsewhere to make a living.¹⁰⁴

It was at that time that the federal government was creating job placement programs in cities. These programs targeted employable Native men living on reservations. In 1950, Dillon S. Myer, a man responsible for the internment of thousands of Japanese Americans during his time as head of the War Relocation Authority, became the Commissioner of Indian Affairs. At this time the federal government was highly invested in ending the trust relationship to enable the government to “withdraw federal services and federal protection from Indian communities under the pretext of ‘liberat[ing] Indians from their shackles of paternalism and culture.’”¹⁰⁵ The termination program, which was solidified in 1953 with the passage of Concurrent Resolution 108, relied on relocation as a means of assimilating terminated tribal members. The nature of termination made it so that Natives only qualified for training programs if they enrolled before termination, which incentivized people living on reservation to receive vocational

¹⁰² Myla Viventi Carpio, *Indigenous Albuquerque* (Lubbock, TX: Texas Tech University Press, 2011) 11.

¹⁰³ *Ibid.*

¹⁰⁴ Denetdale, “No Explanation, No Resolution, and No Answers,” 114.

¹⁰⁵ Viventi Carpio, *Indigenous Albuquerque*, 9-10.

training and move to the city.¹⁰⁶ For his part, Myer prioritized vocational training and employment assistance in relocation efforts and sought federal funding to back it. As Myra Viventi Carpio puts it, “relocation would soon join with termination as aspects of the larger federal policy goal of assimilating American Indians by encouraging them to ‘live like any other Americans without federal trust restrictions.’”¹⁰⁷ Thus, across the country, the U.S. government incentivized Native migration to urban spaces. This, then, is the historical context in which Eskeets, Gorman, Thompson, and other Natives who’ve left the reservation in search of opportunities in the city exist. They are part of a political process that aims to eliminate Natives through assimilation. As Mary Garcia, director of the Albuquerque Indian Center put it, “They leave the reservation for better opportunities... But once they get here, the opportunities aren’t here because of lack of training or lack of transportation. Then the bad things start happening.”¹⁰⁸ This cycle Garcia describes doesn’t happen in a vacuum, but rather as part of a colonial policy that aims to remove Natives from reservations and assimilate them into U.S. culture by living in urban spaces.

It is within the historical context of settler policies that encourage movement into urban spaces that Natives experiencing homelessness encounter violence daily. In Albuquerque, Natives make up four percent of the population but account for fifteen percent of the population experiencing homelessness.¹⁰⁹ A report put out by the United States Council on Homelessness states that in general, American Indian, Alaskan Native,

¹⁰⁶ Ibid.,10-11.

¹⁰⁷ Ibid.

¹⁰⁸ Landry, “Victims of Brutal Joy Killing Had Come Looking for Work.”

¹⁰⁹ Alys Landry, “Mayor Richard J. Berry: Albuquerque Is Dangerous for Homeless Natives,” *Indian Country Today Media Network*, last updated August 4, 2014, <http://indiancountrytodaymedianetwork.com/2014/08/04/mayor-richard-j-berry-albuquerque-dangerous-homeless-natives-156161>.

and Native Hawaiian people “are all at high risk for many of the conditions that lead to and/or sustain homelessness, including disproportionately high rates of poverty, domestic and other violence, and behavioral health disorders.”¹¹⁰ The report speculates that settler colonialism, specifically, “displacement, genocide, forced assimilation, culture/language suppression, and oppression which happened long ago,” is the reason that Indigenous people are “disproportionately represented among populations experiencing homelessness.”¹¹¹ This assessment, taken in tandem with the fact that, according to the National Coalition for the Homeless, Natives report experiencing violence at nearly twice the rate of non-Natives in the general population.¹¹² These reports attest to what is common knowledge to Natives living in New Mexico that Natives, particularly those experiencing homelessness, are regularly the victims of physical violence—either in the form of private violence like Indian rolling or public violence at the hands of the police. This violence is so common that, as Garcia puts it, “they not only accept it, but they expect it.”¹¹³

There is a consensus among Native people who are assaulted that it is futile to call law enforcement because of its consistent inaction or because the police themselves are the perpetrators. Jerome Eskeets stated that he had been attacked by the three teens only a month previous to the killings but that he chose not to report it to the police because “no

¹¹⁰ “Expert Panel on Homelessness among American Indians, Alaska Natives, and Native Hawaiians,” *United States Interagency Council on Homelessness*.

