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Citation: Pilot Scholars Version (Modified MLA Style)

Dare, Alexa M. and Fletcher, C. Vale, "A bird's eye view of the Malheur Wildlife Refuge occupation: Nonhuman agency and entangled species" (2018). *Communication Studies Faculty Publications and Presentations*. 10.
https://pilotscholars.up.edu/cst_facpubs/10

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A bird's eye view of the Malheur Wildlife Refuge occupation:

Nonhuman agency and entangled species

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Word Count: 7983

Abstract

In January 2016, armed militants occupied the Malheur National Wildlife Refuge, demanding an end to government control of the Refuge and other similarly-protected public lands. Public discourse about the occupation highlights ongoing tensions around land use, property rights, and government overreach. The discourse foregrounds human animal concerns and all but erases nonhuman animal agency. This essay considers nonhuman animal agency and the entanglement of humans, nonhumans, and the land as seen in the occupation and surrounding discourse. We draw from critical animal studies and feminist posthuman theory to examine how discourses of the occupation produce and reinforce a sense of human exceptionalism that elides a more useful and nuanced understanding of human-nonhuman-land relatedness and agency. The analysis shows how, in the case of the Malheur occupation, occupiers and critics alike rely on discourses of “othering” toward both nonhuman animals and other humans. We take a “birding” perspective on the occupation to show how the webs of relationality that connect humans, nonhumans, and the land might be activated as an antidote to destructive discourses of human exceptionalism.

Keywords: Malheur National Wildlife Refuge; nonhuman agency; critical animal studies; posthumanism; human exceptionalism

Acknowledgements: The authors wish to thank Mara Midiere for her assistance with this research project. Thanks also to the anonymous reviewers for their feedback throughout the development of this manuscript.

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It has been estimated that Sandhill cranes, one of the oldest birds in existence, have been coming here for nearly a million years. Watching these large, long-necked sand-colored creatures strutting slowly through the marshes and hearing their gargling cries as the wind rattles the dry bulrushes, one has an eerie sense of being connected to a prehistoric past. (Olson, 1997)

The Malheur Wildlife Refuge encompasses 187,757 acres of wildlife habitat in southeastern Oregon. It is an obscure place, and citizens in the nearby cities of Portland and Eugene generally had not known of its existence before the media frenzy – created by an occupation by armed militants between January 2nd and February 11th, 2016 – began. The militants, comprised of anti-government, Cliven Bundy family members and followers, seized control of the refuge headquarters, justifying the occupation necessary so that people can have their resources (Purdy, 2016). The “resources” referenced included grass to feed cattle and the “people” were white, male, cattle ranchers. The antagonists wanted the right to graze privately-owned cattle – nonhuman animals raised, slaughtered, and sold for meat and private profit – on publicly owned federal lands; lands which had been preserved as a refuge and served as much-needed habitat (and protection) for migratory birds. Public discourse surrounding the occupation highlighted ongoing tensions around land use and land rights, public versus private land, and

government overreach (Purdy, 2016). For nearly 30 years Cliven Bundy has been embroiled in a legal dispute with the Bureau of Land Management (BLM) in Nevada and he was successful in uniting extremist anti-government groups to support the Malheur occupation (Johnson, 2017). Rather than focus on men with guns, in this case study we intentionally center the migratory birds that use the refuge during biannual migrations and for year-round habitat.

The refuge was created to prevent and resist this exact type of human animal takeover of nature. In 1908, President Theodore Roosevelt helped designate Malheur, one of only six wildlife refuges west of the Mississippi River at the time, after native birds had been decimated by plume hunters eager to meet the demands of the growing hat market (U.S. Fish and Wildlife Service, 2016). More than a hundred years later, the violent conflict that emerged as part of the refuge's occupation stirred up public debates over historical "Wild West" perceptions of land rights, while a focus on the land and/or the agency of the wild birds living in and migrating through the Malheur Wildlife Refuge were almost absent from the discourse (Langston, 2016). Also silent in the public discourse was the forced removal of indigenous Paiute peoples from this same land by the U.S. army during the 19th and 20th centuries (Beck, 2016). We could not help but quickly observe a pattern of similarities between the marginalization and oppression of certain groups of human animals (i.e., non-white) and marginalization and oppression of certain groups of nonhuman animals (i.e., birds), historically and in the present, involving the land protected by the refuge.

