

**LIBERTY, GUNS, AND POCKET CONSTITUTIONS: CONSTRUCTING A WHITE
NATION THROUGH LEGAL DISCOURSE IN THE PACIFIC NORTHWEST**

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Robin Leslie Wright

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Kate Derickson

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Abstract

This dissertation investigates the mainstreaming of far-right politics by examining the production of a right-wing discourse focused on the radical defense of the U.S. Constitution in the Pacific Northwest. Despite its progressive image, The Pacific Northwest is a compelling site for analysis, as Euro-American settlers have long sought to render the region as a place reserved for white residents. Through a series of case studies exploring campaigns ranging from gun ownership to First Amendment rights, I argue that activists mobilize a conservative constitutional discourse to re-establish white territorial control at the local and regional level. Examining the circulation of this conservative constitutional discourse, I demonstrate the extent to which activists use constitutionally coded-appeals to position white able-bodied men as the legitimate representatives of “the people.” I show that in doing so, activists engage a constitutional discourse that reproduces the legal, political, and cultural conditions of possibility for white supremacist systems while disavowing an explicit logic of racial superiority. My research demonstrates how right-wing movements use a constitutional discourse to channel regional concerns about changing demographics and shifting representation into white nationalist demands. I thus contend that this constitutional discourse enables a paradoxical turn to extra-legal and sometimes violent actions, as right-wing activists disrupt and delegitimize state action while asserting their own popular authority as the sovereign. My dissertation makes an important contribution to geography, critical race studies, and legal studies by showing how a socio-spatial analysis of law must be mobilized in order to understand the shifting ideologies of race shaping contemporary right-wing movements.

Table of Contents

| | |
|--|-----|
| List of Figures..... | ii |
| Introduction..... | 1 |
| Chapter 1: White Territorialization and Racial Formation in the Northwest..... | 35 |
| Chapter 2: “Party Like its 1773”: Constructing a Genealogy and Geography of Whiteness..... | 82 |
| Chapter 3: Popular Sovereignty as White Settler Sovereignty: The campaign for Second Amendment Sanctuary Cities..... | 118 |
| Chapter 4: Whose City, Whose Sites? First Amendment rights and the fight for a white right to the “Public Square”..... | 183 |
| Conclusion..... | 244 |
| Bibliography..... | 255 |

List of Figures

- Figure 1 Map of Fieldwork Events (27)
- Figure 2 Map Produced by Liberty State (64)
- Figure 3 Matt Shea speaking at Liberty State rally (66)
- Figure 4 Matt Shea stands in front of BPOE ballroom (70)
- Figure 5 Two Pocket Constitutions (107)
- Figure 6 Protestor at rally in Olympia, WA (153)
- Figure 7 Proud Boys lead rally across Hawthorne Bridge (223)

Introduction

It is 10 am on the third anniversary of rancher LaVoy Finicum's death, and people are just settling in at the Veterans of Foreign Wars (VFW) Hall in Salem, Oregon. The 75-odd attendees are assembled for a two-day memorial event commemorating Finicum's fight against the Bureau of Land Management (BLM). Finicum was shot and killed by an Oregon State Trooper in a pursuit following his participation in the 2016 armed occupation of the Malheur National Wildlife Refuge in Southern Oregon. The event schedule includes a 3-part documentary titled *Dead Man Talking* about Finicum and presentations by his widow Jeanette Finicum, fellow occupier Shawna Cox, and J. Morgan Philpot, the lawyer on his family's wrongful death suit.

After an opening prayer, Mark Herr, the producer of the documentary, makes his way to the front of the room. He turns to the audience and proclaims, "If you are *against* white supremacy, stand up." The roomful of men and women dressed in jeans and Three Percent sweatshirts and Make America Great Again (MAGA) hats all shuffle to their feet. Satisfied, Mark continues, "If you are *against* dissolving the border between federal and state government, stay standing." Everyone in the room continues to stand. "And if you are *against* the collapse of the three branches of government, stay standing!" Nodding approvingly at the standing audience, Herr declares that this is proof that people with different political perspectives can still can come together and stand up for the causes that matter most.¹

While not producing documentaries, Mark Herr is the co-founder and president of the Center for Self-Governance, a non-profit based in rural Northeast Washington

¹ 01/26/2019. Notes from LaVoy Finicum Memorial in Salem, Oregon

dedicated to providing educational content and trainings to “normalize systematic politics, reinstate layer cake federalism, and elevate your state constitution by increasing your political influence, improving your networking skills, and expanding your personal growth and development” (Center for Self-Governance, n.d.) Like many other conservative groups in the region, the Center for Self-Governance works to extend conservative control over governing institutions through the targeted take-over of municipal, county, and state government. They do so by promoting a selective mode of constitutional interpretation, one that elevates the jurisdictional independence and political authority of local and state agencies and legislative power vis a vis the federal government.

These goals may sound innocuous, or indeed a bit academic, and as Herr presents it, far from the racist or white supremacist intentions ascribed to the movement. In his brief statement, Herr positions Finicum’s fight for states’ rights and the separation of powers as part of the fight *against* racism and white supremacy. By locating the struggle over public lands within a broader constitutional fight, he invites attendees to see themselves as Finicum’s fellow combatants, even though their suburban lives place them far from ranching or the Bureau of Land Management. Audience members are invited to feel, as LaVoy Finicum said in one of his own YouTube videos, “This isn’t about cows or grass. This is about freedom.”²

The denial of racism by right-wing groups and activists in the Northwest is not merely a surface tactic to deflect criticism. Instead, it can be understood as part of a broader discursive transformation, one that re-centers whiteness as the norm in American politics through the paradoxical disavowal of substantive racial difference and racial prejudice.

² As seen in Herr, M. (2019). LaVoy: Dead Man Talking, Part 3. USA: Center for Self-Governance

This transformation is happening alongside what many consider the renascent mainstreaming of radical white supremacy in national politics. Much of this is attributed to the actions of former President Donald Trump, who publicly disparaged immigrants, People of Color, Muslims, and others, and encouraged supporters to do the same. The former president openly celebrated instances of violence by his supporters (Cineas, 2021),³ and after his failure to win re-election in 2020, falsely claimed that the election had been stolen. He exhorted his supporters to take direct action, proclaiming that “If you don’t fight like hell you’re not going to have a country anymore” (cited in Naylor, 2021). Trump’s electoral and ideological success point to the growing traction in the U.S. of a kind of authoritarian populism, with his supporters advocating for the President to exercise increasingly unilateral control over government actions at the federal, state, and even local level. But attributing this shift in the articulation of white identity and white superiority to the former president alone misses how the current rise in white nationalist politics is entangled in the circulation of a legal discourse and attendant racial ideology that prefigures and exceeds Trump’s term in office. Furthermore, locating analyses at the national scale misses how white nationalism is particularly practiced and enacted through local and regional campaigns, and through moments like Finicum’s memorial in a VFW hall in Salem, Oregon.

In this dissertation, I examine the mainstreaming of far-right politics by examining the production of a right-wing discourse focused on the radical defense of the U.S. Constitution in the Pacific Northwest. Through a series of case studies exploring campaigns

³ For instance, at a 2015 rally, Mercurio Southall Jr. yelled out “Black Lives Matter!” and Trump told the audience “Get him the hell out of here! Get him out of here! Throw him out!” Videos show the crowd attacking Southall before he was removed by security (Cineas, 2021).

ranging from gun ownership to First Amendment rights, I argue that activists mobilize a conservative constitutional discourse to re-establish white territorial control at the local and regional level. Through an emphasis on the circulation of this conservative constitutional discourse, I demonstrate the extent to which activists use constitutionally coded-appeals to position white able-bodied men as the legitimate representatives of “the people.” I show that this constitutional talk is effective because it draws on what Stuart Hall (1979) terms a “popular inventory,” about American history, or the fragmented collection of myths, stories, and ideas that people draw on to make sense of the world. I show that in doing so, activists engage a constitutional discourse that reproduces the legal, political, and cultural conditions of possibility for white supremacist systems while disavowing an explicit logic of racial superiority. Right-wing movements in the Northwest advance a particular formation of white supremacist ideology rooted in the proclaimed superiority of western civilization. I further contend that this constitutional discourse enables a paradoxical turn to extra-legal and sometimes violent actions, as right-wing activists disrupt and delegitimize state action while asserting their own popular authority as the sovereign.

The story I tell in this dissertation sits at the juncture of race, law, and geography. Placing a Gramscian analysis of ideology in conversation with Critical Race Theory, I explore not just what this constitutional discourse *says* about race and the nation but what it *does* to reproduce a white identity and protect white interests. Though much of this discourse is dismissed as politically peripheral and legally illegitimate, I find instead that it is already enabling a set of right-wing campaigns and practices in the Pacific Northwest development of historically and geographically mediated white settler territorial strategies. The Pacific Northwest is a compelling site for analysis, as it is a region that, since Euro-

American settlement in the early 1800s, has sought to render the region as a place reserved for white residents. Thus, it is by focusing on this regional scale that I am able to surface the racialized territorial tactics that are advanced through this discourse, many of which are difficult to enact and to discern at the national scale. Based on my findings, I suggest geographers can contribute more to the study of the regional formation of white nationalist politics via right-wing movements, in turn revealing how those regional dynamics shape the ever-shifting discursive and institutional articulations of white supremacy. Beyond this, I advocate here for a discursive analysis of law that seeks out ideological edges, tracing those moments where what is unimaginable becomes imaginable, when what is unsayable becomes sayable, and when potential becomes ever so slightly more probable.

By employing a discursive analysis, this dissertation departs from much of the research on white nationalist, white separatist, and white power movements, which most commonly follows the lifecycle or history of a particular organization or charts the life stories of movement leaders or members. The growing historiography of the second Klux Klan (1920-1925), for instance, has provided critical insight into the KKK through regional case studies using membership rolls, meeting notes, and other documentation from local Klaverns. Unlike the first KKK which arose in the American South during Reconstruction (1865-1877), these regional studies indicate that the second KKK was most popular and effective in northern states and in regions with smaller Black populations (Chalmers, 1987; Gordon, 2017; Horowitz, 1999; Maclean, 1994; McVeigh, 2009).⁴

⁴ For example, as I discuss further in chapter 1, Oregon itself had 14,000 enrolled Klan members in the 1920s, with 9,000 living in the greater Portland metropolitan area (Horowitz, 1999). Like other KKK chapters in northern states, the Oregon Klaverns were particularly animated by anti-Catholic, anti-Chinese, and anti-Semitic concerns, and they focused on campaigns to support businesses run by 100% Americans (i.e. white business owners) and to limit the role of catholic schools and institutions in public life (Horowitz, 1999).

Similar to some right-wing groups in the Northwest today, historians suggest that the second Klan was “at once mainstream and extreme, hostile to big business and antagonistic to industrial unions, anti-elitist and hateful of Blacks and immigrants, pro-law and order and prone to extralegal violence” (Maclean, 1994, p. xiii). Following the emergence of the modern conservative movement in the 1960s and 1970s, scholars have further charted the organizational history and leadership of groups such as the John Birch Society (Mulloy, 2014), the Militia Movement of the 1990s (Stern, 1996; Gallaher, 2002), the Christian Identity Movement (Barkun, 1997), Survivalists (Coates, 1987; Crockford, 2018), Pagan white separatists (Gardell, 1998) and the new Christian right (Berry, 2017; Barkun, 2016; Bushart, Craig, & Barnes, 1998). Many of these studies focus on the statements and motivations of key leaders within white power and far-right groups, but as sociologist Abby Ferber (1998, p. 9) argues, “the tendency to focus on leaders in a particular movement, and to explore the character traits that lead individuals to join this movement, contributes to the belief that racism is something rooted in one’s personality, rather than institutionalized in our society and culture at every level, shaping the lives of everyone.” Breaking with this tradition, Kathleen Belew’s excellent *Bring the War Home* (2018) charts the transformation of the white power movement in the post-Vietnam War era across a multitude of regional organizations, cells, institutions, and campaigns. By adopting this cross-organizational approach, Belew is able to trace the successful mainstreaming of the movement via the emergence of the militia movement in the 1990s.

Recent scholarship has further highlighted the regional specificity of right-wing ideology and movement coalitions, as in Lisa McGirr’s (2015) work demonstrating how “suburban pioneers” in southern California fueled a new conservative politics through the

fusion of Christian fundamentalism, nationalism, and libertarianism. Historian Elizabeth Tandy Shermer's research into Phoenix, Arizona's unique brand of "sunbelt capitalism" suggest that there, racism and Christian fundamentalism took a "backseat" in the development of the region's conservative politics due to the ascendancy of a "locally grown business critique of liberal governance and interventionist economic policy" (2015, p. 6). Complimenting this attention to the distinct regional articulations of far-right politics and white supremacist movements by historians is a small but growing set of geographic scholarship examining the regional formation of conservative, far-right, and white supremacist movements. Carolyn Gallagher provides a compelling ethnographic account of the Kentucky Patriot Movement (2002), as she argues that the militia movement drew in members by mobilizing class resentment caused by neoliberal economic restructuring. McCarthy and Hughes' (2004) work on the racial politics of the Wise Use Movement and Bonds and Inwood's (2016; 2017) scholarship on the Bundy family provide important insight into the operation of white nationalist politics in the American West. This work on the regional development of conservative groups has been matched by recent scholarship by Pulido (2019), Gökariksel, Neubert, and Smith (2019), Inwood (2019), and Bonds (2020) grappling with the national resurgence of "spectacular racism" (Pulido et al, 2019) via the Trump presidency. Rather than focusing on particular organizations or groups, this scholarship shows how whiteness itself functions as a "counter-revolutionary" force (Inwood, 2019), particularly as it intersects with new articulations of fragile masculinity and male supremacy (Gökariksel and Smith, 2018) and the ascendent rhetoric of authoritarian populism (Kojola, 2019; McCarthy, 2019; Page & Dittmer, 2016). In my dissertation I build on this work by charting how right-wing groups draw on both the

regional production of a white identity and a national imaginary of the U.S. as a white nation. Moving beyond a focus on a particular group or charismatic figure to the study of a conservative constitutional discourse, I show how this discourse knits together regional racial formations and white nationalist politics at the local and national level.

Institutionalization and Extremism

Scholars of the far-right and white power movements are careful to distinguish between those movements that openly profess white supremacist beliefs (such as the KKK or the Aryan Nation) and those far-right groups whose xenophobia, anti-Semitism, or Islamophobia are cloaked in the language of patriotism, anti-communism, and rights (such as the John Birch Society or Militia Movement). These are important ideological and strategic distinctions within the movements, but the sharp scholarly separation between those who self-identity as white supremacist and those who implicitly support white supremacy and/or white nationalism can make it more difficult to trace movement connections between those ideologies and groups that are categorized as radical and those that are labelled mainstream. As the opening comments from Mark Herr at the Finicum Memorial indicate, stated opposition to white supremacy has no necessary correlation with anti-racist actions. Indeed, I will argue in this dissertation that denials of white supremacy are part of a new articulation of racism without race, one that replaces biological race with the presumed superiority of western culture and the biologically inherent clashes between different cultures. Thus, scholars like Belew (2018) and Ferber (2004) have developed an approach to researching white power and white supremacist movements which acknowledges the specificity of their demands while recognizing that “defining white

supremacy as extremist in its racism often has the result of absolving the mainstream population of its racism, portraying white supremacists as the racist fringe in contrast to some non-racist majority” (Ferber, 2004, p. 9). This division can reproduce the categories of radical or mainstream as givens, rather than interrogating the shifting construction of what is considered to be within or beyond democratic norms or acceptable behavior in a particular time or place. Indeed, white supremacist beliefs in the U.S. are best seen as radical if we define radical as relating to the root or the origin rather than to the extreme or exceptional. White supremacy as an ideology, legal structure, and social system is in the roots of the U.S. as a nation (Bonila-Silva, 2017; Feagin, 2009; Ferber, 2004; Moreton-Robinson, 2015; Omi & Winant, 2015); the defense of white identity and white privilege may shuttle between legal and extra-legal tactics, and may conform to or distort agreed-upon democratic norms, but it is hardly the province of just a few isolated groups or organizations.

Instead, reading across the scholarship on far-right and white power movements reveals the co-evolution and imbrication of conservative, far-right, libertarian, evangelical, and white supremacist movements through the 1970s and 1980s (Berlet & Sunshine, 2019; Darby, 2020; Diamond, 1995; Dobratz & Shanks-Meile, 2006; Nickerson, 2012; Pharr, 1995; Swain, 2002). Collectively, this scholarship speaks to the simultaneous *institutionalization* of conservative ideology in law schools, federal and state agencies, and legislative branches, and the *radicalization* of the far-right movement as seen in the white power movement’s declaration of war against the federal government and Timothy McVeigh’s 1995 bombing of the federal building in Oklahoma City (Belew, 2018). In this

dissertation I see institutionalization and radicalization not as disparate processes but dialectical processes within the contested hegemony of white supremacy in the U.S.

Building on this work, I eschew a singular focus on a particular group or campaign to instead develop a regional analysis of a conservative constitutional discourse as it moves across multiple media platforms, local groups, and political campaigns. This discursive approach offers a number of analytical advantages. First, it facilitates a more expansive investigation into the ideological construction of the U.S. as a white nation via a language of law. A discursive approach reveals how the complex articulation of a racial ideology emerges across multiple organizations, platforms, and political campaigns. Concurrently, this approach illustrates how a conservative constitutional discourse effectively coalesces different groups into a more cohesive political bloc through the narration of shared interests and shared identity. Secondly, this multi-organizational approach indicates the co-location and indeed co-dependence of extra-legal or undemocratic ideas and tactics alongside the pursuit of institutionalization via electoral politics at the municipal, county, and state level. This illustrates the usefulness of law as an ideology and discourse, and in particular the flexible deployment of the U.S. Constitution as a justification for both legal and extra-legal attempts to shape political outcomes and claim political authority. Finally, a discursive approach locates the language, tactics, and ideology of right-wing movements within an analysis of the struggle over the state as part of the effort to secure the hegemony of white supremacy in the U.S. To pull out what that means in the dissertation, I provide a brief discussion and definition of a few critical terms before turning to an overview of the dissertation.

White nationalism and white supremacy

In this dissertation I describe the groups in the Pacific Northwest as furthering a project of white nationalism. I understand white nationalism to be marked by the belief that a white identity should be “the organizing principle of the countries that make up Western Civilization,” (Southern Poverty Law Center [SPLC], n.d.) and that white people are deserving of either separate territory or special legal, political, and social protections by the state. I show in these pages that right-wing groups draw on an ideology and discourse rooted in a system of white supremacy, or the “presumed superiority of white racial identities, however problematically defined, in support of the cultural, political, and economic domination of non-white groups” (Bonds & Inwood, 2016, p. 5). White supremacy and white nationalism are interrelated, but I use the term white nationalism to describe groups I study because the term captures the presumed connection between white identity, territorial control, and political authority that animates these movements. And it is precisely this consonance between race and nation that I argue is advanced by a conservative constitutional discourse.

By using this term, I employ an identifier not used by the groups themselves. Indeed, Mark Herr and others are insistent that they are opposed to white supremacy and to all forms of racial prejudice. My decision is informed by previous work of scholars of white power, organized racism, and far-right movements; Ferber insists that researchers and activists are mistaken when they “present the movement as its members wish to be presented and thereby facilitate their attempt to reframe the movement and attract new recruits. Instead, it is our task to critically interrogate the movement itself” (2004, p. 16). Ferber argues that the “choice of terminology is a political, value-laden decision,” and I

would argue that it is, in addition, an analytical one (2004, p. 16). I use the term white nationalism because my research points to the ways in which these groups work to elevate white people to positions of power and work to create local and state systems of government that can, in turn, secure the U.S. as a nation made by and for white people.⁵

Historian Kathleen Belew (2018) offers the overarching term “white power movement” to refer to movements in the 1980s and 1990s dedicated to the supremacy of white people, while the anthropologist Kathleen Blee (2002) employs the phrase “organized racism” to distinguish those groups explicitly motivated by racial animus and the ideology of white superiority. Belew uses the term white power, rather than white supremacy or white nationalism, because she points out that not all white power members argued for white nationalism—for instance, groups in the 1980s openly declared war and sought to overturn the federal government, which Belew takes to mean that these groups were not interested in perpetuating the U.S. nation as such. She further suggests that referring to “right-wing” groups “presumes a political continuum that does not properly describe this activism, which at times shared more with the revolutionary left than with the conservative mainstream” (2018, p. ix). Belew’s history of the white power movement is incredibly insightful, but I refer to the groups I follow in my work as right-wing movements because the discourse I study is constituted through the language, institutions, and leadership of the modern conservative movement in electoral politics and the specific contributions of the conservative legal movement in law schools and courts (something I

⁵ Some scholars choose to use the phrase white separatists (Berry 2017) because it brings the desire for territorial demarcation and division into the foreground, while others (Ferber 1998, 2004) feel that white separatism functions to screen or obscure the racist motivations and actions of these groups. As I explore further, I identify separatism as one critical territorial tactic employed by right-wing groups in the Northwest, but I prefer the term white nationalism because the goal of these groups is not to create a new nation but to remake the U.S. nation as a white nation.

discuss in more detail in chapter 2). My use of different terminology in part reflects the reconfiguration of U.S. racial politics and conservative electoral politics since the 1990s, as the Republican party stopped distancing themselves from those groups they perceived as too radical or racist (as opposed to say William Buckley's efforts in the *National Review* to distance the right from the John Birch Society, (Perlstein, 2009)) and started incorporating them. At the same time, white supremacist and white nationalist groups in the early 2000s stopped declaring war on the U.S. as a nation and started waging a war over how and for whom the U.S. as a nation was governed. This movement re-orientation builds on the successful strategy of the 1990s militias, which pulled white nationalism slightly more into the mainstream, while strengthening connections between movement members, elected officials, judges, and other state actors.

White supremacy and white nationalism, as interlocking ideologies, organizing structures, and political and legal systems, are neither given nor static—they must constantly be remade. Today, this process of reproducing and defending white identity and white supremacy often happens without an explicit or public adoption of racially prejudiced views. Instead, what I study here is a legal discourse that enables the reproduction of white supremacy while disavowing explicitly racist language.

Law

This dissertation explores the ideological and discursive operations of law. In the U.S., law functions as a set of beliefs and practices, and is powerful and elusive in part because it moves between and across political society and civil society. As much as the state may claim to hold the exclusive right to make and enforce law, this dissertation suggests that

there is much at play in the contest over who gets to act as and for the state. In this dissertation I take law as a flexible set of practices, norms, and ideals leveraged by sometimes competing, and sometimes allied, state and non-state forces. Law is indeterminant and contingent, despite frequent appeals to universality by lawyers, judges, state actors, and citizens.⁶ Yet this indeterminacy of law does not mean that it is not embodied, material, and spatial in its construction or its effects. “Legal interpretation takes place in a field of pain and death”; so opens legal scholar Robert Cover’s well known piece on “Violence and the Word” (Cover, 1986, p. 1601). Written during the discursive turn within legal scholarship and the rise of critical legal studies, Cover argues starkly that legal interpretation is not the “mental activity of a person,” but rather “the violent activity of an organization of people” (1986, p. 1628). Focusing on the role of the judge in a criminal court room, Cover argues that it is only the workings of a particular ideology of law that masks the violence of a judge’s decision to “restrain, hurt, render helpless, even kill the prisoner” (1986, p. 1609). This ideology of a just (and thus nonviolent) form of legal punishment is “much more significant in justifying an order to those who principally benefit from it and who must defend it than it is in hiding the nature of the order from those who are its victims” (p. 1608). In this understanding, law functions to corral and apply violence in socially mediated and sanctioned ways in order to ensure a broader societal good.⁷ Strikingly, Cover insists that “the normative world-building which constitutes

⁶ Legal geographers like Delaney (2015) suggest that it is precisely law’s indeterminacy and contingency that demands attention from legal geographers, because “when we contemplate the operations of the constitutive power of law more comprehensively across the countless spaces and places of social life over time we can cultivate greater awareness of sociospatial contingency” (p. 101). In their introduction to the *Legal Geographies Reader*, Delaney, Ford, and Blomley (2003) suggest that ““law” and “geography” do not name discrete factors that shape some third pre-legal, aspatial entity called “society.” Rather, the legal and the spatial are, in significant ways, aspects of each other and as such, they are fundamental and irreducible aspects of a more holistically conceived social-material reality” (p. xviii).

⁷ As an anarchist and legal scholar, Cover offered an incisive analysis of state violence and power, but he

"Law" is never just a mental or spiritual act. A legal world is built only to the extent that there are commitments that *place bodies on the line*" (p. 1605, emphasis added). By re-centering the embodied violence of law, Cover disrupts an idea of law that imagines it to be solely a practice of textual interpretation, outside the boundaries of violence and pain.

Yet elsewhere, Cover discusses law as world-marking, arguing that "no set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning" (1983, p. 4). In this treatment, "law becomes not merely a system of rules to be observed, but a world in which we live" (1983, p. 4). At the nexus of norms and discourse, law allows people to communicate with others and imbue action with significance. While law requires a community of interpretation, that collective does not necessarily have to be the state. Moving to examine conflicting interpretations of law between state and non-state actors, Cover notes a dichotomy in the U.S. between "the social organization of law as power and the organization of law as meaning" (1983, p. 18). Interpretation thus "always takes place in the shadow of coercion," as communities (which Cover presents as untroubled unities) face the disproportionate interpretive power of the state (1983, p. 41). Both the state and non-state collectives generate normative worlds through the "force of interpretive commitments," meaning the force and violence that each interpretive community is willing to provoke or endure in the protection and pursuit of their

misses entirely the uneven spatial and racial application of such power. He therefore offers a powerful description of the way that law "places bodies on the line," but then states that "[i]f I have exhibited some sense of sympathy for the victims of this violence it is misleading. Very often the balance of terror in this regard is just as I would want it" (1986, p. 1608), illustrating a failure to recognize how law constitutes the very criminality he indicts. This is a key moment for me in Cover: he recognizes the role of ideology in justifying violence, but he misses what groups of people "principally benefit from" the application of violence and why. Cover's piece thus presents a view of violence and the law that is as 'blind' as Rawls's construction of justice. Despite his emphasis on the socially organized nature of violence in law, Cover's judges, prison employees, and defendants are differentiated only by their roles within the legal system. The courtroom and its occupants are, in effect, disembedded from the cultural, economic, and political context of the very same society that mandates and ensures the continued application of state-sanctioned violence.

interpretation (1983, p. 7). The challenge is that very often, the state's exercise of force "shuts down the creative hermeneutic of principle that is spread throughout our communities" (1983, p. 44). The question, he says, "is the extent to which coercion is necessary to the maintenance of minimum conditions for the creation of legal meaning in autonomous interpretive communities" (1983, p. 44).

In these two pieces, Cover offers a paradoxical view of law, one in which law as normative world-making and law as state violence exist uneasily alongside each other.⁸ If the first option allows for the pursuit of multiple interpretations of law, the second suggests that multiplicity is a step towards unfettered violence. In the United States, there is perhaps no clearer testament to the indeterminant play between law's educational, or ideological, force and its coercive force than the legal construction of race. I argue that the Constitution functions as a powerful symbol in white nationalist organizing because of the historical co-production of law and race in the U.S. As Karla FC Holloway succinctly puts it, "U.S. racial identity is a constructed legal fiction," but it is a fiction with powerful narrative, embodied, and spatial effects (2014, p. 5). In her work, Holloway traces how law shapes the Black experience in the U.S., observing that "whether law was used to designate a slave or to free her, the contingent relationship between laws that regulated the bodies and states of being became the legacy of U.S. black identity" (2014, p. 6). Moving between literary fiction and legal texts, Holloway pulls out how law narratively constructs racial identities and polices those identities.⁹

⁸ For their part, legal scholars Sarat and Kearns (1992) argue that the pluralistic conception of law in Cover's "Nomos and Narrative" cannot be squared with the state monopoly on violence that Cover identifies in "Violence and the word." Sarat and Kearns suggest that it is impossible to recognize the violence of law and reconcile it with a notion of peace.

⁹ But as Holloway points out, law does not itself police what is sayable within literary narratives. Instead, law "renders race vulnerable to a national composition that is always explicitly and sometimes implicitly regulated by law" (2014, p. 68).

The legal creation of race, particularly through the racial bounding of private property and individual personhood, is inextricable from the ideological role of law in U.S. nation-building (Bhandar, 2018; Delaney, 2010; Lopez, 1997; Moreton-Robinson, 2015; Welke, 2010). Whether it is enacting white settler forms of popular sovereignty or proposing white separatist states, white identity and white supremacy are articulated through a set of constitutional claims that reproduce the fusion between law, race, and national composition. As historian Barbara Welke so clearly states, “within the creation and expansion of the modern liberal state, law has operated as an authoritative discourse,” and that it “fundamentally shapes individual identity and rights, relationships among individuals, and the relationship of the individual to the state” (Welke, 2010, p. 6).

Taking up this insight, in this dissertation I explore how law, as a set of practices and norms, is caught up not only in the production of race but in the construction of space and place. Law in this sense is “worlded,” meaning that “distinctively legal forms of meaning are projected onto every segment of the physical world” (Braverman, 2014, p. 1). As such, “these meanings are open to interpretation and may become caught up in a range of legal practices. Such fragments of a socially segmented world—the *where* of law—are not simply the inert sites of law but are inextricably implicated in how law happens” (2014, p. 1, emphasis added). In this dissertation I trace how a conservative constitutional discourse helps construct a white racial identity and a white sense of place.

Hegemony

I understand the dialectical expression of law as coercion and consent as partially constitutive of the struggle for political and economic hegemony within the U.S. This

thinking draws on the work of Antonio Gramsci, who broke with earlier Marxist theories of the state to argue that civil society (or the “private sphere”) and political society (or the “public sphere”) jointly constitute the state. These two sectors correspond on the one hand to the function of “‘hegemony’ which a dominant group or class exercises throughout society and on the other hand to that of ‘direct domination’ or command exercised through the state and ‘juridical’ government” (Gramsci, 2014, p. 12). Gramsci’s approach, as Jessop notes, “reminds us that the state only exercises power by projecting and realizing state capacities beyond the narrow boundaries of the state; and that force and hegemony can be found on either side of any official public-private divide (e.g., unofficial paramilitary groups, state education)” (Jessop, 2018, p. 47). As such, hegemony is not a status but a continual process of securing control of the state by and for a dominant class or dominant coalition of interests.

Gramsci’s critical contribution was his understanding of ideology and its role in constituting or undermining hegemony. For Gramsci, ideology is not a form of false consciousness or superstructural ephemera; instead, ideology is “an organic and relational whole, embodied in institutions and apparatuses, which welds together a historical bloc around a number of basic articulatory principles” (Laclou & Mouffe, 2014, p. 57). I find this conception of hegemony to be a useful framework for locating attempts to establish new norms constitutional norms in a larger contested ideological terrain, one that is imbricated in struggles over racial capitalism and the hegemony of a historic bloc of white and capitalist interests. For his part, Gramsci understood law as the “repressive and negative aspect of the entire positive, civilizing activity undertaken by the State...praiseworthy and meritorious activity is rewarded, just as criminal actions are

punished” (2014, p. 247).¹⁰ I differ from Gramsci here, as I understand law to be both educative and repressive, and to move between the political and civil spheres of the state. This difference is due in part to contextual differences. While Gramsci sought to analyze the Italian labor movement, I write from the context of the U.S., where the veneration for the Constitution and constitutional law has been ideologically and tactically deployed by social movements on the left and the right. As I develop further in chapter 2, right-wing groups in the Pacific Northwest are able to appeal to “common sense” ideas of the Constitution precisely because the Constitution is already available as a national symbol and shorthand. Law as an ideology in this sense is not only repressive, it is productive, as it shapes the distinct formulation of right-wing demands through constitutional claims and in turn helps locate those demands in a familiar, and thus seemingly legitimate, framework of constitutional rights. By claiming to act as interpreters and enforcers of constitutional law, right-wing groups are particularly effective in extending the state’s power as they pressure state institutions to respond to their demands and as they work to take-over those state institutions in turn.

In a Gramscian framework, collective interests are not innate, they are made, and the constitutional discourse I follow is particularly effective in coalescing and activating the interests of multiple actors and groups into a cohesive bloc. Through a shared commitment to constitutional rights, suburban middle class activists in the Northwest become politically aligned with professional class lawyers in elite law schools, and employees of the state become aligned with policy analysts funded by the Koch brothers.

¹⁰ While Gramsci understood law as a repressive function of the state, he rejected the simplification of state as a policeman or the night watchman. The failure of this theory of the state is that “hegemony over its historical development,” meaning the development of the repressive forces, “in fact belongs to private forces, to civil society- which is “state” too, indeed is the state itself” (2014, 2p. 61).

As I will show in the dissertation, conservative discourse of constitutional law can, in part, create the perception of shared white racial interests across class and regional difference, while simultaneously transposing this bloc of particular correlated interests into a seemingly universal or transhistorical collective.

Just as collective interests are not objective, inherent or static, the state is also not a static object. It is, in Nicos Poulantzas' words, "a relationship of forces, or more precisely the material condensation of such a relationship among classes and class fractions," (cited in Jessop, 2018, p. 48). The state is better understood as an institutional ensemble with "various potential structural powers or state capacities" (Jessop, 2018, p. 48). It is therefore helpful to think about the state's power or capabilities as extending beyond what we often think of as the formal boundaries of the state as a "juridico-political apparatus," in large part because, as this dissertation attests, law itself extends beyond what is often considered to be the boundaries of this juridical apparatus. I understand the construction and circulation of a conservative constitutional discourse to be enacting a "hegemonic vision," one that functions to "define the nature and purposes of government for the wider society" (Jessop, 2018, p. 55). While right-wing groups attempt to alter the actions and responsibilities of the state, I argue in this dissertation that they do so not from a coherent theory of the state but a conditional theory of self-interest, one informed by the dominant experience of white able-bodied men. Right-wing activists use the Constitution to position themselves as the legitimate representatives of the people and to argue that the primary *purpose* of the state should be to protect the unfettered freedom of white actions, to ensure the economic well-being of white residents, and to promote the continued identification of the U.S. as a western (i.e. white) nation. The *process* through which the state does this—

by what mechanism, through which state actors agencies, and jurisdictions are responsible—is contingent upon the current formation of conservative political influence, will, and momentum.

Methodology

In this dissertation I do not take a particular group or political campaign as an object of analysis. Instead, I analyze the creation and circulation of a discourse, one centered on securing a conservative, and in fact white nationalist, reading of the Constitution. To perform this discursive analysis, my dissertation draws on research taken from social media activity, participant observation at rallies, hearings, and events, and semi-structured interviews with activists in the Northwest.

The armed occupation of the Malheur National Wildlife Refuge in 2016 by ranchers and their allies first pulled my attention to the promotion of an unconventional reading of the Constitution by residents in the West. I was intrigued to find LaVoy Finicum and other occupiers justify their actions by claiming that the federal ownership of public land was not only tyrannical but unconstitutional. I had previously worked as an immigration policy analyst in Oregon, and I noticed the striking similarity in the legal discourse used by the occupiers and the legal discourse used by Oregonians opposed to pro-immigrant policies. At hearings for a proposed bill granting state tuition support to undocumented residents, Oregonians insisted that the U.S. was a “country of laws,” and at events people would come up to me and demand, “what don’t you understand about the word illegal?!” In both cases, it seemed like law was being used to move the discussion from the supposedly “subjective” terrain of politics to the “objective” terrain of law. I wondered what work a constitutional

discourse was doing for the occupiers, and whether it had any connection to my previous encounters with anti-immigrant activists in the state.

My interest caught by the occupation, I sought to trace the regional development of this constitutional claim, which was made by the Sagebrush Rebellion in the 1970s and 1980s, the Wise Use Movement of the 1990s, and once again by the Bundy family and occupants of the Wildlife Refuge in 2016. During my initial fieldwork in the summer of 2017, I focused on the archival imprint of a conservative constitutional discourse in the West. I visited the National Archives at Seattle to examine regional records of the Bureau of Land Management and the National Forest Service from the 1960s through the 1990s. I went looking for institutional traces of the debate over the constitutionality of federal ownership of public lands and management of grazing rights, but found very little in the agency records to attest to this conflict. I then turned to case law, examining court cases from 1970-2010 involving the Bureau of Land Management and the National Forest Service which landed in the U.S. district courts of Oregon and Washington as well as the Ninth Circuit Court of Appeals. At the same time, I began following the social media activity of right-wing groups in the Pacific Northwest. I found that the terrain of constitutional law was being contested, but it was not happening primarily within the institutional framework of the federal agencies or courts and it was not being pursued primarily by state employees or elected officials. Instead, Facebook groups and pages served as the primary site for the production and circulation of an oppositional discourse rooted in a selective reading of the Constitution and a selective recounting of constitutional history.

The way legal interpretation operates within the courts and the way it circulates discursively beyond the courts is substantively different, as many of the claims made by commenters online regarding the constitutionality of certain actions are not (yet) enforced via the exercise of state police power or the immediate alteration of case law, statutory law or legislation. That said, the circulation of this legal discourse by right-wing activists draws on the success of the conservative legal movement, which challenged affirmative action policies via a set of legal interpretations that were facially race-neutral but substantively subverted racial equity initiatives (Hollis-Brusky 2015; Southworth 2008; Teles 2008). Indeed, as I develop elsewhere in the dissertation, the promulgation of a discourse of ‘racism without race’ is itself strongly informed by the successes of the conservative legal movement. The movement secured the status-quo protection of white benefits (Harris, 1993) through a reading of the Constitution that rejects racially conscious policies. While this has proven effective in curtailing affirmative action policies or de-segregation efforts by claiming that they were prejudicial in their treatment of different races (Gross, 2019), this framework is predicated on the importance of having race/gender/religious neutral policies. This means that policies, ballot measures, and ordinances that are explicitly framed as benefitting white people are much more vulnerable to challenges in court, something that often stymied former President Trump. Beyond the legal realm, many conservatives have adopted a similar rhetorical approach, using the language of equality and freedom of choice to advance policies that favor white Americans.

As I moved forward in my own research, I found that activists were not only talking online about their grievances, they were successfully employing a constitutional discourse to advance campaigns at the municipal, regional, and state level. It was this dynamic

interplay between the online and offline that shaped my research methodology moving forward. This research does not subscribe to “digital dualism” (Giesecking, 2019), or the idea that the “online” space of social media sites as somehow separate or disjunct from the “offline” spaces of movement organizing (Ash, Kitchin, & Leszczynski, 2018; Elwood and Leszczynski, 2018; Pink et al., 2015). While some geographies of new media explore the new sociotechnical assemblages of urban space (Bissell, 2020; Graham, 2020; Leszczynski, 2020) or the posthuman agencies of algorithms (Lynch & Del Casino 2020), cultural geographer Gillian Rose suggests that it is also important to engage new media as a way to “think again about the different forms of human enabled and disallowed now, at a moment when many of the media for articulating subjectivity have changed significantly” (2016, p. 766). This dissertation thus draws on an interdisciplinary field of scholars exploring the emerging negotiation of race, gender, and sexuality via new media spaces (Chen, 2016; Cockayne & Richardson, 2017; Conley, 2017; Giesecking, 2017; Jenzen, 2017; Longhurst, 2013; Nakamura, 2013; Wade, 2017). In doing so, I aim to treat digital objects, be it a meme, a post, or a comment, not as a “stable” cultural object, but as “mutable, multimedia, and mass,” legible only as part of a shifting network of users, discourses, platforms, and software, (Rose, 2015, p. 336). While I do not rely on computational methods to perform my analysis, I examine these visual and textual objects as a way to understand the collective production of a “generalized sphere of expression” (Grace, 2014, p. 17).

To conduct my research, I identified a small set of right-wing groups who were particularly active both on and off-line in Oregon and Washington, which I used to develop an expansive list of interconnected Facebook pages, groups, local campaigns, and regional

leaders. During my fieldwork (January-August 2019) I tracked the daily activity on these social media sites and created an archive of posts, pictures, comments, and links using NVivo to thematically code and organize the files. Over the course of my fieldwork I archived over 600 data points from YouTube and Facebook videos, Facebook posts and comment threads, Twitter updates, as well as posts and comments from the social media sites MeWe, Parler, and Telegram.

Like the activists themselves, I came to know about important events, keystone campaigns, and local leaders within the region through these Facebook pages. During my fieldwork, I attended rallies, recruitment events, public hearings, flag-wavings, and counter-protests organized by right-wing groups across Oregon and Washington. I attended events in the towns of Battle Ground, Yacolt, Washougal, Vancouver, Olympia, Longview, and Wenatchee, Washington; and events in Salem, Portland, and Coos Bay, Oregon (see map).¹¹ The majority of my work was concentrated in Southwest Washington and Northwest Oregon, which reflects the geographic nexus of right-wing organizing efforts in the region at the time of my fieldwork. These events were important for the momentum of right-wing groups in the Northwest, and they were important sites for me to gain further data about the affective dimensions of the conservative constitutional discourse. I compiled information about these events through audio recordings and fieldwork notes, and used these events to speak informally with participants and organizers and identify potential interviewees. Through these events I came to know a number of right-wing organizers in the region, and attending events provided the opportunity to chat and check in as local campaigns evolved.

¹¹ I attended 13 events in Washington and 14 events in Oregon between January and August 2019.

To complement this work I also performed a number of interviews with activists in the region, whom I found through my attendance at events in the region and through recommendations from other activists.¹² Conducted in-person, these semi-structured interviews focused on how activists became involved in regional politics, their understanding of the Constitution and constitutional politics, and their engagement with social media. These interviews primarily serve to buttress and extend my research on social media activity and in-person rallies, protests, and hearings. As per my IRB exemption, all



interviewees were anonymized to ensure their own safety, though all interviewees expressed a strong desire to have their full names shared as a sign of their commitment to and belief in their own actions.

¹² I was not able to perform as many as intended due to the cancellation of a follow-up research trip in 2020 in light of the COVID pandemic.

Figure 1 Map of fieldwork event locations

In all my communications and events and online I was upfront about my identity as a researcher and my interest in conservative constitutional politics. As a cis white woman, I had relatively easy access to these event spaces, even if I stood out with my choice of eyeglasses and my refusal to wear the bellicose buttons, stickers, shirts, and hats pressed upon me by event organizers. The people I spoke with assumed that I did this research because I agreed with their concerns, despite my carefully worded statements about doing this work because I came from a very different political background and had a different way of thinking about these issues. While I expected suspicion and hostility, I instead received knowing comments about the difficulty in finding anywhere “good” to live in Minnesota (a reference to Trump’s tirades against the East African and Muslim populations in the state), or frequent jokes by one right-wing author that I had been “red-pilled” and was ready to join the movement.¹³ Though my perceived alliance as a white person made it more possible to speak with people I met at rallies and events, it was also deeply uncomfortable. This was particularly true at the events I attended which featured tense stand-offs and clear spatial divisions between right-wing protestors and counter-protestors. There is no neutral standpoint for researchers doing this work (Blee, 2002; Ferber, 2004), and those stand-offs revealed the fiction of me being able to do my research as an objective observer or bystander. If I struggled to not make my presence a sign of endorsements at events, I also struggled to do so during my interviews. In one notable

¹³ This individual had himself written a romance novel about a liberal man who comes to see the error of his ways after visiting with a right-wing dating guru. This “red-pilled” man finds his dating life dramatically improved after he leaves behind his liberal mindset. I did not ask if this was based on personal experience.

conversation, David, a legislative candidate, appreciated the way I paraphrased his response so much he told me he would use the framing again in the future. Listening back to the interview recording, I can hear myself nervously say “Ohhh! Noooooo,” while fervently hoping my words would not pop up on Facebook sometime in the future (as of now they have not). Although I do not participate in the same racialized discourse and world-view as the activists I spoke with, I do move through the same set of institutions and structures that have reproduced the privileges I benefit from as a white person and that have maintained a system of white supremacy. While I study how a constitutional discourse produces a distinct articulation of white nationalism, this is not to suggest my own innocence, or suggest that a system of white supremacy is sustained by these activists and their allies alone. What I offer here is an examination of just one plank in the ideological scaffolding that maintains a system of racial inequality in the United States.

To better understand the development of this constitutional discourse, or ideological plank, I engaged in primary and secondary research on a broader collection of constitutional educators and intellectuals working across the U.S. This is particularly important for charting the development of this conservative constitutional discourse within a national network of conservative institutions, leaders, churches, and party offices. I found these educators and intellectuals through my fieldwork, following up on resources that activists linked to on Facebook sites, mention at rallies, or describe in our interviews. This approach allowed me to examine those people and works that were most influential to activists in the region, rather than starting with known national figures and assuming their import for the local context. I collected YouTube videos, educational trainings, blogs, pamphlets, and podcasts produced by constitutional educators such as KrisAnne Hall as

well as institutions like Hillsdale College and organizations like the Center for Self-Governance. The purpose of this aspect of the research is not to produce a comprehensive genealogy of the conservative legal movement and its constitutional discourse (see Hollis-Brusky, 2015; Southworth, 2008; Teles, 2008 for a history of conservative legal movement); instead, my research on national constitutional figures helps illuminate the regional formulation of a constitutional discourse within this broader historical and national frame. Together, this methodology allows me to trace a conservative constitutional discourse as it moves across multiple social media platforms, political campaigns, and groups, revealing how this discourse effectively stitches together a diverse and sometimes seemingly disconnected set of political goals and actors.

Overview

In chapter 1, “White Territorialization and Racial Formation in the Northwest,” I establish the significance of studying the regional racial formation (Cheng, 2013) of whiteness in the Pacific Northwest, a region often imagined as relatively racially homogenous and distanced from the Black and white racial division of the American South. Establishing a method I employ throughout the dissertation, I use a contrapuntal approach, shuttling between historical events and contemporary practices to sound out how white settlers have labored to make the Pacific Northwest into a white homeland via a dynamic set of territorial practices. Further moving between regional politics and national imaginaries, I examine the national construction of Americans as a white race by men such as Theodore Roosevelt, who understood the American race to be sustained through contact with the wilderness and through colonial and imperial conquest. Building on this analysis, the chapter turns to

Liberty State, a contemporary movement to create a new state out of Eastern Washington, to better examine the territorialization of whiteness through separatist campaigns in the region. I contend that right-wing groups in the Pacific Northwest exemplify how territorial division and control functions as a central object of white political organizing in settler colonial nations like the U.S. What I describe as *white territorialization* captures this iterative process through which whiteness, as an identity and a social location, is enacted through the pursuit of jurisdictional authority.

In chapter 2, “Party Like its 1773”: Constructing a Genealogy and Geography of Whiteness,” I turn my attention to the creation and circulation of what I term a conservative constitutional discourse as it moves between constitutional educators, organic intellectuals, and activists in the Northwest. I trace how this discourse connects multiple movements and campaigns through the construction of an Anglo-Saxon white subject bearing the exclusive right to make claims to the U.S. nation-state. Mobilizing Antonio Gramsci’s (1971) analysis of *common sense*, I show how constitutional talk serves as a lively terrain for fostering investment in a white nation. Constitutional rights, the American Revolution, and liberty all operate as common sense notions for many Americans, and are thus mobilized as part of a larger ideological move to symbolically and legally reinforce the connection between whiteness and the U.S. nation. I demonstrate that incorporating key insights from Critical Race Theory (CRT) will strengthen geographic research into the ideological work of law in creating racial subjects and spaces. CRT scholars surface the ways legal practices and ideologies are bound up in the structures of white supremacy, revealing why legal discourse serves as a compelling avenue for channeling white interests in the defense of white privilege. This approach to law is one way to address the critical gap between studies

of far-right organizing, mainstream political institutions, and the structures of white supremacy. Analyzing the work of constitutional educators, I find that this conservative constitutional discourse maintains a commitment to white supremacy while disavowing its explicit logic of racial superiority.