¹¹¹ *Ibid.*

¹¹² Jennifer L. Truman and Lynn Langton, “Criminal Victimization, 2013,” *U.S. Department of Justice Bureau of Statistics*, last updated September 9, 2014.

¹¹³ Rick Nathanson, “Native Americans: Beatings Occur All the Time,” *Albuquerque Journal*, last updated July 24, 2014, <https://www.abqjournal.com/434378/mayor-to-meet-with-navajos.html>.

one cares.”¹¹⁴ Attesting to the high levels of anti-Indian violence perpetrated by the police, Leonard Gorman, the Executive Director of the Navajo Nation Human Rights Commission (NNHRC), states that it is “common that [Navajos] don’t want to report problems [with the police] because of a fear of retaliation. Folks know that no one will respond to their complaints. Cops are a kind of clique, a club that protects their own.”¹¹⁵ Indeed, the NNHRC was created following the death of Clint John to document the discrimination and unequal treatment Navajos face. As part of their work, the Commission holds public hearings to provide a “safe forum to talk about personal experiences or observations about border town racism.” At one meeting in 2014, the contradiction between the high rates of violence that Natives face through public and private policing was epitomized in an interaction shared by Ambrose Ashley. He recalled that once, after being the victim of an attack and being threatened with a gun, he went to an APD substation where officers proceeded to treat him like a criminal, to the point where they detained and frisked him.¹¹⁶ The incident reveals just how valueless Natives are within this structure and just how little it matters whether or not the state contests violence against them.

It is precisely APD’s reputation for violence that formed the conditions of possibility for a settler colonial society to mourn Gorman and Thompson’s deaths. Only months before the attack, the Department of Justice released a report based on a long term investigation of APD. The report concluded, “APD engages in a pattern or practice

¹¹⁴ Fernanda Santos, “Violent Attacks on Homeless in Albuquerque Expose City’s Ills,” *The New York Times*, last updated July 23, 2014, <http://www.nytimes.com/2014/07/24/us/violent-attacks-on-homeless-in-albuquerque-expose-citys-ills.html>.

¹¹⁵ David Correia “Navajo Nation Investigates Albuquerque Police Department’s Pattern of Violence against Native People,” *La Jicarita*, last updated December 8, 2014, <https://lajicarita.wordpress.com/2014/12/08/navajo-nation-investigates-albuquerque-police-departments-pattern-of-violence-against-native-people/>.

¹¹⁶ *Ibid.*

of use of excessive force, including deadly force in violation of the Fourth Amendment.”¹¹⁷ It goes on to say that, “the use of excessive force by APD officers is not isolated or sporadic” but rather systemic. The report identifies system-wide “deficiencies in oversight, training, and policy.”¹¹⁸ The report ends by proposing forty-six changes the department could make—ranging from recruitment and training policies to shifts in tactical strategies—in order to address APD’s “pattern and practice” of unconstitutional policing.¹¹⁹ It is important to note that the culture of violence witnessed by the DOJ investigators is not a new phenomena but rather has long defined policing in Albuquerque. Indeed, between 1987-1991 APD killed 15 people, causing the City Counsel to commission a study to examine the problem of police violence, which became known as the “Walker-Luna Report.” That report found that from 1987-1997 APD killed thirty-one people.¹²⁰ In response to the report, the city counsel created a Police Oversight Commission and the Independent Review Officer. Whatever impact the creation of a POC and IRO may have had was short lived because, between 1998-2004, APD went on to kill twenty-three people.¹²¹ Thus, the release of the 2014 DOJ report was not news, but rather it was a predictable event in the city’s waves of reform that follow and temporarily contain APD’s systemic brutality.

The context of the DOJ report and popular critique of APD created the conditions for Native life to be mourned because doing so necessitated the criminalization of three

¹¹⁷ “The Findings Letter,” *U.S. Department of Justice*, (Washington, DC: Office of the Assistant Attorney General, 2014), 9.

¹¹⁸ *Ibid.*, 9-10.

¹¹⁹ *Ibid.*, 41-45.

¹²⁰ Eileen Luna and Samuel Walker, “A Report on the Oversight Mechanisms of the Albuquerque Police Department,” *University of Arizona*, February 28, 1997.