The 41-day occupation resulted in one occupier's death at the hands of law enforcement and a controversial federal trial that ended in the acquittal of seven of the occupiers (Sherwood & Johnson, 2016). The verdict shocked many who had been following the trial, and supporters of other simultaneously amplified national movements – #BlackLivesMatter and #NoDAPL

specifically – wondered aloud in dismay about the meaning of justice in the U.S. (Johnson, Turkewitz, & Pérez-Peña, 2016). Would a group of black men “taking over” a wildlife refuge ever be found not guilty? Why were indigenous people simultaneously being vilified for trying to protect nature in South Dakota? The second Malheur trial ended in a conviction of all four occupiers of at least one felony (Berstein, 2017). The nearly all-white defendants became a talking point for racial privilege, while many U.S. Americans who supported the takeover proclaimed the trial’s outcome a victory for private land-use rights. What was disheartening to us – though not surprising in a deeply anthropocentric society – was that of the thousands of media articles that circulated nationally and internationally, covering dozens of perspectives on the occupation, none placed nonhuman animals – wild birds, especially – in the forefront. Rather, when nonhuman animals were mentioned, birds and cows were often pitted against each other, reifying a typical human-centered framing of nonhuman animal tension, and highlighted a misleading question: who had the greater rights claim to land and land use, wild migratory birds or privately-owned cattle?

There is an important connection between anthropocentric discourses that deny nonhuman animal agency and human practices of “othering.” The Malheur occupation offers a rich case for (re)considering how humans and nonhumans are entangled, and how erasure of the nonhuman from so much environmental discourse limits possibilities for peaceful coexistence. Our analysis focuses on the interdependence among the land, nonhuman animals, and humans. In bringing this interdependence into focus we notice how *human* inequality, injustice, and violence is shaped and maintained through human-nonhuman interactions. We put critical animal studies and posthuman theory in conversation to offer an example of how environmental communication scholarship might strive to transcend what Pfister (2015) calls “speciest hubris” (p. 119), a

destructive form of human exceptionalism that is blind to humans' entanglement with and reliance on other species. Our goal is not simply to document another scenario in which nonhuman animals are not granted agency in popular discourse. Instead, we propose that this is a case that provides fruitful opportunity to think about ways that understanding of conflicts over the natural world can be transformed by paying attention to the complex web of relationality between humans, nonhuman animals, and the land. As Braidotti (2013) argues, thinking with posthumanism encourages us to see a global inter-connection among human and nonhuman animals: "a web of intricate inter-dependences" (p. 40). To see this web and to explore what can be gained by taking such a perspective, we consider the Malheur controversy through a "birding" lens, which we introduce and describe in greater detail below. First, we pull out the feminist threads of posthuman and critical animal theories to develop a theory of human-animal-land conflicts. Then we surface the nonhuman actors and human-nonhuman entanglements that populate the typically anthropocentric discourse of the Malheur occupation. We show how considering a land-use controversy from a "birding" perspective helps to open up a view of human-animal-land interconnectedness that can disrupt more familiar discourses of human versus animal and left versus right that perpetuate divisive and violent human actions toward humans and nonhumans alike.

Theorizing human-animal-land relationships

We begin by putting into conversation posthuman theory and critical animal studies (CAS). Both bodies of literature offer useful insights for how to rethink nonhuman agency and the interrelatedness of humans, nonhumans and the land. Both perspectives also have strong feminist foundations which we use to bridge the two and to highlight what we see as the most emancipatory threads of this work. Karen Barad's (2003) performative theory of posthumanism

argues for the need to “make matter matter” in feminist and critical theory, and to turn away from a view of the world as primarily discursive. Drawing from quantum physics, she argues that nature is neither a passive surface awaiting the mark of culture nor the end product of cultural performances. The belief that nature is mute and immutable and that all prospects for significance and change reside in culture is a reinscription of the nature/culture dualism that feminists have actively contested. (p. 827)

Barad offers a posthumanism grounded in and politically attuned to feminist theory. Her writing joins Haraway (1990, 2007) and Braidotti (2002) in a posthuman chorus that creatively tries to take the material seriously, whether by focusing on cyborgs (Haraway, 1990), companion species (Haraway, 2007), quantum physics (Barad, 2003), or nomadic cartographies (Braidotti, 2002). These feminist theorists strive to take into account nonhuman actors, and to do so in a way that is attentive to the racist and patriarchal legacies of humanism. As Braidotti (2006) explains when discussing what she describes as Haraway’s radical call for a “renewed kinship system,” the core of such a system relies on and produces “concretely affectionate ties to the non-human ‘others’” (p. 199). It is clear that any attempt to rethink or reconnect with nonhuman “others” also requires a rethinking of nonhuman agency.