Drawing on my work charting the ideological imbrication of race and law in constitutional talk, chapter 3, “Popular Sovereignty as White Settler Sovereignty: The campaign for Second Amendment Sanctuary Cities,” explores how expressions of popular sovereignty frequently function as articulations of white settler sovereignty in the U.S. Once again engaging in a contrapuntal analysis between past and present, I examine how white Americans use constitutionally-coded appeals to position themselves as “the people,” legitimately exercising popular sovereignty through legal interpretation, law making, and extra-legal actions. The chapter centers on the contemporary movement to pass pro-gun Second Amendment Sanctuary City ordinances in Oregon and Washington, where activists work to regain local territorial control over gun laws through Sanctuary City and County resolutions. I place this in conversation with historical invocations of popular sovereignty in the U.S., such as the Determinist settlements along the western frontier of the 1770s and 1780s and the southern doctrine of states’ rights as popular sovereignty in the 1840s. In each case, invocations of the people’s sovereignty are enrolled in the selective geographic, cultural, and racial bounding of “the people.” I argue that historical and theoretical treatments of popular sovereignty fall short in their ability to account for the structuring forces of social hierarchies such as race, gender, and class. This chapter demonstrates that popular sovereignty in the United States has served as an effective discourse for defending white male propertied interests through the acquisition of

localized territorial power. I therefore find that we have not sufficiently located practices of popular sovereignty in the United States within an analysis of settler colonialism and the attendant logics of white supremacy.

In chapter 4 I shift the focus from a conservative constitutional discourse centered on the Second Amendment to the First Amendment as I chart activists' construction of a white right to the "public square." Activists claim that their right to free speech under the First Amendment grants them unfettered access to public squares such as social media sites and city streets. Expanding on my work in chapter 2, I demonstrate how activists do so by relying on a constitutional discourse that furthers a mode of racism without race, one that valorizes the supremacy of western culture while disavowing explicitly racist or white supremacist sentiment. Following my work in chapter 3, I show how this defense of the "public square" is constitutive of a distinct yet contested regional formation of whiteness, one predicated on an imagined geographic alignment between suburban, exurban, and rural residents against the urban liberal elites. In this geographic imagination, liberal elites exercise their power over urban space and online space as part of their effort to control state politics and marginalize conservative and right-wing voices and voters. I show that social media sites and city streets have become important and interconnected nodes in a conservative social movement space. Treating these sites as social movement spaces reveals how activists have developed a set of combative spatial tactics in response to their perceived censorship and suppression. I argue that the "battle" over public squares waged by right-wing activists becomes, by extension, a battle for the territorial and cultural supremacy of suburban, exurban and rural places and people.

To conclude, I return to the question of how law functions as a contested ideological terrain in the conflict over the hegemony of white supremacy by examining the insurrection on January 6 at the U.S. Capitol. In previous chapters, I illustrate how activists connect their struggles to the revolutionary ambitions of the founding fathers. By positioning themselves as patriots fighting against encroaching tyranny, right-wing activists imply that they may be forced to take the same extraordinary and extra-legal measures as the colonists did against the British. I argue that the violent incursion into the Capitol by right-wing activists can be seen as the realization of this constitutional and historical legitimization of extra-legal action. Insurrectionists claimed that in interrupting the certification of the popular vote by the electoral college they were in fact acting in the interests of the people over and against the corrupt and illegitimate actions of certain state actors. As such, insurrectionists enact what I have called white settler sovereignty, or a form of popular sovereignty that positions a select group of white Americans as the only people who can legitimately act as sovereign. Thus, activists narrate their patently violent and extra-legal actions as a legitimate assertion of the sovereign will and authority of the people.

Chapter 1. White Territorialization and Racial Formation in the Northwest

The Bureau of Land Management (BLM) district officers in Medford were not impressed by the proposed language for the first brochure for the Wild and Scenic Rogue River, one of the eight rivers included in the National Wild and Scenic Rivers Act of 1968. Starting near Crater Lake in what is now southeastern Oregon, the Rogue River runs westward through the southern Cascades and Klamath mountains for over 200 miles until it meets the Pacific Ocean near Gold Beach. Meant to educate and recruit recreational visitors to the river and surrounding Rogue River-Siskiyou National Forest lands, a draft of the 1971 brochure written by one another Medford staff member spoke grandly of the river's "emerald sheen" as it moved "unhurriedly in places, as if geared towards another age...relating us to a time older than history and to those fundamentals from which the fabric of our lives has been derived."¹ Uninspired, a different staff member circled a paean to the river's rapids and exclaimed in all caps: "Don't we have enough flowery adjectives already!? Delete." Another staff reviewer had a different concern regarding the narrative of the Rogue River in the time before its designation as a wild river and public amenity. The section titled "Forever Wild" read:

Man's influence on the river has been modest and for that, other generations will long be thankful. This rugged country, ~~once called "home" to many Indians,~~ offered a good life to those who were bold enough to match its fury. These people lived close to nature which is why as other American rivers have gone their way of destruction from dams, dikes, trash and waste, the free flowing heart of the Rogue has been preserved.

¹ Donald Schofield, BLM Medford District Manager, to BLM State Director, Jan 15 1971; Oregon State Office, Correspondence, Memoranda, Case Files, Committee Conference Files; Records of the Bureau of Land Management, Record Group 49; Nation Archives and Records Administration-Pacific Alaska Region (Seattle)

Next to the crossed-out section, the staff member wrote: “This statement may be read as an acknowledgement!” A later draft shows the offending statement gone, replaced by language marking the wilderness as the font and foe of American *settler* fortitude and solitude.

Man’s influence on the river has been modest. Remnants of miners’ search for gold are moldering away. Today’s footpaths are for recreation rather than necessity, but follow the routes of earlier travelers. This rugged country offered a meager life to those who were bold enough to match its fury, as they sought to survive in solitude.

The revised description of the Rogue River Valley now offered a kinship between pioneering miners and aspiring recreationalists. In doing so, the brochure not only erased Indigenous presence (in both the past and present), but elided the violent efforts by Euro-American settlers to forcibly remove all Indigenous people from the area in order to make it available for mining and settlement. Settler interest in gold mining in the valley increased in the late 1840s, resulting in the first anti-Indian military campaign, treaty, and creation of the temporary Table Rock Reservation with Rogue River Indians in 1853. Continued pressures for action against remaining tribes in southern Oregon resulted in the Rogue River Indian War of 1855-1856. One of the earlier campaigns west of the Mississippi, the war resulted in one of the more significant forced resettlement efforts after the Trail of Tears in the 1830s, with over 1,400 people placed on boats and relocated to what would become the Siletz Reservation on the northern Oregon coast (Douthit, 2002; Schwartz, 1997; Wilkinson, 2010).

Neither the tale of pre-contact Indigenous lifeways nor violent settler encounters made it into the final brochure. The original text and staffers’ annotations demonstrate that

this was not due to ignorance. Rather, it was the district staffer's concern about "acknowledgement" that evacuated references to past and present Native Americans in Oregon. I had first come to the National Archives in Seattle, Washington in 2017 searching for traces of an emerging conservative constitutional discourse in communications with the U.S. Forest Service and the Bureau of Land Management.² As I share in the introduction, I did not find much discussion of the equal footing clause or other constitutional language in the grazing files or bureau meeting notes. Instead, in this minor textual debate I found traces of a centuries long racial project to materially and discursively make the Pacific Northwest a place reserved for white residents. By speaking of a racial project, I refer to the "interpretation, representation or explanation of racial dynamics and an effort to organize and distribute resources along particular racial lines" (Omi & Winant, 2015, p. 125). Whether through the forced displacement of Indigenous people onto reservations in the 1850s and the legal prohibition on free Black residents in the 1860s, or the denial of tribal fishing rights in the 1970s and the white power movement of the 1990s, white residents in the Northwest have employed legal and extra-legal tactics to secure the Northwest as a white space. In particular, white residents attempted to demographically and ideologically secure the Northwest through strategies to secure white territorial control. If a racial project is one concerned with the distribution of resources along racial lines, then I suggest that white settlers in the Northwest have drawn on the construction and defense of territory as a critical practice in the defense of white material and social interests.

² See the introduction for a more extensive discussion of my evolving research methodology and move away from the print archive and onto social media platforms (which form a different kind of archive in my research).

And yet, the district staffer's concern about acknowledgement exceeds a material defense of white property ownership or profit; the National Forest lands along the Rogue River were owned and managed by the federal government, and due to its Wild and Scenic designation, most of that management focused on conservation, not on resource extraction. The district staffers were not worried about a specific legal challenge to the government's ownership of land or their own ability to extract profit via logging or commercial mining (although those are permitted in some parts of the Rogue River-Siskiyou National Forest). As I will argue in this chapter, the acknowledgement did not just threaten a perceived white right *to property*, it undermined a desired white right *to place*.

In this chapter I trace how white settlers, both in the past and present, work to make the Pacific Northwest a white homeland through a shifting set of territorial practices. I do so in part to provide important historical context about the region in support of my work in later chapters, as I show that current racial politics in the region unfold in reference to this history and build on previous efforts to discursively and spatially protect the region as a place for white people. But I also do so to provide a conceptual framework for the white territorial work unfolding across the multiple right-wing campaigns in the Pacific Northwest I examine in future chapters. Here, I first take a historical approach, looking at the ways white settlers in Oregon and Washington sought to facilitate white settlement into the region and then secure white political dominance. As exemplified in the proposed language in the Rogue Valley brochure, white settlers often sought to naturalize their dominance by positioning themselves as descendants of early miners and frontiersman. In doing so, settlers contributed to the regionally-specific celebration of the white frontier subject. But they also drew on a historicized national discourse linking frontier values and

qualities with the vigor of the white race. This chapter will therefore compliment a regional focus with an exploration of the national construction of Americans as a white race by men such as Theodore Roosevelt. Roosevelt and others understood the American race to be sustained through contact with the wilderness and through colonial and imperial conquest. Though many white northwest residents today may not signpost their racial ideology quite so clearly, I find that many residents today employ a geographic imaginary that fuses so-called frontier values, rural space, and the white race. In doing so, they produce a particular regional racial formation of whiteness, one that links the continuation of a white identity to their continued right, through history and heritage, to claim the Northwest as a homeland.

Drawing on scholarship establishing the link between race and *property* in settler colonial nations (Bhandar, 2018; Nichols, 2019), I offer that whiteness is also tied to an affective desire *for place*. This observation, in turn, prompts a reconsideration of much of the literature in political geography on territory as a western political theory and practice. Rather than seeing territory as simply a tool in consolidating state political authority or delineating jurisdiction, I argue that we can also understand the development of territory within the U.S. as an affective expression of settler desire for belonging. In doing so, I extend the contention by Veleznitsky, Hughes and Machold (2020) that political geography has largely failed to grapple with the role of settler colonialism in shaping the development of western territorial practices.

Thus, in the second half of the chapter I turn to the territorial practices of the contemporary movement for “Liberty State” to better examine the territorialization of whiteness through a separatist campaigns in the region. Located on the West Coast of the U.S. in the state of Washington, “Liberty State” is one of a number of groups seeking to

redraw states in the American West based on religious, cultural, and electoral affiliation. Proponents of Liberty State suggest that splitting the state along the crest of the Cascade Mountains is the only way to protect the interests of eastern Washingtonians (Sokol, 2019). Liberty State owes much of its imaginary force to the long history of white supremacist efforts to turn the Pacific Northwest into a white homeland. In the 1980s and 1990s, white nationalists encouraged people to relocate to the Northwest, arguing that it was one of the few remaining places in the U.S. preserving white demographic and cultural hegemony (Belew, 2018). Today, the case for Liberty State rests on the claim that eastern Washington is already a white homeland in all but name. A Liberty State spokesperson argued: “When both [sides of the state] are a plague to each other because of natural cultural differences, and both would be much happier without the other, there’s only one solution that works very well for both sides...And that is the amiable formation of the new state of Liberty” (Sokol, 2019)

This chapter presents Liberty State as a window into the regional formation of territorial practices in the Pacific Northwest, allowing an exploration of how an ongoing racial project to construct the region as a white homeland shapes contemporary political movements. By understanding whiteness as a regionally-inflected social location, this article traces what Wendy Cheng terms a “regional racial formation” (Cheng, 2013: 3). While many studies on race focus on national scale processes, Cheng argues that examining regional racial formations instead reveals “the dialectic between larger-scale ideologies and the micropolitics of everyday life” that shape racial hierarchies (Cheng, 2013, p. 11). If “racial hierarchies exist at multiple scales,” then it is at the local and regional scale that

these raced and classed structures are most keenly experienced and expressed (Kun & Pulido, 2013, p. 4).

This has critical implications for the way we understand the contested production of racial identities and hierarchies within settler colonial states. In the final section of the chapter, I develop an analysis of *white territorialization*, by which I mean the ways whiteness is spatialized through a set of political strategies, discursive practices, and affective modes aimed at territorial occupation and dominance. In this sense, territory is not just a tool for securing white access to property and resources; instead, territory emerges as a primary object of white desire and a target of white organizing in itself. If whiteness has operated as a primary attribute for property ownership, and property ownership has functioned as a primary attribute of whiteness, then Liberty State invites us to consider how territorial practices, and attempts to consolidate territorial authority, can also function as an attribute of whiteness.

White Propertied Power

Calling for scholars to move “beyond white privilege,” to an analytic of white supremacy, geographers Anne Bonds and Joshua Inwood argue that white supremacy “more precisely describes and locates white racial domination by underscoring the material production and violence of racial structures and the hegemony of whiteness in settler societies” (2016, p. 716). Recent scholarship on the production of race within settler states has surfaced myriad legal, technical, militaristic, administrative narrative, and affective strategies deployed by settlers to legitimize and defend white property ownership. Indeed, the imbrication of white personhood and property ownership serves as a red thread through a proliferating

patchwork of critical settler colonial scholarship, as scholars address what Brenda Bhandar (2018) has termed “racial regimes of ownership.” Scholars have shown the advancement of white propertied power to be a central concern in Anglophone settler colonial nations (Bonds, 2020; Bonds & Inwood, 2016; Hixson, 2013; Nichols, 2019; Wolfe, 2006; Veracini, 2010). Rights of ownership are organized along a racialized hierarchy of humanity, with white men positioned as the only self-possessed subjects capable of appropriating and owning property. This ordering of race and land relies upon a juridical system that naturalizes and defends colonial modes of appropriation and the commodification of land into property (Bhandar, 2018; Johnson, 2016; Nichols, 2019). For Bhandar, what distinguishes this property regime is “the articulation of a commodity form of real property in conjunction with a globalized “economy of difference” (Bhandar, 2018, p. 6). What Bhandar renders as the dual abstractions of property and race, legal scholar Cheryl Harris articulates as the legal constitution of whiteness as a form of property in itself. Whiteness as property is tied to the white dispossession of Native land while being inextricable from the system of plantation slavery in the U.S., wherein white subjects were granted access to the ownership of land and enslaved peoples, and Black subjects were largely barred from property ownership and commodified as property themselves (Hartman, 1997; Leroy, 2016; Lipsitz, 2006; Pulido, 2018; Roediger, 2007). Harris argues that by maintaining unequal access to education and economic mobility, U.S. courts have produced the “reification, in law, of expectations of white privilege” (Harris, 1993, p. 1784). For Harris, Bhandar, and other scholars of racial property, laws and legal decisions are not merely reflective of racial attitudes but constitutive of racial categories.

Law also contributes to the ideological legitimization of white property, identity, and political power (Ford, 1999; Lopez, 1997). Legal discourse resources a “perceived white right to property,” Inwood and Bonds argue, “which simultaneously affirms white exceptionality, flattens racial difference, and sanitizes the violent histories that made such ownership possible in the first place.” (2017, p. 2). This is particularly evident in the western U.S., where white residents use the Constitution to argue that all federally owned public lands should be devolved to private owners. In 2016, occupiers of the Malheur National Wildlife Refuge in Oregon claimed that they, rather than the federal government or the Burns Paiute tribe, were the rightful owners of the land. White rural antagonism towards federal agencies suggests that property regimes grant “freedoms and privileges,” to white residents, while granting the metropole “the ability to regulate space and places in ways that may be antithetical to the grounded and localized needs of settler capital” (Inwood & Bonds, 2017, p. 12). From Inwood and Bonds’ account we see how the management of white property and the management of territory are often concordant, but not always. As I develop here, it is this disjuncture that prompts a consideration of territorial practices beyond their presumed benefit in buttressing white propertied interests.

Scholars also elucidate the protection of white property through white claims to space, which secure white access to economic and social privilege by legitimizing white presence and dominance in a bounded location. For instance, white Americans in the 1940s and 1950s formed neighborhood associations to enforce the boundaries of Black and white and neighborhoods. Asserting their power through ballot boxes and beatings, white Americans deployed neighborhood borders and town limits to hoard municipal resources and buoy white property values (Hackworth, 2019; Kruse, 2013; Sugrue, 1996; Wilson,

2005, 2012). Today, white-led political and economic partition of space continues, be it through the development of prisons (Gilmore, 2002; Bonds, 2009), the racialized policing of particular neighborhoods through “hot-spot” policing (Jefferson, 2017; Ramirez, 2020) or the ravenous alteration of neighborhood aesthetics and affordability through displacement and development (McElroy, 2020; Sullivan & Shaw, 2011). This evinces what legal scholar Elise Boddie refers to as “racial territoriality,” or state practices which “exclude people of color from—or marginalizes them within—racialized white spaces that have a racially exclusive history, practice, and/or reputation (2010, p. 406). While Boddie focuses on state-sponsored actions, the tactics of white organizations, from neighborhood associations to the Liberty State campaign, indicate how non-state practices of bordering and containment also function to reproduce white propertied power.

Threaded through these attempts to fix white settler personhood and property in place is what Aileen Moreton-Robinson has termed the white possessive. As a “mode of rationalization,” the presumption of possession extends through white ownership of landed property to the presumed white ownership of the nation itself (Moreton-Robinson, 2015, p. xii). Thus, the legal reification of white status or the political reification of white space are accompanied by the reification of white expectations into a “settler common sense,” (Rifkin, 2014), one that presumes white access to Native land as a precondition for white subjectivity and personhood in settler states. This common sense is passed down across settler generations, becoming an “epistemic genealogy,” or an inheritance of ethics, logics, and habits that naturalize white property claims and white place claims (Seawright, 2014). Collectively, scholars of racial regimes of ownership reveal how property (as a commodity), personhood (as a status), and possession (as a logic) are enmeshed, although

this coextension produces internal conflict as much as it produces cohesion across different regions, actors, and state agents. As Moreton-Robinson (2015) insists, the white possessive provokes a white identification with the nation-state, but what happens when we interrogate the regional contestations over territory, such as the Malheur occupation? In the following section, I suggest that bringing this scholarship on race and property into conversation with growing scholarship on settler territoriality will help surface how whiteness is enacted through regionally-embedded territorial practices. Through this lens, scholars can better attend to how territoriality is a function not only of white claims to *property*, or indeed to the nation, but also of white affective claims to *place*.

Constituting and Contesting Territory

The scholarship on racial property regimes trenchantly maps the propertied dimensions of a white settler logic of possession. While this line of inquiry illustrates the co-constitution of whiteness and property, territory is sometimes relegated to the background, serving as the site or container for contests over racial identity and property. Pushing beyond the idea that territorial control is operationalized to defend property and property interests, Nick Blomley (2016) proposes that the use, ownership, and defense of property *enacts* territory and embeds it in a discursive and material landscape. Indeed, he suggests that property not only orders space but “produces territory, polices its borders, frames its identities, and organizes its habits. Such territorializations, in turn, serve to materialize property in the socio-spatial world, while also obscuring many of its powerful relational effects” (2016, p. 596). Extending this intervention, I suggest that recent scholarship on territory in settler

colonial contexts can contribute to research into racial property regimes by attending to ways in which territorial contests enact and materialize a white identity.

Scholarship on territory, like that on racial property, is extensive. Exploring the contested production of territory through the extension of the state (Antonisch, 2009; Ballve, 2020; Clifton & Usai, 2019; Delaney, 2005; Herb & Kaplan, 1999; Kythreotis, 2012; Luger, 2019) and of capital (Christophers, 2014), scholars show how territory is a relationally produced set of discursive and material practices that exceed the state (Blomley, 2016) in producing not only spaces but subjects (Brighenti, 2006, 2010). Recent work in political geography (Antonsich, 2009; Elden, 2013, 2015; Painter, 2010) reveals a focus on the particular problem that too often, “the nature of territory itself—its being and becoming, rather than its consequences and effects—remains under-theorised and too often taken for granted” (Painter, 2010, p. 1090). Perhaps the most influential entry in this line of scholarship is Stuart Elden’s *The Birth of Territory* (2015), which provides an intellectual genealogy of the concept of territory within western Europe. Notably, Elden makes a sharp distinction between territorial theory and practice within Europe and in Europe’s colonies, eliding how a modern notion of territory emerged alongside European colonial ambitions (see Kearns, 2015). Allowing that techniques of territory were “perfected in a purer form,” through the “colonial theater” (Elden, 2013, p. 326), Elden locates territory’s “being and becoming” (Painter, 2010, p. 1090) firmly within Europe.

This geographic constraint reflects the “present absence” of settler colonial studies within contemporary research on territory in political geography, which has resulted in a failure to grapple with the role of settler colonialism in shaping the historical development of western territorial practices (Velednitsky, Hughes & Machold, 2020). In contrast to this

treatment of territory within political geography, a growing body of literature incisively charts the shifting tactics used to stabilize and extend settler territory. While Blomley invokes territoriality as a mode of securing contingent property, political geographer Johanne Bruun (2020) suggests that the contingency of territory is linked to the contingency of terrain itself. Studying U.S. military operations on Greenland, Bruun reveals how the military employs scientific calculation to add “texture and stability to the inherently fluid and unstable geographies of the ice sheet” (2020, p.169). Yet at other times, it is precisely this territorial indeterminacy that settlers exploit; Sara Hughes (2020, p. 218) suggests that Israeli settlers exercise an “unbounded territoriality,” which allows “settler colonizers extend their sovereign power without, or rather ahead of, defined territorial borders.” Hughes offers unbounded territoriality as a practice that emerges in frontier spaces, where settlers have not affected total dispossession and enclosure. In doing so, Hughes points out the importance of sovereignty over territory, rather than just sovereignty over subjects, in settler projects.

Further emphasizing the distinct territoriality of settler sovereignty, Meredith Palmer (2020) argues that white Americans produce “settler sovereign landscapes,” in their attempt to assert political control. In 2005, the U.S. Supreme Court ruled against the Oneida Nation, saying it could not extend its tax-exempt status onto recently purchased land because the land had a “distinctly non-Indian character” (cited in Palmer, 2020, p. 794). Palmer complicates this characterization through a history of Euro-American settlement on Haudenosaunee lands, illustrating how settler land surveys functioned as a critical tool for legally and ecologically transforming Native lands into settler property. Palmer shows how the “settler sovereign landscape” of western New York was produced through a settler

desire for property, and is secured through a modern juridical framework that protects settler territorial authority. While the Supreme Court ruling seemingly reinforces the “givenness” of white possession, it also reveals how settler landscapes are “neither static objects on which human interactions take place nor imprints of a holistic “culture” (Proulx & Crane, 2019, p. 18). Instead, settler colonial landscapes are “contingent upon settlers successfully presenting a particular way of seeing the ancestral land of Indigenous people as a natural, inevitable representation of the universal aims of people residing in national territory” (Proulx & Crane, 2019, p. 18). Law and land surveys all contribute to the white settler epistemologies that naturalize white territorial possession.

The desire for perfect settler territorial sovereignty thus “starts and ends with Indigenous people” (Ford, 2010, p. 210). Interrogating territory through the lens of settler colonialism demonstrates how western territorial practices emerge in relationship with, and in contradistinction to, Indigenous modes of organizing land and governance. Feminist scholars have therefore encouraged researchers to move beyond the “entrenched theorisation of territory as a calculative enterprise,” offering instead a focus on “an embodied accounting, comprised of alternatively encountered and narrated territorial materialities, and navigational terrains” (Jackman et al, 2020, p. 6). Scholars in Native studies also urge a more relational, embodied, and narrative approach to understanding and constituting territory. Mishuana Goeman (2013) turns to Native fiction to explore how narrative can disrupt colonial ideas of territorial occupation and control by re-writing Native relationships to land, even when those relations are performed at a spatial and temporal distance. Michell Daigle (2016) offers the Cree practice of Awawanenitakik as another example of a relational kinship network that enacts an Indigenous form of self-

determination, as opposed to “colonial imaginaries of territory that continue to inflict violence on Indigenous legal and governance orders” (2016, p. 267). Liberty State proponents enact a particular form of *white territorialization* which seeks to elide existing Indigenous connections to land, particularly as they undermine or confound Western territorial practices. Importantly, it is not just in rural or “frontier” spaces that we see settler territorial practices. An emerging focus on settler colonial urbanism further illustrates the ways that settler imaginaries shape neoliberal modes of accumulation and governance in colonial cities (Hugill, 2017; Porter & Yiftachel, 2019; Tomiak, 2017; Yiftachel, 1998, 2000).

This scholarship surfaces the dance between territorial bounding and unbounding in settler colonial states, indicating the prevailing instability of settler territory. Territory may help to secure white property, but this scholarship suggests that territorial control is inconsistent, contingent, and sometimes at odds with certain propertied interests within settler states. This insight, alongside scholarship on the white propertied possessive, suggests that scholars can further explore how the enactment of territory—through boundary making, containment, separation, segregation, and expansion— is enrolled in the reproduction of whiteness as a racial identity within the U.S. and other settler nations. Rather than seeing territory as merely a means to an end, I propose an attention to territory as an “end” in itself. This means investigating territory not only as a tool to protect white property but as a primary object of white desire and target for white organizing. I suggest that shifting our focus from the national to the regional scale, and exploring the actions of non-state actors, further allows the territorialization of whiteness to come into view. As I explore in the following section, regional territorial maneuvers indicate how territoriality

is an expression of white settler desire for heritage and belonging, one that attempts to legitimate and naturalize white settler presence on stolen lands.

Whiteness in the Northwest

The function and practice of territory, even within settler colonial contexts, is hardly singular; as Bhandar reminds us, it is “not always the case that an ideology of white supremacy determines a particular economic or legal form in a straightforward or easily discernible causal sense” (2018, p. 17). If settler colonial landscapes are contingent upon “settler traditions of place” (Seawright, 2014), then attention to regional racial formations is needed to understand the development of historically and geographically mediated white settler territorial strategies. The Pacific Northwest of the United States offers a compelling site for analysis, as it is a region that, since early incursions into the region by Euro-American settlers in the early 1800s, has self-consciously styled itself as a place reserved for white residents. In this section I provide a brief historical overview of Euro-American settlement of the region, focusing on those moments that help illustrate the construction of a white racial project in the region.

The Pacific Northwest was colonized by Euro-Americans much later than most of the continental US, and increasing permanent settlement in the area coincided with an aggressive period of federally organized and sanctioned anti-Indian militancy. Along the Oregon and Washington coast, Spanish voyages in the 1770s and increasing fur trapping and trading activity in the early 1800s first introduced European presence and devastating diseases to the region. Small pox outbreaks in the 1780s and malaria in the 1830s hit the area hard, and coincided with increasing settler presence in the region (Robbins, 1997).

Although fur trappers and traders were present along the Oregon and Washington coast beginning in the 1830s, the permanent Euro-American population did not grow significantly until the late 1840s with the opening of the Oregon Trail. Settlers on the Oregon trail would make their way through the Blue mountains in eastern Oregon and emerge onto the open and arid Columbia plateau, following the Columbia River until it reached the western valleys of what would become Oregon and Washington. Many at first were bound for the Willamette Valley, in western Oregon, where over 6,000 years of landscape management via selective fires by the Kalapuya had created a vast expanse of upland prairies and oak savannahs (Robbins, 1997). The Kalapuya used fire management to promote the growth of camas, an important root and food source, and facilitate deer hunting in the region. This fire management regime also attracted Euro-American settlers, as it had created a landscape with few of the obstacles to plowing that plagued settlers further east, or along the densely forested coasts. As settlers rapidly claimed land in the Willamette Valley, those coming along the Oregon trail in the 1850s and 1860s spread out, settling in the Grande Ronde Valley of Northeastern Oregon and Columbia Plateau in Washington, and following the promise of timber to establish logging towns like Bend, Oregon. Like the valleys to the west, intermittent fires allowed ponderosa pines to grow large and tall with little to no undergrowth in the forest, while in the open areas to the east, Paiute employed fires to suppress the growth of sagebrush and encourage the growth of bunchgrass, which was good for grazing animals.

Euro-American settlers did not recognize the role of these complex fire-management regimes in creating the landscapes they so desired for grazing, agriculture, and logging. Instead, settler accounts ranging from Lewis and Clarke in 1805 to travelers

on the Oregon trail in the 1850s are filled with despairing and disparaging references to these burning practices. This is in part due to settlers' willful ignorance about function of fire in managing plant and animal life in the region, and in part due to dramatic differences in settlers' extractive dreams for the region. In 1826, the fur trader Peter Skete Ogden arrived to the Crooked River region in central Oregon, and noted that:

Many small Streams have been discovered in the Mountains and were not long since well supplied with Beaver but unfortunately the Natives have destroyed them all and probably by the aid of fire which is certainly a most destructive mode of extirpating them for scarcely ever one escapes particularly when the Streams are not wide enough, and from what I have seen in this my last years travels I will venture to assert without exaggeration the Natives have destroyed and principally by fire upwards of sixty thousand Beavers and of this number not a Hundred have reached any Establishment but all have been lost" (cited in Robbins, 1997, p. 41).

Ogden's note makes clear that settler expectations for extraction—be it in beaver pelts, timber, mining, or agriculture—led them to misunderstand and dismiss Indigenous land management practices which were not tied to commodity production.

As Euro-American settlers spread throughout the interior areas of the Northwest, particularly to the east of the Cascade mountains, the U.S. federal government and territorial government increased their military actions against Indigenous people in the region. Twenty years after the intense Rogue River Indian War, the federal government pursued the Nez Perce, led by Chief Joseph, from Northeastern Oregon across Idaho and Montana to the Canadian border, because they refused to abandon their lands and stay within the confines of a designated reservation (West, 2009). Residents of the Oregon

Territory and, later, Oregon and Washington states, used local and federal resources to in their attempt to remove Native peoples and open up land across the territories for Euro-American settlement.

At the same time, white residents sought to prevent free Black residents in the region. From the Constitutional provision prohibiting free Black residents in the state to their refusal to ratify the 15th Amendment, Oregon white residents further worked to preserve the state as a white only space, balking at federal laws that infringed upon the state's ability to discriminate on the basis of race. Justifying their decision to ban free Blacks in the state, Oregon's congressional delegation in 1850 argued non-white residents posed an existential threat to white settlers, reasoning that, "The negroes associate with the Indians and intermarry, and, if their free ingress is encouraged or allowed, there would a relationship spring up between them and the different tribes, and a mixed are would ensure inimical to the whites...It is the principle of self preservation that justifies the actions of the Oregon legislature" (cited in Limerick, 1987, p. 278). White Oregonians saw the potential collaboration between Black and Indigenous residents as a fundamental threat to white rule in the state. Post-Civil War, Oregon continued to oppose Black integration, with the Oregon state legislature rejecting the 15th Amendment, which provided the right to all Americans regardless of race, color, or previous condition of servitude. Delegates claimed that the Amendment was "in violation of Oregon's sovereignty, an illegal interference by congress in Oregon's right to establish voting qualifications, and a change in law forced on the nation by the bayonet" (cited in Limerick 1987, p. 279). At the time of the state's formation, Oregon settlers were already using the language of law and state sovereignty to defend their right to create and maintain a white territory.

By the 1920s, Oregon had a population of 800,000 that was 85% white and 90% protestant, and it had become one of the most active states in the newly ascendent second Klu Klux Klan (Horowitz, 1999). Oregon boasted 14,000 members, with supporters successfully electing the KKK-friendly William Pierce as Governor and achieving a near Klan majority in the state house and a substantial Klan minority in the state senate (Gordon, 2017). While Oregon's prohibition on free Black residents was not formally repealed until 1936, the state did host a small but growing population of Chinese and Japanese immigrants. In the 1940s the Bracero program heralded an influx of immigrants from Mexico (Sifuentes, 2016), while WWII industry supported a growing Black community. Continued demographic transformations came with the arrival of Central American and Vietnamese refugees in the 1980s (Bhatt & Iyer, 2013; Chait, 2011). But many within and outside the region maintained an imaginary of the region as a distinctly white space. In the 1980s, leaders in the newly revived white power movement urged adherents to relocate to the region, arguing that it was the last part of the United States where white residents still made up 90% of the population (Descartes et al., 2020). Championing what they called the "Northwest Imperative," white power activists set up shop at Richard Butler's Aryan Nations compound in Hayden Lake, Idaho, and began recruiting skinhead youth active in Portland, Oregon's punk rock scene. Robert Miles, a prominent white power leader in the 1980s, pleaded "All we heretics ask for is the Northwestern part of the USA... Let us pull away in peace... we are not asking for very much. Just ten percent. Just a geographical tithe in return for which, you have peace and so do we" (cited in Belew, 2018, p. 162). In bargaining for the grant of the Pacific Northwest as a "geographic tithe," white power activists drew on longstanding imaginaries of the region as a uniquely white place.

Activists thus appear to dismiss Indigenous peoples living in the region as well as the growing number of Chinese, Filipino, Latino, Black, and East African residents located both in the cities west of the Cascade Mountains and in the agricultural, ranching, and dairy areas throughout the region.

In the 1990s, white power activists in the region turned to militia groups, appealing to the U.S. Constitution as they pushed to privatize public lands, liberalize gun laws, and limit immigration (Neiwert, 1999). Though particularly strong in Montana, militia groups also popped up in Washington and Oregon. At a 1995 meeting in Snohomish, Washington, organizer Bob Fletcher told a gathered audience that white Americans were “state citizens” while everyone else was “Fourteenth Amendment” citizens (Stern, 1996). He claimed that white people did not benefit from the 13th Amendment (which abolished slavery) or the 14th Amendment (which created automatic citizenship at birth) and received no “rights and duties” from them, unlike minorities, who did benefit from them. Fletcher argued that as so-called state citizens, white Americans had no obligation to income tax, but minorities did. These claims are now integrated into what is known as the Sovereign Citizens movement, but they also herald back to the Oregon Legislature’s desire to refuse ratification of the 14th and 15th Amendments and forward to the statements of right-wing movements today. Many of the militia groups in the Northwest advanced constitutional claims not just about income tax but about other “rights and duties,” including a Second Amendment right to guns. Mark Reynolds, leader of the Unorganized Militia of Stevens County, WA stated at a meeting in Colville that “The reason the Second Amendment was put into the United States Constitution...[was] so that when officials of the federal and state and local government get out of hand, you can shoot them” (cited in Sterns 1996, p. 83).

As I will discuss further in chapter 3, Reynolds refers to an insurrectionist theory of the Second Amendment pushed by conservative legal scholars in the 1970s and 1980s. Militia groups of the 1990s modified the demands of the 1980s white power movement and cloaked them in constitutional language, creating a new model for advancing the white nationalist Louis Beam's dream of a leaderless resistance (Belew, 2018).

Since Oregon and Washington's foundings white residents had combined legal and extra-legal tactics in their efforts to maintain white territorial control. For instance, Oregon and Washington both had alien land laws banning residents who did not qualify for citizenship from owning property. These laws deliberately targeted Chinese and later Japanese immigrants who were ineligible for citizenship under the 1875 Immigration act, thereby preventing them from owning their own farm land or business property (Buck, 1999). Even after the Chinese Exclusion Act passed in 1882, anti-Chinese sentiment often exploded into extra-legal attempts to expel Chinese residents from a city. In Seattle in 1885, the Knights of Labor agitated for the total removal of all Chinese laborer. Mob efforts to force Chinese worker (primarily miners) onto wagons and ferries out of the city led to the deployment of federal troops, but this did not prevent the exodus of hundreds of Chinese workers due to the harassment (Laurie, 1990).

White residents of the Northwest would employ similar tactics over the next century, combining restrictive laws targeting specific immigrant communities, racial groups, and tribal nations with extra-legal efforts to intimidate non-white residents. In the 1960s, the state departments of fish and wildlife in both Oregon and Washington insisted that tribal fishers had to comply with the same fishing restrictions as non-tribal fishers, despite longstanding treaty rights to fish and hunt. Game wardens ticketed and arrested

Indian fishers they claimed were fishing without a proper license. For instance, Richard SoHappy, an enrolled Yakama member and Vietnam veteran, was arrested multiple times for illegal fishing while on leave from the army. Persecutions increased as wardens and sports fishers alike blamed Indian fishers for dropping salmon populations instead of the commercial fishing industries or the dams. Many of these protests happened at Frank's landing, a piece of land along the Nisqually River held in trust for the Nisqually family of Bill Frank. In protest, Indian fishers in the Puget Sound and along the Columbia River started openly breaking fishing laws, using fishing nets and fishing outside the prescribed season. In one notorious incident, game wardens rammed a boat on the Nisqually River carrying several passengers, including children, because they were using an "illegal" fishing net (Duwors, 2008; Mulier, 2006). Sidney Mills, also an enrolled Yakama member, demanded at a 1968 rally: "Why can't an Al Bridges or Lewis Squally fish on the Nisqually without placing their lives and property in jeopardy, when 45,000 non-Indian citizens of this State draw their income from the commercial salmon industry? Why can't a Bob Satiacum or Frankie Mounts continue their ancestral way of life in fishing, when 500,000 sports fishermen pleasure themselves upon this resource?" (cited in Duwors, 2008, p. 58). A landmark 1974 Washington District Court ruling formally re-asserted tribal fishing rights in western Washington, but as the campaign for Liberty State attests, this has not ended white attempts to limit tribal treaty rights or curtail tribal resource management in the Northwest.

Policing of non-white resource gathering has continued; forest service agents harass Latino salal harvesters on the Olympic Peninsula in Washington, using their authority to detain and check the immigration status of Latino brush pickers (Barrick, 2015). The use

of legal and extra-legal tactics to police the behavior of non-white residents in forests, rivers, and other “natural” spaces reflects the ways that these space are often “represented and experience as white normative spaces of work and recreation” (2015, p. 909). This points to the ways settler traditions of place contribute to the normative rendering of rural space as white space, which has occurred alongside the coding of urban space, particularly the densely populated corridor running north-south from Seattle, WA down through Eugene, OR, as non-normative and thus non-white. As I will unpack further in chapters 3 and 4, the demographic fantasy of a white homeland in the hinterlands of the Northwest performs a double invention, harkening back to a utopic regional racial purity that never existed as a defense against a dystopic white racial decline that is equally illusory.

This section illustrates how the whiteness of the northwest, as both a demographic feature and racial fantasy, has been realized through the intentional actions of white settlers to criminalize, marginalize, and antagonize Indigenous, Black, and POC, and immigrant residents. It is, in other words, the product of a deliberate *racial project*, one where white residents in the Northwest and white boosters for the region sought to create and defend structures for channeling political control, economic benefits, and cultural ascendancy to white residents.

While the white racial project of the Northwest is made explicit by self-identified white power, white separatist, and white nationalist groups, the project to secure white territorial control is affected by a multitude of groups and actors, many of whom make no public claims of white superiority. Instead, regional actors articulate a white identity in part through reference to the frontier and the supposed qualities it promoted: strength, fierce independence, a defiant ungovernability, a love for freedom. In this regional racial

formation, whiteness is mapped not only as a social location but as a geographic one, as whiteness is linked to those places and parts of the state that invoke the rural, the wild, the ungoverned, and the untamed. In Oregon and Washington, the eastern sides of the states have become an easy geographic shorthand for this frontier whiteness, in opposition to the supposedly soft, effeminate, and urban spaces on the western sides of the states. This geographic imaginary functions to naturalize white people, and particularly white men, as the true “natives,” and thus the only legitimate representatives of the region and the only legitimate benefactors of the state. In the following section, I show how this geographic and racial imaginary also draws on the thinking of men like Theodore Roosevelt, who saw colonial conquest and the return to wilderness as key practices in sustaining the virility of the white American race and the success of the American nation.

Frontier Nation

More than a century after historian Frederick Jackson Turner declared the closing of the frontier in 1893, many residents in the Northwest continue to reference a frontier mentality. The following section explores how the frontier animates a racial and geographic imaginary, and in particular, how it fuses ideas about race, property, nature, and nation in enduring ways.

In his famous 1893 address on the significance of the frontier in American history, the historian Frederick Jackson Turner argued that “the most important effect of the frontier has been in the promotion of democracy” (Turner, 2005 [1893], p. 30) Turner associated the drive for democracy and self-government with the traits fostered by the frontier experience. He wagered that the frontier experience had left lasting impacts on the

“American intellect”: the “coarseness,” “dominant individualism,” and “exuberance” of early settlers may have softened, but Turner believed they still existed “as survivals in the place of their origin, even when a higher social organization succeeded” (Turner, 2005 [1893], p. 30). Turner posited that “since the days when the fleet of Columbus sailed into the waters of the New World, America has been another name for opportunity, and the people of the United States have taken their tone from the incessant expansion which has not only been open but has even been forced upon them” (Turner, 2005 [1893], p. 30) With the supposed “closing” of the frontier, Turner believed that the first period of American history had come to an end, and he wondered how American democracy, with its font in the frontier spirit, would survive this new age.

Turner was not the first white male American to make the correlation between frontier and freedom, and wonder about the future of the American democratic spirit. The early American president and statesman Thomas Jefferson imagined that the lands to the west of the Mississippi could fulfill his vision of a nation sustained by small, independent, yeoman farmers. Jefferson saw independent farming as a bulwark against the moral dissolution of American society over time. And like Turner and Jefferson, many white men in 19th century America, from the abolitionist Theodore Parker to pro-slavery expansionists George Fitzhugh and William Walker, associated territorial extension with the innate qualities of whiteness. Parker believed that of all the races, the “Caucasian has hitherto shown the most of this instinct of progress, and though perhaps the youngest of all, has advanced the farthest...[they] are the most aggressive, invasive, and exclusive people on the earth...The history of the Anglo-Saxon, for the last hundred years, has been one of continual aggression, invasion, and extermination” (cited in Slotkin, 1992, p. 46). For his

part, Fitzhugh raved of the Anglo-Saxons, “What people can stand free competition with that race...From the days of Hengist and Horsa to those of Houston the same adventurous, rapacious, exterminating spirit has characterized the race” (1992, p. 46). For these men, “American” blood was rooted in an Anglo-Saxon stock mixed with other European immigrants, and spiritually invigorated through conflict with Native Americans.

President Theodore Roosevelt would take this theory further, believing that the US was in a “millennial drama of manly racial advancement, in which American men enacted their superior manhood by asserting imperialist control races of inferior manhood” (Bederman, 1995, p. 171). In his book *Winning the West* (1889), Roosevelt proclaimed that the “rude, fierce settlers who drive the savage from the land lays all civilized mankind under a debt to him... It is of incalculable importance that America, Australia, and Siberia should pass out of the hands of their red, black, and yellow aboriginal owners, and become the heritage of the dominant world races” (cited in Bederman, 1995, p. 182). Roosevelt thought that national vigor and white male virility were indelibly linked, and were replenished through combat with other races and civilizations, both at home and abroad. For Roosevelt, “American” was more than a nationality; it was a race, and a white one at that.

Roosevelt’s bullish stance on racial war was complimented by a deep concern about white racial suicide, and he memorably met birth announcements at rallies around the country with cheers of “No race suicide here!” (Bederman, 1995) He championed what he called the “strenuous life” as a way to avoid the decadence, effeminacy, and decline he thought marked European nations like Britain. The strenuous life of imperial warfare would be complemented at home through regular encounters with “the wild,” be it through

hunting or other rigorous outdoor pursuits. Roosevelt's concern for racial purity was therefore matched by his concern for protecting America's remaining wilderness and natural resources for future generations. The link between eugenicist concerns for racial purity and protection and environmental protection was not uncommon at the time—Gifford Pinchot, the first head of the U.S Forest Service and fierce advocate for forestry science, was a delegate to the International Eugenics Congress and a member of the Advisory Council of the American Eugenics Society from 1925 to 1935 (Allen, 2013). Together, Roosevelt and Pinchot were instrumental in setting asides thousands of acres of land for public ownership, and they championed a vision that located the preservation of nature at the heart of American nationalism.

For these white men at the start of the twentieth century, the frontier was a not just a place but a world-historical process, one that forged America as a nation *and* as a race. The focus on masculine virility meant that the American race and nation was also gendered, as men were positioned as the fathers and defenders of the American people. In this vision, the white race is made and replenished through a continual project of expansion and conquest. In other words, territorial acquisition and control functions as a central organizing project of whiteness. I argue that this *white territorialization* continues to animate politics in the Northwest today. In the following section, I use the campaign for Liberty State as a way to illustrate the importance of territorial tactics in the reproduction of white identity and white political control. Going further, I suggest that campaign reveals how white affective desires for belonging are articulated through a shifting and contingent set of territorial practices.

Territorial Tactics of Liberty State

A small but concerted movement, the campaign for Liberty State is expanding, building followers by staging events and volunteer meet-ups throughout the eastern side of Washington. Liberty State is not the only separatist movement in the Northwest, but it is unique in several ways. It is an explicitly Christian movement, promising to pass laws that restore conservative Christian values including prohibitions on same-sex marriage and abortions. It is also led by Matt Shea, a former Republican state representative from Spokane who has been linked to documents advocating religious warfare and has been investigated for domestic terrorism due to his alleged support for the occupation of the Mahler National Wildlife Refuge and other armed standoffs with federal officials (Romo, 2019). Shea's visibility has boosted the movement's profile and his role as state representative has provided logistical support as the movement introduced legislation, registered as a charitable organization, and developed plans for a proposed ballot measure.³ Speaking on the proposed separation, Shea proclaimed: "I don't care if we're the 51st state or the 53rd – as long as we're free. Our government is not reflecting the heritage and traditions of Eastern Washington. The left says we should not have a voice anymore – how is that freedom?"⁴

³ Liberty State registered as a tax-exempt social welfare organization in the State of Washington in 2020, making it difficult to track the source of their funding. Liberty State applied for 501 C (4) status with the US federal government, signaling intent to engage in lobbying and political (non-partisan) campaigns.