¹²¹ David Coreia, “Life and Death and APD: The problem of police violence in Albuquerque,” *Alibi*, 23, no. 25 January 30-February 5, 2014.

teenagers which then enabled the media and the police to remind the general public of the clear need for the police. The pretense of mourning Gorman and Thompson's death was revealed in the lack of attention to documenting their personal histories. By and large the media's depiction of Gorman and Thompson was minimal. With the exception of a few articles, most noted nothing more than their age, birthplace, and that they were Navajo.¹²² The dearth of information about their lives is brought into stark relief by the detailed information about the teenage attackers published in the media.¹²³ For instance, one article states that none of the boys were in school at the time of the attack then proceeds to recount each of their academic track records including that all had previously attended Albuquerque Public Schools. Quoting APS spokesman Rigo Chavez, the article states, "Rios transferred from Atrisco Heritage High School in March... he was in the 10th grade. Carrillo finished the eighth grade at Jefferson Middle School in May of 2012 and did not enroll in school the following year. Tafoya was suspended from John Adams Middle School in February 2013 and never returned to school after his suspension."¹²⁴ Other articles emphasized their criminal backgrounds, including that Tafoya was arrested on a marijuana possession charge in 2013 and that Carrillo had been arrested for negligent arson.¹²⁵ This detailed information about the attackers reveals that the purpose of the coverage of the event was not to lament a tragedy but to use the tragedy as a lesson

¹²² The exception to this is media produced by Native media outlets and an article about Thompson and Gorman's memorial service. Nathanson, "Service honors two slain Navajo," *Albuquerque Journal* (Albuquerque, NM), Aug. 3, 2014.

¹²³ Melanie Yazzie, "Brutal Violence in Border Towns Linked to Colonization," *Indian Country Today Media Network*, Aug. 22, 2014, <http://indiancountrytodaymedianetwork.com/2014/08/22/violence-common-sense-natives-living-border-town-usa-156532>.

¹²⁴ Ryan Boetel, "Neighbor: Suspect resented homeless," *Albuquerque Journal*, last updated July 25, 2014, <https://www.abqjournal.com/435069/neighbor-suspect-resented-homeless.html>.

¹²⁵ Ryan Boetel and Jon Swedien, "Bail set at \$5M each for suspects in murders of 2 homeless men," *Albuquerque Journal*, last updated July 21, 2014, <https://www.abqjournal.com/433167/bond-is-5m-each-for-suspects-in-2-murders.html>.

that there are real criminals that exist from which the general population needs police protection.

Another article describes the assault in detail and states that one of the teens reported that when he looked in the mirror that night “he saw the devil.” The statement, as far as I can tell, has never been contextualized or further explained and without such context it works to criminalize all three attackers and position them as evil. The understanding of these boys as devils surfaced again during the trial of Alex Rios where his defense attorney told the jury that they shouldn’t trust Tafoya’s testimony against Rios because the state had made a “deal with the devil.”¹²⁶ The emphasis on these young men as the devil and as delinquents serves as a clear reminder that evil-doers exist and that the danger they pose is ever-present. The ability to overtly criminalize three young men of color was predicated on the tragedy of their crime. In this way, Gorman and Thompson’s deaths served as a reminder of the “real danger” embodied by brown criminality and thus the real need for police officers.

While the process of criminalization depends upon structures of white supremacy and settler colonialism, it is facilitated by a strict distinction between public and private violence. Naomi Murakawa in her book *The First Civil Right: Protection from Lawless Racial Violence* critiques what she calls “race liberal” ideologies of the second half of the twentieth century that aimed to incorporate black and other people of color, “minorities,” into the folds of a tolerant, liberal U.S. She argues that the “race” problem was understood to be psychological or rooted in ignorance—*individual* in nature—which meant that it could be cured with education and strictly colorblind institutions. Within

¹²⁶ Alysa Landry, “First ‘Murder for Fun’ Trial Begins for ABQ Teens,” *Indian Country Today Media Network*, last updated December 4, 2015, <http://indiancountrytodaymedianetwork.com/2015/12/04/first-murder-fun-trial-begins-abq-teens-162662>.