Barad (2003) offers a powerful foundation for rethinking nonhuman agency. She argues that agency “is not aligned with human intentionality or subjectivity . . . Agency is a matter of intra-acting; it is an enactment, not something that someone or something has” (p. 826-827). In other words, agency is enacted in relation. Subjects and bodies are also enacted in relation, and Barad’s vision of agency radiates from relations, rather than from individual bodies or beings. Importantly, there are no preexisting entities prior to relation: we are always-already entangled. This rethinking of agency is closely aligned with a political commitment central to much CAS

work that strives to reject anthropocentrism or “speciesism” (Weitzenfeld & Joy, 2014, p. 3). By reconceiving agency as something that is neither unique nor inherent to human animals, posthuman and critical animal theorists strive to see, describe and make sense of a world in which humans, nonhumans, and nature act and are acted upon in an emergent and mutually-constituted web of relationality.

While posthuman and critical animal theorists try to move away from a view of agency as individualist or generated by a singular subject, communication scholars in the burgeoning field of human-animal communication offer some useful insights into how agency can be understood relationally. Plec (2013), in the introduction to her germinal edited volume, *Perspectives on human-animal communication*, builds on Deleuze and Guattari’s “becoming-animal” and draws from rhetorical theory to suggest that this “becoming” can be understood as a “corporal dialogism” or an “embodied rhetoricity” (p. 5). Here, “communication” is not the product of a rational, independent subject, but is a “fleshier” kind of communing in which human and nonhuman animals are intertwined. Embedded in this vision is a sense that human animals are, for the most part, neither skilled nor interested in this kind of communication, and that good human-nonhuman (or “internatural”) communication research should offer glimpses of how humans might learn to listen differently to the natural world.

As Plec (2013) points out, language conventions can often stand in the way of the successful realization of such a goal, particularly as much of the discourse about who has the capacity to communicate and what constitutes “effective” communication is deeply anthropocentric. Indeed, the terminology that different authors use to portray the human-nonhuman relationship is revealing: *nautreculture* (Haraway, 2007), *humanature* (Milstein & Krollokke, 2012), *internatural communication* (Plec 2013), and *humanature intersubjectivity*

(Cramer & Foss, 2009) all attempt to show the intertwined and inseparable nature of the relationship. Communication scholars are especially keen to notice the power of such language practices. If we are to rethink agency and relationality in order to include beings and entities that are typically understood to be fundamentally different from and separate from human animals, then our language will also need to change. Each of the neologisms above demonstrates an attempt, rhetorically, to attend to the ways in which humans, nonhumans and nature are intertwined. In this essay we refer to human-nonhuman-land (inter)relationality because it is important to consider how nonhuman agency exists in (and acts on) specific places, such as the Malheur Wildlife Refuge.

Both posthumanist theories and critical animal studies are guided by feminist commitments to emancipation. Barad's feminist posthumanism resonates with critical animal research which owes a debt to ecofeminist thinking (Taylor & Twine, 2014, p. 4). As Taylor and Twine (2014) explain, contemporary CAS perspectives, influenced by earlier ecofeminist writings, are concerned with "how the material and symbolic exploitation of animals intersects with and helps maintain dominant categories of gender, 'race and class'" (p. 4). We think with posthumanism and critical animal studies for two reasons: First, both approaches help us think about agency in a non-anthropocentric way. Second, we are attracted to the emancipatory foundations of both theoretical perspectives and the way that looking beyond anthropomorphism is important only to the extent that it offers options for less violent and destructive ways to be human. While it might seem counter-intuitive, foregrounding nonhuman animals does not necessarily eclipse humans, but instead offers a way of thinking differently about human struggles, inequality and injustices. As Wolfe points out, the "violence of humanism . . . is species-specific in its logic (which rigorously separates human from nonhuman) but not its