⁴ Retrieved from: <https://www.statesmanexaminer.com/content/liberty-state-enters-second-phase>



Figure 2 Map produced by Liberty State with proposed boundaries, shown shaded on left side of map

Political observers in the region are generally dismissive of these movements, pointing to the legal and political hurdles facing any effort to separate and form a new state. My research on conservative constitutionalists in the Northwest suggests that these right-wing movements are far from farcical. Instead, they draw on longer efforts to carve out a white homeland in the Northwest and have the potential to shift political power in the region, even if they are unsuccessful in shifting state boundaries. As I argue in chapter 3, conservative activists have already made inroads at the municipal and state level, with groups in Washington and Oregon passing ‘sanctuary city’ resolutions in defense of gun rights in towns across the states (Brown, 2019; MacRonald, 2019). But municipal wins often fail to translate to statewide success due to the continued liberal dominance of urban population centers located on the western sides of the states. Liberty State proponents see state separation as a solution to the takeover of Washington by urban, liberal, and non-white residents.⁵

⁵ Participant observation from Liberty State Rally in Olympia, WA on 02/15/19

This dissertation charts the regional formation of whiteness in the Northwest and in particular how the expression and defense of whiteness is articulated through a conservative constitutional discourse and through a set of territorial practices. I suggest that white residents engage a shifting and contingent set of territorial practices, including the separatism of Liberty State and the localism of pro-gun activists (which I investigate in chapter 3). To ground this argument, this section offers Liberty State as a useful prism for seeing how territorial practices are bound up in the construction of a regional geographic imaginary that is itself bound up in the formation of whiteness as an identity. Drawing on my attendance at Liberty State rallies, a collection of public statements by Liberty State leaders, and social media activity, I outline how Liberty State activists attempt to discursively manifest the geographic, racial, and political division they claim already exist in Washington.

Separation as The Only Solution

The separatist demands of Liberty State stem from a stated belief that their efforts to regain political dominance are only possible if they regain majority control over all branches of state governance, accomplishable only by changing the boundaries of the state itself. This is evident on their Facebook page, where supporters from disparate counties come together to discuss the negative consequences of their continued union with the western side. In response to a post about the passage of immigrant sanctuary measures in the state, one proponent countered, “Washington didn’t pass this. Two counties in Washington did. We need to split now!”⁶ Another concurred, saying, “I believe that [Governor] Inslee and [Attorney General] Ferguson are in collusion with King County

⁶ Commenter 1. 2019, May 27. Re: That’s the understatement of the year... [Liberty State Facebook page]

politicians and are trying, on purpose, to collapse Washington state.”⁷ Agreeing that immigration sanctuary laws could “collapse” Washington, one commenter proclaimed, “I do not support sanctuary status of any city or state. Follow the immigration process or face hard labor.” Shea has encouraged this sentiment in speeches at rallies around the state. At the 2019 launch in Olympia for their proposed bill to study state separation, Shea told assembled supporters they may have to resort to “Irish democracy,” or the mass refusal to comply with the unconstitutional gun laws, abortion laws, and immigration laws passed by legislators in Olympia.⁸



Figure 3 Matt Shea speaking at the Liberty State rally in the Washington State Capitol. Photo by author.

⁷ Commenter 21. 2019, May 27. Re: That’s the understatement of the year... [Liberty State Facebook page]

⁸ Matt Shea. 02/15/2019. Notes from Rally at Washington State Capitol in Olympia.

At a campaign pitch at a 2019 recruiting event in Wenatchee, Washington, Shea connected their current struggle against the “tyranny” of the western side with the frontier struggles of their settler ancestors. For a sunny Saturday afternoon, the Benevolent and Protective Order of the Elks (BPOE) ballroom in Wenatchee is surprisingly full. Middle-aged men and women in sneakers and khakis squeeze past older men wearing veteran baseball caps to find a seat and visit outreach tables populated by the John Birch society, the constitutionalist Police Chief of Republic, WA, and other causes. Now supposedly integrated, the BPOE itself barred non-white members until 1973, and chapters continue to exclude non-white members (Bowles, 2001). There is a full program of speakers, including a pastor, a police chief, and a radio show host, but everybody is there to learn about Liberty State. When it is Representative Shea’s turn to speak, he proclaims that the ethnic and economic make-up of eastern Washington necessitates a split from the west. Shea says that eastern Washingtonians are dedicated to preserving Christian values, protecting private property, and defending the promise of liberty enshrined in the founding documents of the United States. This shared commitment to the “laws of nature and the laws of nature’s God” (a phrase Shea borrowed from the British jurist Edward Coke and echoed by the founding fathers) can be traced back to the history of Euro-American settlement in the region. Pulling up a map of eleven regional cultures of the U.S. featured in a *New York Times* article, Shea misrepresents the map and tells the audience that much of the interior West was settled by the Scotch-Irish.⁹ Drawing on the article, Shea characterizes the Scotch-Irish as deeply individualist and suspicious of authority. He

⁹ Woodward C (2018). The maps that show that City vs Country is not our political fault line. *The New York Times*. 20 July. Retrieved on 05/19/2019 from <https://www.nytimes.com/2018/07/30/opinion/urban-rural-united-states-regions-midterms.html>

encourages audience members to see themselves as descendants of Scotch-Irish settlers, connected to these individualist frontiersmen by spirit if not by blood. In doing so, Shea mirrors other regional efforts to mobilize a Celtic or Scotch Irish heritage as move to indigenization (McCarthy & Hague, 2004). Stephen Pearson suggests that for Appalachian whites, the creation of a white indigenized identity through ethnic heritage allows them to “maintain their whiteness while obscuring the privileges that whiteness bestows,” and see themselves as protagonists in an anticolonial struggle against urban and industrial elites (2013, p. 167) In a similar move, Shea suggests that a Scotch-Irish heritage makes the audience members Natives in the region, and positions the fight for Liberty State as a fight against the liberal colonizers from the western side.

This opening tale links the struggle to preserve white cultural identity with the historic struggle to preserve white settler claims to place. Liberty State activists create an ethnic genealogy that connects the supposedly inherent drive to protect property and liberty with a British or more broadly European heritage which is imagined by Shea and these supporters as exclusively white. It is therefore unsurprising that Shea’s distinction between eastern and western Washington turns on what he claims are dramatically different attitudes towards property. Shea contrasts the central display of a large cross on a hill in Colville (a rural town in northeast Washington) with a Lenin statue located in the Fremont neighborhood of Seattle. Supporters online agree, lamenting that it “has become a socialist nightmare,” in the capital of Olympia. The godly-ness of eastern Washingtonians is contrasted with the socialism of western Washingtonians, whose Lenin-worship indicates a disregard for god and the institution of private property.

Shea further illustrates this disrespect for private property through frequent references to Seattle as a dirty city overrun by homeless people. Invoking streets filled with trash and plagued by constant theft and property damage, Shea suggests that urban elites have no desire to protect the property rights of homeowners and business owners, who should be the primary beneficiaries of state action. This sentiment is echoed online, as Liberty State supporters share memes skewering the poverty and crime they imagine in the city. One meme shows a split image of a houseless encampment on top and open land along the Columbia River on the bottom, covered with the phrase, “Why should we allow people who fostered this [homelessness], Tell the people who have this [open land] how to live? Save our Washington.” Another post warned of the coming of the bubonic plague to Washington due to homelessness, and a commenter responded, “No, we will put up barricades up at the [mountain] passes with guards with orders to stop anyone from coming from the dark side!”¹⁰ The portrayal of the self-destruction of the city through the decline of private property pulls on narratives conflating urban decline with deviant (i.e. non-white) populations (Kruse, 2013; Sugrue, 1996), and echoes the colonial division between those who had the capacity to manage their own property and personhood and those who did not. Shea invites the audience to see statues, crosses, and streets as material signs of underlying cultural values. In doing so, he works to substantiate a white claim to place through a discursive reading of the divergent landscapes of eastern and western Washington.

¹⁰ James Davis. 2019, June 11. Re: ENTIRE population of California could fall victim...[Liberty State Facebook page]



Figure 4 Matt Shea stands in front of the BPOE Ballroom in Wenatchee, Washington. The PowerPoint slide reads: The Future of Liberty—Had enough of downtown Seattle yet? Photo by Author.

In this telling, the Cascade mountains running north-south are the last line of defense against the disregard for property and law spreading across the cities of western Washington. The implicit racialization of the city as a non-white place is countered by the racialization of eastern Washington as a historically white place. While Liberty State supporters are careful to not employ explicitly racialized or racist terms in public, the frequent reference to their shared European ethnic heritage gestures to claims of shared racial identity. My attendance at Liberty State events and review of social media activity suggests that Liberty State supporters are largely (although not exclusively) white, but eastern Washington has a significant Latino population and is home to multiple Native Nations and reservations. Yet the Confederated tribes of the Yakima Nation, the Colville Confederated Tribes, the Spokane Tribe, and Kalispell Tribe were mentioned only when Shea lamented their potential veto power over water usage in the region.¹¹ Concern about

¹¹ Participant observation from Liberty State rally in Wenatchee, WA on 05/11/19

environmental regulations extended to liberals on the westside, with one supporter warning that they had best form a new state “before Seattle area lefties blow all the dams on the Snake and Columbia” rivers.¹²

Proponents of Liberty State are aware of the racial and political heterogeneity of eastern Washington, made evident in offhand references to future Latinx outreach or the dismissal of the liberal voting patterns in eastern cities like Spokane and Walla Walla.¹³ Yet Shea’s presentations about Liberty State continue to rest on a pitch connecting current residents to their imagined white settler ancestors. The proposed boundaries of Liberty State thus project a geographic, racial, and political divide between eastern and western Washington that does not yet exist, at least not in the simplified form put forward by Shea. Eastern Washington is not a homogenous homeland for conservative Christians, and many would-be supporters of Liberty State in fact live on the western side of the state, politically aligned but geographically shut out. This tension is born out on the group’s Facebook page, with persistent complaints from people who live on the west side of the state about the proposed division. One west sider fretted, “I live in Clark County, don’t leave us behind,”¹⁴ while another lambasted the plan, noting, “Liberals in places like Redmond, Tacoma or Bellevue aren't going to want to leave Washington. But conservative communities DO!

¹² R.D. Mandery. 2019, August 17. Re: Signs are going up all over the state... [Liberty State Facebook Page]

¹³ An audience member in Wenatchee asked if Liberty State was reaching out to the significant Latino population, and Matt Shea acknowledged the importance of building connections with the Latinx population but did not describe how. After the August 3, 2019 Walmart shooting in El Paso, Liberty State shared an article to their facebook page titled “Targeted in Walmart attack, Latinos in El Paso flock to fire arms,” under the comment “Bienvenidos a la familia!”, which translates as “Welcome to the family!”

¹⁴ Kevin J Sudbeck. 2019, August 17. Re: Signs are going up all over the state... [Liberty State Facebook Page]

Why exclude them? What is the logic behind THAT? You can divide a state but not a county?”¹⁵

Shea’s separatist vision is an attempt to discursively materialize these tenuous differences into the settler colonial landscape (Proulx & Crane, 2019; Schein, 1997), and “fix” people in and through place via territorial boundaries. I argue that territory becomes a tool to intervene in a fluid and shifting terrain (Bruun, 2020; Palmer, 2020), anchoring white claims to place to advance white privileged access to political representation and control. But even more than that, territory becomes an object of desire in itself, as Liberty State proponents articulate their sense of belonging through their pursuit of the un-realized dream of a white homeland in the Pacific Northwest.

White territorialization

The Liberty State campaign reveals a contradiction at the heart of the white racial project of the Northwest—it imagines a racially, religiously, and culturally homogenous population that allows for the total alignment, or indeed the perfect union, between “the people” and their state that is never fully achievable. As I emphasize here, the campaign for Liberty State also indicates the specific salience of territory in manifesting white possessive geographies (Bonds, 2020). Liberty State’s recourse to separatism and the proposed creation of new territorial boundaries illustrates the naturalization of territory as a primary tool and object of white organizing. The goal of exerting exclusive political authority over a discrete area has become so self-evident as to form the horizon of possibility for many white racial projects.

¹⁵ Alan Sexton. 2019, May 25. Re: Here is the full video of Spokane's Liberty State Gala [Liberty State Facebook page].

I contend that Liberty State exemplifies what I refer to as *white territorialization*. In using this phrase, I build on scholarship highlighting the extension of white property claims to the nation-state (Inwood & Bonds, 2017; Moreton-Robinson, 2015) and the production of settler landscapes and settler place claims (Palmer, 2020; Seawright, 2014). *White territorialization* captures the iterative process through which whiteness, as an identity and a social location, is enacted through the pursuit of executive authority over the regulation of activities that take place within a bounded area. If whiteness has operated as a primary attribute for property ownership, and property ownership has functioned as a primary attribute of whiteness, then Liberty State invites us to consider how territorial practices, and the attempt to consolidate territorial authority, can also function as an attribute of whiteness. For many white actors, it becomes difficult to imagine maintaining whiteness as an identity without maintaining and advancing white territorial control. At the same time, *white territorialization* invokes an outcome (although hardly the only possible outcome) of these territorial practices—the continued extension of white presence and the mapping of white belonging onto discrete spaces and geographic areas. Settler practices can certainly express as an “unbound territoriality” (Hughes, 2020), one with deliberately liminal frontiers or fluid boundaries, but my research illustrates the continued importance of white territorial work, even in places where the territorial boundaries are perceived as relatively fixed.

Of course, the legal and political path to the successful creation of a new state is difficult, making it highly unlikely to nigh impossible that Liberty State activists will achieve their desired territorial division. Indeed, Liberty State is currently on rocky ground, particularly due to former Representative Matt Shea’s departure from the Washington State

legislature and his investigation as a domestic terrorist by independent investigators commissioned by the Washington State House of Representatives (Romo, 2019). But I find that this potential failure for Liberty State activists to partition the state is particularly useful in exemplifying the ways territory operates not just as a strategic tool but as an object of white desire. There are many ways to try and change a policy or win an additional electoral seat, but Liberty State supporters have chosen the much more difficult and unlikely path of forming a new state. As such, Liberty State supporters do not just conceive of the new state as a territorial fix to particular policies. Instead, most of them dream in another register. Supporters have already designed a flag: the featured osprey “represents freedom and is regionally tied to our area,” while the sword symbolizes sacrifice, and the broken chain symbolizes the escape from oppressive governance (Liberty State, n.d.). They have a state animal, and a state rifle. These trappings are more than an appeal to legitimacy—they speak to the affective attachments supporters form to the promise of a new state. I understand supporters’ desires for Liberty state to exceed any specific policy or grievance. Taking Cheng’s reminder that regions are not static bounded areas but instead “defined in terms of the sets of social relations or processes in question,” I offer white territorialization as way of attending to the construction of racial identities through contestations over regional boundaries and claims to regional belonging (Cheng, 2013, p. 11).

Furthermore, I argue that Liberty State is most effective not as a specific political campaign but as a particularly distinct consolidation of a geographic imaginary and regional white identity. This is an ideal that can inspire and invigorate other contests in the region over political and cultural authority, just as a selective memory of Oregon and Washington’s frontier past continues to inspire and validate a regional racial imaginary

today. The vision of a new state rooted in a distinct European ethnic heritage, frontier history, Christian beliefs, and constitutional devotion is not ahistorical or inevitable: Liberty State is possible only because of previous efforts to render the Northwest a white homeland and earlier articulations of Americans as a white race. As a particular territorial vision, Liberty State not only draws on these past formations but re-articulates this vision for the current political moment by referencing the Constitution and eschewing race for ethnic heritage. In turn, the campaign contributes a geographic imaginary and racial identity that is available for use by future campaigns and movements. The Marxist sociologist Göran Therborn (1980) suggests that ideology broadly functions to define what exists, what is good, and what is possible and impossible. Liberty State is instructive then to the extent that the movement's demands are illustrative of what is considered good and what is considered possible to imagine and execute by a certain subset of Northwest residents.

In that sense, the campaign for Liberty State both pulls from and renews a “common-sense” division of territory on the basis of race, religion, and history. As I discuss further in the following chapter, the Italian Marxist thinker Antonio Gramsci (1971) understands struggle to render certain ideas or claims as “common sense” as part of a broader contest over the hegemony of a particular ideology and social class. I offer that the terrain of what is politically possible to imagine and strategically possible to enact is re-worked through campaigns like Liberty State. In doing so, Liberty State also works on the “various potential structural powers” or capacities of the state (Jessop 2018, 48). Liberty State's attempts to create a new state via legislative action is part of an attempt to reconfigure what the state is capable of and who the state should mobilize its capacities

for. Thus even more so, the campaign for Liberty State advances what Jessop (2018) terms a new *hegemonic vision* for the state, as their demands for regional autonomy redefine the “nature and purposes” of state government (Jessop, 2018, p. 55). In this vision, the state does not need to serve a multi-racial, multi-religious populace; it instead can and should support the protection (or really the creation) of a racially, religiously, and culturally homogenous populace.

The campaign for Liberty State also helps reveal the indeterminacy of territory within the settler colonial states. The presumption of a “closed” frontier, or the relative finality of the territorial boundaries of a settler state, is enabled in part through scholarship focused on the national scale, which often foregrounds the nation-state as the primary arbiter of territorial boundaries and executor of territorial control. Building on Kun and Pulido (2013) and Cheng (2013), I suggest that territorial practices come into greater focus when we shift our attention from the national scale to the local or regional scale. This is in part because it is often at the regional and local scale that territorial divisions are most in flux, and in part because a wider range of state- and non-state actors often participate in the process of regional territorial negotiation. Liberty State, and the other separatist movements in the region such as the push for the State of Jefferson, reveal how boundary-making is one mode of engaging territory work. The history of the Northwest suggests that lawmaking is another such mode, as early settlers used the state constitution and state legislation to bar entry, residence, and full citizenship to particular persons based on their national origin and race. At other times, white residents have engaged in extra-legal tactics, evidenced by the angry mob in Tacoma, WA that forcibly expelled Chinese mine workers in 1885. Far from proposing a sharp division between legal and illegal, state and non-state

actors, or local and national scale, the territorial practices I follow are often a messy assemblage, as when Oregon and Washington State game wardens used state fishing regulations to deliberately misinterpret and ignore Tribal fishing rights guaranteed through treaties made with the U.S. federal government. Though different in scope and tactic, each of these territorial tactics seek to “fix” people in or outside a space, using territorial boundaries to legitimize white belonging and white dominance of a particular place.

What I offer here is not an exhaustive codification of white settler territorial maneuvers. Instead, I offer a mode of attention to the ways in which territory enacts whiteness as an identity and spatializes white privileged claims to belonging. In doing so, I hope to move territory from the background and into the foreground of our research into regional racial formations. As settler colonialism’s “specific, irreducible element,” scholars have indicated how territory is critical for the protection of a white racial regime of ownership based on dispossessing Indigenous lands and denying non-white personhood (Wolfe, 2016). My research invites attention to the way territory can exist as a desired end in itself. Rather than positioning territory as the location for racial formations or as the political container for racialized property, I suggest exploring how territory, as a material object and imagined geography, is itself an object of white settler desire and a target for white settler organizing.

The opening of this chapter introduced a debate over the acknowledgement of Indigenous people in a brochure for the newly designed Wild and Scenic Rogue River. Although the discomfort with the language in the brochure points to the continued contingency of settler territory, this debate cannot be understood through an analysis of racialized property alone. Instead, I suggest that an acknowledgement of Indigenous

presence (even in the past!) unsettled the perceived givenness of white settler belonging in the region. Put simply, it creates doubt around a white right to place. By instead positioning gold miners as the first humans in the region, the brochure implies a settler claim to the area. In this section, I have argued here that white territorialization is not only about securing settler property but in securing a settler desire for belonging. As such, I propose that white territorialization may usefully invite further research into the regional contours of white settler territorial practices in the U.S. and other Anglophone settler colonial states.

Conclusion

The construction of the Pacific Northwest as a white homeland is a forever unrealized racial project, one that seeks to demographically and ideologically bound the region as a white space. Tracing this racial project from early settler efforts to occupy land and restrict non-white residence and property ownership to contemporary efforts to create a new white Christian “Liberty State,” this chapter explores what I term white territorialization. The separatism of Liberty State is just one strategy among many for the geographic and territorial extension of whiteness. I suggest that the attempt to render the Northwest as a white homeland helps us see how white personhood is reproduced through the contentious process of asserting political and legal authority, rendering the territorial state necessary for the continued hegemony of white possessive personhood. But the desire for a white homeland is more than just the desire for white property; my discussion of white territorialization locates territorial practices as an aspirational strategy to secure white subjectivity and belonging.

The separatist dream of Liberty State presents the reproduction of white identity through the continued efforts to make the myth of “perfect settler sovereignty” a reality (Ford, 2010). For the Liberty State movement, the failure to exert control over political decisions is rendered as a personal insult and a public crisis—a perversion of democracy rather than a result of democracy. The project to create a homeland in eastern Washington corrects this failure by re-drawing political boundaries to ensure greater representation and control by a white conservative population. By appealing to the frontier values of eastern Washingtonians and linking their present struggle to the efforts of their settler ancestors, Liberty State proponents create a historical imaginary that legitimates white presence in the region. In doing so, they position themselves as the true natives in the region, with claims to belonging that supersede those of the Tribal Nations or of non-white, non-Christian, non-conservative residents. A promised Liberty State thus secures not just a white right to property but a white right to place.

Chapter 2. “Party Like its 1773”: Constructing a Genealogy and Geography of Whiteness

KrisAnne Hall stands in front of a room full of teenagers at camp, wearing a blue t-shirt with the phrase “Party like it’s 1773” emblazoned across the front in a scrawl reminiscent of the hand-written heading of the American Declaration of Independence (K. Hall, 2015). The shirt is a reference to the Boston Tea Party, where anti-British colonists dressed up like Native Americans and dumped tea into the harbor as a protest against taxes. For Hall and her supporters, the shirt is an invitation to tap into the revolutionary spirit of the United States’ “founding fathers.” Channeling this spirit, Hall exhorts the audience to reclaim the liberty and independence promised in the revolution by faithfully studying the Constitution.

Hall is one of the many self-proclaimed liberty activists and constitutional educators arguing that the U.S. is in a constitutional crisis because liberty is under attack. Gun regulations, environmental laws, and immigration all symbolize the erosion of liberty through a loss of control over personal property and political processes. Blending constitutional exegesis and political fervor, activists construct white Americans as chosen descendants of the founding fathers charged with fulfilling the unrealized promise of a Christian republic. Despite its democratic claims, the invitation to “Party like it’s 1773” does not hail all Americans equally. Instead, it speaks to and through white subjects who understand themselves to be the primary inheritors of American territory and protected subjects of the American state. This conservative constitutional discourse is not only genealogical but geographical, nurturing the belief that descendants of the founding fathers have still not fully secured jurisdictional and territorial dominance over the U.S. nation.

Overt expressions of white nationalism and white supremacy are once again mainstream in U.S. politics. Social movements advancing racist and nativist policies often do so through the language of constitutional rights, appealing to the founding fathers to advance exclusionary politics. Studying the legal discourse of conservative activists reveals the ideological work of constitutional law in buttressing white proprietary claims to the nation. In this chapter I investigate the Constitution as a key text and symbol in the current struggle over the hegemony of white supremacy in the U.S. Examining the interpretive work of constitutional educators and online commenters, I perform a discursive analysis of the racial ideology embedded within a conservative constitutional discourse. I trace how this discourse connects multiple social movements and groups through the construction of an Anglo-Saxon white subject bearing the exclusive right to make claims to the U.S. nation-state. Mobilizing Antonio Gramsci's (1971) analysis of *common sense*, I demonstrate how constitutional talk serves as a lively terrain for fostering investment in a white nation. I find that this constitutional discourse maintains a commitment to white supremacy while disavowing its explicit logic of racial superiority.

I first outline the diverse movements that have cohered around a conservative reading of the Constitution over the last forty years. These groups are unified through a project to create a genealogy for the Anglo-Saxon subject and the ensuing belief that the U.S. nation is a unique product made by and for the white race. Turning to recent research on race, law, and social movements, I find that geographers have started exploring the link between historicized structures of white supremacy and exclusionary nationalism in the U.S., but more work is needed to better understand how conservative organizing articulates with these broader structures. I contend that incorporating key interventions from Critical

Race Theory (CRT) will strengthen geographic research into the ideological work of law in creating racial subjects and spaces. Demonstrating how law is constitutive of race, CRT scholars point to the way legal practices and ideologies are bound up in the structures of white supremacy, making legal discourse a compelling avenue for channeling white interests in the defense of white privilege. This approach to law is one way to address the critical gap between studies of far-right organizing, mainstream political institutions, and the structures of white supremacy. Before I begin, I locate this discursive analysis of law within Antonio Gramsci's unique framework for analyzing the cultivation of common sense as a terrain for political contestation. I suggest that constitutional rights, the American Revolution, and liberty are common sense notions for many Americans, and are readily mobilized as part of a larger ideological move to symbolically and legally reinforce the connection between whiteness and the U.S. nation. Turning to my analysis, I examine the work of KrisAnne Hall and Larry Arnn, two leading constitutional educators, to elucidate the core ideological claim of conservative constitutionalists: that the foundation of the U.S. produced both a new nation and a new human—the (ostensibly white) American. I then explore Facebook activity to illustrate the mobilization of common-sense ideas about race through symbolic appeals to U.S. history and the Constitution. Rather than dismissing this discourse as disingenuous or irrelevant, I argue that any analysis of the contested hegemony of racial capitalism must consider the production of common sense as a terrain of analysis and a terrain for struggle. To conclude, I propose that geographers should re-examine how rights claims function not only as political or legal claims, but as deeply territorial claims. I show how rights claims can be vehicles for restricting, rather than expanding, state

membership, and as such geographers interested in populism and nationalism should attend to the way rights claims are enrolled in nationalist politics.

Building a Conservative Constitutional Discourse

In the following section I introduce key movements and actors that have cohered around a constitutionally-mediated racial ideology over the last forty years. These diverse groups form the “where” of conservative constitutional discourse; what ties them together is the shared genealogical production and celebration of a white (Anglo-Saxon) subject. While in other chapters I focus on the distinct workings of this discourse as it is articulated by right wing groups in the Northwest, here I perform the necessary work of spooling out the more diffuse makings of the discourse and its connection to broader transformations in the conservative movement over the past half century.

Conservative Legal Movement

The Conservative Legal Movement (CLM) is committed to changing common sense ideas regarding constitutional interpretation by judges, federal administrations, and the broader American public. Conservative legal interpretation foregrounds judicial restraint and an originalist reading of the Constitution. Broadly construed, originalism presents the Constitution as a transparent document with a fixed legal meaning across time, in contrast to approaches that treat the Constitution as a dynamic document with meaning that evolves over time. The contemporary conservative legal movement began in U.S. law schools in the late 1970s, and early leaders identified the lack of institutional legitimacy as a key stumbling block. To build legitimacy, they advanced training in Law and Economics,

which applies liberal economic theory to legal interpretation, and initiated their own Law and Economics programs at prominent laws schools (Teles, 2008; Mayer, 2016). Funded by conservative donors, they founded the Federalist Society, an organization promoting originalist interpretations of the Constitution, and even started their own law school at George Mason (Hollis-Brusky, 2015; Southworth, 2008; Teles, 2008).

Importantly for my work in this dissertation, the CLM was particularly successful in developing a conservative legal response to the Civil Rights Movement (Driver, 2014; Gotanda, 1999; Haney-Lopez, 2007; Schmidt, 2013; Walker, 2009). In the 1950s and 1960s, Liberals used the idea of a “colorblind constitution,” first famously articulated by Justice Harlan in *Plessy v. Ferguson* (1896), to challenge racial segregation in housing and schools, resulting in the *Brown v Board of Education* Supreme Court ruling ending the constitutionality of explicitly racially discriminatory laws. But by the 1970s, the CLM was using the colorblind constitution to effectively “invalidate programs to redress racial injustice through law to protect white plaintiffs from any form of racial classification” (Gross, 2019). The 1978 Supreme Court decision in *University of California v Bakke* is indicative of this shift, with the Court declaring that the state’s use of racial quotas to redress historically unequal access to higher education was unconstitutional. But colorblind constitutionalism is not only a “top down” ideology it has also been promulgated and advanced by white citizens seeking to block changes in local housing and schooling policies. As Gross (2019) argues, “Formal colorblind conservatism in the courts did not legally ratify changes that happened naturally, socially, through individual actions; on the contrary, grassroots political actors consciously pursued legal strategies to fight integration from the ground up as well as from the top down” (p. 59). By the 1990s, race-neutrality

had become the ruling doctrine of equality in jurisprudence, but as I show in this section, this legal framework had also travelled outside the courtroom and through a network of conservative activists, think tanks, elected officials, and grassroots movements.

The 2020 appointment of conservative Justice Amy Coney Barrett to the Supreme Court under President Trump is testament to the force of the CLM; Barrett was a frequent spokesperson for the Federalist Society, and she represents the rising fortunes of Christian conservatives within the CLM (Diaz, Ruiz, & LaFraniere, 2020). The CLM is, in legal scholar Steve Teles words, “the most successful intellectual movement in the law of the past thirty years, having rapidly moved from insurgency to hegemony” (2008, p. 216).

Popular Constitutionalist Movements

Asked to explain the success of the CLM, a Federalist Society member responded, “Like Verizon, it’s all about the network”— and this network extends well beyond the legal academy (Hollis-Brusky 2011, p. 525). The CLM deliberately sought to extend its popular appeal, and today there is a diffusion and permutation of conservative legal interpretations across multiform platforms, institutions, organizations, and campaigns. While not all groups subscribe to all the interpretive claims of the CLM, they have adopted the successful strategy of mainstreaming pro-capital, pro-Christian, and pro-white positions through constitutional appeals. The Tea Party movement, which rose to prominence in 2009, is perhaps the most well-known populist application of conservative constitutional principles (Schmitt, 2011; Zietlow, 2012). Tea Party activists challenged Republican incumbents to address the federal budget deficit and lower federal taxes, and popularized concerns about rising national debt. KrisAnne Hall, whose words opened this chapter, began her career as

a Tea Party activist before leaving to start her own online constitutional courses and national speaking circuit.

Yet concerns about a constitutionally limited federal government exceed the Tea Party movement, connecting Republican activists with participants in the Patriot and militia movements. The Patriot movement encompasses the array of local militia groups committed to defending the U.S. against internal and external enemies (Gallaher, 2003). Though carrying a new name, Patriot movements represent a highly successful mainstreaming of the white power movement after its dispersion in the 1990s (Belew, 2018). Constitutional appeals provided a through line between calls for white revolution and the shift to militia organizing. Members declared that they were at war with the federal government, which came to head when Timothy McVeigh bombed the Oklahoma Federal Building in 1996, inspired by the white supremacist novel *The Turner Diaries* and supported by a militia compound in Elohim City (Belew, 2018).

In the Northwest, militia groups calling themselves the Three Percent (inspired by the claim that the America Revolution was won by only three percent of the population) are increasingly active, showing up at mine occupations in Oregon (Wiles, 2016) and standoffs with federal officials at Bundyville in Nevada (Childress, 2017). These groups build on the past presence of white nationalists, who in the 1980s advocated relocating to the Pacific Northwest as one of the last regions in the U.S. with a supermajority white population (Belew, 2018). The 2016 occupation of the Malheur National Wildlife Refuge in Oregon propelled these groups back into the spotlight, and the outpouring of support revealed the overlapping membership networks for militia groups, three percenters, anti-federalist ranchers, and conservative constitutionalists.

This was not the first time westerners directed their ire at federal land managers, with the Sagebrush Rebellion of the 1970s and the Wise Use Movement of the 1990s attempting to privatize federally owned public lands (McCarthy & Hague, 2004; Walker, 2018). The Sagebrush Rebellion mobilized novel interpretations of the Constitution to argue that federal ownership of public lands was not only onerous but unconstitutional (Glicksman, 1997; Lawton, 2014). The Wise Use Movement and the County Supremacy movement focused on passing ordinances declaring that counties, not the federal government, owned and controlled all federal public land within county boundaries (Patrick, 1996; McCarthy & Hague, 2004). Occupiers of the Malheur Wildlife Refuge echoed these claims, arguing that the designation of the refuge in 1908 by Theodore Roosevelt was unconstitutional, and that the “refuge, from its very inception has been a tool of tyranny” (Peacher, 2016). Constitutionally-backed claims to local supremacy continue to circulate, as I will demonstrate in chapter 3’s examination of the campaign to create Second Amendment Sanctuary Cities.

The CLM, militia movement, and Wise Use Movement are located in multiple institutions, organizations, and settings with differences in political goals, class orientation, and membership, yet they all narrate their political commitments through a conservative interpretation of the Constitution. In doing so, they appeal to what Stuart Hall would term “popular inventories” of American history to legitimate their politics and locate their demands within a longer American political tradition. Through their shared appeals to Constitutional rights and principles, activists create a genealogy of the Anglo-Saxon subject, linking themselves and their actions to the actions of the founding fathers and their Anglo-Saxon forebearers. Constitutional educators narrate a version of history wherein

even the individualism at the center of the founding fathers' liberal values can be traced to their collective heritage, portraying the British, or Europeans more broadly, as uniquely driven to seek liberty. The drive for liberty propelled them first to resist monarchical tyranny in Britain, then to seek freedom by colonizing the Americas, and then finally to secure liberty by establishing a new independent nation. Within this discourse, the white race rendered as a distinctly geographic identity, as the white American subject is made by the connection to Anglo-Saxon soil and ancestry and forged through the colonization and conquest of what would become the Americas. Constitutional activists describe the U.S. nation as the birthplace of the white American for whom the Constitution is both a birth certificate and birthright; a contemporary white racial identity cannot survive outside the continual reinvestment in the nation. Within this discourse, the Constitution functions as a potent ideological vehicle as it symbolically and legally reinforces the connection between whiteness and the American nation. As I will argue in chapter 4, the veneration of the Constitution as a pinnacle of Western political thought and as the unique birthright of Americans is enrolled in a broader ideological shift in the articulation of a kind of racism without race. In this racial discourse, references to biological difference are superseded by references to irreconcilable cultural differences, which occurs alongside the elevation of Western civilization over and against all others. Far from dissolving national borders in the name of a broader western culture, this racism without race reinforces the exceptional status of America as a nation and Americans as a (white, western) people. In the following section, I demonstrate how incorporating work from Critical Race Theory can better illuminate these racial geographies of law and legal discourse.

Geographies of Conservative Movements

Geographers studying the contemporary formation of racial capitalism in the U.S. suggest that it can only be understood through the dual analytics of white supremacy and settler colonialism (Blomley 2003; Bonds, 2020; Bonds & Inwood, 2016; Day, 2015; Harris, 2004; Inwood & Bonds, 2017; Pulido, 2015). In particular, geographers have foregrounded white supremacy as a historicized structure permeating all social and economic formations, in contrast to analyses categorizing white supremacy as a fringe ideology spread by specific groups and individuals (Gilmore, 2002, Inwood & Bonds, 2016; Kobayashi & Peake, 1994; Pulido, 2000, 2015; Pulido et al., 2019). As I argue in my introduction, this re-orientation is critical for studying how contemporary white nationalist movements articulate with the broader struggle over the hegemony of white supremacist systems in the U.S. This framework illustrates how the possessive investment (Lipsitz, 2006) in securing the psychological and material wages of whiteness (Roediger, 1999) is violently manifest in the U.S. past and present. Though earlier whiteness studies scholars emphasized the paradoxical invisibility of whiteness as an identity (Dyer, 1997), the rise of populism and white nationalism in the U.S. and abroad indicates that whiteness is far from unmarked (Frankenberg, 2001). Indeed, Trump rose to power through the strategic deployment of “spectacular racism,” which effectively “channeled diffuse anger and anxiety into a ferocious wave that is the white nation” (Pulido et al. 2019, p. 523).

While geographers recognize the urgent political and epistemological challenges this poses, there is a relative dearth of work by geographers examining the specific racial ideologies, organizing tactics, and territorial claims of self-identified conservative, right-wing, white nationalist, and white supremacist groups. As I note in the introduction there

are critical exceptions (see Bonds & Inwood 2016, 2017; Flint, 2004; Gallaher, 2003; McCarthy & Hague, 2004; Medina et al., 2018), where geographers grapple with the rising political fortunes of anti-immigrant and racist groups in the 1990s and increasingly open appeals to white nationalism by militia groups and right-wing activists during the Bush, Obama and Trump presidencies. Gallaher (2003) argues that militia members translated cultural anxieties through the coded language of nationalism, and suggests that members are open to, if not publicly in support of, white supremacist ideas. She positions members “on the fault line,” of identity politics, oppressed by global capital flows but still dominant as white males. McCarthy and Hague (2004) show how white ranchers appealing to their “Celtic” identity simultaneously re-territorialized public lands as white land while positioning themselves as members of a persecuted minority (McCarthy & Hague, 2004). They argue that Wise Use activists “made their primary argument one about culture because, quite simply, it was the only terrain left upon which they might win” (2004, p. 400). While Gallaher suggests the militias’ nationalist appeals masked cultural anxieties while sidestepping class concerns, McCarthy and Hague instead argue that cultural claims by Wise Use activists masked deeper concerns about continued white economic and political dominance. In their more recent research, Anne Bonds and Joshua Inwood locate militia antagonism firmly within an analytic of white supremacy, suggesting that Cliven Bundy’s challenges to federal land management are a “colonial moment” that reveals the ongoing contradictions of the settler colonial state (Inwood & Bonds, 2017). The eruption of colonial moments reminds us that white racial hegemony is always in flux.

Geographers studying right-wing organizing have provided crucial insight into the regional specificity of racialized and gendered claims to privileged status. But this

scholarship often locates white nationalism within particular groups, reinforcing sharp distinctions between self-declared white supremacist or white power groups and a broader populace. I suggest that focusing on explicit racist speech and specific hate groups misses the critical avenues for mainstreaming racial ideologies while obscuring the ongoing logics of white supremacy that far exceed the actions of right-wing activists.

Race and Law

The law and order politics of the 1980s and the conservative legal activism in response to the Warren Court of the 1970s augured the rise of a conservative constitutionalism rooted in a white resistance to the loss of superior racial, economic, and civic status. Within the context of this backlash, Black legal scholars in the 1980s developed Critical Race Theory as a critique of mainstream liberal discourse on race and equality. Rejecting the “colorblind” language of law, CRT scholars offer a keen analysis of the ways that law, as a logic and a discourse, functions to reproduce white supremacy (Bell, 1980, 1995; Crenshaw, 1989, 1991, 1995; Dalton, 1987; Delgado & Stefancic, 2017; Gotanda, 1991; Harris, 1993) Critical race theorists argue, fundamentally, that law is neither neutral nor arbitrary; rather than merely reflect social relations, law and its discourse is in fact constitutive of racial relationships and race hierarchies in the U.S.

Geographers engage the work of Cheryl Harris and Kimberlee Crenshaw, two leading scholars in the development of CRT, but they often sever their critique of white supremacy from their broader critique of law (for exceptions see Price, 2010; Delaney, 2010). Harris’s (1993) best known article is a foundational text in research on racial property today. In it, she shows how through the history of chattel slavery and Indigenous

dispossession, courts came to defend and define whiteness as a primary qualification for property ownership. Harris argues that contemporary courts ignore this history and take the status quo as a neutral base. Responding to legal challenges to affirmative action, Harris charges that American law, by protecting white people from supposed financial, reputational, or professional harm, has created whiteness as a status and a form of property that white people defend. This produces “the reification, in law, of expectations of white privilege” (1993, p. 1784). While geographers focus on Harris’s critique of white property, we can do more to incorporate Harris’s analysis of the legal logic and processes that function to materially and ideologically reproduce racialized hierarchies. In Harris’s framework, law, property, and white supremacy are not separate but co-constituted, as law gains its legitimacy through the circulations of racialized power and racialized inequality is affirmed and legitimated through legal decisions that protect and defend white property and status. Challenges to policies such as affirmative action are successful on the basis of the claim that affirmative action policies were harmful to white interests, a claim sustained by a colorblind constitutionalism that renders any attempts by the state to rectify past harms on the basis of race as a form of racial prejudice. In her work, Harris illustrates how a legal framework for the constitution as a “race-neutral” document in fact reinforces white supremacy, and facilitates the circulation of a discourse that is ostensibly race-neutral but substantively invested in maintaining the benefits of whiteness.

Like Harris, Kimberlé Crenshaw’s groundbreaking work on intersectionality highlights how a legal logic of equality actually reproduces a racial and gender status quo. In an early article, Crenshaw shows how courts consistently refused to consider that being Black and being a woman could produce forms of discrimination irreducible to either

racism or sexism (1989). She argues this is due to the legal doctrine of discrimination, which looks for discriminatory actions against all people within a race or sex, rather than acknowledging compound or intersecting forms of discrimination. This erases Black women's experiences and erases white privilege; since race and sex are only recognized by the courts as a disadvantage, "the privileging of whiteness or maleness is implicit [and] is generally not perceived at all" (1989, p. 151). Crenshaw thus introduces intersectionality as alternative to the binary logic of law, which she suggests not only shapes court decisions but also shapes the subjectivities and demands of feminist and antiracist activists.

Together, Harris and Crenshaw point to the ways legal thought and practice invisibilize and defend white privilege while hindering redistributive forms of racial and gender justice. Importantly for my work in this dissertation, Harris and Crenshaw also point to ideological force of a legal framework that protects the status quo by making it difficult to pass laws that are explicitly and intentionally prejudicial or preferential to a set of protected classes. Crenshaw is particularly concerned about the ideological work of law in limiting the horizons of imagination for intersectional movements, as she points to the way a legal discourse travels back and forth between the courts and social movement spaces. My work in this dissertation illustrates the counter-intuitive way in which this colorblind legal framework also limits and constrains how conservative movements can articulate grievances and achieve policy change both in and outside the courtroom. Though the conservative legal movement as used this framework to de-fang integration policies and racial justice initiatives, the case law that emerges from this legal framework also makes it difficult to successfully pass laws and defend laws that are explicitly preferential towards white Americans. Like other legal conceptions such as constitutional rights or due process,

this colorblind discourse has its own "life" beyond the court room, as I show in the previous section through its circulation across a network of institutions and activists, many of whom have no formal connection to the legal profession. In this sense a conservative legal discourse about race is related to a legal framework (case law) but also moves beyond it. I show in this dissertation that many activists now recognize that identify as a racist or to narrate racist intentions can be antithetical to their goals and will make them less likely to be successful in institutionalizing their demands, even if these activists have never themselves studied *Regents of the University of California v. Bakke* (1978). As substantiated elsewhere in the dissertation, the discursive world of colorblind constitutionalism makes certain statements less efficacious, both in and outside the courtroom.

In addition to questioning legal logics, Critical Race Theorists challenge triumphant narratives of U.S. legal history, showing how racism was woven into the very fabric of the nation's laws and founding documents. They argue that many constitutional "rights" were in fact premised upon the protection of white privilege. For example, while some scholars (Malcom, 1994) locate the Second Amendment in the 1689 Declaration of Rights in Britain, Carl Bogus (1998) suggests that the Second Amendment was actually a continuation of the three-fifths compromise with the southern states. The Second Amendment assured the Southern states that the Federal government would not disband state militias, a key bulwark in suppressing slave rebellions in the South. In revealing this "hidden history," Bogus follows other critical race theorists in demonstrating the racial roots of constitutional rights often seen as aspirational, if not yet universal.

Derrick Bell's critique of the implementation of *Brown v. Board of Education* indicates the limits of Constitutional law in providing racial redress. In a foundational article for CRT, Bell argues that the *Brown* decision is the result of a momentary "interest convergence" between Black and white Americans, wherein "the interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites" (1980, p. 523). Post-*Brown*, the Supreme Court proceeded to limited *Brown's* scope, indicating that white Americans were prepared to recognize Black citizenship in the abstract but were unwilling change the status of white Americans in practice.

I argue that Critical Race theorists make three important interventions for geographers interested in understanding the ideological workings of law, particularly as it shapes social movements. First, they demonstrate that law is not just reflective of race; instead, "law constructs race" (Haney-Lopez, 1996, p. 10). Secondly, legal practices protects white privilege by normalizing the status quo. Third, legal logic permeates into public discourse, shaping people's ideas of morality and justice and limiting the horizons of anti-racist organizing. Taken together, CRT scholars point to the way law, as a set of practices and ideologies, is inextricably embedded in structures of white supremacy, making legal discourse a highly effective tool in mobilizing white interests and defending white privilege. More trenchantly, I argue that a conservative legal discourse about race functions to both enable and constrain the ability of right-wing activists to advance white nationalist politics.

Building on the development of white territorialization in chapter 1, in this chapter I territorialize key insights from Critical Race Theory by analyzing the ideological work of law in mobilizing white claims to the nation. If geographers want to understand the

construction of racialized space and subjectivities, then we have to attend to law not only as function of state coercive power but as a central ideological force in the production of racialized subjects. To develop this, I return briefly to the work of Antonio Gramsci, whose analysis informs my understanding of the connection between common sense, collective identities, and hegemony.

Common-Sense Constructions of the White Nation

Antonio Gramsci's most famous work comes from his time imprisoned by Mussolini, as he grappled with the articulation of political, social, and economic forces that led to the defeat of the workers' movement in northern Italy and the rise of fascism. Despite these dire circumstances Gramsci (1971) developed a flexible analysis of class formation and hegemony, which he understood not as a fixed structure but as the constant direction of political and economic momentum. The continual remaking and reconfiguration of hegemonic forces is reflected in the contradictory and processual production of class, racial, and colonial interests. These are never automatic, inherent or essential: Gramsci insisted that interests and identities are ideological and must be made (S. Hall 1979, 1980, 1986; Kipfer & Hart, 2013; Laclau & Mouffe, 2014). Stuart Hall's adaptation of this theory of hegemony offers a decisive intervention, as Hall incorporates race and colonialism into cultural Marxist analysis. For Hall, the question is "not whether men-in-general make perceptual distinctions between groups with different racial or ethnic characteristics, but rather, what are the specific conditions which make this form of distinction socially pertinent, historically active?" (1986, p. 58). Hall suggests that racism has proven to be an effective ideology for fragmenting the working class and ensuring the continued hegemony

of the dominant class, to the point that “race is the modality in which class is lived” (S. Hall et al., 1980, p. 394). Rather than situating class as the only site of struggle, Hall suggests that “racist interpellations can become themselves the site and stake in the ideological struggle” (1980, p. 64).

This insight is crucial, and builds on Gramsci’s insistence that all people engage in politically significant intellectual activity, making it dangerous to dismiss or ignore popular culture and discourse. Gramsci wrote that “all men are intellectuals,” meaning everyone “participates in a particular conception of the world, has a conscious line of moral conduct, and therefore contributes to sustain a conception of the world or to modify it, that is, to bring into being new modes of thought” (1971, p. 9). In addition, within every social group, some people take on the specific function of an intellectual. These *organic intellectuals* provide a group “homogeneity and awareness of its own function not only in the economic but also in the social and political fields” (1971, p. 5). I see constitutional educators like KrisAnne Hall and Larry Arnn as nascent organic intellectuals, using the Constitution to construct and concretize an American identity rooted in whiteness.