this framework, “racist” violence was necessarily read as arbitrary because racism itself was irrational and random. Further, it made racially motivated violence “an administrative deficiency” rather than a structural problem. As Murakawa puts it, “liberal law and order set a lens for seeing racial violence as correctable with reformed carceral machinery.”¹²⁷ Under this logic, police violence was understood as “the unsanctioned use of force, but more procedure and professionalization could define *acceptable use of force*.”¹²⁸ Thus, private violence was criminalized (thereby making it possible to point out the “real” criminals) in order to rationalize and enable state violence. In other words, the response to racial violence was to criminalize “private” acts of violence, something that necessarily required the expansion of the judicial institution and the prison system. She writes, “the United States did not face a crime problem that was racialized; it faced a race problem that was criminalized.”¹²⁹ This justified the expansion of policing and a carceral judicial system, which allowed for random racial violence to enter into a rational space, the legal system, in which unbiased judgments could be made. And so, police violence and private violence are set up against each other to lessen and obscure the violence of the former. This framework, then, made it possible to recognize Rios, Carrillo, and Tafoya as criminals and made their punishment, in the form of jail time, expected.

In addition to thorough coverage noting the criminality attackers, the media meticulously detailed the work police were doing to solve the crime. The relational nature of social value required that in order for the police to be “good,” they were shown in comparison to people who were easily read as “bad.” Interestingly, in the local media particularly, the discussion of the aftermath of the crime is framed through the work of

¹²⁷ Naomi Murakawa, *The First Civil Right*, 7.

¹²⁸ *Ibid.*, 18.

¹²⁹ Murakawa, *First Civil Right*, 3.

the police. For instance, one local news station writes, “*Police* say 18-year-old Alex Rios along with Nathaniel Carrillo and Gilbert Tafoya used a fence post and cinder block to beat the homeless men to death in a vacant lot.”¹³⁰ In reference to the criminal complaint, the Albuquerque Journal writes, “*Police* found blood on Tafoya’s clothes and more blood on clothes found inside the home. *Police* also recovered a debit card and what may be the driver’s license of one of the deceased.”¹³¹ This included their work to identify the bodies. One article states, “Staff at the Albuquerque Indian Center said *Albuquerque police* asked about the two men, and identified them as the victims in the attack.”¹³² In response to Tafoya’s confession that the boys had attacked at least 50 other people experiencing homelessness, the media noted “*Police* have reached out to homeless people and advocacy groups seeking information on other crimes the teens may have committed, but *police* hadn’t found evidence about previous attacks by Monday evening.”¹³³ The articles fail to mention that this, of course, is not surprising considering that vulnerable populations are reticent to talk to the police for fear of retaliation or violence. And yet, across the coverage of the murder investigation, the word of the police is taken at face value. In upholding and trusting the work of the police, the violence people in Albuquerque experience at the hands of the police is obscured. Further, by highlighting the work the police did to solve the crime, the media reinforced an understanding of the police as being a force working for the “common good.”

¹³⁰ Mike Springer, “Teens charged as adults in fatal beating of homeless men: Attorneys ask judge to consider juvenile facility if convicted,” *KOAT Albuquerque*, last updated May 8, 2015, <http://www.koat.com/article/teens-charged-as-adults-in-fatal-beating-of-homeless-men/5063911>.

¹³¹ Scott Sandlin, “Homeless murder case goes to jury,” *Albuquerque Journal*, last updated December 8, 2015, <https://www.abqjournal.com/687850/homeless-beating-murder-case-goes-to-jury.html>.

¹³² Boetel and Swedien, “Teenage attacker to victim: “Eat mud bitch.”

¹³³ Boetel and Swedien, “Bail set at \$5M each for suspects in murders of 2 homeless men.”

The ability to uphold the good work of the police was facilitated by the application of the framework of a hate crime. To understand the attack as a hate crime accomplishes three things. First, it makes the attack seem like an individualized event, which works to divorce it from APD's systemic brutality. Although the attack was not prosecuted as a hate crime per se, it could be understood as a hate crime in terms of the ideological work it did to reinforce a settler social order and in terms of the way that it painted individual violence as particularly heinous, thereby obscuring the brutality of the state and every day policing.¹³⁴ Second, it positions the police relationally to the criminals and creates room for state violence to be seen as acceptable. Annjanette Rosga describes the relationship between hate crime victim, attacker, and the state well when she says "a hate crime victim can be seen as the one who threatens the moral order... The hate crime perpetrator then becomes the mob, backed by the power of the state, who 'neutralizes' the threat represented by the victim's identity."¹³⁵ Individual violence is distanced from state violence by making it appear to be more heinous and awful than state sanctioned violence, despite the fact that it is in service of and condoned by the state. In this way, any violence done by the state is understood to be necessary and acceptable. Third, it further reinforces the power of the state. The crime was not formally labeled a hate crime but it made people experiencing homelessness legible as a group against which bias could exist and violence could be done.