effects (it has historically been used to oppress both human and nonhuman others)” (as cited in Chiew, p. 54). The impulse to divide, to draw clear boundaries between groups, and to define (scientifically and politically) who is “in” and who is “out,” is a key discursive technique of oppression. For us, troubling the boundaries between human and nonhuman is a critical project that is very much in line with other critical attempts to destabilize normative categories that perpetuate inequality and marginalization. We also argue that, for environmental communication scholars and practitioners, this destabilization offers a promise for how communication about urgent environmental controversies might resist appropriation into existing discourses of left and right or us and them.

Posthuman counter-reading of the Malheur occupation

In the remaining sections, we rethink the Malheur occupation by shifting the focus to bring avian and other nonhuman actors into the foreground of the discourse of Malheur. There are clear methodological challenges associated with recognizing and analyzing nonhuman agency. Pfister (2015) offers some inspiration for our analysis in his work that tries to think through nonhuman communication by looking at twitter practices and posts. He starts with the avian metaphor embedded in Twitter and moves to an analytic frame built on avian consciousness. He argues that “the hope for trans-species identification persists if we learn to listen differently and long enough” (p. 125). Thus, in our research we attempt to model an act of “listening differently” wherein we surface examples of human-bird entanglement that exist in human-centric discourse. This kind of “listening” is available to all humans – it requires no special gear or access to faraway wildlife refuges, and instead tunes human animals *in the world* to the ways that we are always and inescapably *animal*, in our relations (with humans, nonhumans and the land), in our histories (intertwined with other species’ histories), and in our

places (places that are produced through our co-performances with nonhuman animals). We do this by collecting and reading through human writing about the Malheur occupation. We examined published news reports as well as online comments and opinions about the occupation. Our goal was to strive for a kind of double-vision made possible by changing our depth of field (i.e., foregrounding and backgrounding our focus interchangeably to alter what or who is in focus). We began by identifying some of the dominant themes in how the conflict was reported and discussed online. And then we tried to identify moments in the discourse where a surface-level meaning shifted or lost its coherence when we turned our focus to the nonhuman elements entangled with the human actors. The technique we used to initially identify or become aware of the possibility of nonhuman agency was simply to look for and note all of the references to nonhuman animals. In the over 1000 pieces of text we collected, the nonhuman animals who “mattered” to the story were overwhelmingly cows and birds, although bears, carp and trout made appearances. In Table 1, we name and count all of the nonhuman animals we encountered in the texts. This decontextualizing is the first stage in our posthumanist analysis of the Malheur discourse. One of the trends we are working against in this manuscript is the tendency for anthropocentric discourse to erase and ignore nonhuman animals. And yet, if you look closely, these bodies populate the stories just as they also populate the refuge. We pull these animals out of the context of the articles in which they've been discursively positioned to show, simply, the vast collection of bodies that surround this particular controversy. Below we argue how these hundreds of references, despite being made without an acknowledgement of the agency of nonhuman animals, do show the deep interconnections among humans, nonhumans, and the land.

INSERT: [[Table 1: Nonhuman Animal Bodies at the Malheur Wildlife Refuge]]

Our method is also inspired by Munday's (2013) lyrical and reflective essay, "Thinking through ravens," in which he draws from ecosemiotics to "try to understand the world through [ravens]" (p. 216). He approaches the task of thinking through ravens as "constructive interplay" (p. 217) and documents his own experiences with ravens over the years. We are also attempting to "think through birds" in this article, and to ask, imperfectly, what is a bird's eye view of the occupation of Malheur? While we cannot ask the birds what they saw, we can use posthuman theory to see bird agency as it was captured incidentally in media coverage and to focus on those glimpses of agency in order to better understand human-nonhuman dynamics during the occupation.

"Birding" the Refuge

In the early days of the occupation, news sources attempted to provide geographical and political context for the occupation by bringing the landscape to life while also making sense of the (human) dimensions of the unfolding conflict. The country was familiar with the tactic of "occupation," thanks in part to the activities of the Occupy Movement in 2011, but what was unusual about the occupation of Malheur was that it occurred in a seemingly remote and already-unoccupied location. In a January 15, 2016 Op-Ed in the *Los Angeles Times*, Williams captures this apparent contradiction by describing a time that he "Occupied" the Malheur Wildlife Refuge "before the Bundy gang."