Both everyday intellectuals and organic intellectuals engage what Gramsci calls *common sense*. Gramsci understood common sense as the collection of sedimented customary beliefs and kernels of utopian “good sense” that people draw on to make sense of the world. In *Policing the Crisis*, Stuart Hall et al. (1980) turn to this concept to understand the sudden explosion of “mugging” as an anti-Black legal discourse and policing practice. They suggest that Black criminality emerged as a tangible explanation for a host of bewildering economic and cultural transformations in 1970s Britain. Explanations like this are not logical; instead, people use pre-existing explanations which

are “really the fragments of other, often earlier, more coherent and consistent theoretical elaborations which have lost their internal consistency over time, fragmented, become sedimented in ordinary ‘common sense’” (S. Hall et al., 1980, p. 166). Common sense captures the unstable blend of folk wisdom and experiential knowledge open for radicalization by both conservative and progressive forces (S. Hall and O’Shea, 2013). I therefore see a constitutional discourse as drawing on common sense ideas about law, the Constitution, and rights in the U.S. As I note in the introduction, this analysis departs from Gramsci’s conception of law, which he understood as exclusively part of the repressive arm of the state. Unlike Gramsci I take law to be both educative and repressive, making law not only productive of coercion but of consent. By this, I mean that law, as a set of practices and norms, is always enrolled in ideological formations, but it may be mobilized in both hegemonic and counter-hegemonic projects.

In this dissertation I explore how a language of law is activated in an effort to advance a specific formation of white identity and white supremacy, one rooted not in the deferred promise of multi-culturalism but in the open declaration of western cultural superiority. Omi and Winant (2014) have argued that in the post-Civil Rights era, political elites attempted to maintain hegemony by incorporating opposition. Building on Gramsci, they suggest that elites did so by creating a new racial common sense which “celebrated (and inflated) the significance of the concessions won,” and thus “permitted the reassertion of a certain broad-based racial stability, and defused a great deal of political opposition” (2014, p. 255). My research suggests that this racial consensus is unstable. White privilege is under pressure in the U.S., and popular narratives of the American Revolution and the

Constitution are mobilized to provide one answer to the question of what is happening to white Americans and what to do about it.

I therefore take the energy behind constitutional politics as a push to reshape what kind of common sense Americans have about racial identity and national membership. The Constitution is an effective ideological symbol, gathering fragmentary ideas about the wisdom of the founding fathers, the righteousness of the American Revolution, and the necessity of violence to achieve freedom. As Critical Race theorists have shown, this celebratory history white-washes the racial violence of the United States' founding and pre-empts contemporary demands for racial justice, reparations, and decolonization. Yet the ideological pull to the right of a Constitutional discourse is successful, as Stuart Hall (1979) writes, because "it works on the ground of already constituted social practices and lived ideologies.... which have secured over time a traditional resonance and left their traces in popular inventories" (p. 20). A conservative constitutional discourse draws on this common sense to advance an exclusionary vision of the United states as a nation made by and for white (Anglo-Saxon) people. What Stuart Hall calls popular inventories and Gramsci calls common sense are, thus, critical avenues for consolidating collective race and class interests and identities. The hegemonic momentum of white supremacy depends upon mobilizing consent, making contests over racial common sense a key "site and stake" in the battle over white supremacy.

A Genealogy of Whiteness: KrisAnne Hall

As a self-described constitutional educator, KrisAnne Hall makes her living on the seminar circuit, complementing her speaking gigs at summer camps and Patriot gatherings with a

regular radio and television show as well as online educational opportunities through the unaccredited, subscription-based Liberty First University. Her YouTube channel has over 24,000 followers with some videos having over 12,000 views, and her podcast is readily available on iTunes and Jesus Pod. Though this might not seem like a large audience, Hall is well known in constitutionalist circles. I first discovered her through her widely shared 2016 YouTube video about the constitutionality of the armed occupation of the Malheur National Wildlife Refuge in Oregon. Indeed, Hall was so successful in signaling her support for the occupiers that she was briefly brought in as a negotiator during the 2016 standoff. During my ensuing fieldwork I regularly encountered citations of Hall by commenters, who reposted her podcast about Second Amendment Rights on the Facebook page of Three Percent Republic, or shared an invitation to hear her speak at the 2019 Patriot Network Summit on the Facebook page for Grassroots Constitutional Movement. Speakers at city council meetings and rallies in defense of Second Amendment rights in Oregon and Washington also quoted KrisAnne Hall. At a 2019 hearing for a gun rights resolution in Thurston County, WA, one supporter read out loud a tweet from KrisAnne Hall that said: “If society is honest & accurate only 1 relevant question to the #GunControl debate: ‘Do you trust those in govt, now & forever in the future, to not take your life, liberty, property by force of govt?’ If answer is ‘no,’ debate is over.”¹

In a talk that Hall (2015) gives around the country, she provides what she calls an intellectual and political genealogy of the Constitution, telling audiences that there is in fact, “nothing new, nothing invented,” in the Constitution. Instead, it represents the fulfillment of a thousand years of development in Western thought regarding the proper

¹ KrisAnne Hall. 02/15/2018. “If society is honest & accurate...”. In *Twitter*.

relations between people, property, and government. At the center of this relationship is liberty, which she defines as the marriage of freedom and morality. In this natural law framing, humans are free because they are made in the image of God. Freedom means that people are free to produce and consume but also free to lie and cheat. Morality is the necessary correlate and corrective to this freedom, as Judeo-Christian moral tenets ensure that the individual exercise of freedom does not harm or infringe upon another's freedom. For Hall, it is this combination of natural freedom and Christian morality that the Constitution enables and protects.

Hall then moves through five historic documents from British history which she claims are the political and legal predecessors to the Constitution. These include the 1100 Charter of Liberties, the 1215 Magna Carta, the 1628 Petition of Rights, the 1641 Grand Remonstrance, and 1689 English Bill of Rights. Hall presents each document as a stepping stone along the path towards liberty, with each one developing one of the core promises of the Bill of Rights and the Constitution. The Charter of Liberties, for example, prevented burdensome taxation and state interference in religion, while the Grand Remonstrance rejected overreach by the monarch, "whose only purpose was to destroy liberty" (K. Hall, 2015). The penultimate document before the Constitution, the 1689 English Bill of Rights, was written as a rebuke to the actions of King James II, whom she describes as destroying liberty by writing law, overturning law, and setting aside law, all of which were powers properly reserved to parliament. The 1689 Bill of Rights therefore enshrines liberty as the separation of powers and limitation of presidential power. Using this to amplify how serious the constitutional crisis is now, Hall charges that "Our presidents exercise more power than British Kings have exercised since 1688" (2015).

The discursive construction of a constitutional genealogy is not about relaying an accurate account of the past, but connecting viewers' "popular inventories" (S. Hall, 1979, p. 20) of history to a new collective Anglo-Saxon heritage and identity. Indeed, scholars like Peter Linebaugh (2009) have charted an alternative path, providing progressive readings of British Constitutional history by detailing the constitutional provisioning for the commons and subsistence rights of the poor. But KrisAnne Hall's description of these events constructs a very particular cultural, racial, and religious teleology for the Constitution. First, Hall uses each document to build the case for liberty based in the defense of private property going back almost a thousand years. Through this genealogy, Hall produces a political interpretation of the Constitution that leaves no room for the specificity of the American colonial context, insisting that "every single principle was inherited over the last 700 years" (2015). Secondly, Hall roots the Constitution in what she identifies as Anglo-Saxon history, and in doing so, she provides what I consider the genealogy of the Anglo-Saxon/white subject. In another version of her talk, Hall tells the audience that America "was founded on liberty, not liberty that was invented but a liberty that was inherited from your history," placing the American Revolution as only the most recent battle in Anglo-Saxons' centuries-long struggle for liberty (K. Hall, 2016). In doing so, Hall echoes former Representative Matt Shea's invitation of Liberty State activists to see themselves as acting in the steps of their freedom-loving Scotch-Irish ancestors. Citing John Adams's claim that Americans' right to liberty was dearly bought by the founding fathers with "their ease, their estate, their pleasure and their blood," Hall insists that "we need to understand this history so you know who you are, so you know where you came from, so you know what you can be, because the spirit isn't with you its within you."

In this reading the Declaration of Independence, the Constitution and the Bill of Rights are not just part of the audience's national heritage but are family heirlooms, passed down by their ancestors for preservation and renewal. By providing a genealogy of the white subject, Hall draws a family tree that allows contemporary activists to trace their political and racial heritage back to the early struggles of Anglo-Saxons against foreign invaders and internal enemies. In this talk Hall makes no mention of colonists' violence against Native peoples, or colonists' grievance in the Declaration of Independence that King George III failed to properly resource their attempts to advance white claims to Native land, an omission mirrored in Larry Arnn's narrative of America's founding and in most social media discussions of the Constitution. This extended heritage retroactively inscribes the whiteness of America back in time to a moment seemingly distant from the ugly details of genocide, slavery, and conquest that indelibly mark the birth of America (Dunbar-Ortiz, 2014; King, 2016). Through her genealogy, Hall provides the kind of revisionist reading that so troubled Critical Race Theorists, erasing American colonists' advancement of white privilege couched in the language of universal liberty and equality.

A Geography of Whiteness: Hillsdale College

A series of widely distributed online seminars produced by Hillsdale College also manufacture historical evidence for the providential nature of the U.S. nation and its people. Hillsdale College is an elite conservative liberal-arts college in Michigan, a jewel of the Republican establishment with a long list of conservative donors and well-placed alumni (Eckholm, 2017). It is part of the broader network of colleges, think tanks, and public interest firms working to mainstream conservative philosophy and legal

interpretation by promoting and placing conservative organic intellectuals in elite political and legal positions. The college describes itself as “a trustee of our Western philosophical and theological inheritance tracing to Athens and Jerusalem, a heritage finding its clearest expression in the American experiment of self-government under law” (Hillsdale College, N.D.)

To defend this inheritance, they provide extensive online civics and history courses and freely distribute copies of pocket Constitutions, of which I collected many over the course of my fieldwork. Hillsdale college not only produces organic intellectuals, it animates common sense ideas about the Constitution to advance a defense of the U.S. as a white Christian nation. They appeal to a broader audience through their public facing online courses, which they claim have enrolled over 1.2 million students. This includes their heavily advertised course *Constitution 101*. In *Constitution 101*, college faculty members and President Larry Arnn give a series of lectures on the founders’ theories of economics, the Civil War as constitutional crisis, and the failures of the Progressive Era. Filmed in a classroom with a blackboard on hand, the lectures end with the instructors seated in a wingback chair in a book-paneled study as they review the major implications of the lesson. Viewers are encouraged to see themselves as honorary students of Hillsdale College and honorary members in the elite world that Hillsdale College works to recreate. *Constitution 101* illustrates how a constitutional discourse rooted in the reproduction of the white subject circulates between YouTube channels and institutional spaces, connecting constitutional originalists with Three Percent militia members and concretizing the Constitution as the apex of Western culture.

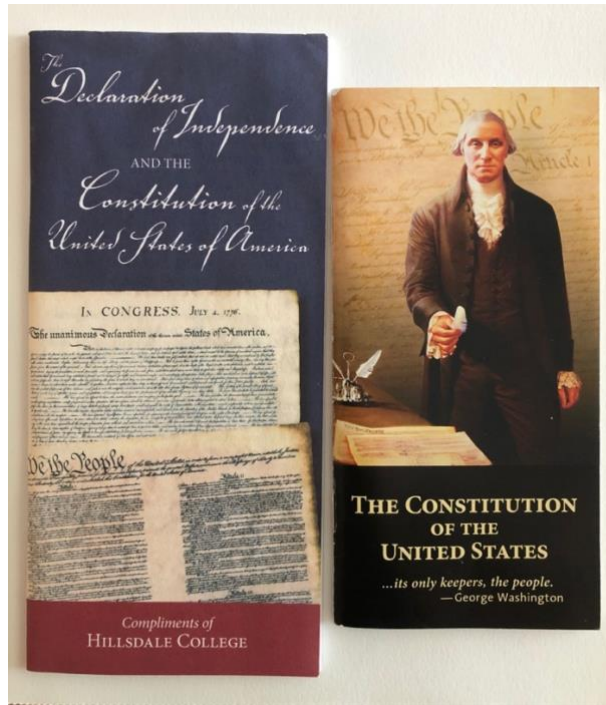


Figure 5 Two Pocket Constitutions collected during fieldwork. Constitution on left printed by Hillsdale college, Constitution on right printed by National Center for Constitutional Studies

In his opening video for the series, Arnn describes the Constitution as the work of divine providence and argues that the Constitution is a document made by and for a unique people and a unique place. Arnn invites viewers to compare the Constitution to a work of art like Michelangelo’s statue of David. He reverently describes the David statue by emphasizing that its beauty comes from the “purity” of its white marble material. Arnn introduces Aristotle’s idea of the four causes of being—material, efficient, formal, and final—and pulls out this analogy to analyze what he calls the four causes of the U.S. as a nation. He first suggests that like the David’s white marble, the material that the U.S. is made of is highly significant. He identifies the material cause of the U.S. to be its land and its people. He says the founders were simply “enchanted by” the land, and “they think it is just a massive and wonderful fact that they’ve got this whole continent” (Arnn N.D.).

Populating this land were British subjects, whom the founders saw as “a special people” because they “came over here and built all of this.” Arnn implores:

And think of how unique that is....it can never happen again. A bunch of people come from a civilized place with religion and books and libraries and cities and order and commerce and they come to a wilderness. And they get to start over. But they bring the knowledge of all that with them. (Arnn N.D.)

Like KrisAnne Hall, Arnn erases Indigenous presence and culture, suggesting that European colonizers arrived to an empty continent that was theirs for the taking. The fiction of *Terra Nullius* was always that—a legal fiction colonizers knew to be false (O’Brien, 2010; Wolfe, 2006). But in his retrospective re-framing, Arnn takes fiction as fact and as suggests that there was a divine and pre-destined connection between European colonizers and the continent that would be theirs. It seems hardly accidental that the David’s white marble skin is taken as the symbolic matter that makes up the U.S., or that Arnn gestures towards enlightenment aesthetics of the sublime to complement his claims about the superiority of Western art and culture. As I develop further in chapter 4, the celebration of western cultural achievements becomes a lynchpin in the articulation of a new racial ideology that uplifts the superiority of western civilization while legitimizing intercultural discrimination.

In his talk, Arnn goes on to name the efficient cause or agent of the U.S. to be the founding fathers, and the formal cause or shape of the U.S. to be the system of the three branches of government. The final cause or purpose of the U.S. are the principles in the Declaration of Independence, which he glosses as the foundation of law in God. In sum, Arnn presents the U.S. as a nation made up of colonizers and their land and governed by a

system made by the founders through divine providence. While KrisAnne Hall locates the Declaration of Independence, Constitution and Bill of Rights in a genealogy extending to an Anglo-Saxon past, Arnn reaches even further back and connects the founding of the U.S. to the wisdom of the ancient Greeks via Aristotle and the brilliance of the Renaissance via Michelangelo.² As CRT scholars point out (Bogus, 1998), situating American law only within the history of Western legal thought and culture obscures the unique conjunction of colonialism and slavery that forged the writing of the U.S. Constitution. Yet in each genealogy, the continued success of the United States is testament to the miraculous meeting of the right Anglo-Saxon people with the right politics in the right place. The white subject is positioned as the inheritor of this legacy, and thus the chosen defender of a Constitution constantly under threat from both internal and external enemies. By positioning the Constitution as a white inheritance, white proprietary claims to the nation through the language of rights becomes common-sense.

Constructing the white nation through constitutional devotion

In this section I illustrate the amplification of a racial common sense via the circulation of a constitutional discourse across regionally and nationally-focused Facebook pages and groups broadly dedicated to constitutional interpretation and defense. Conservative constitutional discourse on social media is marked by overtly symbolic appeals to the Constitution. Though some social media groups engage in substantive debate over textual interpretation, most employ memes, quotes, and YouTube clips to signal a politics rooted

² As I discuss further in chapter 4, many constitutional conservatives follow Arnn in not only celebrating the Anglo-Saxon heritage of the Constitution, but in uplifting the Constitution as a symbol of the success of Western Civilization writ large.

in constitutional values. Participants rely on the known network of actors doing interpretive work (such as KrisAnne Hall and Larry Arnn, or Ammon Bundy and Lavoy Finicum) to substantiate their shorthand claims, much like the way memes themselves require insider knowledge to be fully legible. Even as constitutional claims shift in this process, the racial ideology positioning the United States as a nation made by and for white people remains constant. This circuit of conservative constitutional discourse through social media platforms mirrors the early adoption of the internet by white nationalists in the 1990s (Belew, 2018) and indicates the importance of online organizing for conservative, far-right, and hate groups (Bowman-Grieve, 2009; DeCook, 2018; Daniels, 2009, 2018; Fielitz & Thurston, 2019; Gerstenfeld, Grant, & Chiang, 2003).

As I argue, this racial ideology is advanced through common sense ideas about U.S. constitutional history, often compressed into symbolic references to key people, dates, quotes, and documents. We can see this in a series of posts and responses from 2019 all shared on the Facebook page for Patriot Prayer, a group based in Vancouver, Washington. With approximately 28,000 online followers, the group is loosely organized around Second Amendment rights and Christian values, with their charismatic leader Joey Gibson bringing supporters to Portland for confrontational rallies against Antifa and the liberal establishment. A popular meme posted on the site proclaimed, “PSA: Loving the Constitution does not make you a racist, nor a white nationalist. It makes you an American. Any Questions?”³ A commenter below rearticulates specifically white claims to the Constitution and the nation, saying, “White people don’t need to defend or explain their love or pride for their heritage, because EVERY SINGLE OTHER GROUP does it and no

³ Patriot Prayer. 02/19/2019. “PSA: Loving the Constitution does not make you a racist.” In *Facebook* [Patriot Prayer Page]

one bats an eye.”⁴ Another post by the moderator on the same site declared: “Let it be known, Patriot Prayer does not care about your race, gender, sexual orientation, religion, political party, physical ability, or any other ‘identity’ aspect. What we care about is freedom! If you support the U.S. Constitution, you are welcome here!”⁵ Despite these claims, off-hand derogatory remarks online and at events directed towards gay, transgender, and non-binary individuals indicates that many supporters do, in fact, care about the ‘identity’ of those around them.

Against this background of constitutional devotion, Patriot Prayer invests significant energy denying their racism and violence, as seen in a message they shared from someone who went to one of their rallies and found it peaceful and respectful—in other words, nothing like the media portrayal of the group. In response, one commenter wrote: “I was there and listened to his [Joey Gibson’s] words. The guy ain’t a ray-cist! Far from it. The ones that are calling him a raycist are the same one’s that call me one only because I’m a white, conservative male. Those people are going to start a problem that they might live to regret.”⁶ The commenter flips the script by identifying those who accuse white people of racism as the real racists, since they are the ones assuming intention based on race. The commenter also says their accusers may “live to regret” their actions, indicating how proclamations of race-neutrality are backed up through veiled or explicit threats to perceived enemies.

These comments illustrate the construction of a colorblind constitutionalism, one that insists that racism is no longer a problem. As a Patriot Prayer moderator posted one day,

⁴ Dejan Dan Rokarolovich. 02/19/2019. Re: “PSA: Loving the Constitution does not make you a racist.” In *Facebook* [Patriot Prayer Page].

⁵ Patriot Prayer. 02/12/2019. “Let it be known...” In *Facebook* [Patriot Prayer Page]

⁶ David Wheeler. 02/23/2019. “I was there and listened to his words...” In *Facebook* [Patriot Prayer Page]

“the mass hysteria over ‘everything is racist’ will be studied by historians for centuries.”⁷ Facebook followers agreed, saying that it was like “the modern day equivalent of the salem witch trials [sic],” and suggesting people bringing up racist acts were like “race pimps with their hoes.”⁸ Posting an article about a white supremacist rally at a Holocaust museum, the Patriot Prayer moderator wrote “THIS is actual hate, and it sickens me! I thank God there are so few of these truly hateful people.”⁹ Some suggested that white supremacy was just one form of individual prejudice, arguing that “Every race has their in-bred, ignorant, idiots who are a total embarrassment! This happens to be the white-race cousins nobody wants to show up, ever!”¹⁰ Similarly, another commenter wrote “there is no ‘predisposition to racism gene.’ It’s not a ‘white’ thing. Anyone can become a racist.”¹¹

Denying racism allows commenters to refuse responsibility for the ongoing legacy of anti-Black violence in the United States. Dismissed as an aberration, slavery becomes an historical accident that constitutionalists cannot stop talking about. On the Facebook group for Constitutional Grassroots Movement, a moderator posted an article detailing a candidate’s call for reparations for Black Americans. This group is stricter than most about maintaining a focus on constitutional education and supporting constitutional candidates, making the flood of responses notable. Comments suggested firstly that white Americans have already given enough. Connecting their lack of culpability to their heritage, one

⁷ Patriot Prayer. 07/20/2019. “the mass hysteria over ‘everything is racist’ will be studied by historians for centuries.” In *Facebook* [Patriot Prayer Page]

⁸ Jeff Fisher, CA Christensen. 07/20/2019. “the mass hysteria over ‘everything is racist’ will be studied by historians for centuries.” In *Facebook* [Patriot Prayer Page]

⁹ Patriot Prayer. 05/09/2019. “THIS is actual hate, and it sickens me! I thank God there are so few of these truly hateful people” In *Facebook* [Patriot Prayer Page]

¹⁰ Mike Strittmater. 05/09/2019. “THIS is actual hate, and it sickens me! I thank God there are so few of these truly hateful people” In *Facebook* [Patriot Prayer Page]

¹¹ Daniel Smith, Patrick McGurk. 05/09/2019. “THIS is actual hate, and it sickens me! I thank God there are so few of these truly hateful people” In *Facebook* [Patriot Prayer Page]

commenter exclaimed “What’s worse is that people in our family gave their lives to free them! Now we should pay reparations on top of their sacrifice? We paid as a country with nearly irreparable damage to our Constitution...”¹² Flattening the distinction between race and racism, one commenter wrote “This is racism. Give them money because of their skin color!!! We made this country great and will keep doing it!!”¹³ In reference to a popular alt-right meme insisting that the Irish were also indentured servants and slaves, another wrote “I hope it includes the English Whites, and Irish...”¹⁴ In a more explicit rendering of this anti-Blackness, someone with a Confederate flag as their profile photo asked, “When do I get my reparations for having to live around the hateful bastards all my life?”¹⁵

These views towards the legacy of slavery are reflected by some leaders in the movement, including Cliven Bundy. In a 2014 interview, Bundy famously asked of Black Americans, “are they better off as slaves, picking cotton and having a family life and doing things, or are they better off under government subsidy? They didn’t get no more freedom. They got less freedom” (Nagourney, 2014). While mainstream conservatives disavowed his statement, the Bundys, including sons Ammon and Ryan, remain relatively popular among constitutional conservatives online; the most common critique is not that they are too extreme, but that they are too soft on issues like immigration (Swenson, 2018). LaVoy Finicum has in many ways eclipsed the Bundys in popularity, his status as martyr secured through his passionate YouTube videos decrying government overreach and praising the

¹² Darrell Pack. 02/04/2019. Re: “Democrat Candidate Calls for 100 Billion in Reparations for Slavery” in *Facebook* [Constitutional Grassroots Movement Group Page]

¹³ Jonathan Cole. 02/04/2019. Re: “Democrat Candidate Calls for 100 Billion in Reparations for Slavery” in *Facebook* [Constitutional Grassroots Movement Group Page]

¹⁴ Gary Flaig. 02/04/2019. Re: “Democrat Candidate Calls for 100 Billion in Reparations for Slavery” in *Facebook* [Constitutional Grassroots Movement Group Page]

¹⁵ Jay Maddox. 02/04/2019. Re: “Democrat Candidate Calls for 100 Billion in Reparations for Slavery” in *Facebook* [Constitutional Grassroots Movement Group Page]

Constitution prior to his death. But whether or not leaders or commenters endorse or decry explicitly racist sentiments, the broader refusal to recognize systemic racism reflects a shared investment in the continued benefits of white supremacy (Bonds & Inwood 2015).

The insistence that race no longer matters is further sustained by highlighting non-white members of the Patriot movement. Many sites feature quotes by Candace Owens, a young Black alt-right activist with a rising presence. The Facebook page for “American Patriot the 111% National,” a militia group, posted an image of Candace Owens with her words “There’s no skin color in patriotism” inscribed on top.¹⁶ On the Facebook page for the Oathkeepers, a militia group of police officers and military personnel, moderators posted a quote of Owens proclaiming: “America is not a racist country. Anyone claiming otherwise has a vested interest in keeping us divided. The easiest way to maintain power over any group is to keep those within it at war with one another.”¹⁷ Commenters crowded in approval, writing “this women has more wisdom in her little finger than most in their whole head [sic].”¹⁸

I argue here that online commenters display the sedimented layers of folk wisdom that make up common sense (Gramsci, 1971; S. Hall et al., 1980). The function of a conservative constitutional discourse is not to resolve the jumble of seemingly contradictory notions about race, racism, and whiteness, but rather to spur them into a shared trajectory via a celebration of the proud heritage of the U.S. as a nation and as a people. This effective strategy connects familiar ideals from the American Revolution like “liberty and justice for all” with fragments of a post-race discourse to create a new vision

¹⁶ American Patriot the 111% National. 02/20/2019. “There’s no skin color in patriotism” in Facebook [American Patriot the 111% National Page]

¹⁷ Oath Keepers. 01/27/2019. “America is not a racist country...” in *Facebook* [Oath Keepers Page]

¹⁸ Joyce Williams. 01/27/2019. “America is not a racist country...” In *Facebook* [Oath Keepers Page]

of the U.S. as a nation ruled by colorblind constitutionalism. Commenters thus argue that race itself is no longer a salient social category, a denial that locates them safely outside the discredited discourse of overt white supremacists. This reasoning works to dismiss current struggles for racial justice, and in particular calls for the redistribution of wealth and land. As critical race theorists Derrick Bell and Cheryl Harris demonstrate, white Americans are generally not comfortable with forms of racial redress that ask them to give up their political, economic, or social privileges. Colorblind constitutionalism allows white Americans to proclaim their own racial innocence and position themselves as the aggrieved party under attack by spurious anti-racist policies. Thus, rather than dismissing this discourse as incoherent, this chapter demonstrates that any study of the contested hegemony of racial capitalism must consider the production of common sense as a terrain of analysis and a terrain for political struggle.

Conclusion

In this chapter, I demonstrate the importance of following the directional momentum of a constitutional discourse to understand the shifting articulations of racial identity, racialized hierarchies, and the racial state. In doing so, I turn our attention to the constitutive role of constitutional rhetoric in both shaping and dismantling white privilege and white supremacy. Just as we cannot approach identities as stable and inherent, we also cannot view law as neutral or absolute. There are no singular politics in appeals to constitutional rights. My research reveals but one possible course, showing how the language of constitutional rights channels the production of a shared set of proprietary white interests. Within this discourse, the extension of political rights and economic and social status to

Black Americans, immigrants, and other disenfranchised groups is explained as an attack on white rights and, by extension, an attack on the founding principles of the U.S. nation. Explanations are ideologically consequential because they are the first step in reasserting control (S. Hall et al., 1980). Once a change or challenge can be explained it can be addressed. White nationalism as a plan for control emerges from the explanation offered by a constitutional discourse that constructs the white (Anglo-Saxon) subject as the privileged inheritor of the U.S. nation. For constitutional activists, revalorizing whiteness is inextricable from re-investing in the nation-state, as white identity is defined through and defended by the nation.

This has important implications for how geographers conceptualize the racial production of space, territory and the nation. Rights are often conceived as a legal entitlement, describing a relationship or contract between a single citizen or subject and their government. But my research shows that rights claims are not just a political or legal claim— they are also a territorial claim. Struggles to define and valorize particular constitutional rights are also battles over what kind of people should have the authority to interpret and enforce law in the U.S. When people connect their actions to the actions of the founding fathers, they signal that they are members of the select group of people who have the right to govern. In this framework, legal authority comes alongside territorial jurisdiction—control over law implies control over its spatial extension and enforcement. Rights claims are thus a way to not only assert political membership in the nation but advance proprietary claims to occupy and govern the nation (Moreton-Robinson, 2015).

Chapter 3. Popular Sovereignty as White Settler Sovereignty: The campaign for Second Amendment Sanctuary Cities

The drive north from Portland to Yacolt is a tour through the changing development in the region, as 1970s suburbs give way to big box stores on the edges of towns which eventually give way to big boxy houses rising up on recently cleared agricultural land rolling across the foothills of the Cascade Mountains. Sunlight flashes as the road curves between treeless flattened bare ground and then dips into hobby farms and second growth forests, covered in the moss redolent in the temperate rainforests of the Pacific Northwest. A town of 1800, Yacolt has a Sasquatch loping across the town library wall and an old railway and boxcar running through main street. I am here for a City Council meeting, where they will debate the approval of a resolution declaring Yacolt a Second Amendment Sanctuary City. A response to the 2018 passage of a ballot measure (I-1639) increasing gun regulations in the state of Washington, the resolution “calls upon the Town of Yacolt City Council members within their respective jurisdictions to neither authorize nor support the enforcement of any act, order, rule, law, or regulation repugnant to the legally binding, Constitutionally guaranteed right to keep and bear arms exercised by law-abiding citizens of Yacolt, Washington” (Town of Yacolt, 2019). The city hall fills quickly, and I squeeze into a row in the back. To one side of me is a woman who whispers to me that she is very active on Facebook and has followed this campaign closely. On the other side is a man dressed in head-to-toe leather, a gun prominently displayed on his hip. Like everyone else in the audience, they have come in support of the resolution.

The three person council begins with a meandering discussion about the proper management of the town baseball field. The atmosphere is relaxed, with council members freely chatting between each other and with residents in the room. The council then turns

to the resolution put forward by the group North Country Sons and Daughters of Liberty, and Shauna Walters, one of the leaders of the movement, stands up to read the resolution in “Support of the Right to Keep and Bear Arms.” The resolution leads with a series of excerpts from the Federal Constitution and Washington State Constitution:

WHEREAS, The 2nd Amendment to the United States Constitution guarantees, “...the right of the people to keep and bear Arms, shall not be infringed.”

And Article 6, Section 2 declares “This Constitution, and the laws...made in pursuance thereof; shall be the Supreme Law of the Land...”; and

WHEREAS, Article 1, Section 2, of the Washington State Constitution declares “The Constitution of the United States is the supreme law of the land.”; and

WHEREAS Article 1, Section 24, of the Washington State Constitution further guarantees “The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired... (Town of Yacolt, 2019)

The resolution buttresses these constitutional excerpts with a list of relevant Supreme Court decisions. Noticeably, the resolution does not cite the Fourteenth Amendment, which among other things provides that no state can pass a law that would abridge the privileges or immunities of U.S. Citizens; deprive citizens of life, liberty or property without due process of law; and ensure all citizens equal protection under the law. The due process clause of the Fourteenth Amendment is understood to have “incorporated” the original Bill of Rights by making them applicable not only to the federal government but to the all of the states (Curtis, 2013). The use of local and state agencies to ensure Second Amendment protections is therefore dependent on the Second Amendment’s incorporation by the Fourteenth Amendment—but many conservative constitutional

activists avoid mentioning the Fourteenth Amendment, or go so far as to suggest that the “true” Constitution contains only the original document plus the first Twelve Amendments, and that all Amendments from Reconstruction (Thirteenth, Fourteenth, and Fifteenth) onward are illegitimate (Foner, 2002).¹ Legal scholar Jack Balkin suggests that conflicts over constitutional interpretation are often contests over social status, for example noting that white Americans launch legal challenges to Affirmative Action because they see it as a sign that non-white Americans are gaining in status, thereby provoking a kind of status anxiety for white Americans (Balkin, 1997). Like activists’ dislike of anti-racism in general, their ambivalence towards the Fourteenth Amendment can be read as an anxiety over their loss of social status through the extension of legal protection and rights to non-white citizens.

With this evidence in hand, the resolution states that a “core principal of the Town of Yacolt, Washington is not to infringe on the Constitutionally guaranteed right to keep and bear arms,” and declares that the County Councilors, Sheriff, and City Council members will all preserve the right to bear arms and refuse to enforce any laws that infringe on this right. After the resolution is read, people in the audience make the short walk up to the microphone to testify in support of the resolution. By the end of the night, Yacolt will become the first town in Washington to pass a resolution as part of this new campaign.

Though worded broadly, the resolution is motivated by a campaign to roll back Measure I-1639, which made it illegal for a person under 21 years of age to buy a

¹ As I discuss in chapter 1, the belief that the Reconstruction Amendments were illegitimate goes back to the time of their passing. Oregon, for example, refused to ratify the Fifteenth Amendment, claiming it violated their sovereignty as a state. Today, some far-right conservatives and sovereign citizens maintain that the Reconstruction Amendments were not legitimate because the South was an occupied territory at the time of ratification, making the ratification by Southern states illegitimate (Finn 2019; Southern Poverty Law Center 2000).

semiautomatic rifle; instated enhanced background checks (including health information), a waiting period, and training requirements for the purchase of semi-automatic rifles; and made owners criminally liable for the failure to safely secure firearms. Pro-gun activists in Washington claim that the background check provision would violate HIPAA and discriminate against veterans, and suggest that sheriffs could now enter into private citizens' homes to check for proper storage and even remove their guns if they failed their background check. Most effectively, opponents argue that I-1639 was pushed by 'elite' liberal interests in western Washington and has no support or validity in most of the semi-rural counties that voted no on the measure. Legal challenges to the ballot measure have thus far been unsuccessful, so opponents are now campaigning to convince city councils, county commissions, and Sheriffs to declare their refusal to enforce the measure. The aim is to create a patchwork of jurisdictions throughout the state where gun regulations are unenforceable.

The Second Amendment Sanctuary City resolution invokes the federal and state Constitution to elevate I-1639 and other gun regulations to the terrain of constitutional law rather than local politics. Advocates for the resolution are drawing on the ascendent language of constitutional rights within the movement to expand gun access and ownership. These constitutional claims regarding gun ownership are, at this point, well documented and contested (Cornell, 2002; Dunbar-Ortiz, 2018; Konig, 2004a, 2004b; Uviller & Merkel, 2002), but appealing to the Constitution does more than substantiate the legal basis for Sanctuary Cities. Invoking the Constitution also allows supporters of the resolution to connect their struggle against government overreach to the struggle for independence waged in the American Revolution (Levin, 1999). At the hearing, Yacolt resident Jeremy

Dawson urged the Yacolt council, “Let’s be like our forefathers. They didn’t sit around. They did stuff” (Littman, 2019). Dawson echoes activists across Oregon and Washington who combine references to the Constitution, the founding fathers, and other key historical actors and events in a conservative constitutional discourse. This discourse extends beyond gun advocacy, connecting right-wing groups in Oregon and Washington focused on issues ranging from public land management to anti-abortion policies. These groups all claim to defend the values, rights, and heritage enshrined in the Constitution against a variety of enemies, including coastal elites, immigrants, and Black Lives Matter protestors (Hall, 2005). They share the concern that they are losing control of their respective states—politically and culturally—and that their voice is being silenced by the racially, religiously, and culturally diverse residents on the western, populous sides of their states. Like the Second Amendment Sanctuary City advocates, these groups advance territorial strategies to reconfigure political power at the municipal, county, and regional scale.

In this chapter, I show how activists successfully draw on common sense ideas about the Constitution in order to advance pro-gun policies. I argue that this tactic is effective because a conservative constitutional discourse operates through already existing social practices and ideologies which “have secured over time a traditional resonance and left their traces in popular inventories” (Hall 1979, p. 20). The importance of a conservative constitutional discourse that I chart here is in its ability to create a shared language of interests across difference groups and increase the institutional traction of particular demands.

In particular, by connecting their cause to the Constitution and the American Revolution, activists animate a series of nested claims to advance their position. Firstly,

activists suggest that citing the Constitution, the writings of the founding fathers, and the Supreme Court evidences the accuracy of their Constitutional interpretation by demonstrating institutional support. Yet the passage of I-1639 and other gun regulations indicates that not all formal legal actors, such as legislators and judges, agree with their interpretation. This means that secondly, activists align themselves with the founding fathers and the Constitution to assert their capacity as citizens to interpret and apply the Constitution (Beaumont, 2014; Elkins & McKittrick 1993; Keyssar, 2009; Peart & Smith 2015; Tomlins, 1993). Their legal citations act as a form of proof that average citizens can and should have the right to interpret law and challenge legal interpretation done by formal legal actors and elite politicians. Invoking the founding fathers further connects contemporary political demands to the sedimented common sense ideas that Americans have about the American Revolution, discursively positioning activists as acting in the defense of the legacy of the Revolution. Finally, relating their campaign to the values and actions of American Revolutionaries prefigures the proposition that they, like the founding fathers, may be forced to take extraordinary and extra-legal action to defend their rights (Feldman, 2008). Though the city council meeting in Yacolt was itself quite orderly, pro-gun organizers and the broader network of constitutional conservative activists in Washington frequently invoke their willingness to take violent action to protect their guns and their liberty.

Through constitutional appeals, activists position themselves as “the people” legitimately exercising popular sovereignty through legal interpretation, law making, and extra-legal actions. Popular sovereignty is a highly contested concept and practice in political theory, history, and legal studies. Political theorists trace the intellectual

development of the idea from Roman law through to medieval theorists like Jean Bodin to its expression by early modern European thinkers like Jean-Jacque Rousseau and Thomas Hobbes. Historians and legal scholars of England and early America focus on its development in seventeenth century through parliamentarians like Henry Parker and the Levelers, and its contested meaning and adoption by colonists and early American political actors. Legal scholars in the U.S. have further explicated the imbrication of popular sovereignty and popular constitutionalism, or the people's right to interpret and modify constitutional law. Across these shifting temporal and geographic landscapes, popular sovereignty appears as a contested concept, one simultaneously championed and feared, elevated and dismissed. For scholars of the doctrine, popular sovereignty poses a fundamental puzzle: who, where, and when are "the people," and how do we evaluate what counts as legitimate action by "the people" as a political collective?

But my research on Second Amendment Sanctuary groups prompts a different set of questions about popular sovereignty as a discourse and practice. The majority of scholarship on the doctrine of popular sovereignty in Western Europe and the U.S. fails to substantively engage how systems of settler colonialism and white supremacy shape the development and deployment of popular sovereignty in the U.S (Ostler, 2019). Yet whether it is in separatist movements in the western territories of the U.S in the 1770s and 1780s or in the mobilization of popular sovereignty in the debate over slavery in the territories in the 18540s and 1850s, practices of popular sovereignty have been inflected with concerns of territory, race, and gender. Today in Oregon and Washington state, pro-gun activists present themselves as representatives of the people as they attempt to overturn 'unconstitutional' gun laws. They do so by engaging in campaigns to regain local territorial

control over gun laws through Sanctuary City and County resolutions. While some proclamations (like Yacolt's) are primarily performative, other resolutions include fines for those Sheriffs and officials who use county or city resources to enforce supposedly unconstitutional gun laws. Placing contemporary movements to protect gun ownership² in conversation with historical movements invoking popular sovereignty helps surface the logics of settler colonialism that inflect expressions of popular sovereignty in the United States. In each case, I find that invocations of the people's sovereignty are enrolled in the selective geographic and cultural bounding of 'the people.' I therefore contend that we have not sufficiently located practices of popular sovereignty in the United States within an analysis of settler colonialism and the attendant logics of white supremacy.

To do so, I engage in a contrapuntal reading of the theory and practice of popular sovereignty as it developed in Western Europe and Early America and as it is currently articulated by pro-gun activists in the Pacific Northwest. Pulling on research by legal scholars, historians, and political theorists, I trace the development and adoption of the doctrine of popular sovereignty within the Anglo-American political and legal tradition. I bring particular attention to the selective constitution of "the people" across class, race, and gender lines and the emerging confluence between the discourse of popular sovereignty and the project of settler colonial conquest and expansion in the British colonies and then the United States. Alongside this, I follow the contemporary campaign to expand gun ownership and reduce regulations through municipal and county ordinances in Oregon and

² I use the phrase 'gun ownership' or 'pro-gun' rather than 'gun rights' to more clearly identify the goal of individual advocates and groups, which is to procure an expansive legal ability to purchase, own, and use guns. The term 'guns rights' emerges from the pro-gun movement and is misleading, as it implies a settled and objective 'right' to guns. This belies the shifting attitudes towards gun ownership throughout U.S. history and occludes the evolving and contested legal interpretations of the Second Amendment. I will refer at times to activists' belief in guns rights or their right to bear arms, but I have tried to signal when I am writing from their perspective and when I am writing from my own.

Washington. I draw on participatory observation from rallies and public hearings; social media activity; and local media to explore how activists discursively and materially enact a settler form of popular sovereignty. I demonstrate how pro-gun activists in the Pacific Northwest employ the Constitution to defend a vision of the American people and the American nation as white, both historically and in the present. Surfacing the racialized and gendered contours of this constitutional discourse reveals how white male expectations and desire mark expressions of popular sovereignty in the U.S. Despite the seeming universality of constitutional references, I show how activists enact a version of popular sovereignty that is distinctly gendered and raced. In doing so, I argue that historical and theoretical treatments of popular sovereignty fall short in their ability to account for the structuring forces of social hierarchies such as race, gender, and class. I demonstrate that popular sovereignty in the United States has served as an effective discourse to defend white male propertied interests through the acquisition of localized territorial power.

Popular Sovereignty as Theory and Practice

In this section I engage with scholarship in history and political theory to draw out how popular sovereignty is often conceptualized by theorists and to chart its emergence in Anglo-American political thought. I show here that much of the theoretical scholarship on popular sovereignty engages it as a normative doctrine, often obscuring how popular sovereignty has in practice functioned to reinforce racial and gendered hierarchies. I suggest that turning to the historical scholarship on popular sovereignty starts to reveal how the doctrine becomes enrolled in settler projects as it is adopted and adapted in the United States. In doing so, I offer that current scholarship has not yet sufficiently located the

practice and doctrine of popular sovereignty in the United States within an analysis of settler colonialism and white supremacy. As I will argue in the following section, expressions of popular sovereignty in the United States are not only marked by a settler colonial project but are frequently enrolled in the explicit defense and advancement of white settler interests.

This chapter focuses on the development of popular sovereignty as a distinct concept and practice within western Europe and in particular Anglo-American contexts. This follows much of the literature on popular sovereignty, which is almost exclusively focused on the Western political canon, although this geographic and cultural specificity often goes unmarked or untheorized within this work. Taken broadly, the doctrine of popular sovereignty can be understood as a theory about the constitutive force of legitimate government, meaning that a legitimate government is authorized by the continued consent of the governed. For some theorists and historical actors, this constitutive force is understood to exist at some point in the distant past, rendering popular sovereignty as the theoretical vanishing point of legitimate governments, particularly democracies. For others, popular sovereignty goes further, securing a regulative mode of governance in which the people, as the sovereign, can alter or abolish certain laws or even authorize a new government if they find the current one acting against the interest and will of the people. These constructions are often crafted within a normative theory of democratic governance, or even as a foundational principle of governance in the United States. As such, when I speak of popular sovereignty I invoke an expansive definition encompassing both the constitutive and regulative elements of popular sovereignty. I therefore understand popular sovereignty as a political theory identifying the collective people, rather than a

king, head of state, or God, as the authorizing force of a given government, and granting the people authority to alter or abolish certain laws or acts by the state or overturn the state entirely.

The early history of popular sovereignty in western thought illustrates how popular sovereignty existed as both a highly contested normative theory of governance and as a highly contested political discourse and practice. In his 1988 book *Inventing the People*, Edmund Morgan famously referred to popular sovereignty as a *fiction*. While “troubled by the pejorative connotations attached to the word,” Morgan insisted that he referred to popular sovereignty as a fiction not to debunk it but rather to highlight how governance relies on stories and belief as much as it relies on reason and force (Morgan, 1988, p. 14). Morgan’s framework has proved troubling for other scholars, particularly those writing from and about the United States, who appear uncomfortable with the implications of naming popular sovereignty a fiction. Christopher Childers (2012), in *The Failure of Popular Sovereignty: Slavery, Manifest Destiny, and the Radicalization of Southern Politics* captures this when he writes that “scholars have traditionally dismissed the popular sovereignty doctrine as a supple political contrivance devoid of substantive meaning,” and suggests that his book “seeks to restore some of its meaning” (Childers, 2012, p. 1). Christian Fritz, in his work *American sovereigns: The people and America's Constitutional tradition before the Civil War*, similarly begins by noting that “modern scholars suggest that sovereignty of the people was a rhetorical flourish lacking practical application as a constitutional principle. As a crucial “fiction,” the people’s sovereignty had enormous political influence” (2008, p. 3). Despite this, Fritz suggests that most histories of constitutionalism in America “neglect the constitutional authority once imputed to such a

collective sovereign,” and “fail to appreciate the earlier existence of a widely held belief in collective sovereignty that lost sway only after the Civil War” (2008, p. 3). Even geographers have picked up on Morgan’s phrase, with Sally Marston (1990) dismissing Morgan as merely “irreverent” in his rendering of popular sovereignty as fiction.

The idea of popular sovereignty as fiction is potentially uncomfortable because it undermines the normative promise of popular sovereignty. To suggest that popular sovereignty requires an act of willful disbelief seemingly negates the liberatory potential of popular rule. Thus while historians like Fritz (2008) and Childers (2012) are concerned with recovering the past political force of popular sovereignty in eighteenth and nineteenth century American culture and politics, contemporary political theorists are concerned with recovering the liberatory potential of popular sovereignty (Canovan, 2005; Lupel, 2009, Nootens, 2013, Ochoa Espejo, 2011, Weinert, 2007), or even securing its final abandonment (Cocks, 2020) as an ultimately flawed and failed political project. Those seeking to surface a normative theory of popular sovereignty are dismayed by studies of “how the people functioned as an ideological stopgap,” in works “concerned with the sociological aspects of the problem of popular indeterminacy,” rather than its normative aspects (Ochoa Espejo, 2011, p. 9).³ Contemporary theorists suggest that popular sovereignty must undergo a transformation if it is to offer a normative vision. Positing that globalization destabilizes traditional constructions of both ‘the people’ and ‘sovereignty,’ political theorists Adam Lupel suggests that popular sovereignty must be “rethought

³ For her part, Paulina Ochoa Espejo eschews the territorial production of ‘the people’ for one that focuses on the temporal construction of the people; she renders ‘the people’ as process, or “an unfolding series of events coordinated by the practices of constituting, governing, and changing institutions” (2011,13). Ochoa Espejo therefore turns our attention away from the problem of adjudicating the fact or fiction of popular sovereignty and towards the problem of the indeterminacy of people– in other words, the challenge of determining who counts as the people.

beyond the scope of the nation-state if it is to retain any relevance as a principal of democratic authority” (2009, p. 8). Similarly, Matthew Weinert (2007) argues that theories of state sovereignty and theories of popular sovereignty fail to accurately account for certain political practices, and instead offers “democratic sovereignty” as way to capture how international norms of conduct and human rights should shape modern practices of sovereignty.