When placed in the context of the settler colonial history of Albuquerque it becomes clear that the framework of a hate crime, while it does ideological work that

¹³⁴ Brandzel explains that hate crimes legislation, "perpetuates the erroneous understanding that civilian forms of violence are more common and more heinous than state sanctioned forms of violence." Brandzel, *Against Citizenship*, 33.

¹³⁵ Annjanette Rosga, "Deadly Words: State Power and the Entanglement of Speech and Violence in Hate Crime" *Law and Critique*, 12, no. 3, 2001: 243.

benefits the state and the police, does nothing to illuminate the nature of the crime. This is because the attack was not about Chicano-on-Native violence or violence against the category of people experiencing homelessness, but rather it was about settler colonial logics that make hierarchies of social order that dictate that Natives are devoid of social value common knowledge. Although the murders were truly unthinkable, it is easy to believe that something so awful could happen within the structure of settler colonialism where Native people are perpetually policed in order to displace, assimilate, or in this case, eliminate them. The attackers picked up and enacted a settler colonial social order. In doing so, they were able to enforce a clear power dynamic wherein Gorman and Thompson were below them. That said, it is not about individual violence but rather about a structure of settler colonialism.

Conclusion

On March 16th 2014, four months before the attack on Gorman and Thompson, two members of the Albuquerque Police Department (APD), Keith Sandy and Dominique Perez, shot and killed James Boyd in the foothills of Albuquerque, New Mexico after an hours-long standoff.¹³⁶ Boyd was white and had long lived in a condition of homelessness; his crime was camping “illegally” in the foothills. Like the murders of Gorman and Thompson, this event immediately became front-page news and was tracked in the media for months afterwards. Although Albuquerque has a decades-long history of police violence and although Boyd was the 22nd person shot by APD in a four-year period, it was his murder that reawakened a widespread resistance to and debate about the

¹³⁶ Mark Berman, “What’s going on in Albuquerque? Your guide to the police shooting protest,” *Washington Post*, last updated March 31, 2015, https://www.washingtonpost.com/news/post-nation/wp/2014/03/31/what-is-going-on-in-albuquerque-your-guide-to-the-police-shooting-protest/?utm_term=.89284b2d7bee.

consistent level of violence perpetrated by police. People who had never before sought out protests entered the streets to express their anger. In the weeks and months that followed, as if in the service of adding fuel to the fire, APD continued to murder people.¹³⁷ That spring saw a series of demonstrations and protests that were held in the name of all victims lost to APD's brutality, and yet Boyd's name and story was repeatedly displayed and retold.¹³⁸

The hierarchy of social value that settler social order relies on to enable the blatant policing of devalued subjects is inherently relational. Thus, the police cannot become "good," without the "bad" criminals they police. Importantly, however, the hierarchy of social value also produces the conditions wherein Boyd's history of violence was obscured because of the other markers of his social status, being male and being white, made it possible to see him as a human and not just a criminal. As Lisa Cacho puts it, "processes of *de*-criminalization are just as dependent upon the same racial and spatial norms that render criminality and personhood recognizable on some bodies but irreconcilable with others."¹³⁹ And so, while hierarchies of social order informed by settler colonialism, white supremacy, and heteropatriarchy naturalize the criminalization of certain identities, it simultaneously absolves others of the any wrongdoing. To conclude this thesis, I engage a comparative study of the killings of Boyd, Clint, Gorman, and Thompson to not only highlights the insidious nature of settler colonialism but also to make what's at state in having or lacking social value.

¹³⁷ "Albuquerque Journal Special Report," *Albuquerque Journal*, accessed March 11, 2015, <https://www.abqjournal.com/community-data/apd-under-fire>.