Just as night was falling, a friendly rancher picked me up and dropped me off at the Malheur National Wildlife Refuge. I thanked him and walked over to the small collection of buildings, hoping to get out of the weather. There wasn't a soul around. I saw a small building labeled "Museum" and tried the door. To my delight, it was unlocked. I walked in, turned on the lights and found myself amid an extraordinary

collection of everything to do with birds: stuffed birds, pictures of birds, bird nests, bird eggs. More to the point, I had found a sheltered area out of the weather where I could bed down for the night and have some assurance of waking up alive.

I spent a pleasant night with the birds. In the morning, I rolled up my sleeping bag, turned out the lights and shut the still-unlocked door. In the morning light, the refuge was magnificent. I'd never seen so many birds, and this time they were all alive. There were thousands of them, crowding the shallow waters of Malheur Lake, taking a break on their massive journey south on the Pacific flyway. There were snow geese, songbirds of all kinds, ducks by the thousands, Sandhill cranes and more that I couldn't identify. It was like a bird convention

. . . . That's why I had to laugh when I heard that a bunch of heavily armed men had "occupied" the Malheur National Wildlife Refuge. "Occupied"? Really? I'm sorry to be the one to tell you guys, but it doesn't take a whole lot to invade and subdue the Malheur bird museum. All you have to do is walk in and there you are. (para. 6)

According to Williams (2016), Malheur is at once crowded with life and activity (“It was like a bird convention”) and completely empty (“there wasn’t a soul around”). Although Williams’ story is more evocative of the nonhuman animal life in Malheur than many other stories about the occupation, in the end, the birds are seemingly disconnected from the demands and struggles of the occupiers. And yet, if you look closely, there is ample evidence of the ways that the birds are intertwined with human experiences on the land. Particularly from the perspective of Barad’s relational ontological agency, the birds and the occupiers are mutually constituted. In Williams’ telling of his time in Malheur, he makes a distinction between the dead birds with whom he spends a “pleasant night” in the museum and the live birds that fill the skies

the next morning. That the birds are alive or dead does not matter in terms of how they affect Williams, both are described as part of the atmosphere and aesthetic of wild lands.

Another *Los Angeles Times* article written just after the occupation ended (Yardley, 2016) also describes bird activity as a central and timeless feature of Malheur. The author frames the article with an evocative description of the soon-to-be-returning species of migrating birds, suggesting that the birds were invisible – and maybe even absent – while the spotlight was trained on the occupiers, but that they travel and exist independent of human activity. Regardless of what humans are up to, the birds will continue to migrate and congregate. Kieran Suckling, quoted in the article, captures this belief: “The animals don’t care who claims to have occupied this refuge, they’re coming and they need it as their home” (para. 4). Yet even as the birds “don’t care” about human activities, they *are* entangled with humans, both in the imagination of the article’s author, who describes the birds “descending [to the refuge] unarmed and unintimidated” (para. 3), and in the assumptions of Suckling, the executive director, who knows that they *need* the refuge. What starts to become evident as we look for examples of human and nonhuman agency is that what looks like a backdrop upon first inspection (the birds exist quietly in the background, providing context for the human actions that take center stage in the drama) is something much more relational.

The concept of “animaling,” put forward by Birke, Byrld and Lykke (2004) is helpful in making sense of this interrelationality between humans, nonhumans and the land. They draw from Barad’s theorizing on nonhuman agency and Butler’s notion of performativity to try to see nonhuman animal agency in a deeper way. They compare their use of the verb “animaling” to Butler’s verb form of the noun, “queer” and suggest that this verbal form of “animal” “can introduce a decisive break with the essentialism of the noun” (p. 169) which offers possibilities

for recognizing the *doing* of animals. Instone and Sweeney (2014) adopt the “animaling” concept in order to examine the experience and controversy of “dogs in the city.” In their article, they show how using “animaling” as a frame can reveal human-animal-land entanglements that are often hard to see when “dogs” are nouns.