Yet the geographically and temporally insular citational practices within normative treatments of popular sovereignty can be surprising in works purporting to substantially expand and modify the doctrine of popular sovereignty in light of a globalizing world and the multicultural nation (Chatterjee, 2020; Lupel, 2009, Nootens, 2013, Ochoa Espejo, 2011, Yack, 2001; Weinert, 2007). As Genevieve Nootens (2013) argues, normative justifications for popular sovereignty are always embedded within particular political contests and contexts. Contrasting her approach with Morgan’s, Nootens observes that “it is surely very interesting to be aware of the fictitious character of popular sovereignty and representation, but it is surely much more interesting to have a closer look at the struggles through which actual people had their right to rule themselves recognized in day-to-day political process such as public debates etc. In other words, the sovereign people is—and in a way always has been—a symbolic pole. But there have been processes of mobilization by which individuals came to recognize themselves as being part of one people, a way, then, in which the sovereign people is not only a fiction or an abstraction, but a very tangible thing” (Nootens, 2013, p. 69). Yet despite her insistence on practice, Nooten’s monograph has very little substantive engagement with specific movements outside a brief description of British mass national politics between 1758 and 1833.

As one of the only scholars to analyze the practice of popular sovereignty in settler colonial contests, Joan Cocks (2020) argues that popular sovereignty is fundamentally oppressive and contrary to liberatory politics. Though the “refusal of settler colonists to identify with the people whose lives they are steamrolling over is absolute,” Cocks insists the “drive to conquer and supplant already existing modes of existence,” is universal (Cocks 2020, 5). Employing a uniquely contextual approach to the study of popular sovereignty within settler colonial nations, Cocks finds that the normative failings of the doctrine are not particular to settler contexts but universal.

This chapter takes up the importance of examining historically and geographically contextualized articulations of popular sovereignty and follows Cocks (2020) in attending to the particular expression of popular sovereignty within a settler colonial context. But rather than diagnosing a gap between the theory and practice of popular sovereignty, this chapter instead advances a framework for examining the articulation of popular sovereignty with the United State’s distinct legal culture, racial regimes, and territorial expansion. Treating popular sovereignty as a geographically and temporally contingent practice and idea, one that is available to multiple political projects, does not necessitate emptying it of its material or political consequences. I therefore diverge from these theorists by investigating how in the United States, the doctrine of popular sovereignty became entangled and enrolled in a project to extend settler control over territory through the assertion of white popular control, particularly over local government. My research on Second Amendment Sanctuary Cities in the Northwest surfaces how, in the United States, popular sovereignty has often come to function as white settler sovereignty. I suggest that within the United States, expressions of popular sovereignty are not only marked by a

settler colonial project but are in fact frequently enrolled in the explicit defense and advancement of settler interests. Even more so, I suggest that the discourse of popular sovereignty has become uniquely available to white men, who appeal to law and history to forcefully assert their right and duty to speak as and for the people. Thus, in the following sections I weave together historical and contemporary instances of popular sovereignty to explore the particular construction of white popular sovereignty.

The Emerging Doctrine of Popular Sovereignty in Western Europe

The doctrine of popular sovereignty as it is commonly understood within the Western political tradition relies upon the foundations of the modern nation-state, in which a sovereign power exercises jurisdiction over a population residing within a bounded territory. By the eighteenth century in western Europe, the idea of popular sovereignty as a constitutive function of sovereignty was axiomatic and enrolled in the project of nation-building, but that was hardly the case in the sixteenth and seventeenth century (Lee, 2016; Pennington, 1993; Skinner & Bourke, 2016; Tuck, 2016). For these earlier theorists, popular sovereignty was not merely a theory of how to legitimate and limit public authority but a theory that sought to imagine how public authority is constituted in a world without unified states.

Early elaborations of popular sovereignty in western Europe were written by jurists or glossators employing the language of Roman law, which had been rediscovered in the eleventh century and was perceived as a timeless philosophy of law. Glossators focused on the Roman *Lex Regia*, or the right of Roman people to transfer authority to the emperor, and debated whether or not that transfer was permanent or conditional (Lee, 2016). In the

thirteenth century jurists moved away from studying Roman law as pure academics, coming instead to understand Roman law as applicable not just to Romans but to all peoples. This suggested in turn that popular sovereignty was not a practice confined to the Romans, but could be foundation to the law of all nations.⁴ By the sixteenth century, the task for political theorists was to sever theories of sovereignty from the ancient, and thus rather irrelevant, Roman law of *rex legia*. Legal theorists argued that the prince or the people could have a right to sovereignty which is delegated and exercised by intermediaries or agents. Establishing sovereignty as an exclusive right would open up new questions for theorists and citizens alike in the late sixteenth and seventeenth century: who should own or be entitled to that right? Is it kings alone, or could other figures or collectives also hold this right?

These questions became increasingly urgent as absolute monarchy came under pressure on multiple fronts. In France, Huguenots, or Calvinist Protestants, rebelled against Catholicism enforced by the king. Building on earlier understandings of *rex legia* and more recent proprietary theories of public law, the Monarchomachs (or “king killers”) argued that the people, not kings, were sovereign (Parrow, 1993). They suggested that the people, as a corporate body, retained the ultimate rights of ownership to public authority and sovereignty, even if they granted the king and his agents a usufruct right to use, but not own, these powers. Monarchomachs thus articulated an early theory of constituent power by claiming that the people constituted government, rendering the people superior to the

⁴ The fourteenth century saw the Italian jurist Baldus de Ubaldis (1327-1400) articulating a refined conception of popular sovereignty. Still drawing on Roman law, Baldus suggested that the people were like a private corporation in civil law, at once a unity and a plurality (Canning 1980, 1987; Lee 2016) For Baldus, this meant that the “members of the citizen- body in a plenary assembly are fully capable of acting in the name of the corporate populus on all public matters, and, for this reason, the populus is rightly to be regarded as the origin of governmental power and jurisdiction. A populus is, in effect, a sovereign authority in its own right” (Lee 2016, 76)

king. This formulation of popular sovereignty would travel, showing up in the Dutch revolution (1568-1648), the deposition of Queen Mary of Scots (1567), and in the English Civil War (1640-1660).⁵ This adoption of the doctrine of popular sovereignty by jurists and theorists in western Europe was not inevitable, and should not be understood as part of a normative progression towards more representative and responsive government. Instead, as Daniel Lee suggests, popular sovereignty emerged as “a distinctive solution to the background problem of pluralistic, overlapping, and conflicting sites of authorities, which plagued later medieval legal thought” (Lee, 2016, p. 10).

The adaptation of the doctrine of popular sovereignty in England occurred, like it did in other parts of western Europe, alongside the waning force of the doctrine of the divine right of kings (Weston & Greenberg, 1981).⁶ Peaking in the first half of the seventeenth century in England with King James I and Charles I, the divine right of kings meant that the monarch received their commission from God, not from the people, and could therefore rule supreme. Yet the fiction of the divine right of kings existed alongside the fiction of representation through the House of Commons.⁷ The first iteration of popular

⁵ In response, Jean Bodin (1530 – 1596) sought to delegitimize the Monarchomach theory of popular sovereignty and re-assert the absolute power of the king. Interestingly, Bodin acknowledged the theoretical legitimacy of popular sovereignty even as he criticized democratic modes of government and rejected the legitimacy of popular resistance. This was because Bodin insisted on a distinction between sovereignty and government. For Bodin, the most distinct attribute of sovereignty was the right to make laws (Engster, 1996; Lee, 2016; Tuck, 2016). In his normative model, while the sovereign made laws, they were best exercised and enforced indirectly, through the delegation of powers to agents of the sovereign.

⁶ While civil law theorists debated the sovereign powers of kings on the European continent, English common law was relatively hostile to Bodinian theories of sovereignty (Burgess, 2013). English Constitutional thought tended to treat England as a blended constitutional monarchy where power was distributed rather than located solely in the monarch (Fukuda, 1997). Furthermore, English common law rested on the theory that law is found, discovered, or revealed, rather than made by a sovereign or his agents.

⁷ In the seventeenth century, the House of Commons represented the gentry, those considered important but not high ranking enough to be in the House of Lords. Composition of the House of Commons was determined by the king, and representatives were elected from a select set of geographies within the kingdom. While representatives were elected by only certain towns and counties, they claimed to act through the authority of the sovereign people as a whole, rather than just their elective subjects.

sovereignty within the English context would thus come not from ‘the people’ writ large but from Parliament itself, and was intended not to fortify the power of ‘the people’ but to instead enhance the standing of Parliament as the people’s representatives (Goldsworthy, 2001). During and after the English Civil War (1640-1660), parliamentarians like Henry Parker drew on the Monarchomachs to develop a concept of parliamentary sovereignty to challenge the king’s authority (Hill, 1984; Mendle, 1995). Arguing that “power is originally inherent in the people” (Parker, 1642), Parker insisted that the parliament was the people, collapsing parliamentary sovereignty into popular sovereignty. Even royalists like Dudley Diggs and Scottish Bishop John Maxwell came to argue that the people transferred authority to the king, although they suggested that it was a permanent divestiture not subject to revision or revocation.

While parliamentarians suggested that they “virtually” represented the will of the people, the Levellers went a step further, advocating a more literal version of popular sovereignty (Foxley, 2013). They proposed an “Agreement of the people,” to be signed by all English subjects, as a way for the entire people to signal the transfer of their authority to their representatives.⁸ While the levelers sought to increase equality in political standing, James Harrington suggested in the *Commonwealth of Oceana* that a stable government depended upon a more equal distribution of land such that a majority of the population would be landowners—something which Thomas Jefferson and James Madison would come to believe applied to the newly formed United States as well, as they mobilized the figure of the yeomen farmer to unseat the new “unnatural” aristocracy supported by

⁸ They also sought to reform the House of Commons by greatly expanding the franchise, though they still sought to exclude servants and alms-takers, who formed a significant part of the population (Macpherson, 1962).

Alexander Hamilton's fiscal policies (Onuf, 2000). Though the Levellers interpreted the people in popular sovereignty more literally, their efforts to 'level' political participation through enfranchisement never extended to matters of equalizing social standing or property ownership.⁹

Popular sovereignty was already proving to be a flexible concept, available for use in multiple and indeed divergent political ends. The trouble with this formulation, which occurs again in the journey of popular sovereignty in early America, is that once political actors appeal to the sovereignty of the people, it becomes increasingly difficult to place strict limits upon who counts as the people and who can represent the people. In his hallmark study of popular sovereignty in England and America, Edmund Morgan suggested that "the history of popular sovereignty in both England and America after 1689 can be read as a history of the successive efforts of different generations to bring the facts into closer conformity with the fiction," and yet the problem for elite actors was to do so "without threatening the patterns of deference which gave stability to society and enabled the few to dominate the many in all the transactions of daily life" (1988, p. 152). Continuing a trend already evident in theorizations of popular sovereignty across western Europe in the sixteenth and seventeenth century, in both England and America, elite actors celebrated popular power as a way to control it (Morgan, 1988).

⁹ Highly suspicious of these claims, the English philosopher Thomas Hobbes (1588-1679) sought to address popular sovereignty from within a defense of absolute monarchy. Hobbes theorized that all states, no matter their form of government, were bodies politic made up of the multitude of citizens. Collapsing the distinction between popular sovereignty and state sovereignty, Hobbes, like Bodin, maintained a distinction between sovereignty and government. As such, he rejected democracy while suggesting that aristocracies and absolute monarchies can also operate through popular sovereignty, when the people agree to grant their sovereignty to an agent such as the king (Hobbes 1998[1642]; Tuck 2016).

That said, in the colonies, the “fiction” of popular sovereignty was made just a little bit more real, as distance from London necessitated a greater reliance on local decision making, triangulated through the crown-appointed governor, the governor’s council, and the representative assemblies of the colonies. Political authority in the colonies was still linked to social status, but this was tempered due to another sustaining fiction that emerged in the late seventeenth century—that of the yeoman farmer and citizen militia. Despite the potential for popular participation in colonial governance, rising tensions between colonists and Parliament were increasingly voiced through the doctrine of popular sovereignty and the language of representation. The American Revolution would resolve the geographic question of “virtual” representation by establishing an independent government located directly on American soil. But it would also accelerate questions about the proper construction and conduct of “the people.”

The Development of Popular Sovereignty in the United States

In this section, I seek to engage in a contrapuntal reading of popular sovereignty, moving across select historical moments and flashpoints to pull out how popular sovereignty is enrolled and articulated through an enfolding settler colonial project. My aim is to foreground those practices of popular sovereignty that illustrate how it has functioned to support a system of white supremacy in the United States. I therefore do not offer a comprehensive overview of all uses of popular sovereignty in the U.S. Instead, I draw on the historical literature to bring attention to select debates, movements, or conflicts that crystallize a white settler form of popular sovereignty while allowing us to follow the modification of the concept and its application through different historical moments. I

weave in my analysis of the campaign for Second Amendment Sanctuary Cities in the Northwest through these historical moments. I find that it is through this contrapuntal reading that the articulation of popular sovereignty with settler colonialism and white supremacy comes most clearly into view.

In the United States, the discourse of popular sovereignty is most often used to assert more local control over governance and lawmaking. The Southern development of popular sovereignty as a way to defend their right to maintain a system of plantation slavery is perhaps the most familiar example, but British colonists and early American settlers also appealed to the doctrine of popular sovereignty as they sought to subvert metropolitan control in the defense of local interests. Determinists in settlements along the frontier in places like Transylvania (1775), Westsylvania (1776), Watuaga (1772-1777), and Franklin (1784) argued for territorial independence through the creation of new states. Determinists across these settlements shared in a common constitutional language as they argued that legitimate governments rested on the consent of the people, and that their state no longer legitimately represented the interests of the people and therefore no longer had their consent (Fritz, 2008). Determinist movements occurred along the western edge of the Euro-American settlement, and arose in places where there was a scramble to buy land, frequent contests over land sales, and ongoing conflicts with Native Nations over land occupation and ownership. Transylvania was founded by land speculator Richard Henderson, who purchased land from the Cherokee Nation in territory claimed by both North Carolina and Virginia. Henderson did so in violation of the Royal proclamation of 1762, which banned private purchase of native American Land. Henderson hired Daniel Boone to start building the Wilderness Road between Cumberland gap to connect Virginia

with the area that would become modern-day Kentucky. In 1775 settlers held a constitutional convention and petitioned the Constitutional Congress for admittance as a new colony. According to historian Christian Fritz, the settlers, "desperately isolated, ill-equipped, and constantly subject to Indian attacks – displayed a remarkable instinct toward self-government that echoed the understandings of colonial American leaders in urban areas who were drifting toward a separation from Britain" (2008, p. 55-56). Settlers in Transylvania reflected a wider set of western grievances which centered on the states' failure to address land conflicts and protect settlers against Indian attacks. Determinist claims to autonomy reveal how these local concerns were translated into the newly ascendent language of independence and popular sovereignty. In these early instances, settlers used popular sovereignty as a political strategy to buttress their acquisition of additional land through Indigenous displacement and dispossession. They argued that the metropolitan elite were not providing the military support necessary for their success, and that increased local governance would lead to increased safety and expanding territory.

In the Pacific Northwest, gun ownership advocates also appeal to the ideal of popular sovereignty as part of a political strategy to re-assert local control over a set of policies including gun regulation. Activists in the Northwest work to secure local ordinances through ballot measures, city council declarations, or even court orders, all of which create a mandate for municipal control over the enforcement of gun laws. In doing so, activists echo early Determinists' assertion that local government can more authentically execute the will of the people, and mirrors their belief that metropolitan or urban "elites" are geographically, economically, and culturally divorced from the true American people.

Second Amendment Sanctuary Cities

The effort to pass a Second Amendment Sanctuary City resolution in Yacolt is part of a larger campaign to institutionalize local opposition to gun regulation measures in the state of Washington. The campaign builds on efforts to pass a similar set of measures in counties across the state of Oregon, and across the nation (Fields 2020)—as of 2020, over 400 jurisdictions across the United States had declared themselves gun sanctuaries.¹⁰ Indeed, so-called Sanctuary Cities are only the most recent iteration of this attempt. Over the past ten years, activists in Oregon and Washington have implemented county-wide Second Amendment Preservation Ordinances, both through county ballot measures and through ordinances passed by county commissioners and county courts. As of 2020 there are currently 26 out of 36 counties in Oregon with Second Amendment Preservation ordinances,¹¹ and Washington state hosts 23 out of 39 counties with similar measures.¹² Though these counties vary in size, they are slightly whiter than the state as a whole. For example, Clark county, host to Battle Ground and Yacolt, is 77.5% white compared to Washington state at 67.5%, and Battle Ground itself is 89.3% white. Oregon offers a similar story, with Coos County at 84.9% white and Coos Bay itself is 81.9% white, compared to Oregon which is 75.1% white (US Census Bureau, 2010). The differences are

¹⁰ According to Fields (2020), the explosion of Sanctuary jurisdictions started in 2019, with the vice chairman of the Effingham County Board in Illinois coining the phrase “Second Amendment Sanctuary as part of a proposed ordinance. The pro-sanctuary website www.sanctuarycounties.com hosts a google drive with a frequently updated map showing all sanctuary counties in the country.

¹¹ Baker, Coos, Columbia, Clackamas, Curry, Crook, Douglas, Grant, Harney, Jefferson, Josephine, Klamath, Lake, Lane, Linn, Marion, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wheeler, and Yamhill County

¹² Adams, Benton, Chelan, Columbia, Cowlitz, Douglas, Ferry, Franklin, Grant, Grays Harbor, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanagan, Pacific, Pond Oreille, Skamania, Spokane, Stevens, Wahkiakum, and Yakima counties

more stark when you compare these suburban counties and small towns with the demographics of the Portland (70.6%), Gresham (a Portland suburb, 63.1%) and Salem (66.9%) in Oregon, or Kings County (58.1%), home to Seattle (63.8%), in Washington (US Census Bureau, 2010).

The language of these ordinances vary slightly, but many mandate that counties not authorize or appropriate funds to enforce regulations that infringe on the right to bear arms, including: registration requirements, prohibition and regulation of semi-automatic weapons, expanded registration and background checks, and prohibition and regulation of hand grips, bayonet mounts, and magazine capacity. These county-level preservation ordinances usually place responsibility for determining a given law's constitutionality with the Sheriff. The Coos County ordinance, for instance, provides that it is the Sheriff's duty to:

Determine as a matter of internal policy and county concern per ORS 203.035, whether any federal, state or local regulation affecting firearms, firearms accessories and ammunition, that is enforceable within his/her jurisdiction, violates the Second, Ninth, Tenth or Fourteenth Amendments to the Constitution of these United States, or Article 1, sections 27 and 33 of the Constitution of the State of Oregon, as articulate herein. The Sheriff will use pro bono legal advice as available (Coos County Second Amendment Preservation Ordinance, 2015).

While the Sheriff holds legal liability for enforcement, these preservation ordinances make clear that final judgement lies with "the people" themselves, such that any laws violating the Second, Ninth, Tenth, or Fourteenth Amendments of the Constitution will "be regarded by the people on and in Coos County as unconstitutional; a transgression of the Supreme

Law of the Land and its Spirit of Liberty, and therefore by necessity *void ab initio*” (Coos County Second Amendment Preservation Ordinance, 2015).¹³ Ordinance language thus declares that the people can decide what laws are unconstitutional, regardless of whether or not the law has been found unconstitutional by a state or district court. In other words, a Sheriff has no responsibility to enforce a law that was invalid from the outset, and is thus automatically null and void of any legal effect.

Supporters of the preservation and sanctuary ordinances suggest that they are based on the anti-commandeering doctrine or the principal that the federal government cannot require states to carry out or enforce federal law.¹⁴ This principal has no direct basis in the Constitution: instead it emerged over time through multiple Supreme Court cases (Lash, 2008).¹⁵ The Tenth Amendment Center, an organization dedicated to states’ rights causes, spotlighted Oregon’s gun ordinances as an exemplary tactical deployment of the anti-commandeering clause, arguing that “by simply withdrawing this necessary cooperation, states and localities can nullify in effect many federal actions” (Maharrey, 2018). The Tenth Amendment Center was founded in 2007 by Michael Boldin, and advocates for the

¹³ Some counties, reticent to incur potential lawsuits, neglect to identify a party or agency responsible for determining constitutionality, as is the case with the Harney County Second Amendment Sanctuary Ordinance passed by the Harney County Court in 2019.

¹⁴ The Anti-commandeering doctrine is not outlined in the Constitution itself. Instead, it stems from the Supreme Court’s interpretation of the Constitution’s establishment of limited federal powers and through of their interpretation of the Tenth Amendment. The anti-commandeering doctrine was clearly outlined in the 1992 case *New York v United States*, when the court struck down a federal law requiring states to take title of radioactive waste or regulate it according to federal guidance. The Court stated that while the Constitution allows Congress “to pass laws requiring or prohibiting certain acts” by *private* actors, the federal government may not “directly . . . compel the States to require or prohibit those acts (*New York v United States* 1992). In other words, the federal government cannot “commandeer” the authority of the states. The anti-commandeering clause was further affirmed in *Printz v United States* (1997), which struck down a federal law requiring state authorities to run background checks for handgun licenses. It is this case in particular that has made the anti-commandeering clause an appealing tool for pro-gun activists. Interestingly, some cities have appealed to the anti-commandeering clause in defense of Sanctuary policies, many of which include a refusal to enforce immigration laws on behalf of the federal government. For more on the anti-commandeering doctrine and federalism see Coan (2015), and for more on anti-commandeering and immigration Sanctuary cities see Bell (2016)

¹⁵ *New York v. United States* in 1992, and *Printz v. United States* in 1997.

“nullification” of federal laws by the states, a strategy that was most recently championed by the South as an effort to resist desegregation (Schmidt, 2011; SPLC, n.d.). As I discuss further in the chapter, this also harkens back to the Nullification crisis of 1832, wherein South Carolina (led by John C. Calhoun) declared a series of Tariffs unconstitutional, and thus null and void within the state of South Carolina (Ellis, 1987). Part of a renewed conservative effort to employ local nullification as a constitutional defense against federal law, the new sanctuary ordinances diverge from the earlier Second Amendment Preservation ordinances by explicitly citing the anti-commandeering doctrine in their justification for the ordinance. As Coos, Harney, Columbia, and other county sanctuary ordinances state:

There is a right to be free from the commandeering hand of government that has been most notably recognized by the United States Supreme Court in *Printz v. United States*....The anticommandeering principles recognized by the US Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist # 46* advised “a refusal to cooperate with officers of the union” in response to either unconstitutional federal measures or constitutional but unpopular measures... (Coos County Second Amendment Sanctuary City Ordinance, 2018).

The reference to Madison’s writing in the *Federalist* papers illustrates once again how activists draw on the perceived authority of the founding fathers to legitimize their own constitutional interpretations. In doing so, activists insist not only that the people, as the sovereign, have the right to interpret their own laws but they have the right to intervene when they find that those laws are incongruous with their reading of the Constitution. This

claim is often articulated spatially and geographically, as activists work to implement their sovereign control at the municipal and county level. Pro-gun activists thus use municipal campaigns to assert the supremacy of local jurisdiction and to strategically reclaim control over discrete territory within the state and the nation. But popular sovereignty is more than a doctrine of local control; it is a doctrine predicated on the right of the people to make laws, overturn laws, and indeed overturn the government if the people no longer consent and it is found to be illegitimate. In the United States, assertions of popular sovereignty depend on two interrelated elements: firstly, actualizing the people's right to rule through petitions, demonstrations, and insurrections and secondly, adjudicating who is included in "the people" and who can speak or act for the people. These are both mutable and mutually dependent, as the perception of what constitutes a legitimate sovereign act by the people is inflected by who actors are, and whether others consider them to be legitimate representative of the people. In the following sections, I explore how white contemporary and historical actors in the United States adjudicate geographic, racial, and gendered membership in "the people" and articulate their right to speak as and for the people.

Popular Sovereignty in Practice

Constituting the People: Direct and Indirect Popular Governance in Early America

Despite the image of the founding fathers promoted by constitutional conservatives in the Northwest, the American Revolution was not just won by a cohort of white male gentry. Instead, as Holton (2011, p. xvii) argues, "Indians, merchants, slaves, and debtors" all helped push Virginians into the independence movement. Virginian gentry were galvanized into revolutionary action due to their dislike of British imperial policy that left

them vulnerable to the demands of Indians and enslaved people. But with the formal resolution of the American Revolution in 1783, the white landed gentry in the U.S. turned their attention to the creation of a Constitution that would balance the hyper-local version of popular sovereignty practiced in most colonies with the need to invoke a new national identity and authority for “the people.” This compromise would also have to satisfy American slave-holders, who had been so opposed to increasing British restrictions on the slave trade. Post-Revolution, a familiar tension emerged between more elitist and populist approaches to constituting and governing at both the federal and state levels. How broad should the electorate be? Should representatives and senators be directly elected, or should there be some mediation between the will of the people and agents of the government? What constitutes a valid expression of the people’s will? This debate played out against the belief, shared by the white gentry, that women, free Blacks, Indians, and property-less men (among others) were not citizens or active participants in the body politic as such.

These debates would unroll dramatically during the Philadelphia convention to replace the Articles of Confederation and draft a new Constitution, but settlers were already enacting a more radical version of the people’s sovereignty in the revolutionary foment in the years immediately preceding and following Independence. As the thirteen states began writing their new constitutions, there were competing ideas about what it meant for the people to act as a collective sovereign. Some argued that after a constitution is promulgated the people act through the procedures outlined in the constitution, while others argued that as sovereigns the people were not constrained to the processes in the constitution, and could act outside it in pursuit of their collective interests (see Beaumont, 2014). Many states included “alter or abolish” provisions in their constitution, reflecting the sentiment that

“Americans had a natural right of revolution, as did every other people, but as the collective sovereign, Americans also possessed the inherent right to revise their constitutions” (Fritz, 2008, p. 28). More than that, many revolutionary Americans believed that the people could legitimately express their will through extra-legal means, such that even constitutions could be legitimately revised through a number of processes exceeding those outlined in the constitutions themselves.

Yet it was precisely the unruly assertion of the people’s will by a much broader set of Americans that troubled some of the political elite tasked with writing a new Constitution in 1787 (Wilentz, 2006). The Articles of Confederation left the federal government with almost no capacity to manage international affairs or pay off their war debts, but many also felt that the delegation of authority to the states enabled the people to exert too much direct influence on governance. The elite feared that “men of lesser status” could use state legislatures to advance their own interests, which were often contrary to those of the elite. On one extreme, John Adams thought that “very few Men, who have no Property, have any Judgment of their own” (cited in Fritz, 2008, p. 42). While he was not at the convention, Adams’ fears were shared by others, who worried about the capacity of wage earners, laborers, and servants to rationally participate in the act of governance. Fearing populist rule and focused on concentrating federal power, Alexander Hamilton proposed the election by a special council of electors of a federal president who would rule for life (Morgan, 1988). On the other hand, Thomas Jefferson celebrated the expansion of the franchise, and advocated for a government that would foster and channel the creative energies of the people. In a letter to James Madison, Jefferson memorably expressed his belief that “a little rebellion now and then is a good thing, and as necessary in the political

world as storms in the physical. ..It is a medicine necessary for the sound health of government” (Jefferson, 1955 [1787], 93.). Notably, in that letter Jefferson contrasted the unruly nature of popular governance now found in the newly formed states with societies that are entirely “without government, as among our Indians,” indicating anew how constructions of ‘the people’ would occur as much through exclusion as through inclusion.

Offering a more moderate vision, James Madison’s Virginia Plan reflected his suspicion of the people balanced by his belief that their worst instincts would be tempered by growing the size and spatial extension of America’s electorate. In this “most celebrated essay,” (Kramer, 2006, p. 704) Madison argued that a republican government would control factionalism better than direct democracy, further suggesting that “the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it” (Madison, 2009, p. 52). The larger the electorate, the higher the chance that “enlightened views and virtuous sentiments” will triumph over “local prejudices and schemes of injustice.” Thus, a large republic would protect against dangers such as “a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project” (Madison, 2009, p. 53). In other words, Madison sought to blunt the people’s ability to affect radical economic change through the redistribution of wealth and property while enabled by colonization and territorial expansion. The success of the U.S. as a republic was linked to the success of its colonial ambitions. Despite the dramatic differences amongst the framers, they generally shared a concern about the consequences of unfettered rule by “the people,” particularly as they contemplated a rapid expansion in who counted as “the people” when it came to political engagement and

enfranchisement. The final constitution passed by the Philadelphia Convention reflected these concerns by creating a strong federal government as a check on the states and mediating representative governance through the indirect election of the Senate by the House of Representatives.

Divergent conceptions regarding the proper expression of popular sovereignty dovetailed with differing ideas of popular constitutionalism in the early republic (Strang, 2011; Wilmarth, 2003). Alexander Hamilton, writing as Publius, averred: “there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge” (Hamilton, 2009, p. 397). Defenders of a federalist government and what legal scholar Saul Cornell (2011) calls the “lawyer’s constitution” insisted that the peoples’ interests were best protected through the enlightened administration of the elite. Samuel Willard Bridgham, the future mayor of Providence, Rhode Island, argued that it was “preposterous in the extreme” to think that a “man can explain statutes he knows nothing about, can comment upon texts of which he is totally ignorant, or can remedy defects in laws of which he has no knowledge” (Cornell, 2011, p. 309).

Those advocating a more active role for the people in making laws understood that to extend to the people’s role in interpreting laws (Gardner, 1990). “Constitutionalism in the Founding era was different,” and many thought that the “community at large—not the judiciary, not any branch of the government—that controlled the meaning of the Constitution and was responsible for ensuring its proper implementation in the day-to-day process of governing” (Kramer, 2006, p. 699). This despite the fact that, at the end of the

eighteenth century, only white male property owners could vote (Keyssar, 2009).¹⁶ William Manning, Massachusetts innkeeper, described the Constitution as a “Fiddle, with but few Strings,” with the ambiguity of constitutional language allowing elites to “play any tune upon it they pleased” (Cornell, 2011., p. 307). In the Massachusetts convention to ratify the Constitution, Amos Singletary voiced a similar suspicion: “These lawyers, and men of learning, and monied men, that talk so finely and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President, yes, just as the whale swallowed up Jonah” (quoted in Cornell, 2011, p. 305). These men articulated a concern that the new Constitution and its promulgation of a more indirect doctrine of popular sovereignty was merely a tool of the elite to restrict access to politics and to maintain economic dominance (Kramer, 2004).

While the framers sought to temper the people as active sovereigns, many in the newly formed nation insisted on a more direct vision of popular sovereignty. Though often framed as a test of the federal government’s new powers, the Whiskey Rebellion of 1794 was also testament to the continued divide over the exact nature of the people’s authority. The Federal whiskey excise tax hurt indebted farmers in Pennsylvania who often lacked cash to pay the new tax. Many in Pennsylvania argued that the collection of debt and the imposition of the tax harmed the many while benefitting the few, contrary to animating principals of the Constitution. Protestors used a variety of mechanisms to challenge and

¹⁶ Keyssar compelling argues that most expansions in enfranchisement in the U.S happened during or after a war, and that the “demands of both war itself and preparedness for war created powerful pressures to enlarge the right to vote (Keyssar 2009, xxi). r

overturn the law: local county revenue officers declined to collect the tax, local judges declined to punish these revenue officers, and local jurors declined to convict them. Protestors also used road closures to prevent auctioneers from coming and selling off indebted farms. In the end, President George Washington sent in the militia to quell the unrest, reaffirming a commitment to a more indirect vision for popular sovereignty (Fritz, 2008; Welke, 2010).

These debates reflected significant and consequential differences, and highlight how changing class configurations and economic inequality are caught up in contests over political rights and enfranchisement. But these competing factions all shared a common sense belief that the Republic was and would be predicated upon the continued and expanding dispossession of Native land and the legal, economic, and political maintenance of a racialized and gendered hierarchy. This presumption often went unstated, forming the unnamed foundation and scaffolding for the debates over expanding white enfranchisement and adjudicating the rights of states versus the power of the federal government. Race would of course come to the fore in the southern development of popular sovereignty as a defense of slavery in the South, but even then the discourse centered on questions of authority, consent, and legitimate government, not on questions of racial difference or superiority. As I show in the following section, Calhoun's version of popular sovereignty transposed the debate over slavery into a debate over jurisdiction. The question became: which scale of government held law-making powers over certain policies? Calhoun's popular sovereignty suggested that states, not the federal government, ultimately retained the right to make laws (particularly around the question of slavery) and that this

jurisdictional supremacy came from the fact that states, not the federal government, were the legitimate agents of the people as sovereign.

Constituting the People: Becoming the People's Representatives through Constitutional Claims

Early debates over direct or indirect forms of popular sovereignty also prefigure the language of pro-gun activists in the Pacific Northwest today. Like early Americans dissatisfied with the elitism of indirect popular sovereignty, activists argue that metropolitan elites do not have the interests of the many in mind, passing laws that are antithetical to the animating values and legal articles of the Constitution. Activists adopt a similar geographic strategy, intervening at the municipal levels to subvert federal law and assert the will of the people against the narrow interests of the elite. And like the early Americans, activists do so while drawing on a shared common sense investment in the US as a settler colonial nation, one that takes settler occupation, ownership and control of land and territory in the US as pre-given. They also draw on a notion of “the people” that transposes the experiences and interests of white men into a universal, primarily through the constitutional language of individual rights. Activists allow what Sylvia Wynter (2015) calls the “referent-we” of a specific racial and gender experience to stand in for the wants, needs, and opinions of the whole U.S population. Pro-gun activists today combine the universalizing language of constitutional rights with the legitimating language of popular sovereignty to advance the particular goals of a small segment of population in the Pacific Northwest. Activists not only secure the interests of the few in the collective name of “the people,” they do so using a framework of individualist rights that deliberately erodes a

discursive and legal framework that allows for the recognition and redress of collective harm and the creation of new collective rights.

This is particularly evident in the testimony provided at city and county hearings for Sanctuary City resolutions in southwest Washington locations such as Yacolt, Battle Ground, Washougal, and Olympia. In their speeches, supporters situate themselves as members and representative of the people by demonstrating their personal connection to place, their knowledge of constitutional law, and their unflagging commitment to defending constitutional rights.

Many supporters begin their testimony by establishing their connection to the town. Shauna Walters, leader of the North Country Sons and Daughters of Liberty, introduced herself by telling the Battle Ground City Council that she grew up in Battle Ground and chose to return after serving two tours in Iraq as an army medic. To her consternation, Walters found that “the city I returned to after serving my country to raise my son was a vastly different place. While I understood that things couldn’t possible stay the same, the change was radical and one I didn’t recognize.” The passage of I-1639 showed to Walters that “the thoughts and ideas of what it means to be an American are vastly different than the city I left.”¹⁷ Another resident declared he was “born and raised here and love it and would hate to be forced out by these laws.”¹⁸ Expressing a similar sense of displacement, a self-identified veteran wondered, “I don’t mean to sound racist but I know our country is giving sanctuary cities to folks like immigrants so why can’t we have one. I don’t see why we can’t have one.”¹⁹

¹⁷ Shauna Walters. 03/05/2019. Battle Ground City Council Meeting

¹⁸ Commenter 5. 03/05/2019. Battle Ground City Council Meeting

¹⁹ Commenter 4. 03/05/2019. Battle Ground City Council Meeting



Figure 6 Protestor at a pro-gun rally in Olympia, WA with a sign sticking out of a gun that reads: This 10/22 is now an assault rifle. Photo by author.

At these hearings, supporters compliment their authentic connection to their town and their country with humble admiration for the Constitution and the spirit of the founding fathers. At most of these public meetings, supporters of the Sanctuary City resolutions quickly establish the supremacy of the Constitution as a legal document and ethical framework. In Washougal, a speaker declares that the “Constitution is a well-written timeless document it should not be ignored at all”—the Bill of rights should be appreciated, not tossed aside and ignored.²⁰ Another man echoes this sentiment, saying that while he does not consider himself an activist, he had to show his support because “I cherish these rights.”²¹ He assured the council that while he loved the town of Battle Ground, the “politics of Seattle are creeping into this city and this area and it’s hard to watch.”²² In Thurston County, one speaker in support of a Second Amendment Sanctuary resolution

²⁰ Commenter 3. 02/25/2019. Washougal City Council Meeting.

²¹ Commenter 6. 02/25/2019. Washougal City Council Meeting.

²² This evinces what legal scholar Jack Balkin (1997) has described as a status anxiety, or the fear that a social other (such as urban residents) are gaining in political influence and status and thus eclipsing the social status of another

read the first paragraph of the Declaration of Independence to remind the commissioners what they were duty bound to uphold. Another lamented the passage of I-1639 by a majority Washington voters, advising the commissioners that founding father Alexander Hamilton had warned about the tyranny of a majority and the dangers of a democracy. Building on this analysis, a woman told the commission that we are a republic, not a democracy, and it is up to the commissioners and citizens alike to keep the sanctity of the Constitution. “Where,” she wondered, “could I move if we became a tyrannical government? I thought we were the free country—It’s getting kinda scary out there.”²³ In these comments, pro-gun activists correlate dedication to their town with loyalty to the nation, and suggest that city and county officials play a crucial role in securing constitutional rights. Confronted by “liberal elite” attacks on constitutional rights at the local, state, and federal level, towns and counties can form a key line of defense by territorializing Washington and Oregon with constitutional sanctuaries.

Gun advocates argue that any true American would demonstrate their allegiance to the Constitution by working to overturn I-1639 and all other unconstitutional regulations. In a Washougal City Council Meeting, the owner of the gun shop in Washougal told city council members that the resolution was necessary because they live in a constitutional republic where rights are not up for negotiation. He turned the council’s attention to the Supreme Court case *Marbury v. Madison* (1803), which is widely considered to establish judicial review, or the Supreme Court’s authority to judge whether legislation is constitutional and strike it down if they find it to be unconstitutional. The speaker informed the council that the Supreme Court declared that a law repugnant to the Constitution is

²³ 03/30/2019. Fieldnotes from Thurston County Commissioners Meeting

void—an unconstitutional act is not a law and it confers no rights. As such, because the I-1639 is unconstitutional, it should be treated as null and void and unenforceable.²⁴ Another man makes a similar point. After pontificating about some “concerns” he has about the 17th Amendment (which established the popular election of US Senators) he insisted that the first step in any lawmaking process must be establishing whether a law does not violate the law of the land, the Constitution. Passing Ballot measure I-1639 does not make it a law, since it is unconstitutional and thus not a valid law.²⁵ These comments position pro-gun advocates as defenders of the Constitution against bad laws and bad actors, and remind city council members of their duty to do the same.

In doing so, supporters implicitly and explicitly assert their right to interpret the Constitution, insisting that their interpretations are as valid as those offered by formal legal actors in the state of Washington, such as judges, lawyers and even the Washington Attorney General (who supported I-1639). Reading a set of carefully prepared remarks, one resident told the Washougal city council that, “our Constitution was carefully written so it could be understood by all the people not just the lawyers, without the need for the interpretation as such, its language is very plain and means what it says.” When it comes to enforcing I-1639, he argued that “the justification doesn’t matter, the social justice doesn’t matter, what I think doesn’t matter, common sense doesn’t matter,” because the government simply does not have the authority.²⁶ On the other hand, the founding fathers clearly authorized citizens to rise up against tyranny, and they wrote the Second Amendment with the purpose of arming citizens to confront the powers of a corrupt

²⁴ Commenter 1. 02/25/2019. Washougal City Council Meeting.

²⁵ Commenter 8. 02/25/2019. Washougal City Council Meeting.

²⁶ Commenter 5. 02/25/2019. Fieldnotes from Washougal City Council Meeting.

government. He ended by warning the council that, “concerned citizens are already well aware that they may be called upon to restore the rule of law.” At a meeting in the state Capitol of Olympia, Washington in front of the Thurston County Commission, many members of the audience wore bright hats and sweatshirts boldly declaring their membership in the Three Percent, a militia group with a strong presence in Washington state. Drawing attention to the numerous Three Percent supporters in the room, a speaker admonished the commissioners “We are everywhere!” Pointing at the commission, he cautioned them, “We are going after anyone who doesn’t uphold the Constitution, which means we are coming after you. We the people have had enough!”²⁷ Here again, the promise to defend the Constitution is entangled with the threat to punish enemies of Constitution and enemies of the people.

Groups like the Three Percent draw on the insurrectionist theory of the Second Amendment, popularized in the 1970s and 1980s by scholars and lobbyists associated with the National Rifle Association (see for example the work of historian Joyce Lee Malcom). The insurrectionist theory proposes that the Second Amendment was intended to insure that individual white citizens were armed and able to fight back against the potential tyranny of future governments. By mythologizing the militia, the theory draws upon sedimented ideas about historical gun ownership and use in the U.S. This “popular inventory” is in part fed by an earlier mythologization of the militia by British parliamentarians and American revolutionaries alike. Like the exaltation of the people and the exaltation of the king prior to that, the exaltation of the yeomen farmer and citizen militia benefitted multiple interests. First, militias were easy to manage and relatively

²⁷ Commenter 8. 03/05/2019. Fieldnotes from Thurston County Board of Commissioners Meeting

inexpensive to maintain. Secondly, the fictional yeomen generated solidarity between large and small property owners against perceived threats. Prefiguring the following section, James Madison and Thomas Jefferson would also mobilize the figure of the yeomen farmer to unseat the new “unnatural” aristocracy supported by Alexander Hamilton’s fiscal policies (Onuf 2000). But practically speaking, militias were untrained and unreliable; looking forward to the American Revolution, George Washington notoriously stated that “Men accustomed to unbounded freedom, and no control, cannot brook the Restrain which is indispensably necessary to the good order and Government of an Army; without which, licentiousness, and every kind of disorder triumphantly reign” (cited in Morgan, 1988, p. 163). As Edmund Morgan so trenchantly put it, the yeoman farmer “was not really needed either for valor in battle or independence at the hustings, he was needed as an ideological shield against arbitrary monarchs and conniving courtiers on the one hand and against scheming demagogues and pliant paupers on the other” (1988, p. 173). The fiction of the yeoman farmer and citizen militiaman thus supported the larger fiction of popular sovereignty, both in the past and in the present. The fiction of the yeoman farmer also points to the presumed racial and gender attributes of the defenders of “the people.” The yeoman farmer is white, male, able-bodied, and head-of-household; the yeoman farmer lives far from the corrupting influences of the city and distanced from the distortive influences of modern global finance and industry. The yeoman farmer is an identity and a social and geographic location, and as a figure he continues to haunt the discursive and material claims to popular sovereignty leveraged by today’s activists.

Constraining the people: Limiting membership through race and gender

Mobilizing Popular Sovereignty to Secure Settler Property and Plantations

A critical challenge within the exercise of popular sovereignty is the indeterminacy of the populous. Who gets to count as “the people”? Is membership based on citizenship, length of residency, or political participation? In the United States, being a member of “the people” has been adjudicated along the lines of race, gender, sexuality, ability, and national origin. Expansive on the surface, “the people” has proven to be a shifting but restrictive body, a universal most often invoked in the service of advancing particular interests. As I have shown in previous sections, debates over popular sovereignty have often taken white able-bodied men as the normative citizen and taken colonial conquest as an unmarked given. White male Determinists in the 1770s and 1780s claimed to represent “the people” as they sought increased military support for settler battles against the Indigenous people they sought to displace. In this formulation, Indigenous people were not American citizens—they were primarily perceived as enemy combatants—but that was not the only restriction on membership. Determinists insisted that metropolitan elites were also suspect members of “the people,” as they looked out for their commercial and financial interests over the interests of farmers—the urban elite were too cosmopolitan to be relied upon to defend the interests of America as a nation or as a people. As I show in this section, by the 1830s, the racial and geographic constitution of “the people” came under additional scrutiny as the doctrine of popular sovereignty was enrolled in the increasingly fractious debate over the future of slavery in the Union.

The nullification crisis of 1831 seeded the terms of the growing divide; as southerners balked against the imposition of new tariffs, the southern statesman John C. Calhoun argued that a single state could nullify a federal law within its borders if they

found it to be unconstitutional. Calhoun shifted the debate over popular sovereignty from a question of direct versus indirect rule to the question over whether sovereignty lay with the collective peoples of the Union or if it lay with the several states. While Calhoun's state veto seemed extreme in 1831, over the next twenty years most southern politicians adopted a radical re-visioning of popular sovereignty through the lens of states' rights, motivated by the ongoing conflicts over the extension of slavery into newly created territories and states. While the doctrine came into prominence in the 1850s with the passage of the Kansas Nebraska Act and the Supreme Court's decision in *Dred Scott v Sanford*, the development of the southern doctrine of popular sovereignty as a slavery defense can be traced to the earliest territorial acquisitions of the newly formed United States (Childers, 2012).

The question over who had authority over the extension of slavery first arose with the Northwest Ordinance of 1787, which expressly prohibited slavery in the territory. Settlers in Indiana would petition Congress numerous times to overturn the provision, and William Henry Harrison wrote to Congress asking them to repeal of the Northwest Ordinance's anti-slavery prohibition in Illinois, stating that he "wished to see that State, and all that Territory, disenthralled from the effects of articles to which they never gave their assent, and to which they were not properly subject" (Childers, 2012, p. 39). Early dissatisfaction with the prohibition on slavery illustrated the thorny problem of enacting popular sovereignty in territories with rapidly growing settler populations. Historian Christopher Childers suggests that "the luminaries who devised the American constitution and system of government conceived of a Union that would grow over space and through time," through westward expansion, creating the tricky need for the federal government to

“impose order on the frontier while acknowledging the people’s demand for self-government whereby they could devise their own customs and institutions” (Childers 2012, p. 9). Of course, conflicts between settlers and the federal government caused by this temporal and geographic disjuncture (the creation of territorial legislation before the arrival of most settlers) all occurred within the presumption of a white settler right to own land and property, including enslaved peoples.

The Louisiana Purchase in 1803 ushered in a new round of debates over the role of Congress versus territorial citizens in the formation of governance. At the time, the purchase marked the largest addition of “naturalized citizens” to the country, and many in Congress expressed concerns about the new citizens’ loyalties and their capacity to govern; or as William Eustis of Massachusetts opined, “the principles of civil liberty cannot be suddenly ingrafted upon a people accustomed to a regimen of a distinctly opposite hue” (quoted in Childers, 2012, p. 30). They proposed that Congress appoint a legislative council to the territories rather than allowing citizens within the territory to elect them. Congress further outlawed the foreign slave trade within the territory. Many southerners objected on both fronts, decrying what Matthew Lyon of Kentucky described as the absurd proposition that “these people must be kept in slavery until they can be learned to think and behave like freemen” (Childers, 2012, p. 31). Opposition to the prohibition of slavery within new territories was couched in the language of popular sovereignty, with southerners suggesting that congressional action was illegitimate because it could not account for the will of the people who came to populate those territories. In other words, the debate over slavery (and the assumption that Black people were not, in fact, members of “the people”) was translated into a debate over the jurisdictional division of decision-making powers.

The Missouri Compromise of 1820 further galvanized competing interpretations of popular sovereignty. The compromise admitted Missouri as a slave state, Maine as a free state, and allowed territories below Missouri's southern border to decide the question of slavery for themselves. Southerners insisted that this compromise infringed upon a territory or states' right to self-determination over the question of slavery. James Taylor, Virginia Congressman and future president, appealed to the American Revolution as he argued that "England denied to us the right to legislate, except by her special authority; nay, she proclaimed the very principle which you now proclaim as applicable to Missouri—the right to bind you by her own system of legislation" (Childers, 2012, p. 65). By the 1820s the American Revolution was no longer recent, and its legacy was mobilized by southerners and northerners alike in their attempts to paint their political enemies as a re-articulation of British tyranny—a tactic mirrored by pro-gun activists in the Pacific Northwest.