¹³⁸ Nicole Perez, "Lawsuit planned in Boyd case: 'Culture of gun fetish' at APD called a contributing factor," *Albuquerque Journal*, last updated

¹³⁹ Cacho, *Social Death*, 37.

While Boyd's death was not directly related to a settler social order that seeks to disappear Native people, his death is still conditioned by settler colonialism. The hierarchy of social order informed by settler colonialism that made John legible as a violent alcoholic and that made Gorman and Thompson legible as people who would be assaulted with impunity, propped up Boyd as a socially valuable person. This then begs the question, how can someone be the target of such severe police brutality and benefit from white privilege? This is explained, in part, by the relational nature of social value. As Cacho writes, "the production and ascription of human value are both violent and *relational*, both differential and *contextual*."¹⁴⁰ Thus, on the day he was killed, the context of a standoff and a known diagnosis detracted from Boyd's human value.¹⁴¹ An intersectional analysis of Boyd's identity underscores the fact that his white, male privilege was mitigated by his condition of schizophrenia. Despite his white male privilege, his experience of homelessness and mental illness meant that officer Keith Sandy was to see Boyd as nothing more than a "fucking lunatic" who he could "shoot" with impunity.¹⁴²

While this knowledge influenced their perception of Boyd's social value and led officers to believe that he could be shot with impunity, it had the opposite effect on the people of Albuquerque. After his death and the release of footage that documented the footage, people flooded into the streets to protest his murder. Those in attendance of

¹⁴⁰ Cacho, *Social Death*, 18. Emphasis added.

¹⁴¹ It is important to note that the officers who shot Boyd were aware of his diagnosis before the standoff began. "Officer says police who shot homeless man knew he had schizophrenia," *Associated Press New Mexico*, last updated August 17, 2015, <https://www.theguardian.com/us-news/2015/aug/17/new-mexico-police-shooting-homeless-man-schizophrenic>.

¹⁴² Sandy was recorded before the shooting saying that Boyd was a lunatic and that he was going to shoot him. Nicole Perez, "He's a ... 'lunatic;' APD officer who shot Boyd had harsh words for the homeless camper," *Albuquerque Journal*, last updated September 29, 2014, <https://www.abqjournal.com/470360/recording-apd-officer-calls-james-boyd-a-lunatic-said-he-would-shoot-him.html>.

course were people who had been aware of APD's record of violence, people who'd lost family and friends to this violence, or people who had personally been brutalized by APD. Despite this fact, the media failed to capture the diversity of motivations of the protestors and instead made it appear to be exclusively about Boyd's murder. For instance, one article begins by referencing protest signs with statements like "Justice for James Boyd" and "Shooting James Boyd was a Crime." The articles states that the message of these signs was, "repeated over and over at an emotional protest attended by hundreds of people Tuesday in Downtown Albuquerque over the March 16 shooting of a mentally ill homeless man."¹⁴³ The phrasing of the opening line of the article legitimizes the perception of the killing as an unjust act. It paints a context in which Boyd's experience of homelessness, mental illness, and police violence fosters sympathy, as reflected in the description of the event as "emotional." The context the media provided, of Boyd being shot in the back with six rounds of ammunition, of his mental illness, and of his homelessness made the vague mention of his history of assaulting officers and the fact that he was armed with a knife less damning. His white male privilege allowed his death to be read as shocking, and therefore as necessarily unjust. Cacho explains, "the institutionalization of white privilege institutes 'inalienable rights' as a property of whiteness and personhood."¹⁴⁴ In shooting Boyd, APD officers violated this commonsense understanding of his personhood. This then explains why, for the first time in fifty years, Perez and Sandy were criminally prosecuted for their actions.¹⁴⁵

¹⁴³ Nicole Perez, "Hundreds protest police shooting of homeless man," *Albuquerque Journal*, last updated March 26, 2014, <https://www.abqjournal.com/374350/hundreds-protest-shooting.html>.

¹⁴⁴ *Ibid.*, 24.

¹⁴⁵ Colleen Heild, "Jurors will have their say in Boyd shooting," *Albuquerque Journal*, last updated September 18, 2016, <https://www.abqjournal.com/847499/jurors-will-have-their-say-in-boyd-shooting.html>.