As a queer practice, animaling is a practice of space rather than defining a particular place for dogs/animals. . . . In this sense, ‘animaling the city’ signals a disruption and challenge to the human-centered city. It shifts focus from discourses about the place of dogs, their control, management and breed to thinking about the multiple coexisting dogs, humans and hu/dogs, which are brought into being through the performance of heterogeneous actors in a variety of urban places. (p. 782)

Using a “birding” lens to examine the discourse of Malheur offers insight into the different kinds of interrelated performances evident during the occupation. The first thing to note is that birds make it into the story of Malheur in a range of different ways and forms. As seen in the excerpt from Williams’ (2016) story above, dead birds and live birds mingle with the author, “pleasantly,” throughout his trip to Malheur. More dead birds surface in a *Reuters* article in which the authors are shown around the refuge headquarters by Ammon Bundy and other occupiers:

Wes Kjar, a 31-year-old occupier from Utah, showed reporters around a box-filled storage area, dominated by the body of a huge bird stashed upside down atop a cabinet. "This is what they're going to kill people over," he said, explaining that he was convinced federal agents were preparing to retake the complex. "It's not even stuffed," he said as he poked at the bird's wing. "It's just dried." (Allen & Urquhart, 2016, para. 21)

In contrast to the companionship of birds in the first excerpt, here the bird is more akin to trash. Presumably the bird would be more valuable if it had been altered by and for human tastes (“stuffed”), but in its natural state (“just dried”) it is worthless. Dead birds are, on first glance, “nouns” or “inanimate objects” incapable of agency, but if we use the “birding” frame, there is evidence of a kind of intertwined human-bird doing that orders the space of the refuge headquarters in particular ways. Both Williams and Kjar are “uninvited” visitors to the refuge, and while they’re at pains to frame the refuge as empty, in fact the birds are key to the discursive production of this (inaccurate) emptiness. The dead birds cannot offer resistance to Williams’ entrance, but they do keep company “pleasantly,” and his awakening the next morning to a grand spectacle of live birds in flight is experienced as shared or even somehow familial (Haraway would recognize this as a kinship). Alternatively, the worthless dead bird produces a very different kind of space, where human-bird coexistence is deeply threatening. The dead (“not even stuffed”) bird is “what they’re going to kill people over.” What distinguishes those people who will kill and those who will be killed is, in part, their connection to (or distance from) the bird(s). From a “birding” perspective, this process of distinction (between “us” and “them”) is not entirely discursive. In fact, the materiality of the birds works in concert with the human bodies such that the experience and the terms of the “occupation” are co-performed. To put a finer point on it, the difference between Williams’ occupation of Malheur and the Bundy/Kjar occupation of Malheur is not just a (discursive) difference of opinion. The birds and the humans share space in the refuge; dead birds and live birds conjure human affect (contentment; fear), and, in Barad’s language, we can see “part of the world making itself intelligible to another part” (p. 829). As we examine these encounters of intelligibility, what starts to become clear is the way in which human-nonhuman encounters are tied up in “othering” practices.

We the People

It is unsurprising that an event described as a standoff was framed in terms of insiders and outsiders, where writers and commentators produce a lengthy list of binaries: those who oppose and those who support; locals and invaders; public and private lands; city people and rural people; and so on. The identification of such opposing categories both reinforces and ultimately produces discursive boundaries. In a January 18, 2016 letter to *The Oregonian*, Ursula K. LeGuin argues that “public land is land that belongs to the public - me, you, every law-abiding American. The people it doesn't belong to and who don't belong there are those who grabbed it by force of arms, flaunting their contempt for the local citizens” (para. 2). Questions about who belongs, who deserves, and who has (the) right(s) are not neutral questions. In the way that these questions erect boundaries between groups (almost always groups of humans), they are a key technique of discursive production. As many critical theorists have already carefully documented (e.g. Hall, 1992; Mohanty, 2004), the discursive division of “us” and “them” is not nearly as descriptive as it is productive. In other words, it is in the casual way that news reports and discourse about the occupation identify distinct groups of people that a broader discourse of division is reinforced. The claim, “We the People” rippled through the discourse. Several news stories noted that the occupiers referred to themselves as “We the People” (e.g. Herring, 2016; Politi, 2016). A *Breitbart* story notes that “several vehicles belonging to the federal government were being used by the protesters and were referred to as ‘We the People’s’ vehicles” (Darby, 2016, para. 7). And, simultaneously, critics of the occupiers framed their perspective using the same language. A *Daily Kos* posting from January 15, 2016 argued that it is “Time for We the People to march on Bundyville, i.e. the Malheur Wildlife Refuge” (Steven D, para. 1). His argument echoes LeGuin’s and claims that “we” have a greater right to access