Following a series of high-profile contests and compromises in Congress over the legislation of slavery within the territories, Congress passed the Kansas-Nebraska Act of 1854. Spearheaded by Stephen Douglas, the Act negated the Missouri compromise and affirmed the southern version of popular sovereignty, wherein residents of a territory had the exclusive right to decide on question of slavery. A senator from Illinois, Douglas was impatient for a resolution that would ensure the rapid settlement of the territories and the construction of a transcontinental railroad based in Chicago. In a ringing speech made during final considerations of the bill, Douglas declared to his fellow congressmen: "You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, grow, and increase, and extend civilization, Christianity, and liberal principles" (Childers, 2012, p.

206). In doing so, Douglas understood the clear link between settler expansion and the extension of plantation slavery, and he identified congressional interference into territorial governance as a critical barrier to westward colonization. Thus, this doctrine of popular sovereignty, which presumed white men as its participants and benefactors, articulated a radical vision of states' rights and local control as a strategy for securing both land and slaves, despite the fierce conflict between those advocating new territory as a place for free white men or as a place for a white-led plantation system. Westward colonization would continue at a rapid pace, but the act's passage did not resolve the question of how to adjudicate the territorial dimensions of popular sovereignty regarding the extension of slavery. Instead, it brought about rising conflicts in "Bleeding Kansas" as settlers fought to shape admission of the territory as a slave or free state. While migrants from the South sought to extend the institution of slavery, Free Soilers from the North rejected slavery as a threat to the economic success of white settlers (Etcheson, 2004, Foner, 1995). Kansas' status as a free state would come only after the secession of the South, but western states would continue to limit and criminalize the presence of free Black men and women for decades to come.

The doctrine of popular sovereignty in the U.S. was mobilized by a shifting group of white settlers across different and sometimes even competing political projects. White settlers along the moving western frontier were often deeply conflicted over the extension of slavery into the territories, as Bleeding Kansas so violently demonstrated. To say that these practices of popular sovereignty were in effect expressions of white settler sovereignty is not to say that all white settlers had convergent economic, religious, or political interests. It is instead to suggest that a presumptive white (mostly male) right to

act as “the people” served as the implicit but ever present antecedent and bedrock that created the conditions of possibility for debates over popular sovereignty. The political project has changed, but I offer that it is this embedded presumption that continues to animate the practices of popular sovereignty within the pro-gun movement in the Northwest.

Mobilizing Popular Sovereignty to Protect White Rights as Universal Rights

For those working to pass the Second Amendment Sanctuary City ordinances, popular sovereignty offers a geographic model and a political program, one that champions popular rule through local municipal governance. Like previous white Americans, pro-gun activists rely on a reading of the U.S. Constitution and on US cultural heritage to legitimize their claims. In doing so, they translate particular concerns into the universal language of rights, rules, and consent.

Building on my work in previous sections, I argue here that despite the seeming universality of constitutional references, pro-gun activists in the Northwest enact a version of popular sovereignty that is distinctly gendered and raced. At rallies, public hearings, and social media sites, supporters indicate that there are some people who cannot speak on behalf of “the people”: those who do not align with American values through their religion, sexuality, gender presentation, diet, living arrangements, economic philosophy, or political activity. Deviation from heteropatriarchal norms functions as a principle sign that someone cannot represent the American people, and racial difference –or rather what I discuss in the following chapter, racial difference recoded as cultural difference– is another. Urban

residence, and the supposed alignment with the metropole elite, is often taken as a proxy for these other qualities that disqualify someone from membership in “the people.”

Rather than articulate an explicit vision of white nationalism where white people are “the people,” activists instead participate in the discursive construction of a racial ideology, one where racism is a liberal scam, and race no longer has social significance in Oregon or the United States. Or as one poster on the Oregon Firearms Federation MeWe page put it: “If these groups really wanted to stop racial injustice all they have to do is STOP TALKING ABOUT RACIAL INJUSTICE.”²⁸ The Oregon Firearms Federation (OFF) has led the movement to pass Sanctuary ordinances in Oregon, guided in part through the leadership of the pro-gun activist Rob Taylor. Though initially organizing primarily via Facebook, OFF joined the cadre of conservative personalities and groups leaving Facebook in 2019 and 2020 to protest Facebook’s censorship of their posts and the frequent suspension of their community members, and they now maintain an active presence on the site MeWe, a social media platform which emphasizes user privacy.²⁹

On their MeWe page, OFF posts about impending gun regulations, local elections, and other gun-related news. But OFF and commenters also participate in a broader discourse that is particularly hostile towards social justice movements, including so-called Antifa and the Black Lives Matter movement—or what some posters antagonistically call the “BurnLootMurder” movement. Commenters express frustration with the growing conversation about race in Oregon, because “Anybody who stands up for American law

²⁸ Loma Wharton. 09/28/2020. Re: “Portland Parks Denies Proud Boys Permit for Delta park Rally...” In *MeWe* [Oregon Firearm Federation]

²⁹ Although MeWe’s terms of service ban threatening and harassing behavior, or post “content that is hateful, threatening, harmful, incites violence, or contains graphic or gratuitous violence,” there is a general perception among conservative users that MeWe is more permissive than Facebook and is thus a better platform for conservative groups (MeWe 2017).

and values is labeled a "white supremacist" by the liberal OreTards."³⁰ Once again, within this discourse any documentation of racial structures or racist acts by white people is identified as a racist practice against white people. This leads to the real problem of "ignoring black racism"; as one commenter posited, "It seems to me that the acceptable concept is that anything a black person says or does cannot be racist yet we are seeing a great deal of anti-white propaganda from a myriad of people and organizations. Of course, I could be wrong. Just another conspiracy nut..."³¹ The derogatory neologism of "OreTards" also points to the implicit ableism of the movement, as activists suggest that liberals are disabled and that disabled people are not capable of being full citizens. This draws on a long history in the U.S. of making ability "fundamental to personhood," (Welke, 2010, p. 6) and in turn correlating ability with race and gender in the creation of shared identities that were invested with similar "consequences of inclusion and privilege or exclusion and subordination" (Welke, 2010, p. 8).³² Disabled Americans have often been formally denied their rights, including a right to "privacy, parenthood, and bodily integrity"—rights that are taken as constitutive of personhood and identity for white abled bodied men (Carey, 2009, p. 5).

Thus, though ostensibly focused on Second Amendment rights, the Oregon Firearms Federation MeWE page also reflects the constellation of anti-government globalist conspiracies, or the anti-Semitic idea that the world is controlled by a small cabal

³⁰ George H. 09/22/2020. Re "This stuff is surreal." In *MeWe* [Oregon Firearm Federation]

³¹ Just Chuck. 10/21/2020. Re: "Yes. "Your" FBI will entrap you." In *MeWe* [Oregon Firearm Federation]

³² Though the Fourteenth Amendment provided for citizenship regardless of race or caste, its passage did serve as a full form of protection for non-white residents, women, and disabled persons. See Largent (2008) *Breeding Contempt*, Stern (2015), *Faults and Frontiers of Better Breeding in Modern America*, and Kline (2011), *Building a Better Race*, for more on eugenics, racism, and ableism in twentieth century America. For more on the disability, rights, and the boundaries of citizenship, see Russell (2011) *Reading Embodied Citizenship*, Simplicitarian (2015) *The Capacity Contract*, and Carey (2009) *On the Margins of Citizenship* (2009).

of elites funded and directed by George Soros. As a commentor posted in response to an article describing Fox News silencing Newt Gingrich's comments about Soros, "Soros' financial fingerprints can be found in over 90% of all media coverage, including FOX. This should come as no big surprise to anyone unless they have been living under a rock."³³

This kaleidoscope of racial animus and conspiratorial thinking occurs through and alongside a steady drumbeat of references to the Constitution, the Bill of Rights, the founding fathers, and key white male figures and moments in U.S. History. This is evident in the reactions to a post by OFF sharing an official statement by Clackamas County officials declaring their commitment to transparent and accurate information about the source and spread of a number of devastating wildfires that swept the region in the summer of 2020. The announcement came after a Clackamas County under-Sheriff posted statements online falsely claiming that Antifa activists were responsible for starting the fires. A commentor denounced this public announcement as, "Nothing less than a weak attempt to squash your 1st Amendment rights. Soon they will say there will be consequences for you speaking out. Personally I have ZERO trust in all governing bodies in this state right now."³⁴ Turning to U.S. history to make sense of this moment, another follower responded:

Daniel Webster, a statesman, lawyer, orator, and Secretary of State for three Presidential administrations recognized our problem and summarized our dilemma like this, "Good intentions will always be pleaded for every assumption of authority. It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean

³³ Just Chuck. 09/27/2020. Re: "This is weird." In *MeWe* [Oregon Firearm Federation]

³⁴ Monty Hall. 09/29/2020. Re: "Protesting too much?" In *MeWe* [Oregon Firearm Federation]

to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.³⁵

In this brief exchange, pro-police and anti-Antifa sentiments coalesce in pro-gun communities, leading commentators to reject statements by county officials in favor of the now-discredited under-Sheriff, and to do so using the language of the Constitution and the received wisdom of American statesmen. This widespread support for Sheriffs and Police Departments by Oregon Firearms Federation and Second Amendment Sanctuary City advocates is revealing. Far from being “anti-government,” these groups are contingently and selectively loyal to those agencies and actors they perceive as beneficial to their interests (Sheriff Departments, Police Departments, National Guard) and opposed to those government agencies and actors they perceive as hostile to their interests (the Environmental Protection Agency, Agency of Firearms and Tobacco). As I argue in this dissertation, activists demonstrate not a coherent theory of the state but rather a conditional theory of self-interest, one primarily predicated on the experience of white able-bodied men. Pro-gun groups in Oregon and Washington are predominantly white, and they demonstrate loyalty to those institutions which have, at least historically, predominantly served white interests. Though hardly unilateral, U.S. police and military forces have been deployed in the defense of white supremacy and settler colonial interests far more than they have been deployed to disrupt them (Alexander, 2012; Bonds & Inwood, 2016; Hixson, 2013). Like their historical predecessors, pro-gun activists in the Northwest invoke the name and interests of “the people” while enacting and enabling a racially, gendered, and spatially constrained version of the people and their interests.

³⁵ George H. 09/29/2020. Re: “Protesting too much?” In *MeWe* [Oregon Firearm Federation]

This kind of racism without race is enabled through an appeal to geography, and again and again speakers at public hearings and rallies would locate the authentic representatives of the people in suburban and exurban spaces, as opposed to the cosmopolitan and thus un-American residents of the region's cities. The interplay of region, race, and gender is often most pronounced at rallies and public hearings in opposition to I-1639 and in support of the Sanctuary City Ordinances. On a chill, drizzly February afternoon in 2019, about 200 people gathered in Washougal, WA around a firepit in the Limitless America gun shop parking lot to hear from Rob Taylor and Joey Gibson, the charismatic leader of Patriot Prayer. The attendees were, to my reading, almost exclusively white, and about two-thirds men, a typical distribution at a rally like this, and wore a mix of camo, military, or veterans gear, pink rodeo wear and sparkles, with some restless teenagers and baby carriages rounding out the crowd. Bundled up against the cold, the crowd listened as Rob Taylor described his campaign to pass Second Amendment Sanctuary ordinances in Oregon, which he says he deliberately named to aggravate supporters of sanctuary for immigrants—"If people breaking the law can be protected through sanctuary then people defending their constitutional rights can definitely be defended!"³⁶ Taylor carefully remarked that he has nothing against immigration, he just does not like illegal immigration. A woman yelled and interrupts, calling out that legal immigrations are in fact the problem as they move to populated areas for the 2020 election in an effort to increase the number of democratic representatives. As Taylor responded the crowd broke out into chatter, many grumbling about the problem with immigrants, and it was clear that they do not agree with his open endorsement of "good" immigrants. Taylor

³⁶ Robin Wright. 02/24/2019. Fieldnotes from 1-1639 Rally in Washougal, WA.

regained his listeners as he described his efforts to prevent ACORN, a progressive group maligned by conservatives, from registering illegal voters, which elicited a mighty cheer from the crowd.

But Joey Gibson of Patriot Prayer was the main attraction, as he is one of the key leaders and public representatives for the Sanctuary City movement. Gibson had already been successful in using his platform as the leader of Patriot Prayer to bring increased attention to I-1639 and galvanize the local campaign in southwest Washington. Gibson told the crowd that he became active after supporters were attacked at a Trump rally in San Jose and the police did nothing to protect them. Gibson shared that he was called by God to take action, and he invited the crowd to step up as well, exhorting them that “the only thing standing in your way is you.”³⁷ He proclaimed that it was their patriotic duty and their moral duty to defend their constitutional rights when they were under attack.

At this point a man in camo and a balaclava challenged Gibson, saying he preaches non-violence while attacking counter-protesters and ripping off their face coverings. While Gibson and his challenger went back and forth, the crowd moved in and the tension rises quickly. Attendees chanted “tear off his mask! Tear off his mask!” and a woman in a pink puffy coat moved closer as she volunteered to be the one to do it. Gibson and Taylor pacified the crowd, urging them to not touch the man and give him space to speak. The attendees were venting their anger and flexing their muscle, demonstrating their willingness to fight and their ability to stand down when instructed by their leaders.

The agitation subsided as the crowd slowly dispersed, but the frisson of violence averted lingered in the air. The tense encounter illustrates how activists employ a

³⁷ Robin Wright. 02/24/2019. Fieldnotes.

multiplicity of strategies, promoting ordinances and resolutions, while also engaging in more confrontational and embodied tactics. Simmering beneath both is the latent premise and promise that certain forms of violence and intimidation are not just necessary but just in the pursuit of liberty and the protection of constitutional rights. “If you let them take your guns without a fire fight, you don’t deserve to have them,” goaded one commenter on the Patriot Prayer Facebook.³⁸ Another wagered that, “if our forefathers were still around, they’d warn us ‘if someone comes to take your guns, shoot them in the face.’”³⁹ They might even support the outright revolt that is coming; one commenter warned that “this war is going to be ugly,” but another promised, “This will lead to a civil war in the near future. In the end, it will be the fault of those who knew about all this stuff, and chose to do nothing about it when they had every opportunity. But at least some of us will go down swinging!”⁴⁰

Pro-gun commenters indicate their own willingness to enact violence to resist government tyranny, while deriding and inflating the confrontational tactics of liberal protestors. “He threw 5 punches and didn’t even land one,” Joey Gibson crowed over a video showing an altercation with a Portland antagonist.⁴¹ Response was rapid and rabid, with commenters flooding the page with trans-phobic and homophobic questions about the supposed attacker’s identity. “You sure that’s a he?” ask one commenter— “That’s definitely a girl,” responded another.⁴² Someone else replied, “I heard it identifies as a wood nymph,” and in the same vein another suggest, “I think you’re giving that little insect

³⁸ Terry D Danson. 05/09/2019. Re “In Washington State police now have a right to take your guns..” In *Facebook* [Patriot Prayer]

³⁹ Jordan Steward. 05/09/2019. Re “In Washington State police now have a right to take your guns..” In *Facebook* [Patriot Prayer]

⁴⁰ Justin Masters, Paul Ginocchi II. 05/09/2019. Re “In Washington State police now have a right to take your guns...” In *Facebook* [Patriot Prayer]

⁴¹ Joey Gibson. 03/04/2019. “He threw 5 punches and didn’t land one.” In *Facebook* [Patriot Prayer]

⁴² Nicholas B Drauschak, Michael Renzuli. 03/04/2019. Re: “He threw 5 punches and didn’t land one.” In *Facebook* [Patriot Prayer]

too much credit by saying he.”⁴³ These comments reveal deep discomfort with gender ambiguity while re-inscribing the capacity for physical violence as an embodied masculine trait. “Pronouns people, Pronouns. Are we all seriously assuming he/she/its/shits gender?” one commenter baited, “and all this Punch Shaming has got to stop, Equal Rights For Slapfights!!! The struggle is real.”⁴⁴ Highlighting their opponents “soft bones, weak wrists,”⁴⁵ and lack of proper street fighting technique, pro-gun activists signal their masculine strength through their frequent threats to use their own manifold weapons. Though these groups are not exclusively male, they participate in a discourse that reifies traditional gender roles and denigrates feminine characteristics through the glorification of violence (Ferber, 2010; Gorkariksel & Smith, 2018.)

The gendering of pro-gun politics is equally evident in the testimony given by women and about women. Time and again, men suggested the regulation of guns would impact their wives’ abilities to protect themselves against home invaders and attackers. Women expressed concern that they would not be able to protect their children and themselves. “Men are stronger, and guns are the great equalizer,” one woman told the Thurston county commission. “Without a gun I could end up as a murdered woman tossed on the side of the road. Why should I be penalized for criminals?”⁴⁶ Men and women alike suggested that the ready availability of guns prevented women from becoming victims of male violence. Like the comments above, these arguments reify traditional gender roles by foregrounding a woman’s need for protection and highlighting a mother’s instinct to

⁴³ Tim Staschak, Joshua Reville. 03/04/2019. Re: “He threw 5 punches and didn’t land one.” In *Facebook* [Patriot Prayer]

⁴⁴ Steven Adams. 03/04/2019. Re: “He threw 5 punches and didn’t land one.” In *Facebook* [Patriot Prayer]

⁴⁵ Dustin Meyer. 03/04/2019. Re: “He threw 5 punches and didn’t land one.” In *Facebook* [Patriot Prayer]

⁴⁶ Commenter 9. 02/19/19. Fieldnotes from Thurston County Commissioners Meeting. Olympia, WA

protect her children in turn. As geographer Anne Bonds (2020, p. 785) argues, “white women’s defense of white domestic life, including the apparent sanctity of white homes, schools, neighborhoods, and children, remains a central component of efforts to sustain a white supremacist social order.” The constructed vulnerability of white women has driven anti-Black violence, be it lynchings in the south (Feimster, 2011; Haley, 2016) or the spatialized policing of racialized neighborhoods; this is reinforced every time “a white woman takes out her entitled fingers to dial 911” (Patton, 2018). Positioned as “essential to the creation of a ‘pure’ white nation”, the protection of white women becomes a critical task in the propagation of white supremacy (Bonds, 2020, p. 785; McRae, 2018). Imagined as mother and wife, the protection of white women is further caught up in the defense of the heterosexual, patriarchal family relations. The entanglement of heterosexism and white supremacy is manifest in activists’ desire to protect women and their fierce denigration of people whose gender presentation and/or sexuality disrupt heteropatriarchal norms. As I show here, pro-gun activists insist that there can be no queering of the people or of the republic (Barker, 2017; Morgensen, 2010; Povinelli, 2006; Rifkin, 2014)

I argue that the maintenance of gender difference and the gendered division of labor is not incidental to activists claims to speak as ‘the people,’ but rather integral. Pro-gun activists appeal to the Constitution to position themselves as legitimate interpreters and defenders of American law. They insist upon the superiority of their interpretations over and against those offered by fellow citizens, lawyers, judges, and public officials, whom they discredit by questioning their fidelity to America and its values. The disloyal are manifold, but whether they are gender-non-conforming or Jewish, they all deviate from the norm set by the founding fathers.

As illustrated in a previous section, Thomas Jefferson's cornerstone of democracy was the industrious yeoman farmer. For Jefferson, "an industrious farmer occupies a more dignified place in the scale of beings, whether moral or political, than a lazy loungeur, valuing himself on his family, too proud to work, and drawing out a miserable existence by eating on that surplus of other mens' labour which is the sacred fund of the helpless poor" (Jefferson 1954 [1786], p. 421). For Jefferson and many others at the time, it was the fact that the farmer owned his own land and owned his own labor that marked his superior moral and political disposition (Tomlins, 1993). The yeoman figure was incomplete without his wife and children, rendering the portrait of the yeoman farmer unintelligible without reference to the heteropatriarchal household. Whether raising the next generation of republican citizens or serving as doyennes of domesticity (Milano, 2014; Sherman, 2008), white women were imagined virtuous companions nurturing the republican values of free white men.

The figure of the yeoman farmer, distant as he now seems, also helps illustrate how the imagined supremacy of private property ownership is entangled with the question who gets to *embody* Americanness. The yeoman farmer, as the archetypical white able-bodied male, represents the blueprint for what kinds of people can represent "the people," and this blueprint carries within it an identity that is as wedded to a kind of geographic imaginary as it is to an identity based on race, gender, and ability. The yeoman farmer not only had a body, he had a homestead, and his control over his household should be mirrored by control over his local government.

I have shown in this chapter that geographic and embodied bounding of the people has been a part of American popular sovereignty since the founding of the country. Male

determinist settlers along the western frontier in the 1770s and 1780s, who sought to protect current and future land claims through the imposition of more local territorial authority, and they did so through the language of popular sovereignty. Legally tenuous, these settlements were the advance column for settler westward expansion, and in particular settlers sought additional resources for warfare with the Cherokee. Though Fritz (2008), Morgan (1988) and others focus on the early mobilization of revolutionary ideals, determinist settlers unambiguously evince the mobilization of popular sovereignty to enable a settler colonial project and protect settler property interests. In the 1840s and 1850s, a modified conception of popular sovereignty would emerge as a contested doctrine of territorial self-determination as Americans fought over the future of slavery in the Union. Southerners like John Calhoun linked popular sovereignty to the sovereign rights of the individual states, while Northerners understood popular sovereignty as a power held by collective people of the all the states (although some Northern States would adopt a state's rights position in opposition to the Fugitive Slave Act of 1850. Battles over the proper administration of territorial determination were far from theoretical, leading most famously to the violent struggle over whether Kansas would enter as a free or slave state. Yet pro-slavery and anti-slavery actors alike understood popular sovereignty to be exercised by free white men (Foner, 1995). Northern proponents of popular sovereignty like Stephen Douglas were more concerned with extending the western frontier than they were with the morality of slavery (Leroy, 2016). As such, even in the context of the debate over enslavement of Black men, women, and children, popular sovereignty itself was enrolled in a contest between white men over what class, industry, and culture of whiteness would benefit. A similar claim can be made when considering early debates in post-

revolutionary America over indirect or direct versions of popular sovereignty, and the reciprocal disdain political actors held for either the elite and the mob. These disagreements were substantial and had real consequences in the development of the federal constitution and the promulgation of republican ideals in post-revolutionary America. Yet they were, almost exclusively, factional contests over the relative economic and political standing of free able-bodied white men (Roediger, 1999). Over time, these conflicts did expand formal and substantive membership in the political body of the United States, but they did so not by undermining or re-imagining the ideal political subject but by positioning themselves as representative of that ideal. That is, the image of a self-employed, self-directed man using his hard-earned wisdom to ground his republican ideals and safeguard the nation continues to populate many of the appeals to popular sovereignty in the United States today (Hague, 2000).

Catalyzing the People as Sovereign

All of these threads come together at a 2019 rally in Battle Ground for the Sanctuary City Ordinance led by Joey Gibson of Patriot Prayer. At this event, Gibson gave a rousing speech exhorting the people to rise up and take on the tyrannies of government wherever people find them. Gibson set the moral stakes, legal foundation, and political urgency of their struggle as he exalted the crowd as the true representatives and defenders of the people.

To open, Joey Gibson announced, “We do fight for freedom for everybody, every single person, I don’t care who you are. That’s a true freedom fighter. I don’t care what your political ideology is, I don’t care if you’re black brown gay straight I don’t care who

you are. We fight for everybody's right to be free." As the crowd cheered in response, Gibson continued, addressing the pushback that Gibson, Patriot Prayer, and the Sanctuary City supporters have received. "Where are all those hateful violent racist people at? Is anybody here racist? Is everybody here against racism?" The crowd roared again, confirming their stance against racism. "They can only say racist so many times before people begin to wake up. All these people at all these meetings have the same talking points. They say the only reason we are fighting for the Second Amendment is so we can recruit white supremacists. No—we are doing it to be free."⁴⁷ Yet as I have shown in this chapter, the freedom sought by Gibson and others is not one premised on the end of racism but rather on the denial of racism. Thus far from undoing the political, legal, and cultural framework of white supremacy, gun supporters defend white privilege while denying any explicit racialized animus. These declarations form a kind of pedal point to the movement, intoning race neutrality underneath an ever shifting set of declarations against immigrants, Antifa, George Soros, and Black Lives Matter activists (López, 2015)

Supporters may be maligned for their supposed racism, but Gibson reminded them that they have more important problems to confront; they are waging a battle for the hearts and minds of Americans in the war to secure their constitutional rights. Firearms play a key in role in this battle, and not just firearms used for hunting or self-defense. "What is very important is that we have as many rifles as possible in every single random household that we can." Echoing the speaker in Olympia, Gibson told the crowd, "That is what keeps ground troops off our land, its so important. We have to understand we have the largest army in the world—not even our military—I'm talking about the citizens of America."

⁴⁷ Joey Gibson, 03/31/2019. Fieldnotes from rally in Battle Ground WA.

Invoking the citizen militia as the bedrock of America, Gibson echoed Jefferson in conjuring the unpretentious yeoman farmer as the truest defender of the republic.

Mirroring the pro-police rhetoric of most gun advocacy groups in the Northwest, Gibson suggested that gun regulations like I-1639 destroy the trusting relationship between police and law abiding citizens. “The Battle Ground police cannot be the enemy of you guys, do you agree with that? It’s the worst thing that can happen. We need the police to be on our side.” This is because the police “need to protect the Constitution, not destroy the Constitution. They took an oath to the Constitution. Their number one priority is to protect the Constitution.” As evidenced above, some supporters are willing to take the fight to the police at their door, but Gibson reminded them that it is better to have the police as your ally than as your enemy.

Gibson ended by telling the crowd that it does not matter what the judges in Washington say about I-1639; the measure is unconstitutional. The fight to overturn I-1639 is about more than just guns; it is about addressing all the ways Olympia (the Washington state capitol) and Washington D.C. have slowly destroyed their rights. It is not about breaking laws but about honoring the law of the Constitution. Harkening back to the American Revolution, Gibson says that the founding fathers took action because King George III did not represent the people. They were animated by the “crazy idea that government should work for the people.” In declaring their opposition, the framers “effectively put their name on a death list.” Gibson exhorted, “That’s the spirit we have to have.” As he proclaimed to the crowd, “We own this country. We own this government. They have to do what we say—they work for us.”

In this chapter I have argued that gun advocates in Oregon and Washington demonstrate that popular sovereignty in the United States has served as an effective discourse to defend white male propertied interests through the acquisition of localized territorial power (Bonds, 2020; Bonds & Inwood, 2016; Lipsitz, 2006; Moreton-Robinson, 2015). Invoking their right to speak as and for the people also invokes the people's ultimate authority over the government. Returning to the discussion at the opening of the chapter, many theorists understand sovereignty to be a right ultimately owned by the people and only temporarily loaned to the government and agents of the state. When Joey Gibson announced that "we own this country. We own this government," one could understand him to be referencing that tradition of thought. But I suggest there is more here; by asserting ownership, Gibson is advancing a very particular kind of white possessive claim over the nation, its land, and its resources. Put more trenchantly, it is a claim that white people *are* the nation.

Through their constitutional language, pro-gun activists adjudicate what Welke terms the "borders of belonging" in the U.S. nation, in which "both borders *and* belonging have a spatial (bodily and territorially) and figurative meaning" (Welke, 2010, p. 4). Activists present themselves as the embodied nation through their gender, race, ability, *and* geographic location, but they also figuratively signal their Americanness through their allegiance to the Constitution and their willingness to defend it by whatever means necessary. In doing so, activists also appeal to what Mark Rifkin calls a settler common sense, or the "ways the legal and political structures that enable nonnative access to Indigenous territories come to be lived as given, as simply the unmarked, generic conditions of possibility for occupancy, association, history, and personhood" (2014, p.

xvi). This common sense does not just operate as received wisdom— it must be refreshed and reconfigured over time. Celebrating a highly selective history of the Constitution and the founding fathers is a very effective strategy for normalizing white control over territory and political authority. The expectation of ownership and control causes “white people to act and think as if all spaces – whether geographical, psychical, linguistic, economic, spiritual, bodily, or otherwise – are or should be available to them to move in and out of as they wish’ (p. Sullivan, 2006, p. 10). The passage of Measure I-1639 in Washington against the wishes of pro-gun activists illustrates a lack of control and a lack of access to the government that activists assume should be theirs. As Gibson proclaimed to his supporters, “They have to do what we say—they work for us.”⁴⁸ The movement to create Second Amendment Sanctuary Cities is a movement to reassert ownership over the country and over the government one city and county at a time.

Conclusion

One year after Yacolt passed the proclamation in against I-1639 and in support of gun ownership, a different set of local activists brought to the council a proposed proclamation acknowledging and denouncing systemic racism (Heffernan, 2020). The proclamation would have recognized that “hate has become a daily occurrence across the nation” and that tragedy strikes when people “stand by and allow acts of violence and hatred to occur” (Heffernan, 2020). It also made some ceremonial commitments to listen to marginalized voices and act on implicit bias. Councilmember Amy Boget said, “There is a lot of, just, pain and hurt out there, and I figured that it would be a good idea for us to stand up, just

⁴⁸Joey Gibson. 03/31/2019. Fieldnotes from rally in Battle Ground WA.

like we did with I-1639, and just say, ‘We don’t find these things acceptable’ (quoted in Heffernan, 2020). Of the seven people who stood up to speak about the proclamation, five were opposed. Councilmember Herb Noble justified his opposition to the proclamation, saying, “‘I believe hate crimes at this time in our society is over-driven by different groups, whether it’s antifa, Black Lives Matter. I think it’s news media also, CNN and different things.’” Noble reflected, “I think you’re stirring up a hornet’s nest that don’t need to be stirred up.” (Heffernan, 2020). Councilmember Noble ascribed anti-racism to a series of outside forces, including Antifa (who are coded as urban) and mainstream media, thereby re-drawing the boundaries of “the people” to exclude those people and places who were, in some way, un-American. In a town that is 98% white, residents and city council members were not ready to assert the people’s opposition to systemic racism.

Popular sovereignty is most commonly understood as a theory and practice rooted in the belief that the people, not a king, or a president, or parliament, are sovereign, and they have an ultimate and inalienable right to rule. Scholarship on popular sovereignty often points to contests over who can represent the will of the people and who can act as the people’s agents. These questions are clearly alive in the movement for sanctuary cities, as activists position themselves as the authentic representatives of the people and suggest that the people’s agents are best located at the local or municipal scale of government. Yet the Second Amendment Sanctuary City movement also illustrates that there is a geography to “the people,” or rather an imagined geography, one that locates true Americans outside of towns, in rural areas, away from the influence of the urban elite who are too cosmopolitan to truly represent “the people.” This collapse and displacement of the people onto an imagined geography enables the successful veiling of the racialized and gendered

composition of “the people” by groups advocating forms of popular sovereignty. Furthermore, activists not only “bound” who gets to count as the people, they enforce those boundaries by attempting to assert control over local jurisdictions, re-configuring the boundaries of political authority.

But like the fiction of popular sovereignty, this imagined geography is also all too real, as white Americans in the past and present enact jurisdictional boundaries and regional identities in the creation of racialized and racist landscapes. The practice of popular sovereignty is not just political but spatial. And like early Americans, activists today appeal to a form of popular sovereignty rooted in racial difference and colonial conquest without ever referencing this or making any explicit statements about race or racial prejudice. I contend in this chapter that normative theories of popular sovereignty have failed to account for reproduction of social hierarchies through contests over popular rule. In particular, I show how in the United States, practices of popular sovereignty are entangled in the territorial extension of settler colonialism and the legal fortification of white privilege and white supremacy. I offer that scholars of popular sovereignty can do more to locate theories and practices of popular sovereignty within the specific geographic, social, and economic terrain of the actors and movements they study. A focus on the normative implications of popular sovereignty have in some ways obscured the constitutive role of social categories and social hierarchies in contests over popular sovereignty. My research on Second Amendment Sanctuary Cities demonstrates the racialized and gendered dynamics of popular sovereignty in the Northwest, but scholars of other places and times may have a very different story to tell. To that end, scholars of popular sovereignty would do well to mark more clearly the geographic and temporal boundaries of their own thinking.

Too often, normative constructions of popular sovereignty draw on the theoretical and political heritage of western Europe and the United States while speaking in universals. In the following chapter, I further explore a racial ideology celebrating the universal values of Western Civilization also animates struggles over free speech and first Amendment rights. Activists signal a form of white settler sovereignty as they articulate a right to unfettered speech in both online and offline public squares in the Northwest.

Chapter 4. Whose City, Whose Sites? First Amendment rights and the fight for a white right to the “Public Square”

Now in her 70s, Kathy was dedicating her retirement to political activism: she was a PCP for the County Republican party, a former member of the Three Percent, and an active participant in the group Oregon Women for Trump. Kathy kept busy, and we ran into each other regularly at the state Capitol in Salem for protests against gun regulations and rallies in support of the Republican legislators who suspended all legislative work by leaving the state (Radnovich, 2019). I joined Kathy at the Oregon Republican Party office to discuss her work, where she was engrossed in coordinating a chaotic (and eventually unsuccessful) recall campaign against Governor Kate Brown. I began by asking Kathy how she first became involved in this work. She paused, took a deep breath, and began to cry. After a few moments, she looked at me and said simply: “LaVoy.”¹

LaVoy Finicum was shot and killed by Oregon State Police officers on January 26, 2016 while he and other occupiers from the Malheur National Wildlife Refuge traveled to a planned meeting in John Day (Turkewitz & Healy, 2016). I first met Kathy at the third annual memorial for Finicum she had organized in February of 2019, an account of which opens the introduction to this dissertation. Kathy told me that she had only followed politics casually until Finicum was “shot in the back” by the State Police—that was the day she became involved. Galvanized by his death, Kathy organized the first memorial in Salem with over 200 attendees only eleven days after his shooting. Though she has lived her whole life in Oregon, Kathy had never spent extended time in eastern Oregon where the refuge is located and had never been involved with ranching. Despite her seeming distance from

¹ Kathy. 07/18/2019. Interview in Salem, Oregon

Finicum and his cause, she had started “seeing videos of this very soft spoken man” during the occupation and was moved by how effective he was in reaching people who were “hearing something they want[ed] to hear” from him. Finicum had become a de facto spokesperson for the occupiers, and in the year leading up to the occupation he published regular videos on YouTube detailing the abuses he claimed to have suffered from the Bureau of Land Management. In his videos and at the refuge, Finicum frequently turned to the Constitution to justify his actions and indict the misdeeds of the federal government.² When he was shot, Kathy was stunned, asking herself “how could they do that?”

A few months after the memorial, Kathy met Finicum’s widow Jeanette, and in 2018 she attended the full trial of Joseph Astarita (an FBI agent) in Portland, OR alongside Jeanette (Sottile, 2018). At the same time, Kathy joined the Oregon Three Percent, a militia group inspired by the erroneous claim that only 3% of colonists participated in the successful revolution against the British. Members from the Idaho chapter of the Three Percent had visited the Malheur National Wildlife Refuge, with a number of members traveling to Salem for the annual Finicum memorial event.³ From there, she was recruited by a fellow Three Percenter and county chair for the Republican Party in Marion County to become a PCP for the party. Though she enjoyed the sociality of the Three Percent,

² LaVoy Finicum’s YouTube channel is still available, with his original uploads now joined by videos made by his widow Jeanette, his daughter Tara Tenney, and their lawyer, Morgan Philpot, who brought the family’s wrongful death suit. You can find the YouTube channel here:

<https://www.youtube.com/channel/UCIVPq7yblLDavidY0B2aqpaXNA/featured>

³ Founded in 2008, Three Percent had chapters in states around the country. Chapter activities varied, with some organizing target-shooting practice or other pseudo-military maneuvers, while others organized members to attend conservative rallies and events and hosted barbeques. Michael Brian Vanderboegh, the “godfather” of the Three Percent, advocated armed insurrection as a response to government overreach and tyranny (SPLC, n.d.). In Oregon in 2019, members of the Three Percent planned to rally at the State Capitol in support of the Republican Senators who fled the state to stop legislative business. In response, the Capitol was preemptively closed due to the perceived threat of potential militia violence (Radnovich, 2019) Some supporters of the Three Percent were charged in connection with the January 6, 2021 insurrection at the Capitol (Weiner & Hsu, 2021).

Kathy found that the Republican party offered her more opportunities to become directly involved in the political process. Since her initial involvement Kathy continued to take on more responsibility with the party, going to central committee meetings and even having some of her suggestions incorporated into the state platform.

As I continued my research, I returned to Kathy's first words about LaVoy Finicum, and her insistence that the occupiers were "just here to occupy a building, they are trying to educate people," and that "just because they are armed doesn't mean they are dangerous." Kathy was upset that in her view, Finicum, a "soft-spoken" educator of the people, had been silenced by the state for his speech and his public efforts to speak out against the abuses of the Bureau of Land Management. Kathy did not express a concern that her own speech was being censored, but she worried about the Democrats who seemed to "thumb their nose at Oregon voters." She lamented the legislature passing a bill providing drivers licenses to undocumented immigrants (Acker, 2020), and rolled her eyes when Governor Kate Brown sent the Oregon State Police out to forcibly return the Republican Senators who had left the state in protest against a climate change bill (Radnovich, 2019).

Over the next few months, I attended rallies, meetings, and events at the state Capitol and interviewed activists living and working in the Salem area. What I found was a deep concern about the state of free speech and a sense that right-wing activists were being silenced, both on the streets and online. In this chapter, I explore how right-wing activists use the First Amendment to articulate a right to unfettered speech in what they term the "public square." Far from seeing online and offline spaces as distinct, activists understand both to be contested "public squares," rendering both interconnected nodes in

a social movement space. I argue that activists employ a conservative constitutional discourse to assert their absolute right to access, occupy, and dominate the public sphere. I show that activists uplift the Constitution as a symbol of the superiority of Western culture, and narrate themselves as victimized defenders of the highest values of Western civilization. In doing so, they suggest that Western civilization is unique in its defense of the freedom of expression, thereby positioning the right-wing struggle against censorship as part of a broader struggle to protect Western, i.e. white, cultural supremacy.

By narrating their grievances through the language of the First Amendment, right-wing activists engage what I identify as a form of racism without race, which naturalizes cultural conflict and justifies cultural segregation along regional, state, and national boundaries. This does not supplant the resurgent expressions of “spectacular racism” (Pulido et al., 2019) engendered by former President Trump and his supporters; instead, this discourse of racism without race runs alongside it and is indeed dynamically interrelated with it. Just as processes of institutionalization and radicalization are in a dialectical relationship within far-right and white nationalist movements, I see this form of racism without race as existing in dialectic tension with the more spectacular, explicit, and overt expressions of racial animus. Indeed, the current attack on Critical Race Theory is predicated on precisely this articulation of racism without race. Republicans like Representative Ralph Norman argue that, “Critical race theory asserts that people with white skin are inherently racist, not because of their actions, words or what they actually believe in their heart — but by virtue of the color of their skin” (quoted in Sprunt, 2021). Notably, this attack is led by Republican lawmakers who came into office through their employment of Trump’s spectacular racism, suggesting that the discourse of racism

without race is not being supplanted but rather being incorporated in dynamic and shifting ways by different actors and institutions. What I show in this chapter, and throughout the dissertation, is how a legal discourse that is at least *superficially* race-neutral can function to advance white interests by building shared language and shared interests between right-wing groups, elected officials, judges, state employees, policy analysts, and other actors. Though it effectively builds on the ideological and institutional scaffolding of the conservative appropriation of “colorblind constitution,” this legal discourse is also constraining, as its race-neutral framing limits the potential legal success of policies that are explicitly preferential towards white residents.

I further offer that the defense of the “public square” is constituted by and constitutive of a distinct yet contested regional formation of whiteness, one predicated on an imagined geographic alignment between suburban, exurban, and rural residents against urban liberal elites. In this geographic imagination, liberal elites exercise their power over urban space and online space as part of their effort to control state politics and marginalize conservative and right-wing voices and voters. In previous chapters I have shown how activists use territorial strategies like separatism and localism as a form of white territorialization as they work to reassert control over multiple scales of government. But in this chapter I examine how activists enter into the city, using tactics of occupation and disruption to demonstrate their dominance over “the urban.” Activists use their confrontational presence to insist on their right to free and unfettered speech, which they exercise by loudly voicing those opinions considered hateful and unwelcome by some urban residents.

To do this work, I bring together scholarship on urban social movements and new media studies to advance our understanding of how social media sites and city streets form integrated nodes in right-wing social movement space. Though there is significant scholarship on urban social movements (Attoh, 2011; Harvey, 2013; Marcuse, 2009; Merrifield, 2015; Purcell, 2009, 2013) there is more work to be done to understand the rise of right-wing movements and protests in U.S. urban centers. What studies do exist focus on electoral politics, leaving the increasing incursions into cities by right-wing groups in the Northwest and other parts of the U.S. unaddressed (Ambrosini, 2013; Di Matteo & Mariotti, 2021; Dostal, 2015; Van Gent, Jansen, & Smits, 2014). This chapter addresses this gap by accounting for the new and emerging tactic of urban occupation and disruption employed by right-wing groups in the Pacific Northwest. When activists come to “do battle” in Portland, they are not there in opposition to any specific policy or to advance a particular campaign. Instead, they are engaged in an affective and ideological battle to demonstrate what places and what people should be privileged by the state. Far from being disjunct, the related struggle over speech on social media sites is an extension of this battle, as they argue that the state should step in and protect their right to speech that is currently threatened by social media executives. I therefore find that the “battle” over city streets and social media sites waged by right-wing activists becomes, by extension, a battle for the territorial and cultural supremacy of suburban, exurban and rural places and people. Activists enact a form of white territorialization as they assert a free and unfettered right to occupy, use, and dominate both on- and off-line spaces they understand as currently antithetical to their interests.

In this first part of this chapter, I explore further how activists understand the supremacy of Western civilization and the useful position of the U.S. Constitution as a shining symbol of the achievement of Western culture. I then turn to the discursive construction of the “public square,” first exploring social media as a contested site for free speech and then turning to the embattled status of city streets as a protected site for free speech. In each case, I show how activists mobilize the First Amendment to assert their privileged right to unchallenged speech, which they legitimize by insisting that their free speech is itself critical to the protection of the values of Western civilization. Activists’ thus frame their speech as both evidence for and defense of the Western culture’s respect for liberty and tolerance. Criticism directed towards right-wing activists is taken as a sign that they are in fact the truest patriots and most loyal Americans, and as such, they are the ones who can speak most authentically about who should govern and who should be served by that government. To conclude, I suggest that activists are increasingly likely to turn to aggressive and violent practices of occupation, disruption, and incursion as they work to extend authority over those spaces they currently perceive as hostile to their own cultural and political status.

Racism Without Race: Sustaining the Imagined Supremacy of Western Civilization

In public speeches, private meetings, Facebook groups and pages, and interviews, activists in the Northwest vociferously insist that they are not white supremacists. They claim that because they do not explicitly advocate a nation made up only of white people or put forward policies that explicitly benefit or privilege white people that they do not engage in racial politics or sustain a system of white supremacy. Yet I argue that right-wing activists

in the northwest appeal to the value and supremacy of Western civilization to advance a form of racism without race and indeed, as Bonila-Silva (2018) would say, a kind of racism without racists. In this racial formation, difference is not primarily articulated through biology but through culture, a racism which “at first sight, does not postulate the superiority of certain groups or peoples in relation to others but 'only' the harmfulness of abolishing frontiers, the incompatibility of life-styles and traditions” (Balibar, 1991, p. 21). Etienne Balibar helpfully suggests that this “differentialist racism” can often “function as a way of locking individuals and groups a priori into a genealogy, into a determination that is immutable and intangible in origin,” a tactic well-demonstrated by constitutional educators and Liberty State supporters who connect themselves to their Anglo-Saxon ancestors (1991, p. 22). In doing so, activists locate themselves in a settler genealogy, one predicated on the unbroken connection between Anglo-Saxon culture and the emergence of a unique American culture. Activists thus position themselves as the true inheritors and defenders of American values. Activists identify liberty, individualism, and tolerance as some of the most important values promoted by Western Christian civilization. Activists employ what Bonila-Silva terms the frame of “abstract liberalism” to defend white interests under the banner of liberal principles like equal opportunity and individual choice (2018, p. 58). Bonila-Silva defines colorblind racism as an ideology that “explains contemporary racial inequality as the outcome of nonracial dynamics,” (2018 p. 2), which has become increasingly effective because it “aids in the maintenance of white privilege without fanfare, without naming who it subjects and who it rewards” (2018, p. 4). My own analysis accords with Bonila-Silva’s assessment of the success of this discursive slight of hand,

which seemingly renders activists innocent of all racial prejudice as long as they do not make explicit references to the inferiority of non-white Americans.

Yet my research also suggests that a conservative constitutional discourse also re-configures race itself, as activists deny that biological race has any salience or meaning in today's world. Within this framework, biological differences become a kind of surface phenomena or short-hand signal for the now essentialized cultural differences. In this reversal, "If you want to avoid racism, you have to avoid that 'abstract' anti-racism which fails to grasp the psychological and sociological laws of human population movements; you have to respect the 'tolerance thresholds', maintain 'cultural distances' or, in other words, in accordance with the postulate that individuals are the exclusive heirs and bearers of a single culture, segregate collectivities (the best barrier in this regard still being national frontiers)" (Balibar, 1991, p. 23). Activists in the Northwest thus promote a different theory of race, one that "naturalizes not racial belonging but racist conduct" (Balibar, 1991, p. 22). While race may not be biological, conflicts between different cultures are natural and indeed biologically inherent in the human race, making the maintenance of cultural division both sociologically sound and politically prudent.

This form of racism without race is consonant with a conservative legal discourse and its superficial "race-neutrality." Mobilizing the framework of a colorblind constitutionalism, conservatives have successfully rolled back racial justice initiatives by claiming that they are preferential towards some (non-white) groups and thus unconstitutional. As I have suggested throughout this dissertation, this discourse is particularly effective as it allows different actors and litigants to protect white privileges under the banner of equal opportunity. But I also find that this legal framework and

discourse is both productive *and* constraining, as it makes certain kinds of public claims more or less morally acceptable and more or less politically and legally efficacious. This helps to explain why, though the ideology of racism without race may, for many, be patently racist, activists continue to shout from street corners and social media sites that they are not racist. Overt declarations of racially prejudicial intent, especially in relation to public policy, is not particularly effective within a legal and discursive framework of colorblind constitutionalism and its attendant strategy of advancing racialized goals through race-neutral language. As I discuss in chapter 2, this colorblind constitutionalism has also been leveraged very effectively by racial justice activists, meaning that there is a widely shared language around constitutional race-neutrality that has become hegemonic, particularly within state institutions. Activists deny their own racism because explicit expressions of racial prejudice do not fit comfortably in the discourse and are less likely move forward their stated goals within certain state institutions and with the support of certain state actors.