The ability to recognize one's personhood is enhanced or impeded by one's criminality. In the coverage of Boyd's death there is a regular mention of his history of, "assaulting officers," his admission into mental health care facilities, and his history of arrests. The inclusion of these facts seems to be in line with standard journalistic work, just as it was in the coverage of the death of John, Rios, Carillo, and Tafoya. However, the discussion of their criminal pasts was not used in the same way in each case. In the few articles that covered John's death, his criminal past is spelled out in detail. As mentioned previously, the charges, convictions, and years in which they occurred were regularly shared.¹⁴⁶ Similarly, in the descriptions of Rios, Carillo, and Tafoya, both their criminal history and their school records were shared in detail. In light of the fact that each of them had stopped going to school, the inclusion of this information, in a society that values education and employment, served to further facilitate a reading of them as inherently criminal. The details of their pasts stand in contrast to the vague references to Boyd's past. That is to say that while the media acknowledges that Boyd had a violent history, this information is rarely emphasized. Indeed, not a single article published in the year after his death explicitly referred to his "criminal record," instead phrasing it as a "history of" criminal acts, potentially implying that his violent tendencies were past events and not markers of his identity, as a criminal record implies.

One way that criminality and, often time humanity, is clearly either granted or denied is through the use of photos. There are two photos used regularly by the media coverage of Boyd's death. In both photos he appears neat, gentle, and doe-eyed. His sunburned face is partially covered by a bushy yet clean beard. It is unclear whether the

¹⁴⁶ "Man Killed in Shooting By Farmington Police Officer" *KOAT Albuquerque*; Baker, "Racism fears a 'simmering' pot."

photos were from his family, from mug shots, or from the homeless shelters he frequented. If they were mug shots, nothing about the photo reveals this, a detail that further decriminalizes him. These photos were regularly included in articles published in the weeks, months, and years after the shooting. The photos give a sense of who Boyd was and serve as a reminder of his humanity. In contrast, there is a distinct lack of photos published in the coverage of John, Gorman, or Thompson's death. The lack of photos used in the coverage of Scott's shooting of John points to just how little his death mattered. In the case of Gorman and Thompson, both they and Boyd were experiencing homelessness at the time of their murders and all three were popularly understood as "undeserving" victims and yet only one of their identities was regularly humanized in the media through photos. There was one image of Gorman that, as far as I can tell, was published once in the media. This photo is actually an image of his driver's license with his address and birth dated blurred out. The use of his ID perfectly encapsulates the media's treatment of both Gorman and Thompson—only the basic information shared because they are actually not worth mourning. The lack of photos to memorialize their deaths further reveals just how little the media flashpoint about their deaths had to do with mourning the loss of their lives. In a settler colonial society, settler social order is predicated on the elimination of the Native. Although this elimination is often literal, following their deaths, John, Gorman, and Thompson continue to be erased in the media.

It is important to note that, despite the prevalent nature of settler colonial logics, Native people exist and have value. It is difficult to rehash the killing of John, Gorman, and Thompson through the lens of settler colonialism because it dehumanizes them and obscures the lives they led including their interests, their families, and their goals. And

yet, it is necessary to understand the police, policing, and police violence through this lens in order to unsettle what has become common sense—that Native people who are homeless sleep on the outskirts of the city or that brown youth are criminals—as well as to see what gets obscured. Only once structures of power are visible, can they start to be dismantled. In this thesis I have worked to do just that: to begin to get at the heart of settler colonialism as a structure of power to understand how settler social order is policed and how that policing is justified. I analyzed the murder of Clint John, Alison Gorman, and Kee Thompson to unpack how settler colonialism has produced and then normalized as common sense a social order that marks bodies like theirs as appropriate targets for violence. By situating these case studies within New Mexico’s history of U.S. colonialism, I am better able to understand why policing happens the way it does, what conditions the response to policing in New Mexico, as well as the gravity of each instance of violence against Native people and people of color. While this is an important intervention, more work needs to be done to understand how settler social order has been differently defined across the U.S., in relationship to other structures of power. Further, there is room for more nuanced analyses of the ways that various structures of power interact to develop and maintain social order. This includes understanding how Spanish colonial legacies influence contemporary manifestations of settler social order. Finally, it is important to further interrogate how settler colonialism and settler social order, as a foundational violence that continues to inform hierarchies of social value in New Mexico, impacts both Native and non-Native subjects.

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