What I chart in this chapter is the ascendancy of a more militant articulation of racism without race that foregrounds the inevitability of cultural conflict and celebrates hierarchical policies of cultural segregation and division. Though still located within the framework of a conservative constitutional discourse, this more militant expression of racism without race may signal a shift, or at least a disruption, in the hegemonic ideology of colorblind constitutionalism. I show here how activists are beginning to express a set of claims explicitly animated by the stated supremacy of Western culture as they argue that cities, states, and the nation must take aggressive steps to protect this culture. One could read the Supreme Court's decision to uphold former President Trump's "Travel Ban" in

spite of his clearly prejudicial public statements about Muslims as a sign of a gradual shift in the way the court understands race-neutrality and religious liberty (Cover, 2020; Liptak & Shear, 2018). The court has generally deferred to the Executive branch in questions of immigration and national security, but as Justice Sotomayor states in her dissenting opinion, in this instance the court did so by ignoring Trump's very explicit desire to effect a "total and complete shutdown of Muslims entering the United States" (*Trump v. Hawaii*, 2018, p.66) Justice Sotomayor goes on to note that despite the Travel ban's "re-packaging," that allowed it to "masquerades behind a façade of national-security concerns," any "reasonable observer would conclude that the Proclamation was motivated by anti-Muslim animus" (p. 66). It remains to be seen how this decision will impact future court cases or the institutional legibility of policies that are openly discriminatory against racial, religious, or other groups and classes, and how much it stands to impact the hegemony of a colorblind constitutionalism. This chapter demonstrates that for the time being, a legal framework of race-neutrality and religious liberty continues to both enable and constrain the ability of right-wing activists to advance white nationalist politics.

I argue that this discourse not only naturalizes racist conduct, it naturalizes racialized geographies. Building on the work of Etienne Balibar (1991) and Eduardo Bonilla-Silva (2018), I illustrate how this new form of cultural racism is geographically constructed and spatially contested. In the following sections, I trace how right-wing activists participate in the ideological construction of an idealized American subject that is not only a (white) person, but a (white) place.

Constructing America as the Pinnacle of Western Culture

In this section I examine in more detail how activists in the Northwest employ this discourse to uphold the U.S. Constitution as a crowning achievement of Western civilization, allowing them to articulate their particular political and cultural interests through the language of universal constitutional rights. The veneration of the Constitution, and the rights enshrined therein, frames activists' defense of the "public square," both online and on the streets. But to understand the version of free speech presented by activists, it is useful to first develop the twinned vision of Western cultural supremacy and American exceptionalism on which this discourse relies. I do so through an analysis of interviews I performed with 7 activists all organizing in the Willamette Valley and active in Republican party politics, militia movements, and anti-immigration campaigns in the region. This close reading allows for an attention to the ways activists in the Northwest connect a discourse of Western cultural superiority to their own lives and their activism, and illustrates how this discourse animates activist commitments in the region.

For right wing activists, the U.S. as a nation has a distinct culture, one that is notably superior to other cultures. As David, a Republican congressional candidate for the 5th district of Oregon, told me,

I think as a whole we are the best country in the world, the most charitable, I could go down the list. I think that's where American culture is special and we can't just say import anybody from anywhere and it's gonna be the same. Because let's compare America's history to that country's history, right, culture impact politics, culture impacts action in the state, culture impacts everything. If you compare America's history to any other country's history I wouldn't trade it, and so I would think that if you just look historically in a comparison, whatever kind of comparison

you want to make, I personally believe we have a very unique, special, and beautiful history and it is something to preserve.

For David and others, preserving American culture means limiting new immigrants or prohibiting immigration entirely, while expecting that all people already residing in the country, be they first-generation immigrants or natural born citizens, conform to a specific understanding of American values. Like other activists in the Northwest, David presented the U.S. as both unique because of a set of *cultural values*—which ostensibly anybody could adopt—and unique because of its *people*, who were irreplaceable. The slippage between culture as a set of practices and culture as a body of people is integral to this articulation of racism without race, or indeed without racists. By simultaneously divorcing cultural difference from its determinant conjunction with phenotype while re-investing in essentialized cultural differences and cultural hierarchies, this framework allows for group discrimination without the animus of racial prejudice (because race is no longer the primary carrier of difference). In order to make this work, this framework relies upon an understanding of cultural difference that runs along religious affiliation and nationality:

Like I said cultures are not created equally and I don't think you can just say just replace everybody who is there in America with anybody else and the Constitution would take care of it. I think that you have to have assimilation, you have to have a people in a country and so that doesn't exclude anybody from being an American who is an American right now but you cannot say well we'll just have mass immigration and open borders and it will all just stay the same. Rome would probably say 'that's not true.' That is exactly what toppled down the Roman Empire: corruption, unfettered immigration, weak borders, armies across the world

not at home. America is like Rome on fast forward and people who built this country knew the value of the Roman republic when it was a republic.⁴

Islamophobia, xenophobia, and nativism are key components in the resurgent expressions of white nationalism in the Pacific Northwest, as they rely on distinctions of religion and nation as proxies for racial difference and discrimination. Activists engage in “civilizationism,” or what Brubaker (2017) has observed in Western Europe as the consolidation of a populist ideology around the “notion of a civilizational threat from Islam (p. 1193).⁵ Understanding Islamophobia as “a worldview that casts Islam as the civilizational antithesis of the West,” (Beydoun, 2018, p. 28), it is unsurprising that most activists consider Christianity as integral to Western culture and thus a part of what makes the U.S. so special. In particular, activists point to the Christian value of tolerance: as Will, a student activist at a local community college told me, “we have Western liberalism in the United States so tolerance is a cornerstone of our society.”⁶ Right-wing activists present Muslim majority countries as fundamentally premised on intolerance. “Try being a homosexual in a Muslim country compared to the United States, a Christian country,” David enjoined. “Christianity frowns on homosexuality in most cases (there are a lot of

⁴ David. 05/20/2019. Interview in Salem, Oregon

⁵ Brubaker (2017) suggests that the “civilizationism” of Northern and Western Europe (Netherlands, France, Scandinavia, Belgium, Austria, and Switzerland) is distinct, because it does not only rely on a common populist division between the self and the other along nationalist terms but along broader civilizational terms. Comparing Northern and Western Europe’s version of civilizationism with the Trump campaign, Brubaker suggests that Trump did not mobilize Islamophobia to the same degree, and relied on attacks on liberalism rather than an endorsement. My focus on the regional level and on a specific conservative constitutional discourse suggests that Islamophobia, and an abstract commitment to liberalism (if not a substantive one) are in fact strong features of the right in the Northwest. Brubaker further suggest that while European populists are “civilizationist as much as they are nationalist,” Trump is “entirely nationalist” (Brubaker, 2017, 1207). While that may be true of Trump’s rhetoric, my research suggests that there is no easy division between nationalist and civilizationist. The positioning of America as exceptional in fact depends upon the prior assumption that Western culture is already superior to other civilizations, and America is simply the finest distillation of that culture.

⁶ Will. 05/17/2019. Interview in Salem, Oregon

branches that don't) but despite that we don't have any Christians out there stoning gay people, you know doing anything to them in our society except maybe saying we don't agree with that, we don't want to be impacted by that in our culture and our religious space. And that's their right, they can feel that way." The opposition of Muslim intolerance and violence with Christian tolerance and acceptance is common; commenters online will often respond to discussions of slavery in the U.S. and its ties to contemporary anti-Blackness by claiming that Muslim countries now host the highest number of slaves. Setting up Islam as the antithesis to Christianity certainly builds on a longer thread of Islamophobia in the U.S., one that was supercharged in post-9/11 counter-terrorism programs (Beydoun, 2018; Ernst, 2013; Lajevardi & Oskooii, 2018; Morgan, 2016; Sheehi, 2010). But my research indicates that it is also a particularly compelling target for an evolving ideology of racism without race or racists. Activists can seemingly escape the moral prohibition on racial discrimination by gaining the moral high ground by protesting violence against women, children, and queer people. Equally important, activists are able to embrace an "abstract liberalism," (Bonila-Silva, 2015) one that celebrates liberalism as a unique Western value, while engaging in illiberal practices themselves. Right-wing activists regularly appeal to extra-legal and undemocratic resolutions to political contests; brawling with counter-protestors in Portland's streets, fantasizing about violent retribution for unpatriotic elected officials, and requesting former President Trump exceed his own vested powers to directly intervene in local affairs.

Many activists therefore laud the illiberal policies of Hungarian President Victor Orbán, who has re-written Hungary's Constitution, eliminated judicial independence, drastically restricted all immigration, and reaffirmed the country's Christian identity

(Fekete, 2016). Not only did Donald Trump suggest that Hungary and the US are “twins,” but David hazarded that Hungary’s actions will continue to look increasingly prescient: “I think as we look down the road 20, 40, 60 years you’re gonna see a lot of countries wish they had done what Hungary had done to protect their borders, their identity, their culture.” This is because the significant majority of people who have “lived here forever,” are Christian. David hazarded that he did not “think the Native Americans were technically Christian by any means,” but reiterated that the Christian history of the country “is undeniable.” With a wink, he told me, “History *matters*, to use a woke term.” David’s glancing acknowledgement and then dismissal of Indigenous people is common within right-wing activists in the Northwest: while immigrants are seen as invaders, Antifa are seen as degenerate, and Muslims are seen as an existential threat, Indigenous people and Native Nations are most often elided completely within the discourse, once again pointing to a settler common sense that takes settler occupation of Indigenous land as an obvious pre-given for settler life and livelihoods (Rifkin, 2014). The deliberate marking of the term “matters” signals his knowledge and dismissal of the Black Lives Matter movement. Though only an aside, the co-location of a breezy erasure of Indigenous presence and denial of Anti-Black racism indicates, once again, the intersections of dispossession, conquest, and enslavement in the continue production of a white racial identity, one that is reliant upon the continued supremacy of white life while disavowing the historicized and ongoing racial hierarchies and oppression that are required to maintain white status and white identity (Day, 2015; King, 2019).

The U.S. Constitution is seen as a product of Western Christian culture, and activists insist that while it upholds the values of liberty and tolerance, the Constitution

cannot paper over religions, ideas, and practices that are fundamentally incompatible with Western culture. The Constitution is thus simultaneously *particular* (it is made by and for Americans, who are a unique people) and *universal* (it promotes tolerance and religious difference). Will reasoned that: “I think American citizens should be put first and I think the Constitution should only apply to American citizens.” David described working in the Utah state capitol and watching an immigrant rights group come in and “demand things that they have no right to in this country,” which made him decide that immigrant activists were “hostile” and were doing things that were “an anathema to what it means to participate in American politics.” Referencing what he thought were “La Raza,” signs at these rallies, David insisted that “racial identity politics have no place in America.”

Carmen, a volunteer with David’s congressional campaign and herself a documented immigrant from Mexico, has a slightly different way of understanding the integration of immigrants. She is opposed to undocumented immigrants, but told me that her politics were not anti-immigrant but “empowered immigration.” Having raised her three siblings after her mother died in a drunk driving accident, Carmen told me that “I never saw my circumstance of being poor was a hindrance to my future.” She stated that the provision of social services to Hispanic immigrants and the easy availability of translators were “insulting,” because they were not empowering to Hispanic immigrants. She noted that her political beliefs often surprise people, who tell her, “You’re Hispanic, you can’t think that way!” Carmen is very involved in organizing efforts to prevent undocumented immigration, having given testimony at the state Capitol in 2019 against the proposed bill to grant drivers’ licenses to undocumented immigrants. She is part of a group called the Remembrance Project, which supports “angel families,” or people who

have family members “who have been murdered or killed by illegals.” Carmen told me that being opposed to undocumented immigrants is “not a racist thing, it’s not about race,” instead it is “about having respect for people.” For Carmen conservative politics were not white supremacist; the deportation of illegal immigrants and the cultural integration of legal immigrants is not about assimilation but empowerment.

Carmen suggested that the accusation of white nationalism leveraged against conservative activists is “a way to silence people, because nobody wants to be called a racist.” As I have noted previously, this is in part due to the hegemony of a legal framework for a colorblind constitution, which makes it more difficult to institutionalize policies that are overtly motivated by racial animus. Within this framework, identifying as a racist is harmful as it provides a clear reason for ignoring or disqualifying one’s proposed policies. David went a step further, arguing that any discussion of historicized racial oppression is, in fact, a form of racism against white people (see Taguieff, 2020). “White folks in this country tend to support the country and so whether they voted Democrat or Republican they tend to vote for people who are strongly pro-American,” David averred, illustrating once again the slippage between Western (i.e. white) culture as a set of values and practices and culture as a unique group of people. For his part, Will lamented that people are prohibited from even mentioning their own whiteness: “You can’t be a white nationalist, like you can’t be white and love America. A nationalist is just someone who loves their country.” Or as the Elias, one of the leaders for the Willamette chapter of the Proud Boys complained to me, “I know how people will twist [our words] and say you want to go back to the 1920s with slavery and all that shit, and it’s like no no we don’t mean that at all, we

mean modern day our current society and liberty and freedom and opportunity for all.”⁷ In this sense, a “race-neutral” framework facilitates the rejection of racial justice initiatives and analyses of white privilege on the premise that they are prejudicial against white people and thereby invalid.

For white activists in the Northwest, an accusation of white supremacy is a “racial slur” against white people, but they insist that white people should still be able to speak about their collective experiences and needs without recrimination. On the other hand, any mention of race or racism by non-white Americans is a distortion of the facts, because activists insist, once again, that racial prejudice no longer exists and thus race has no social import. As David put it, discussing racial identity in politics is “un-American,” unless you are lauding “pro-American” voting record of “white folks.”⁸ This discourse is, of course, not unique to activists in the Northwest, but my research suggests that there is a distinct regional valence to the racial ideology of conservative constitutionalism. While Islam features as an existential threat to Western civilization and thus, eventually, to residents of the Pacific Northwest, activists often to translate this national concern into a local concern by focusing on two “enemy” constituencies that are more regionally specific. In the Northwest, immigrants from Mexico and Central America have constituted the largest immigrant group over the last 30 years, and thus within this regional racial formation, immigrants from Mexico and Central America are identified as the primary internalized external racial threat (Hirota, 2017; Sifuentez, 2016). If Islam is seen as a religion that forces absolute compliance with law, then immigrants from Mexico and Central America are conversely seen as lawless, and their supposed illegality threatens American law and

⁷ Elias. 07/19/2019. Interview in Salem, Oregon

⁸ David. 05/20/2019. Interview in Salem, Oregon

signals that they are unfit for American citizenship. So-called “Antifa” activists also come to symbolize a fundamental break with the values of Western civilization through their own form of lawlessness and disregard for property, heteronormative family roles, and gender presentation. In this sense, Antifa function within this discourse as “race traitors”, although Antifa and right-wing movements in the Northwest are not monolithically white. To be a race traitor is to be disloyal to the white race and to act against white privileged interests, and it is a term adopted by anti-racist activists themselves and by white supremacists seeking to critique anti-racist activists (Belew, 2018; Ignatiev, 1997; Ignatiev & Garvey, 1996; Kannen, 2008). Understanding Antifa as race traitors only makes sense within the analysis of an ideology of racism with race; Antifa become an internal enemy as they subvert and degrade the values and practices of Western civilization from their position as American citizens.

This discursive framework facilitates the veneration of Western civilization without an explicit statement of white superiority, thereby allowing the movement to be open to non-white and immigrant participants, as demonstrated by my interviews with Carmen and Elias. But the movement’s refusal to consider race as a structuring factor at all and their rejection of anti-racism as a coercive ideology meant that, in practice, they support exclusionary policies that that maintained white supremacy even if they disavowed its explicit racial hierarchy. In a race-neutral framework, race cannot be a valid reason for policy decisions, making the framework incompatible with more radical visions for reparations or other forms of redress. A belief in the supremacy of Western civilization and the development of a racism without race is central to activists’ construction of the public square as a key site for defending Western cultural values of liberty and tolerance. In the

following section I explore how activists target the “public square” as another location in their efforts to exert a white right to rule.

What is the public square?

Activists in the Northwest communicate strong concerns about the erosion of free speech and their First Amendment rights in what they called the “public square.” According to these activists, community standards on social media sites such as Facebook and Twitter, counter-protests at their rallies, and public censure for their statements and actions all constitute a violation of their right to free speech. Right-wing activists state that this infringement is an erosion of the values of Western civilization, including tolerance and debate, instigated by urban liberal elites. Within this framework, urban elites (such as Portland Mayor Ted Wheeler), corporate elites (such as Facebook founder Mark Zuckerberg), and globalist elites (such as Philanthropist George Soros), are all identified as the primary directors of this assault. Activists suggest that these elites seek to limit free speech as a way for them to consolidate and preserve their own power and their own economic interests. Activists perceive local opponents such as so-called Antifa and Black Lives Matter activists as puppets of these elites and as screens for their power-grabbing plans. This narrative draws on older anti-Semitic tropes which suggest that Jewish people are in control of all elite institutions and, relatedly, that Jewish people are inherently stateless and thus potential enemies of the state. This trope positions Jewish people simultaneously racially and religiously insular and disturbingly cosmopolitan, an alignment echoed in activists’ critique of today’s urban elites (Berry, 2017; Burley & Ross, 2019).

Right-wing activists in the Northwest “do battle” with their local opponents on social media sites and on city streets; activists understand both of these locations as critical terrains for contestation over the future of First Amendment rights in the U.S. Though they are each governed and defended by a distinct set of elite actors, activists understand social media sites and city streets as two crucial fronts in the battle for free speech.

In the following two sections, I explore first how activists engage social media and then city streets as public squares, while tracing how their unique interpretation of the First Amendment connects their “free speech rights” to a more expansive investment in the supremacy of Western culture. In doing so, I show how the struggle over the public square is another articulation of what I have termed white popular sovereignty, as activists assert “the people’s” right to unfettered speech as a key part of their ability to act as popular sovereigns. This is concordant with efforts by pro-gun activists in Oregon and Washington to present the Second Amendment right to gun ownership as a critical component in securing popular sovereignty. In each case activists use a constitutional discourse to assert the legitimacy, and indeed supremacy, of their own politics and to insist that they are the only people who can act in defense of the Constitution and of American culture.

Social Media as the Public Square

I would argue in fact that the social media that we have out there on various different platforms are already a public square now. Your participation in the public square is something that you are guaranteed as an American citizen and that is something that I view now as almost—you almost cannot disassociate social media from victory in politics. And the people who own those companies know that, and

they especially learned that after 2016, and that is why we are seeing this big tech censorship coming out now because they would love to control the results of 2020 (Interview with David)⁹

The election of right-wing populist leaders such as Donald Trump in the U.S., Victor Orbán in Hungary, Jair Bolsonaro in Brazil, and the success of BJP and Narendra Modi in India has prompted intensified scholarly interest in the role of social media in generating and expanding support for ethno-nationalist, xenophobic, and nativist ideologies and political platforms (Engesser et al., 2017; Gerbaudo, 2018; Manucci, 2017; Postill, 2018). It is clear that Facebook pages, Telegram channels, and WhatsApp groups all function to distribute inflammatory images and stories outside traditional media channels, circumventing fact-checking procedures and eliminating competing and alternative sources (Araújo & Prior, 2021; Banaji et al., 2019; Cesarino, 2019; Davis & Straubhaar, 2020; Dobkiewicz, 2019; Kramer, 2017; Sinha, 2017; Vasudeva & Burkduell, 2020). While organized white supremacists and white nationalists in the US were early adopters of the internet to attract and educate supporters by forming closed chat rooms and distributing email newsletters (Belew, 2018), the current use of social media by conservative and far-right actors in the U.S. represents a shift both in the *formation* of right-wing ideology and political movements and a marked intensification of the *function* of the internet in shaping political contests through the expansion of social media platforms.

The 2016 emergence of the so-called alt-right in the United States exemplifies how these two processes—the formation of right-wing ideologies and social media as a distinct forum—are interrelated. The alt-right is markedly youth-driven and tech savvy, and

⁹ David. 05/20/2019. Interview in Salem, Oregon

compared to other conservative and far-right groups and movement spaces it is “atomized, amorphous, predominantly online, and mostly anonymous” (Hawley, 2018, p. 3). The alt-right does not just use social media platforms to distribute their claims; instead, the alt-right came up in part through “internet troll culture,” and is marked as much by its use of memes and “shitposting” as it is defined through its disinterest in traditional conservative talking points (family values, economic liberty, limited government) (Hawley, 2018; Nagle, 2017). Unlike most of the people I spoke to during my research, most alt-right sites and posters reject the values of liberalism and openly disparage the idea that all people are created equal. Political scientist George Hawley (2018) argues that, “whereas earlier right-wing critics of the conservative movement wanted a seat at the conservative table, the alt-right wants to displace conservatism entirely and bring a new brand of right-wing politics into the mainstream” (2018, p. 7).

This description of the alt-right as a new kind of far-right politics inextricable from the discourse, aesthetics, and medium of the internet does not fully accord with the individuals and groups that I follow in my dissertation, most of whom continue to draw on a more “traditional” set of conservative frames, including a celebration of the U.S. Constitution, a defense of traditional family values and gender roles, a commitment to the US as a Christian nation, and a desire for a limited federal government. At the same time, right-wing movements in the Pacific Northwest have adopted much of the language, tone, aesthetics, and tactics of the alt-right. Social media platforms are integral to every group and campaign I encountered, with activists using Facebook, Telegram, Twitter, and Parler to discuss current events, plan future actions, and build a collective discourse outside the boundaries of mainstream media. On these platforms, playful, derogatory, and deliberately

inflammatory memes are a primary way of communicating dissatisfaction and demonstrating independence from the oppressive political correctness enforced by the so-called liberal elites. Beyond advancing a particular political analysis, memes and other posts sustain a particular attitude and mode of engagement, one that celebrates controversy and treats outrage, criticism, and censorship by people outside the movement as a sign of success.

And yet this articulation of independent thought and political freedom is increasingly fraught, as social media platforms exercise more stringent content oversight and moderation. Posters and groups who are found to violate the community standards of platforms such as Facebook and Twitter can find their accounts suspended for 30 days at a time, and certain individuals and groups may be banned forever.¹⁰ Many of the people I spoke with had their accounts suspended (which they referred to as being sent to Facebook jail), while the Vancouver, WA group Patriot Prayer had their account permanently barred by Facebook in September 2020 as part of Facebook's effort to remove groups that promote violence (Hay & Paul, 2020).¹¹

Activists in the Pacific Northwest describe content moderation that restricts hate speech and violent or graphic content as a violation of their right to free speech.¹² They

¹⁰ Facebook established an independent Oversight Board in 2020 to provide feedback on Facebook's suspension decisions, mostly recently ruling in May 2021 on Facebook's suspension of Donald Trump's account <https://about.fb.com/news/2021/05/facebook-oversight-board-decision-trump/>

¹¹ Patriot Prayer is now organizing on Telegram, which has much less oversight, and while their audience appears to have shrunk, it remains to be seen how increased oversight by Facebook will impact the more widespread adoption of platforms like Telegram.

¹² Facebook's Community Standards categorizes hate speech as a form of objectionable content. Facebook defines hate speech as: "A direct attack against people on the basis of what we call protected characteristics: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease. We define attacks as violent or dehumanizing speech, harmful stereotypes, statements of inferiority, expressions of contempt, disgust or dismissal, cursing and calls for exclusion or segregation. We consider age a protected characteristic when referenced along with another protected characteristic. We also protect refugees, migrants, immigrants and asylum seekers from the most severe attacks, though we do allow commentary and criticism of immigration policies. Similarly, we

claim that social media platforms such as Facebook have become so pervasive in everyday life that they should be considered as an extension of the “public square.” An activist with their own YouTube show insisted that social media is a kind of “public utility,” which means that “we should be able to have our First Amendment and express ourselves freely there.” For right-wing activists, this means that speech on social media sites should receive the same First Amendment protections that speech is provided in most public spaces and in some private spaces (for an overview of free speech in the U.S. see Curtis, 2000; Finan, 2007) An activist in Salem lamented that people “want the government involved in this way, they want the government to take the guns, they want the government to create hate speech laws, they want the government to become a parent...but the left doesn't want the government to regulate big tech like utilities.” Acknowledging that this push for regulation may seem at odds with the traditional Republican reluctance to endorse state intervention, activists told me that this was simply an example of the state acting to ensure the protection of a constitutional right.

As indicated in the opening quote from David, activists see social media as a critical space for public discourse about politics, and perceive any attempt to restrict speech on these sites as an attempt to suppress certain political viewpoints in the interest of maintaining control by liberal elite politicians and corporate leaders. Indeed, activists go so far as to conflate “de-platforming,” or the banning or suspension of certain accounts, as a form of “de-personing.”¹³ Right-wing activists argue that they have an absolute right to

provide some protections for characteristics like occupation, when they're referenced along with a protected characteristic.” For Facebook's complete community standards:

https://www.facebook.com/communitystandards/objectionable_content

¹³ For more on the transition of movement leaders to alternative social media sites after de-platforming, see Rodgers (2020).

access social media sites and to say what they want on these sites, and that an infringement on that right is not only a violation of the First Amendment, but is a violation of their right to self-expression and self-determination.¹⁴ It is, therefore, an attack on their personhood.

Like many of the other constitutional interpretations advanced by right-wing actors, this expansion of the First Amendment has not yet been adopted or supported by the courts. Broadly, the First Amendment protects public speech acts from infringement by the state (Zick, 2009); it does not generally protect individuals from action taken by private entities, such as corporations (but see Maniscalco, 2015). In the 2017 case *Packingham v. North Carolina*, the U.S. Supreme Court was asked to rule on a North Carolina law that made it a felony for some convicted of a crime against a minor to access social media sites with children as members. The court declared the law unconstitutional, with Justice Kennedy saying that to bar someone from social media altogether “is to prevent the user from engaging in the legitimate exercise of First Amendment rights.” Kennedy argued that social media is now a principal source for “knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge,” and that states should be very cautious in creating blanket restrictions on access to social media (*Packingham v. North Carolina*, 2017). While that ruling suggests real limits on what state actors can do to restrict access, this ruling does not say anything about what private entities, such as social media companies, can do to limit access. In the 2020 case *Prager University v Google* (2020) the Court of Appeals for the Ninth Circuit took up this question explicitly by addressing a lawsuit filed by Prager

¹⁴ For more on the relationship between the First Amendment and media in America, see Stein, L. (2007). *Speech rights in America: The First Amendment, democracy, and the media*.

University against YouTube. Prager U, a non-profit account generating far-right video content, argued that YouTube violated its First Amendment rights by restricting some of its content and prohibiting third parties from advertising on its videos, both of which work to reduce Prager U's viewership and de-monetize them by cutting off revenue from advertising. The court instead found that YouTube was a private forum and that its video hosting did not make it a state actor for First Amendment purposes (Bowman, 2020). This means that for now, social media platforms and online content hosts and aggregators can regulate content on their sites without being subject to First Amendment claims that could force them to be "content-neutral," or host content they consider to violate their community standards.¹⁵ These court rulings have not altered activists' insistence that they have a constitutional right to express their opinions, however violent or inflammatory, on social media platforms.

Social Media as Social Movement Space

Social Media is not a homogenous space, as different platforms attract different users, allow different content, and facilitate different modes of engagement.¹⁶ Right-wing activists navigate these uneven spaces of social media in a multitude of ways, but in general, activists and groups use social media to 1) share information and analysis 2)

¹⁵ Although as Morris and Sarapin (2020) suggest, the recent ruling in *Knight v Trump* suggests that there may be some First Amendment protection for participation in social media forums. The ruling found that when a public official has a social media account, that official cannot block members of the public from the account and thus bar them from a public discussion.

¹⁶ For more on the rise of right-wing discourse on different platforms, see: (Perez-Curiel, 2020) on Twitter, (Weimann & Masri, 2020) on Tik Tok; (Hine et al., 2017) on 4Chan; (Heiss & Matthes, 2020) on Facebook; (Floridi, 2021) on Parler; and (Gaudette, Scrivens, Davies, & Frank, 2020) on Reddit, For more on the broad adoption of social media use by right-wing movements see (Larson, 2020; Udupa, 2019; Winter, 2019); and on the link between social media use and extremism and hate crimes see (Muller and Schwartz, 2020).

advertise campaigns and events 3) counter mainstream media narratives and 4) build and cohere movement identities. Both online and in interviews, activists describe social media as a critical avenue for amplifying conservative voices and avoiding the pressures to conform to so-called politically correct positions imposed by the “mainstream media.” David, the congressional candidate in Oregon, described it to me this way: “instead of saying on the street corner ‘hey everyone come to my event on Saturday!’ and you reach 45 people, you can reach 10,000 or 5,000 with a simple tweet from your phone.”

But beyond its numerical reach, activists described social media’s ideological impact. Speaking about Donald Trump’s transformative use of twitter, David says that Trump “threw the football straight over the media to the American people so they were able to see this unfiltered version, for all its flaws and beauties, they saw him for what he was and that was totally unique.” To David, Trump rejected the media idea of what a politician should be and “Americanized” it, which was why he was now trying to implement Trump’s strategy in his own congressional campaign in Oregon. David connected social media usage to a globally resurgent populist movement, noting that,

Populist leaders like Trump all over the world are communicating through social media to their followers... I think President Trump just said the other day that he and Victor Orbán are twins and I think one reason in particular is the way that they communicate. They go right past the media, right past the traditional filters that are expected almost in politics, and I think it’s a beautiful thing and I think it’s only going to empower more citizens to participate.¹⁷

¹⁷ David. 05/20/2019. Interview in Salem, Oregon

Social media is not just a neutral platform for communication—instead, the form of social media actively facilitates the spread of populist political formations. Facebook is the most widely used platform by right-wing activists in the Northwest; Twitter usage is dominated by national figures and leaders in the movement, like President Donald Trump, while Parler and Telegram are popular right-wing alternatives to Facebook but have nowhere near the membership. Activists thus use Facebook as a critical venue for distributing information about their campaigns and events. Kathy, a retiree and PCP for her local republican party, described managing the Facebook page for the campaign to recall democratic Governor Kate Brown as a full-time job: “I literally got on the computer at 10 am Monday morning and did not get up until midnight. My husband brought me dinner because I was trying to put out fires all day.”¹⁸ Having spent hours responding to critical comments about the recall, Kathy said she eventually “got smart” and created a document with pre-written responses she can use. Recognizing the importance of visibility through social media, Kathy expressed regret that another Facebook group (Timber Unity) had declined to share information about the recall—“I mean 50,000 [members], that’s almost 20% of the signatures we need, literally!”

While some, like Proud Boys members Matt and Elias, pushed back against the idea that their activism was “work,” or indeed that they were even activists, they also echoed Kathy’s description of the time they spent perusing, posting, and commenting on social media pages, and they repeated her insistence that their participation on social media was critical for countering mainstream media narratives and for asserting their right to free speech. Elias, a leader in the Willamette Valley chapter of the Proud Boys told me that they

¹⁸ Kathy. 07/18/2019. Interview in Salem, Oregon

were working to set up a YouTube channel in order to counter mainstream media coverage of their actions. After a recent Portland event that led to violent clashes between the Proud Boys and counter-protestors, the PB said, “I had to take two evenings to paste together footage and actually upload a video that was our rally in its entirety. [The video] showed we had no violent interactions,” contrary to what they say portrayed in the media. Like Kathy, he described working long hours, “taking my personal time, treating it as a job,” and noted that other members “work countless hours tirelessly to give us a good name to represent us in a good way.” Despite this, he lamented that there was “just this overbearing boot pushing down and saying no you guys can't exist.”¹⁹

This narrative of being silenced by the content moderation of social media corporations and by mainstream media reporting illustrates how social media engagement shapes and coheres right-wing activists' identities. As Daphi (2017) argues, activists' identities and orientation to a social movement are often shaped by the experience and construction of social movement space. Social movement space is made up of the various nodes of activist places of gathering and action, including rallies, protests or events. This is particularly evident in activists' narrated experience of ‘doing battle’ in Portland (which I discuss in the latter half of this chapter), but here I suggest that specific social media pages or channels or accounts also function as social movement space. Activists build community on social media, watching Alex Jones on YouTube²⁰, and following Tucker Carlson on Fox News, while also connecting with groups organizing in their local

¹⁹ Elias and Matt. 07/19/2019. Interview in Salem, Oregon

²⁰ Alex Jones is frequently re-shared on the Facebook pages of local right-wing groups, and Jones's (and Infowars) suspension from Twitter, Facebook, Apple, Spotify, and YouTube²⁰ has only served to verify his authenticity for many activists. Will told me that he became involved in right-wing politics because he started listening to Alex Jones as a teenager.

community. But activists on social media also formed an oppositional identity through their perceived persecution by content moderators. Being sent to Facebook jail (i.e. temporarily suspended from the site) was a sign of authenticity, proof of having done battle with Antifa trolls and fought back against politically correct (PC) culture.²¹ This identity framed activists as committed and fearless patriots speaking truth to power, regardless of elite derision and censorship. I find that activists' experience of social media as a movement space is critical, and that their affective sense of censorship, suppression, and silencing is as important to their movement participation as the exchange of information and news facilitated by the platforms. In the following section, I explore how activists articulated a politics of grievance informed by their experience as social media users.

“Freedom is so damn sexy”: Masculinity, Censorship, and the Right to Rebel

In a news interview prior to a major right-wing rally planned for August 17, 2019 in Portland, Oregon, the organizer Joe Biggs justified the event, arguing that, “Antifa has members in big tech, including social media. They use that to de-platform us and for many of us it’s a way of life. It’s time we take a stand and look this filth in the eyes and let them know this is America and we won’t back down to them ever.”²² A national figure in the Proud Boys group based out of Florida, Biggs’ animus towards social media was in part driven through his own experience of de-platforming, after his account was suspended from Instagram and Facebook.²³ Biggs has played a role in organizing similar events in other

²¹ See Nicholas and Aguis (2018) for a helpful discussion on the role of masculinism in anti-PC culture.

²² Fairbanks, C. (2019, July 21). Joey Biggs has ‘had enough of these masked commie bastards attacking people,’ will host anti-antifa protest in Portland. *Gateway Pundit*

²³ Biggs used the name Bo Jiggs to open a new account and avoid Facebook scrutiny. In one Facebook post, Biggs joked that he would change his profile name again to “Mohammad Rainbow Weinberg,” and taunted “Like to see them ban me then.” Biggs’ reflect a shared belief by right-wing users that social media moderators were prejudiced against conservative users, and were willing to allow similarly “offensive”

cities, and was most recently indicated by a Grand Jury in March 2021 for his conspiracy in connection with the January 6, 2021 insurrection at the Capitol (Weiner, 2021). Residing on the other side of the country in Florida, Biggs' calculated desire to organize a right-wing rally in Portland, OR speaks to the perception of the city as a "ground zero" in the battle to take back the country from Antifa. But Biggs' comment also points to a central grievance articulated by right wing activists, including those in the Northwest: that right-wing voices were being shut out of the conversation, both online and in the streets.

Positioning social media as part of the "public square," activists state that everyone had a right to express their views, popular or unpopular, as part of their First Amendment right, and they were aggrieved to find their speech limited or removed by content moderators and ignored or distorted by journalists. Will, a student activist at a local community college told me, "There aren't enough young people willing to put their voice out there. I have friends who are petrified to even talk about what they believe in just because how radical the left has become and how they are stifling free speech, becoming more antagonistic than they used to."²⁴ Will felt compelled to start his own show called the Rainey report as part of his responsibility to combat this repressive culture.

Others told of having their home addresses published online as a result of "online stalking or terrorist action," taken by leftist activists.²⁵ Another said that leftist activists would use their online sleuthing to come "after our jobs, where we work, where we feed our kid, our livelihood." This, they told me, was incredibly unjust: "We're just regular 9-5

content by Muslims (Mohammad), leftists (Rainbow), and Jewish people (Weinberg). Biggs thus draws on the rising right-wing narrative that white people were the only people still experiencing racism. Joe Biggs. 07/26/2019. "[I'm gonna change my name to...]" [In *Facebook*]

²⁴ Will. 05/17/2019. Interview in Salem, Oregon

²⁵ Elias. 07/19/2019. Interview in Salem, Oregon

working people, and on the weekend we stand for the Constitution. However we have to. We are not fighters— in the end we don't push, we push back.”²⁶ Activists describe how this persecution cut across on- and off-line spaces, forcing them to not only defend their First Amendment rights but protect their safety by exercising their Second Amendment right to bear arms. During my fieldwork, I first encountered members of the Willamette Proud Boys Chapter while they were working as a personal security force for the group Oregon Women for Trump and for the candidate David. As volunteer security, members showed up openly armed and dressed in bullet-proof vests, hard helmets, and military-style boots. Elias told me, “It comes back to these First Amendment rights, it’s not just publicly speaking, it’s holding these events in concert halls, or on school grounds, and this huge amount of people coming to counter protest and be violent about it.” As his fellow Proud boy member decried, people “want to bash you down because you like the flag, and that is what it comes down to. If I want down the street in Portland with an American flag I'm racist, I'm KKK, that's not right, what happened to America, what happened to that patriotism?”²⁷ Right-wing activists say that this kind of pressure from left-wing activists force the Proud Boys and others to “push back” through their own show of force and violence.

Joey Gibson, leader of the Vancouver-based Patriot Prayer movement (who was himself banned from Facebook in 2020), shared a similar message to supporters at a pro-Second Amendment rally in the rural coastal town of Coos Bay, Oregon. As seen in chapter 3's discussion of Gibson's campaign work in Washington, Gibson is a compelling speaker with a dynamic, preacher-like cadence. At this event, Gibson exhorted rally-goers, to “not

²⁶ Matt. 07/19/2019. Interview in Salem, Oregon

²⁷ Elias. 07/19/2019. Interview in Salem, Oregon

sell themselves short,” because God “didn’t send you down here just to accept Jesus in your heart and live through your life without and sinning.” Instead, “he sent us here as warriors ladies and gentlemen, as warriors to spread the word, to spread the love, to spread the unity, and to fight for freedom as much as you can. Because listen, there have always been tyrants who will go after our freedom, always, and the tyrants are always evil.” For Gibson and his followers, tyrants include progressive mayors like Ted Wheeler, Antifa activists, corporate elites, and others who would seek to silence them. To thunderous cheers, Gibson told the crowd, “Rebellion to tyrants is obedience to God! You better believe it.”²⁸

As evidenced in the name of his group, Patriot Prayer, Gibson advocates a form of Christian nationalism, or the belief that the country should be ruled both by the Constitution and by Christian beliefs (Whitehead & Perry, 2020). Gibson is not alone; Matt Shea, leader of Liberty State advocated a Christian state, as did David, Kathy, Carmen, and other activists in the region. For these activists Christianity is not only important as a religious practice, it is symbolically significant, as it is understood as being an integral part of Western cultural and thus constitutive of what makes Western civilization so unique. When Gibson conflates rebellion with religious devotion he creates a compelling permission structure for future insurrection and violence, as it is sanctified by both God and the Constitution. Gibson also participates in the construction of a stark opposition between Western Civilization and its others, most importantly that of Muslim societies (Goodwin, 2020; Said, 1978; Sherkat & Lehman, 2018).

²⁸ Joey Gibson. 08/10/2019. Fieldwork Recording, Second Amendment Rally in Coos Bay, Oregon

For Gibson, to allow oneself to be intimidated or silenced by charges of racism would be (paradoxically) to give in to the forces of intolerance. By refusing to be silenced, activists can not only sustain their own political commitments but sustain the values of Western civilization, a hallmark of which is tolerance. At the Coos Bay rally, Gibson encouraged supporters to stand up for their beliefs despite this criticism, because their message was too important for them to stay silent.

Freedom is so damn sexy—listen it is, I’m telling you, and we take it for granted. But this is why they try to silence you guys, they try to make you guys feel like a bad person. Here is why they do that—because they cannot argue against the message of freedom. We’re talking about freedom, the right to say and do whatever you want as long as you don’t hurt other people. That’s what I want, that’s what you guys want [cheers]. Here’s something I say all the time...you are not divisive, you do not hate people because they are Democrats, you do not hate people because they are Republicans, it doesn’t matter—you fight for freedom for every person out there— Black, white, brown, gay, straight it doesn’t matter we fight for freedom for them.²⁹

Activists’ insistence upon a welcoming platform is belied by the frequent invocations of disdain for or a desire to do violence against LGBTQ people, disabled people, Black people, People of Color, Native Americans, and immigrants. While proclaiming that “the freedom to be yourself is crucial to your happiness,” activists advance an exclusionary politics, one that advocates for such freedom for only a select group of Americans.³⁰ Equating their ability to say what they want without consequence as the

²⁹ Joey Gibson. 08/10/2019. Fieldwork Recording, Second Amendment Rally in Coos Bay, Oregon

³⁰ Will. 05/17/2019. Interview in Salem, Oregon

marker of free speech, they dismiss any suggestion that their speech acts may incite violence, cause harm, or support existing structures of white racial privilege. Instead, activists position themselves as the victims of forced conformity. “We have the most individualistic society in the world because of our liberty, because of our First Amendment, because of how strongly we value our freedom to be ourselves,” said Will. “And so because of how strongly we value our individualism in the US, people are better off being able to be themselves than being forced to conform. Conformity is a form of fascism....If you conform with what society tells you then where does your power lie? It doesn't lie within yourself, you're not an individual at that point your merely part of a collective...The ability to think for yourself is another important aspect of American society.”³¹

In this framework, anti-racism is a tool to enforce conformity and thus an infringement on individual choice. Right-wing activists claim to be not only victims of persecution for their political beliefs but victims of racism. In this increasingly widespread reversal, activists flatten any kind of acknowledgment that race plays a role in society as into a form of racism in and of itself. They take accusations of racism to be the most insidious form of racism. As David told me, “They're calling me a white nationalist and a white supremacist and I never say anything like that. I say the opposite. They are calling me white nationalist and I'm going to consider that a slur. You call me a white nationalist because I'm white, you're racist. That is a slur. White nationalism is a racist slur.”³²

This claim is again predicated on an ideology of racisms without race, wherein activists proclaim the supremacy of Western culture and the inferiority of other cultures and religions (particularly Islam) while insisting that these beliefs are race-neutral. In this

³¹ Will. 05/17/2019. Interview in Salem, Oregon

³² David. 05/20/2019. Interview in Salem, Oregon

discourse, Western culture is a bundle of values and practices, not a designation of a particular phenotype, meaning everyone is ostensibly welcome to participate in practicing and defending those values. Fearing their own forced conformity, activists insist that conformity to Western cultural values such as private property, gun ownership, Christianity, individuality, and the free market are a fundamental requirement for American residency and citizenship. Elias reflected, “As I’m older I understand the reason why it’s important that everyone lives homogeneously and why everybody understands that it’s important that we are united in these states.”³³

Though supportive others mirroring his values, Elias was worried about his own forced conformity to what he considered politically-correct cultural. “I had noticed a change in my group of friends to where just joking around and being funny, being vulgar yes, but not even publicly, just inside jokes within our group, and all of a sudden it became so taboo. Things that we used to joke about even two years ago its like oh my god what’s wrong with you? And it’s like what the fuck? And for me that was part of the way that I grew up, and I in some sense of the manner felt outcast.”³⁴ Online, he found comradery with a new group of people and developed, “another part of my life with this online group of friends that blossomed into real life friendships and then it just happened to turn into this fraternal group and this bond and brotherhood that we have now today.” In narrating his journey to Proud Boys membership, Elias describes a sense of dislocation, and the feeling that what he took as self-evident was suddenly challenged and criticized.

This grievance was almost exclusively voiced by men in my interviews, and was predominantly articulated by online commenters whose profile names were most often

³³ Elias. 07/19/2019. Interview in Salem, Oregon

³⁴ Elias. 07/19/2019. Interview in Salem, Oregon

those assigned to men. While right-wing groups in the Northwest had women in leadership roles, and women were well represented both online and at events, there was a strong celebration of traditional masculinity and a rejection of non-conforming gender presentations throughout movement spaces. Fear of emasculation surfaced in frequent references to the loss of respect for traditionally masculine activities and characteristics—“even rough housing is now discouraged for young boys,” lamented Elias. Proud Boys is an all-male group dedicated to creating spaces for homosocial bonding, and the Proud Boys I spoke with stated that they joined because they enjoyed “drinking beer and having a good time as a brother hood and standing up for the Constitution.” Others voiced similar concerns about the denigration of traditional masculinity. Speaking of a new Terminator movie coming out, Will told me that while he was “not a sexist person at all,” having every action movie “end with a woman defeating the bad guy kind of takes away from what we naturally are.”³⁵ In these movies you see “men being taught to be weak and not being taught to stand up for themselves [and] stand up for what they believe in.” Forced conformity and forced removal from the public square narrated as emasculating, as it robs men of their traditional roles as leaders and representatives of their households in the public sphere and because it robs them of their ability to express their own individuality. Anger about de-platforming as a form of de-personing suggests that for some men in the movement, their role in the public square continues to be a critical component in their own masculinity.

City Streets as Public Square

³⁵ Will. 05/17/2019. Interview in Salem, Oregon

If activists see social media as part of the “public square,” that is not to the exclusion of spaces more traditionally seen as part of the public square: city streets. Right-wing activists in the Northwest are strikingly focused on the politics of Portland and Seattle, both large metropolitan cities governed by Democratic leaders. At rallies and online, right-wing activists criticize decisions made by the respective Mayors, discuss the cities’ failures to address homelessness, and lament the treatment of the Police force, showing what is, on the surface, a surprisingly level of attention to the governance of cities in which they neither reside or work. But activists go further, organizing counter-protests against leftist rallies and activists (known as “Antifa” by right wing activists) which often devolve, or deliberately evolve, into late-night street fights with leftist activists.

In 2018, a coalition of right-wing groups led by Patriot Prayer based in Southwest Washington and Northwest Oregon began organizing counter protests, flag-waving events, and rallies in Downtown Portland. These events are presented as an important method of staunching the spread of urban liberal values and political influence into the surrounding suburban and exurban communities. Like Liberty State proponents, these activists describe urban values and culture as dangerously contagious. At a rally across the Columbia River in Vancouver, Washington, Gibson told supporters that they had to stand up and stop Vancouver from becoming Portland, because Portland could spread “like a disease.” Notably, the rally was in support of William Donald “Billy” Wilson, a man charged with deliberately running down a leftist protestor with his truck after a September 20, 2017 rally in Portland crossed over into Vancouver (Matarrese, 2019). Patriot Prayer claimed that Billy was in fact the victim, as he was forced to flee after being attacked by Antifa

protestors, which had only happened because Portland was unable to assert proper control over its residents.



Figure 7 Proud Boys lead a rally across Hawthorne Bridge in Portland, Oregon on August 17, 2019. AP Photo/Noah Berger, 2019.

The supposed victimization of suburban and rural residents—by urban elites, by Antifa, and even sometimes by the police—is then used to justify a combative and sometimes violent response by right-wing activists. Claiming they are under attack, activists take it upon themselves to not only defend their own communities but take the fight into the heart of the supposedly corrupted city itself, and cleanse it from the inside out. Over the past two years, this discourse of disease and corruption has increasingly crystallized around the figure of Antifa, with right-wing activists in the region using protests against police violence and ICE as a sign of the city’s failure to properly govern itself and its residents. Describing all leftist and counter-protestors as “Antifa,” right-wing

activists discursively render Antifa as subjects so dangerous that they pose a threat not just to people in the city but to people throughout the region. Like the militias who deployed volunteer “patriots” to police the U.S.-Mexico border, these activists present it as their duty to go in and re-assert order in the cities, primarily by un-masking, intimidating, antagonizing, and attacking leftist protestors (Arellano, 2019; Castro, 2007; Chavez, 2008; Oliviero, 2011; Ward, 2020). As one commenter on the Patriot Prayer Facebook page confided, “I have to admit, I loved when that person got hit by the truck...Portland Police seem to be siding with antifa and there is something very wrong with that!”³⁶ Another concurred, saying, “I am not a violent person but let’s stomp some Antifa ass.”³⁷ Exemplifying the violent extremes of a white popular sovereignty one commenter reasoned that the “only punishment for violating another’s constitutional rights is excessive force.”³⁸

These incursions into the city attest to the material and embodied articulation of a settler popular sovereignty that presumes a white right to rule as the only legitimate representatives of the people. Through their actions, activists suggest that urban residents have no right to govern themselves or practice a different set of cultural values and beliefs, because activists have found those beliefs to be un-American and thus illegitimate. I suggest here that the occupation and intimidation of city spaces and residents are a striking spatial tactic that takes “the fight” beyond social media and onto the streets.

While in other chapters I note the discursive demonization of cities and their urban elites, here I explore the spatial politics of right-wing demonstrations in the public squares

³⁶ Jone Perrine. 03/04/2019. [Re: Everybody please read this article carefully...] In Facebook [Patriot Prayer]

³⁷ Mike Gardner. 03/04/2019. [Re: Everybody please read this article carefully...] In Facebook [Patriot Prayer]

³⁸ Jerome Constitution. 03/04/2019. [Re: Everybody please read this article carefully...] In Facebook [Patriot Prayer]

of the region's major cities, focusing on the recurring "battles" in Portland, Oregon. In particular, I examine 1) how 'the city,' and especially so-called urban 'elites,' are positioned as 'tyrants' politically and culturally dominating suburban and rural areas and 2) how activists in turn use rallies, protests and riots in the city as a way to assert dominance over "the public square" and even the city itself. I suggest that these tactics further exemplify a distinct articulation of white territorialization. Unlike Liberty State advocates, these activists do not want to separate from the city-states of Portland and Seattle; instead, they wish to subdue them. Activists use spatial tactics of invasion, occupation, and intimidation in order to assert a white right to rule, or at least dominate, even in places they do not occupy. In doing so, I point to the need for additional geographic scholarship examining the rise of right-wing incursions into cities through rallies, protests, and riots.

City and Social Movements

Urban Geographers have produced a significant body of scholarship examining the formation and tactics of urban social movements, exploring how the political economy, governance, policing, and spatiality of cities produces a unique set of collective consumption concerns and urban planning challenges for urban residents. In his influential work on urban movements, Castells (1983) argued that urban movements could provide resistance to domination but must be multi-issue and seek to reject the commodification of the city while seeking territorial self-management. More recent scholarship has built upon the importance of reclaiming the use value of the city by foregrounding the "right to the city" (Attoh, 2011; Harvey, 2013; Marcuse, 2009; Merrifield, 2015; Purcell, 2009, 2013;) Building on Lefebvre (1968), David Harvey argued that "the right to the city is far more

than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights” (Harvey, 2008, p. 23). In this framework, urban movements do not, as Castells (1977) once suggested in his earlier work, only have a “latent function in class struggle.” (Pruijt, 2007, p. 5124). Instead, the process of global urbanization means that urban and peri-urban movements can have a shared goal—“greater democratic control over the production and utilization of the surplus,”—and cities are uniquely positioned to advance that goal, since “the urban process is a major channel of surplus use.”(Harvey, 2008, p. 37). Right to the City scholars and activists thus seek to not only define an ideal-type of urban social movements but understand how urban movements articulate with the shifting formations of global capital.

Notably, a significant portion of geographic scholarship is focused on counter-hegemonic social movements, or those movements which seek “a profound transformation of existing power relations, including, among other things, a set of relations maintained through our current system of racial capitalism” (Mouffe, 2005, p. 52). That said, there is growing attention by geographers to the rise of right-wing populist politics in municipal elections (Ambrosini, 2013; Di Matteo & Mariotti, 2021; Dostal, 2015; Van Gent, Jansen, & Smits, 2014). For example, Silver et al (2020) argue that in Toronto, Canada Mayor Rob Ford (2010-2014) disrupted expectations by successfully running a populist platform based on a conflict between the downtown core and the postwar suburbs, mobilizing an ethnically

and economically diverse base by pitting “downtown elites” against the “ordinary people.” Examining anti-immigrant policies in Lombardy, a Northern Region of Italy, Ambrosini finds that local politicians mobilize xenophobic populism as a way to “reassure the indigenous citizens, the only holders of voting rights, about the priority of their status compared to that of outsiders, and to communicate that they are actively defended from the ‘invasion’ of urban space, by which they feel threatened” (2013, p. 143). Thus, scholars suggest that while many studies of populism focus on the national scale, these instances of urban populism demand an approach that follows how populism may emerge from more local political contests and “place-based antagonisms within metropolitan contexts” (Silver et al., 2020, p. 2). Yet other researchers find that municipal populism unfolds in connection with larger national frames. Examining an anti-immigrant housing policy in Rotterdam, Eijk (2010, p. 831) pushes back against analyses of urban revanchism that privilege economic explanations, arguing instead that “concerns for national unity,” and a backlash against multiculturalism in the Netherlands also shaped exclusionary urban politics. Right-wing populism in urban municipal elections is thus constituted through a set of shifting multi-scalar economic and cultural relations and imaginations, with conflicts between suburbs and downtown playing out alongside struggles over national identity and borders. This is evident in the right-wing incursions into Portland: activists contribute to a regional discourse that pits suburban and exurban locations against the metropole, while drawing on nationalist imaginaries and nativist and xenophobic language to validate and animate their confrontational tactics. And while scholarship on electoral politics focuses on the politics of urban residents, this chapter explores the unique politics of urban invasion by suburban and exurban residents.

At the same time, there is a lack of attention to the spatial tactics of right-wing social movements to assert an exclusionary, and thus very different, kind of right to the city.³⁹ By this I mean scholarship exploring the deliberate use, occupation, disruption, and domination of public spaces by right-wing actors, and analysis of how these tactics function to advance right-wing politics. As I suggest in this chapter, right-wing activists in the Northwest understand social media sites and city streets as part of the public square. Through their struggle to claim their right to occupy these public squares, right-wing activists turn them into social movement spaces. I rely here on Nicholls (2009), who offers that “places where activist nodes form are strung together to constitute a loosely constituted “social movement space,” and that the “process of aggregating activist places into a social movement space introduces a new set of relational dynamics that are very different from those found in the individual places constituting it” (p. 83). While in other chapters I focus on suburban nodes in the right-wing movement such as Battle Ground, WA, here I focus on activists’ efforts to incorporate Portland into their social movement space, and in doing so, bring about a new cultural and political relationship between Portland and its suburban and exurban fringes.

Scholars of urban social movements have followed the significance and meaning assigned to by activists to certain spaces and how those spatial experiences shape social movements. They suggest that during events, activists’ negotiation of spatial borders (such

³⁹There is, however, a more persistent vein of scholarship on the rural roots of grievance based politics, such as Rodriguez-Pose (2011) widely-cited work on the grievance politics of ‘revenge of places that don’t matter’ in driving the Brexit vote in the UK. For more, see: Berlet & Sunshine, (2019). Rural rage: The roots of right-wing populism in the United States. *The Journal of Peasant Studies*, 46(3), 480-513.; Montenegro de Wit, Roman-Alcalá, A., Liebman, A., & Chrisman, S. (2021). Agrarian origins of authoritarian populism in the United States: What can we learn from 20th-century struggles in California and the Midwest? *Journal of Rural Studies*, 82, 518-530.

as a fence) or movement down skyscraper-lined street have direct effects on movement actions (Herbert, 2007; Starr & Scholl, 2011; Tilly, 2000; Wilton & Cranford, 2002). Yet as Daphi (2017) argues, these spatial experience also impact the construction of a collective identity within a social movements, which is “challenged through the meanings attributed to these physical arrangements” (2017, p. 36). The spatiality of protests therefore can have long-standing effects on collective identity formation and future activist strategies. If social movement spaces can play a critical role in shaping activists identity, I find that participation in the “battles” in Portland help shape an activist identity that is victimized, defiant, and combative. The experience of traveling into the city and engaging with police and leftist protesters also contributes to a collective identity, as activists band together to support each other in before, during and after the rallies. I find that narratives of the city as a “tyrant” combined with inflammatory incursions into the city creates an increasingly hostile environment that feeds and confirms activists’ experience as villainized victims.

City as Monarch

Shauna Walters is a veteran and resident of a mid-size town of 20,000 located in SW Washington, about a 30 minute drive away from Portland, Oregon. Walters was a lead volunteer organizer for the Second Amendment “Sanctuary City” movement in the region, pushing for the campaign’s first win by passing a Sanctuary ordinance in Yacolt, WA. At the time, she was worried about the changing culture of Battle Ground, as she felt that after she came home from her deployment her city had changed around her. She ascribed these changes to the disproportionate influence of Portland and Seattle and the spread of urban

values into her small hometown. At a sign waving event at the freeway off-ramp into Battle Ground, Walters told me, “The city wants to be the monarch of the state.”⁴⁰

By describing the city as a monarch, Walters located her politics within the broader conservative constitutional discourse, one that uses language from the American Revolution to label all enemies as tyrants and to present monarchy as emblematic of repressive forms of government. The city as monarch frames activists’ understanding that liberal cities are voraciously extending their cultural and political influence over the rest of the region, and that suburban and rural residents have no voice within the current political system to protest. Within the conservative constitutional discourse, naming the city as a monarch justifies resistance to the city by locating activists’ struggles within the lineage of the founding father’s resistance to King George III.

Activists primarily depict the city as a monarch or tyrant as a way to describe 1) the forced spread of urban cultural values out from the city and into the “countryside” and 2) the forced relocation of people out of the countryside and into the city. In doing so, activists identify the city, and in particular city leaders, as the primary source and driver for a host of cultural and economic transformations across the region. The suggestion that city elites are pushing socialist agendas illustrates again that “elites” does not designate an economic class but a social and political position of privilege. On their Facebook page, Patriot Prayer posted a photo showing the former Mayor of Battle Ground taking a photo with the democratic congresswoman Alexandria Ocasio Cortez. The post announced, “We believe in freedom up here, not socialism or communism. These pictures are a slap in the face to the entire community.”⁴¹ Another commenter suggest that these changes were happening

⁴⁰ Shauna Walters. 04/14/2019. Fieldnotes from sign-waving event in Battle Ground, WA.

⁴¹ Patriot Prayer. 04/02/2019. “These pictures are a slap in the face...” In *Facebook* [Patriot Prayer]

in part because of “California transplants,” who will “ultimately destroy Battle Ground, just like we have seen all along the left coast.”⁴² This commentor argued that “Liberalism is a disease that needs a cure!” (To be clear, in this case the commentor means liberalism as an electoral political position in opposition to conservatism, not liberalism as a Western philosophy). Another concurred, lamenting that “Commies are running Battle Ground. It’s getting bad.”⁴³

In 2019, the local Seattle news station KOMO produced a documentary titled “Seattle is Dying,” which claimed to expose the city’s failure to address an out of control drug problem and rampant homelessness (KOMO News, 2019). Stills and clips from the documentary were rapidly shared across local Facebook groups, with most using the documentary to justify their understanding of the city as dirty, violent, full of criminals, and run by a corrupt cohort of liberal urban elites. In response to a Patriot Prayer post endorsing the film, one commenter suggested it revealed that “something is really wrong with the political system,” because instead of addressing crime, “we have put large same of money into housing and benefits for the illegals and foreign immigrants.”⁴⁴ Invoking the founding fathers, one commenter averred that “if George Washington were alive he’d either take the state back by force (shooting [Governor] Inslee and others in the face on Christmas eve...read your history, it happened) OR he’d demand and fight like hell to have his name and likeness removed from the state as it no longer fit his vision.”⁴⁵ Another offered that Seattle’s predicament is “a perfect example of how liberalism is a mental

⁴² Ron Miller. 04/02/2019. Re: “These pictures are a slap in the face...” In *Facebook* [Patriot Prayer]

⁴³ Geoffrey Rode. 04/02/2019. Re: “These pictures are a slap in the face...” In *Facebook* [Patriot Prayer]

⁴⁴ Joe Pebles. 04/02/2019. Re “Seattle is Dying...” In *Facebook* [Patriot Prayer]

⁴⁵ Eric Lee. 04/02/2019. Re “Seattle is Dying...” In *Facebook* [Patriot Prayer]

disorder. Period.”⁴⁶ Connecting the failure to maintain law and order with a broader distortion of traditional values, this commenter argued that cities “have more issues besides gender perversion and sexual perversion. They have serious issues with making sound decisions on everything else as well.” Mirroring this sentiment, the moderator for the Patriot Prayer page (most likely Joey Gibson) responded to a critical comment on the post by saying, “Just how many of you gays are crushing on me anyway? You know, I’ll know that I have finally lost my sex appeal when you gays stop hitting on me. Either way good sir, enjoy your day...and don’t forget to screen your future partners for STD’s and BBP’s before sampling the stool.”⁴⁷ In this telling, part of liberalism’s disease is a support for queer, trans, and gender-nonconforming residents, who are also in turn rendered as diseased, illustrating that the virulent protection of traditional masculinity and heteronormativity is interwoven with the project to assert a white right to rule (Paternotte & Kuhar, 2018; Pease, 2020)

While activists often lamented the police’s failure to protect them from Antifa or intervene in leftist protests, they generally sought to position themselves as allies of police, blaming Democratic Mayor Ted Wheeler for the police’s inability to act. When I asked why Matt and Elias were gearing up for the next counter-protest in Portland, they said that the event was organized to “put eyes on Portland,” and force “the police up there to be able to do their fucking jobs,” and make Mayor Wheeler “pull his head out of his ass.”⁴⁸ The Proud Boys and others suggest that their interventions in the city are necessary to force city

⁴⁶ Casey Thaxton. 04/02/2019. Re “Seattle is Dying...” In *Facebook* [Patriot Prayer]

⁴⁷ Patriot Prayer. 04/02/2019. Re: “These pictures are a slap in the face...” In *Facebook* [Patriot Prayer]

⁴⁸ Elias and Matt. 07/19/2019. Interview in Salem, Oregon

leaders to do their jobs, which primarily includes addressing homelessness (i.e. removing homeless people), supporting police enforcement, and subduing Antifa.

Activists not only fear the outward spread of liberal values from city and into the suburbs and rural countryside; they also fear the forced movement of suburban and rural residents into the city. They suggest that, like the monarch of a city-state, cities seek to concentrate their power by colluding with national and supranational agencies (like the UN) to force all Americans to abandon their suburban and rural homes and move into the city. Cities and their allies accomplish this through economic policies that favor undocumented immigrants and punish American workers and through environmental policies that hinder agriculture, timber, and mining. For his part, Will reasoned that “a lot of people, especially in agricultural areas, there’s no factories, they all left, the factories are gone, and people were like ‘what should I do? Move to the city where everyone else is, because they are trying to get everyone in the cities.’”⁴⁹ Will presented the UN Strong Cities Network as one way cities are consolidating their power.⁵⁰ He described it as a program where, “under the president's jurisdiction the UN can send international troops in to enforce international law in big cities if the president says that’s ok. So if we had a leftist president who wanted [to stop] these “right wing terrorists” who are passing laws to preempt federal gun control, [the president] could put in the UN strong cities network.” This would happen “after all the rural people move into the city or out of the state, especially in liberal states.”

⁴⁹ Will. 05/17/2019. Interview in Salem, Oregon

⁵⁰ The Strong Cities Network is an initiative launched by the UN General Council, and its purpose is to help cities combat hate, polarization, and extremism. Unlike Will’s portrayal, the network is primarily focused on sharing trainings and best practices on countering violent extremism (CVE) and has no capability to compel the sharing of police resources (Strong Cities Network, n.d.). That said, others have expressed civil liberties concerns in connection to the Network, particularly related to the potential targeting of Muslim communities (Brennan Center, 2015).

Although this is a minor theme in the discourse, concern about the UN and other globalist forces point to the fear that there are forces outside of their control determining their lives.

City as Battle Ground

Some activists have responded to the “disease” of the city by boycotting it, proclaiming that they have “quit spending money in socialist enclaves” such as Portland and Seattle.⁵¹ But for many, that does not do enough to disrupt the hegemonic power of the city as monarch. They have turned to participating in rallies and counter-protests in downtown Portland as a way to bring the fight out of the suburbs and into the city itself.

One of the first major “battles” happened on August 4, 2018, half a year before my fieldwork began. After a rally held by the Patriot Prayer in Teri Shrunken plaza in downtown Portland, Patriot Prayer participants violently clashed with leftist protestors. Right wing protestors hit counter-protestors with fists, trash can lids, and flagpoles, while counter-protestors deployed pepper spray and set off fireworks. Police declared a riot by early evening, and scattered fights continued throughout the night (Johnson, 2018). This established a pattern that would escalate and repeat at protests over the next year. On May 1 2019, Joey Gibson organized a Patriot Prayer counter-rally, and after a day of speeches, marches and scuffles that spanned both sides of the Willamette River, Gibson and twenty other Patriot Prayer supporters arrived at Cider Riot, a bar known to be popular with parts of the leftist community in Portland. After deliberately goading patrons sitting outside, a fight broke out. Four Patriot Prayer members were charged, including Ian Kramer, who was accused of beating a woman in the head with a baton and knocking her unconscious

⁵¹ Brien Reid Cooney. 04/02/2019. Re: “These pictures are a slap in the face...” In *Facebook* [Patriot Prayer]

(Ramakrishnan, 2019). Confrontations continued to escalate, and late in the evening on August 29, 2020 after a rolling day of protests and counter-protests, anti-fascist protestor Michael Reinoehl shot and killed Patriot Prayer supporter Aaron Danielson. Days later, U.S. Marshalls shot and killed Reinoehl while arresting him for the murder (Hill et al., 2020).

Right-wing activists in the region point to the frequent protests by people criticizing the police and ICE, as well as the clashes between right- and left-wing protestors, as proof that the city is violent and out of control. Joe Biggs, the aforementioned organizer of the “End Domestic Terrorism” rally in Portland, suggested that social media censorship was not the only reason for the protest. It was also necessary to address leftist violence in the streets. He claimed that “in the past year we have seen these groups throw improvised explosive devices (IEDS), Molotov cocktails, chemical agents, urine and feces in glass containers, fireworks, and many other things, with an intent to maim and kill. They chant Allahu Akbar and call for the end of America openly in the streets.” Biggs claimed that Mayor Ted Wheeler had “failed miserably,” by allowing “domestic terrorists to commit acts of violence against the people of the United States.”⁵² While Biggs asked participants to keep their rally gear hidden in order to avoid charges of violence, posters on the Facebook event page compared notes from past experiences in Portland skirmishes and warned out-of-state participants to be prepared for battle. One countered Bigg’s request, saying, “right when you show up immediately you will need to put on your helmets, gloves, chest plates, and anything else that will protect you...I was in the original Battle of Portland and you freaking need armor from the projectiles they throw

⁵² Joe Biggs. 07/21/2019. “End Domestic Terrorism. In *Facebook* [Event]

like red bricks.”⁵³ Another concurred, sharing “I have been doing battle in the streets of Portland for 2 years. I appreciate you bringing this event to PDX...people need to be prepared for confrontation the moment they enter Portland Oregon, [even] on the way to park, especially on an event day, you can run into roving groups of antifa. I would consider anything west of nato parkway [a road along the riverfront in downtown Portland] enemy territory.”⁵⁴ He recommended that all participants have a plan to get back safely to their car, suggesting that the city was often dangerously chaotic during and after these events. Ignoring Bigg’s request, another commentor chimed in to say that they had “picked up some gear for this event,” and asked for tips on where to find bathrooms in the city during the protest.⁵⁵ These comments reflect a sense that those who have been “doing battle” in Portland saw themselves as growing experts in what had become a fairly regular practice of urban combat. Many of the men I interviewed had attended rallies and flag-waving events in the city, and they encouraged me to come to an upcoming rally but bring a camera and helmet, and make sure to not look like an “Antifa spy.”⁵⁶ Like the online commentors, they presented themselves as reluctant but experienced combatants in these battles, stocking up on gear while lamenting that they could not enter Portland and wave a flag without being attacked.

By calling Antifa members domestic terrorists, right-wing activists paint those on the left as the real bad actors, intimating that the violence and intolerance of Antifa was the true threat to free speech and the freedom to assemble in the city. Patriot Prayer shared a post by Joe Biggs, where Biggs claimed, “I have over a thousand men showing up to

⁵³ Jon Baker. 07/21/2019. Re: “End Domestic Terrorism. In *Facebook* [Event]

⁵⁴ David Willis. 07/21/2019. Re: “End Domestic Terrorism. In *Facebook* [Event]

⁵⁵ Jim Harms. 07/21/2019. Re: “End Domestic Terrorism. In *Facebook* [Event]

⁵⁶ Elias and Matt. 07/19/2019. Interview in Salem, Oregon

Portland...We will take the streets everywhere antifa thinks they run shit. We will find you and we will outnumber you. You are cowards.”⁵⁷ In response to this clear challenge, one person crowed “Fantastic!!!!!! Make them bleed,” while another cautioned “Seriously, save your energy. Let Portland deal with it and just warn people to stay away.”⁵⁸ Many made worried statements that the police would once again do nothing to interfere or prevent Antifa violence, while another suggest that the city be placed under Martial Law since it was “already in a State of anarchy due to the Violent Protests and Intimidations of those horrible AntiFA Fascists and the Incompetence of Ted Wheeler and the Police [sic].”⁵⁹

In the lead up to the End Domestic Terrorism rally, Patriot Prayer published a post with a statement from Dale Turner, the President of the Portland Police Association.⁶⁰ Turner declared that “it is time for our Mayor to do two things: tell both ANTIFA and Proud Boys that our City will not accept violence in our City and remove the handcuffs from our officers and let them stop the violence through strong and swift enforcement action.”⁶¹ This statement provoked a mixed response, revealing the tension evident throughout the movement between a general support of police, particularly in opposition to Black Lives Matter, paired with a suspicion that city police were ineffective at best or actively colluding with the liberal elite leaders at worst. One commentor wrote, “I feel sad for anyone who lives there...what a complete embarrassment,” while others took a harsher

⁵⁷ Joe Biggs. 07/06/2019. Patriot Prayer repost of Joe Biggs Tweet “If you have twitter, share this message far and wide...” In *Facebook* [Patriot Prayer]

⁵⁸ Barry Klinetobe, Cyndi Mudge. 07/06/2019. Re: Patriot Prayer repost “If you have twitter, share this message far and wide...” In *Facebook* [Patriot Prayer]

⁵⁹ Toh Seng Kai. 07/06/2019. Re: Patriot Prayer repost “If you have twitter, share this message far and wide...” In *Facebook* [Patriot Prayer]

⁶⁰ There is increasing evidence of shared membership between Police departments and far-right groups. For more on this, see Crowell & O’Regan, 2019;

⁶¹ Dale Turner. 07/02/2019. Patriot Prayer repost of Dale Turner press release, “It is time for our Mayor...” In *Facebook* [Patriot Prayer]

line, saying “I’ve lost all respect for the Portland PD. They’ve stood down before during antifa protests. What did the Proud Boys do? Nothing...”⁶² Others reasoned that the police were controlled by the Mayor or other elite interests. Alluding to the anti-Semitic conspiracy that philanthropist George Soros controlled the left, one commenter warned, “As long as he’s on SOROS’ payroll, ain’t happenin” (for more on the Soros myth, see Kalmar, Stevens, & Warby, 2018).⁶³ The ambivalence over whether the police were allies or enemies fed the sense that violence was inevitable, with one person suggesting that Antifa should be careful because “legally in Oregon you can shoot anyone that is attacking someone and you feel they could be injured or killed. So Yes, The season is OPEN!!!!”⁶⁴ Another person argued that the police would be a target, saying, “When you’re hunted down and murdered in the street, its retaliation for not doing your job protecting Americans citizens. It’s not a war on police...its payback!!!”⁶⁵

This suggestion of violence against the police was an outlier, with a strong majority of activist channeling their frustration through a stated desire to politically and physically beat Portland Antifa. Beyond the direct illusions to shooting, punching, or otherwise injuring Antifa, many vented their anger by criticizing the Antifa practice of wearing masks or bandanas that covered their faces and screened their identities during the protest. Along the contact line between protestors and counter-protestors in Portland, right-wing activists would often chant or scream “Take off the mask! Take off the mask! Take off the mask!”

⁶² Carol Weber, Dave Ivie. 07/02/2019. Re:Patriot Prayer repost of Dale Turner press release, “It is time for our Mayor...” In *Facebook* [Patriot Prayer]

⁶³ Marci Logan. 07/02/2019. Re:Patriot Prayer repost of Dale Turner press release, “It is time for our Mayor...” In *Facebook* [Patriot Prayer]

⁶⁴ Tim Jackson. 07/02/2019. Re:Patriot Prayer repost of Dale Turner press release, “It is time for our Mayor...” In *Facebook* [Patriot Prayer]

⁶⁵ Frank James. 07/02/2019. Re:Patriot Prayer repost of Dale Turner press release, “It is time for our Mayor...” In *Facebook* [Patriot Prayer]

as they came face-to-face with leftist protestors. In response to a misleading Wall Street article posted on the Patriot Prayer Facebook page about a proposed anti-mask law, one commenter proposed, “This should be a national law. If the KKK showed up with masks on...they wouldn’t just be talking about it. They would be up in arms.”⁶⁶ Once again, right-wing activists suggest that Antifa/Democrats/liberals are the real racists by comparing bandana-wearing activists in Portland to the Klu Klux Klan (which was, in fact, quite active Portland in the 1920s). One of Gibson’s strongest supporters and self-described “spiritual warrior” Carmen Estel wrote that if the mask ban was passed, Gibson would no longer need to go to Portland because “Antifa would be castrated without their masks.”⁶⁷ Despite their irritation with the masks, others suggested that anti-mask laws would not be an effective strategy. One warned that the law could easily be turned against Patriot Prayer supporters, saying that “If you know anything about the Constitution and how it has been systematically eroded since 9/11 you would know that this is a prelude to more censure and restrictions on our freedoms.”⁶⁸ But per usual, most were more worried about the behavior of Antifa, with one commenter saying that the problem “is with the psychosis that Antifa members suffer from,” so even without masks “they will continue their ranting and raging.”⁶⁹

Finally, commenters worried that the police would also fail to enforce it, and advised taking the law into their own hands. One person proposed, “Maybe it’s time Patriots met Antifa outside city limits, not where police protect their evil deed on our weak

⁶⁶ Jason Pollock. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

⁶⁷ Carmen Estel. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

⁶⁸ Randell Good. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

⁶⁹ Susan Campbell Dalrymple. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

innocent citizens? Freedom Rallys in the Federal Forests Organized with security[sic].”⁷⁰ But another supporter derided this proposal, saying Antifa, “don’t leave the safety of Portland. I live 20 minutes away in Columbia County and you see none of them ever.” Others agreed, with one poster exclaiming, “Make this happen!! Those soy boys would then be too scared to come out! But would Portland police even enforce it?”⁷¹ The phrase “soy boys” is a derisive term used by right-wing protestors to deride Portland protestors; on one level for being vegetarian, and on another level, for failing to conform to traditional ideas of masculinity, including the consumption of meat. Another commenter wrote “watch antifucks disappear in Portland,” without masks, because they are “all cowards.”⁷² The language of “emasculatation” and “soy boys” positions urban leftist activists as weak, effeminate, and gender-deviant. By verbally and physically asserting their dominance so-called Antifa, right-wing activists demonstrate their own masculinity and strength. In doing so, they guard the “borders of belonging” (Welke, 2010), insisting that those who do not conform to heteropatriarchal expressions of gender and sexuality cannot be full Americans or represent “the people.” Emphasizing the embodied degeneracy of Portland Antifa, activists go even further by implying that Antifa activists and urban residents writ large cannot materially embody Americanness. Rendered as aberrant subjects, Antifa, and the city residents they stand in for, are ineligible to represent the people. Furthermore, their own errant bodies bar them from full membership in the body politic.

Conclusion

⁷⁰ Bob Todd. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

⁷¹ Brian Daniels II. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

⁷² Mike Marci. 07/19/2019. Re: “Portland Considers antimask law...” In Facebook [Patriot Prayer]

By positioning themselves as defenders of the people against the elite, activists are less focused on establishing fixed or stable relationships to particular state or state-adjacent institutions, such as the police, legislators, or political parties. Instead, their loyalty is to their own interests, and they consider themselves to be allied with whatever institutions appear, at any moment, to be on their side. Better understood as a discourse and affect than as a coherent political ideology (Bugarcic, 2019), the populist rhetoric of right-wing activists in Portland allows them to quickly shift as new potential threats or allies appear. This rhetoric of right-wing populism dovetails with the political theory and practice of white settler sovereignty I discuss in chapter 3, as activists articulate a white right to govern while appealing to the universalizing, and ostensibly race-neutral, populist language of “the people” versus “the elites.” If populism helps us describe a rhetoric that is anti-pluralist and non-institutionalist, then white popular sovereignty identifies a particular articulation in the U.S. White popular sovereignty celebrates the authority of the people while providing a constrained definition of who constitutes the people (based on race but also on gender, sexuality, ability, and geography), all against the presumed backdrop of settler occupation. For early Americans, white popular sovereignty emerges as a political frame in moments when white settlers attempted to assert local sovereignty and territorial control as a way to assert their own white interests. This pattern is repeated in the present, as right-wing activists use a rhetoric of populism to re-claim their right to the public square, both as an abstract sphere and as a material set of sites and spaces.

I argue in this dissertation that white settler sovereignty is geographic in its conception and its enactment, and frequently intertwined with a set of territorial practices that work to manifest white control over and through particular local and regional

landscapes. The battle over “free speech” in public squares is a distinct expression of white territorialization, as activists use a tactic of occupation and obstruction to assert their dominance over online and offline spaces. I show in this chapter that right-wing movements in the Northwest do not only seek to carve out territorial control through separatism and localism; instead, they seek to bring their challenge to “enemy” territory. In doing so, they signal that their interests as white Americans, and rural and suburban dwellers, should trump those of urban elites and indeed all urban residents in the state. This claim relies upon the explicit critique of what they see as urban values and culture and an implicit devaluation of urban residents as full American citizens. As I illustrate in chapter 3, this construction of the people carries with it an idealized American subject that is wedded to a geographic imaginary as it is to an identity based on race, gender, class, or ability. Right-wing activists use occupation and disruption to remind each other, and the urban residents of Oregon and Washington, who and where the American people really are. In doing so, activists endeavor to shift the ideological terrain of what is considered good and what is considered possible. In the future, rather than having cities as monarchs rule over the rural, activists posit a system where the suburban and rural areas would rule over the urban.

Activists’ use of intimidation boosts their own morale and confidence and drains the affective and economic resources of cities and their residents. But it also has serious consequences for the adjudication of political differences in the future. By employing militaristic strategies, gear, and language, activists normalize the idea that extra-legal violence may be necessary to ensure the safety of the American people and the protection of the American nation. As I have shown in previous chapters, this is reinforced by a

conservative constitutional discourse that aligns current activists with the founding fathers and their mythologized fight against British tyranny. In the conclusion, I turn to the January 6, 2021 insurrection at the U.S. Capitol to consider the further consequences of this militarized constitutionalism.

Conclusion

After Donald Trump lost the popular vote in November 2020 and the Electoral College confirmed Joe Biden as the winner, the former president insisted that the election had been stolen due to faulty vote counting and false ballots. He encouraged supporters to “Stop the Steal,” by observing vote counts and holding rallies. The Trump campaign went to court in six states and lost 60 legal challenges in their attempt to disrupt the certification of the election (Gerhart & Crump, 2021). In late December 2020, Trump and his team exhorted supporters to show up at the U.S. Capitol in Washington D.C. on January 6, 2021, when a Joint Session of Congress would certify the Electoral College Votes and ratify the election results. In a tweet, Trump enjoined his supporters to “Be there, be wild!” (quoted in Barry & Frenkel, 2021).

On January 6, supporters showed up with blades, pipes, pepper spray, and tasers, and outfitted in bullet-proof vests, military-style boots, and MAGA hats. Within half an hour of the 2 pm start time, his supporters had breached the Capitol, where they left a trail of rubble as they proceeded to smash windows, ransack offices, and deploy fire extinguishers against the United States Capitol Police (USCP). Overwhelmed, some Capitol Police officers attempted to escort legislators to safety (Barret & Raju, 2021), and prevent protestors from following them, while others appeared to willingly open doors and grant protestors egress into the building.¹ Rioters chanted, “Whose House? Our House!” as they entered. Fanning out through the building, one rioter yelled “1776—it’s now or never!” (Mogelson, 2021). In the Senate chamber, Jacob Chansley, a man known colloquially as Q Shaman, had his photo taken while he stood on the dais with a flexed

¹ As of June 2021, 30 officers are suspended and under investigation for their role in allowing protestors entrance into the Capitol on January 6, 2021 (Mai, 2021).

bare chest and a Viking helmet on his head. Before leaving, he scrawled a note on former Vice President Pence's desk: "*ITS ONLY A MATTER OF TIME / JUSTICE IS COMING!*" (Mogelson, 2021).

Though the USCP was itself markedly underprepared and underinformed, (US House Committee on Homeland Security and Government Affairs, 2021), the planning for the insurrection was openly conducted on social media platforms. The rampage through the Capitol was livestreamed, tweeted, photographed, and posted by hundreds of rioters. In their communications leading up to the insurrection, Trump supporters emphasized the severity of the threat and the legitimacy of their response. Joe Biggs, organizer of the "End Domestic Terrorism" rally in Portland, proclaimed that government officials were "evil scum, and they all deserve to die a traitor's death" (Dreisbach, 2021). Republican House Representative Andy Biggs said in a video shared with Trump supporters, "we're going to stand up for this president and for the voters of America. That's legal; not only is it legal, that's constitutional; not only is it constitutional, it's the moral thing to do. And we're going to keep fighting. And I implore you to keep fighting too" (quoted in Grim & Chavez, 2021). Nick Fuentes, host of the livestream show *America First* and champion of the Stop the Steal rallies, insisted, "If we can't get a country that we deserve to live in through the legitimate process, then maybe we need to begin to explore some other options." Again harkening back to the American Revolution, Fuentes hazarded, "Our Founding Fathers would get in the streets, and they would take this country back by force if necessary. And that is what we must be prepared to do" (Mogelson, 2021).

By the time the Capitol was cleared, three rioters and one Capitol Police officer had died due to injuries sustained during the insurrection. The Federal Bureau of Investigations

launched an inquiry, and as of June 2021 over 545 participants have been charged in relation to the insurrection, including five rioters from Oregon (Hall et al, 2021). Indeed, the insurrection at the Capitol bore remarkable similarity to a riot protesting COVID restrictions at the Oregon State Capitol in December 2020, albeit at a much larger and more destructive scale. During a special legislative session, protestors led by Joey Gibson (Patriot Prayer) arrived at the Oregon State Capitol, angered by policies closing certain businesses due to the pandemic. Protestor Crystal Wagner stated, “We're standing up for our constitutional rights to be here for this legislative hearing and for our rights to re-open the state of Oregon.” Questioning the legitimacy of the session, Wagner demanded, “Why are they having a legislative hearing without the people? We are the people, we are the taxpayers. We're here to fight for our democracy” (Withycombe & Barreda, 2020).² Protestors angry about COVID restrictions in other states made similar statements. At the Washington State Capitol in Olympia, a man wrapped in an American flag jacket held a home-made sign boldly proclaiming, “Give me liberty or give me COVID 19” (Sorace, 2020).³

At the Oregon Capitol riot in December 2020, protestors intent upon entering the building (which was itself restricted due to COVID protocols) smashed glass doors, sprayed mace at the police, and attacked reporters documenting the event. At the same time, Republican House Representative Mike Nearman opened a side door, allowing dozens of protestors, some armed and in protective gear, to enter the Capitol. These

² In adopting the mantle of the people, COVID-19 protestors also clearly ignored Americans who are immune compromised and rendered vulnerable to the virus, illustrating again that those who embody “the people” are not only white but able bodied.

³ For more on the constitutional language of COVID protestors, see Wright 2020 *Give me liberty or give me COVID-19*

protestors went on to injure 6 police officers and cause thousands of dollars in damage. Representative Nearman had long been a champion for far-right voices in the building, and I attended regular lunch time meetings that he lead with the group Oregon Pushback, which were intended to build connections between right-wing groups and conservative lawmakers. Earlier that month, Nearman had filed an official letter alongside 11 other Republican Oregon lawmakers requesting that Oregon Attorney Eleanor Rosenblum join Texas in the suit challenging the election results in *Texas v. Pennsylvania* (Riski, 2020). While the sitting members of Congress who helped plan or applaud the January 6 insurrection remain in office, in June 2021 Nearman became the first lawmaker in Oregon to be expelled from office due to disorderly behavior (Radnovich, 2021). During his expulsion hearing, a small group of protestors gathered outside in support, with one man holding a large sign that read, “Mike Nearman, Thank you for defending the Oregon State Constitution!” (Hayes, 2020).

In each incident, rioters were strikingly unconcerned about planning their activities in public or making their identities known. My research here suggests that this is in part because they understood their own actions to be legitimate within the framework of popular sovereignty. Despite the numerous public proclamations in advance of the event by right-wing activists and legislators, a senate investigation found that “neither the FBI nor DHS deemed online posts calling for violence at the Capitol as credible,” with Melissa Smislova, Acting Under Secretary of the office of Intelligence and Analysis with the Department of Homeland Security noting that, “distinguishing between those engaged in constitutionally-protected activities from those involved in destructive, violent, and threat-related behavior is a complex challenge” (cited in US House Committee on Homeland Security and

Government Affairs 2021, p. 34). Smislova went on to reflect that in particular, “domestic violent extremists may filter or disguise online communications with vague in[n]uendo to protect operational security, avoid violating social media platforms’ terms of service, and appeal to a broader pool of potential recruits. Under the guise of the First Amendment, domestic violent extremists recruit supporters, and incite and engage in violence. Further complicating the challenge, these groups migrate to private or closed social media platforms, and encrypted channels to obfuscate their activity. We must develop the tools to overcome this challenge if we are to effectively address the rising levels of violence perpetrated by those who are inspired by domestic extremist ideological beliefs” (p. 34).

I have argued in this dissertation that a form of racism without race articulated through a conservative constitutional discourse is effective precisely because it is difficult to locate statements made within this discourse firmly outside the bounds of democratic norms or the bounds of free speech. Many observers can, of course, parse this discourse and its “vague innuendo” and pull out the racist sentiments and violent threats. But because this discourse embeds those statements within a language of law and rights that carries its own cultural and ideological force, it can be challenging for opponents to locate their opposition to these statements in the same discursive framework of law and rights. Furthermore, a discourse of law and rights has institutional recognition and protection, making it harder for judges, state managers, public officials, and other institutional actors to respond.

Rioters in Oregon and at the U.S. Capitol employed a constitutional discourse as they declared that their actions were legal and legitimate, and that they had a right to act in the interests of the people. In each case, they acted with the conviction they could be

successful in obtaining a government friendly to their own interests. As seen in the support offered by Congressional members in the lead up to the January 6 insurrection and in Representative Nearman's abetting of protestors in Salem, Oregon, activists did in fact already have elected officials on their side. A conservative constitutional discourse allows rioters to claim and shift state power as they take on the role of the sovereign and seek to enforce their own laws. These rioters thus insist on an exclusive right to rule, which they exercise by breaking laws they identified as illegitimate, threatening the people they perceive to be upholding those laws, and damaging the locations where those laws are made. They demand that their own interpretation of events become canon, that their own desires become law, and that their own people become or remain lawmakers. From their position in civil society, these actors extend the hegemonic dominance of white supremacy by partnering with actors already located in the formal institutions of the state. A conservative constitutional discourse helps connect movement activists and public officials, and build bridges between civil society actors and state institutions, which strengthens the discourse and increases the likelihood of success on a given campaign or demand.

Building on my work in this dissertation, I offer these events as further instantiation of the potential for extra-legal actions and violence enabled by a conservative constitutional discourse. By positioning themselves as inheritors of the founding father's resistance to British tyranny, activists imply that they may also be forced to take up arms in defense of their rights. Activists draw on a common sense understanding of the American Revolution as a legitimate and necessary response to British action. This cross-historical comparison thus seemingly legitimizes potential violence by inviting activists and other Americans

alike to view their actions in the same light that they view the actions of the American revolutionaries. This is not to say that all right-wing claims are successfully moved wholesale into the center, or to ignore the many vociferously challenges to their claims. It is to say that the discourse helps build a historical memory and national imaginary that makes extremist demands seem more in line with America's past and more critical for America's future. Again, as Stuart Hall (1979) would put it, this discourse is effective because "it works on the ground of already constituted social practices and lived ideologies.... which have secured over time a traditional resonance and left their traces in popular inventories" (p. 20). Drawing on these common sense ideas about the American Revolution, activists positions them as guarantors of American freedom. Ruling through their collective capacity as sovereign, activists decree that they should ignore or break laws they view as unconstitutional and illegitimate.

This analysis is supported by my work in this dissertation, where I have argued that a conservative constitutional discourse sustains and legitimizes white nationalist politics while disavowing explicitly racist and white supremacist statements. In doing so, activists resource an ideology of racism without race, uplifting the supremacy of Western culture but denying the continued importance of race. In this formulation, the activists promote a different theory of race, one that "naturalizes not racial belonging but racist conduct" (Balibar, 1991, p. 22). While race may not be biological, conflicts between different cultures are biologically inherent, allowing activists to relocate their dislike and discomfort for those who are not white, straight, or able bodied into the natural conflict between different cultures.

Identifying America as evidence of that the “West is Best”⁴, this discourse heralds the Constitution as crowning achievement of Western civilization. In celebrating the Constitution as a definitive text, activists also position themselves as the only legitimate representatives of the people. In doing so, activists draw on a tradition of popular sovereignty to claim that they can collectively act as the sovereign, interpreting, enforcing, and even overturning laws in pursuit of the people’s interests. They thus perform what I have termed white settler sovereignty as they work to reassert white control over political processes through the racially neutral language of constitutional law.

But this discourse is also adapted through its application in specific regional racial formations, as I show through its role in sustaining the racial project of making the Northwest a white homeland. Moving through stories of Determinist Settlements in the 1780s to Oregon’s refusal to pass the 15th Amendment, I show how a constitutional discourse is also geographic, as it reinforces the idea that Americans are not just a *people* but a *place*. In the Northwest, right-wing activists employ the territorial tactics of separatism, localism, occupation, and disruption to remind each other, and other residents of Oregon and Washington, who and where the American people really are. Activists position people living in exurban, suburban, and rural spaces as true Americans while rendering those living in urban areas as un-American. For instance, Liberty State proponents work to create a new white homeland through the future separation of eastern Washington into a new state, arguing that western Washingtonians do not respect private property, the Constitution, or Christian values. Creating a lineage between current eastern Washingtonians and their Scots-Irish settler ancestors, Liberty State leader Matt Shea

⁴ Elias. 07/19/2019. Interview in Salem, Oregon. Indeed, Elias told me that my apparently healthy skin was a sign that America was overall a great nation, despite some mistakes (such as slavery).

suggests that eastern Washington is already a white settler homeland in all but name. At the same time, pro-gun activists in Oregon and Washington engage a different territorial tactic, passing municipal ordinances that ban the enforcement of gun regulations they perceive as unconstitutional. Appealing to the idea that local governments should be the locus of popular authority, pro-gun activists use constitutional claims to position themselves as the only legitimate representatives of the people.

Finally, I show how activists acting in defense of their First Amendment right to free speech attempt to reclaim the “public square,” both online and in the streets. Activists use inflammatory, racist, and violent statements while regularly planning incursions into “the city” to intimidate and sometimes attack urban residents. For movement members, these actions are justified by what they see as their absolute right to unfettered and uninterrupted speech. In particular, restriction on public speech acts is experienced as an egregious attack on masculinity and the privileged protection of male speech in public life. The tactics of disruption and incursion illustrate how a conservative constitutional discourse not only naturalizes racist conduct, it animates the production of racialized geographies. Mapping supposed cultural difference onto certain key spaces and regions, activists fuse an ideology of racism without race with place.

This research opens up additional questions for scholars interested in the shifting formulation of racial identity, racial hierarchies, and a racial state in the U.S. In this dissertation I chart what a constitutional discourse makes more sayable, imaginable, and possible, but there is additional work to be done in thinking about some of the other rhetorical strategies of the movement. In particular, scholars can further investigate how the increasing turn to trolling and gaslighting that have marked the alt-right and the rise of

former President Trump may modify or potentially transform current articulations of racial identity and institutionalized racism in the U.S.. Trolling first emerged as a way to describe online speech that was flagrantly inflammatory, derogatory, insincere, and nonsensical (Nagle, 2017). As a practice, trolling is often used to disrupt or scandalize shared community standards or frameworks for dialogue. But it is clear that trolling as a rhetorical style and mode of engagement is not limited to online spaces. Right wing activists in the Northwest insist they are not racist or violent all while making prejudicial statements and engaging in violent conflict. The winking use of these seemingly disingenuous statements can be read as a form of trolling articulated through the discourse of a conservative constitutionalism. I offer that more scholarship is needed to understand how a discourse of colorblind racism and a rhetoric of trolling are interrelated in this particular political moment, and how that interacts with the dialectical radicalization and institutionalization of right-wing movement demands.

Building on recent scholarship attending to the geographies of affect in social formations—(Anderson, 2016; Thein, 2005), future scholars may also want to explore the emotional, phenomenological, and embodied dynamics of these conservative social movements. How might attention to the affective dimensions of the movement help track the shifting interface between a discursive framework of colorblind constitutionalism, a rhetoric of trolling, and an increasingly militant set of practices? My work on right-wing incursions into the city suggests that drawing on nascent work on ‘geographies of encounter’ can help surface how the borders between the suburban and urban are re-worked and remade through these emotionally and physically provocative meetings (Wilson, 2017).

Finally, this dissertation delves into to a longer history of settler colonial practices, habits, and modes of thinking about race and law to better understand the narrative framework and strategic success of a conservative constitutional discourse. In doing so, I illustrate how regional racial identity formation unfolds through and alongside national articulations of identity, culture and belonging. While I focus on how a kind of whiteness is articulated with a changing cultural landscape of Oregon and Washington, more scholarship is needed to develop what geographer Gillian Hart, drawing on Gramsci, describes as a conjectural analysis, i.e. a composite analysis of the “forces of relations at various levels,” of this right-wing resurgence. (Gramsci cited Hart, 2018, p. 388). In her own work, Hart identifies local government as a “the key site of contradictions,” in *Post-Apartheid Africa* (2014, p. 5), and my own research reveals a similar importance of local government in as a key site in a contest over the institutionalized hegemony of white supremacy in the US. Future scholarship can greatly contribute to our understanding by examining how regional changes in employment, production, property, and development, and their link to national and international transformations in global capital, are entangled in the production of regional formations of populist and ethnocentric nationalisms.

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