Malheur than do the occupiers. In the Ursula LeGuin quote, above, she argues that not *all* humans should be included in the “public” afforded by “public lands” and those who “grabbed [the land] by force of arms” are neither members of the public nor local citizens. In other words, their actions on the land make them unworthy of membership in the human public. This is not the only article expressing such sentiments. A February 25, 2016 opinion piece in the *Chicago Sun Times* uses similar language to condemn the occupiers and push them outside of the category of public:

No, the public won't come rushing to your support. Local ranchers wanted nothing to do with the uprising. A bird sanctuary was a badly chosen place to make a stand. Put it this way: Millions of Americans enjoy hiking, hunting and bird-watching.

Cow-watching, not so much. (Lyons, para. 4)

Here the birds and the cows are significant for how their relationship with certain humans produces contrasting U.S. American citizenships. Human-bird entanglements are appropriate, “natural” and enjoyable while human-cow intra-actions are “not so much” enjoyable. In this instance, it becomes clear that Malheur is produced by particular kinds of human-bird relationships. And that certain kinds of human subjectivities and exclusions are also produced in these relationships. A comment on a Youtube video about the occupation captures this dynamic perfectly in its profanity and dismissal of both the human and nonhuman animals: “F***ing [*sic*] cow farmers !!!!! You're not a rancher in search of peace and freedom for Americans....you're a f***ing COW FARMER who wants free grazing on public land. Go HOME” (Panda Monium, 2016). This is not just a case of competing rights discourses or arguments about the value of public land versus private land. Those humans who come to Malheur are inescapably put in relations with birds and other nonhuman animals, and those who would deny this relationship

have a kind of humanness that doesn't work here. This point is made explicitly by a bird-watching blogger, cited in a *Mercury* article:

there are 22.5 million 'away-from-home' wildlife watchers in the US, compared with 13.6 million hunters. There are more than 1 million beef producers in the United States. Active Patriot Group members? About 40,000. Birders are more of America than those boys holding court in the birdhouse - by almost two to one. Get out and go home to your ranches and enjoy what you have. This plot of preserve is ours. (Knowler, 2016, para. 14)

The kind of human you are is, in part, made possible by characterizing your closeness or distance from nonhuman animals. In other words, “us” and “them” is constructed, in part, by saying that “we” are more appropriately related to animals than “they” are. Could there be a more anthropocentric phrase than “We the People”? Seeing humans on all sides of the political spectrum repeatedly claiming to be “people” points to a kind of insecurity about not just identity but also relationships to perceived others. If “we” are the people, then who are “they”? Braidotti (2006) suggests that there is power in thinking of “them” as “multiplicities and multiply displaced identities. No-linearity, non-fixity and non-unitary subjectivity are the priority, and they are situated in close proximity to woman, the native, the dispossessed, the abused, the excluded, the ‘other’” (p. 201). Rather than dwelling on the exclusions and abuses of others, both human and nonhuman, Braidotti (and Haraway about whom Braidotti's article was written) hold out hope for the power and possibility of a new perspective on human-nonhuman relationality which can happen in the space of “the other” much more easily than under the banner of “We the People.” While the attempt to own and center oneself in the “We” of “the People” is a clear discursive strategy employed by both occupiers and critics, the endless jostling for control of this particular “We” happens in denial of the ugliness of this subject position. As Milstein (2013)

explains, “Western cultural practices . . . largely rest upon capitalization of nature, nonhuman animals and marginalized people via material-symbolic practices of mastery, othering and exploitation” (p. 165). As the Bundy-led occupation makes clear, male violence (real and threatened), is at the heart of these practices of mastery, othering and exploitation.

Trans-species Identification

In contrast, the Burns Paiute relationship to Malheur and their experience of the occupation demonstrates what Panelli (2010) observed in her survey of posthuman research in geography: “differing groups of people have complex relations with ‘nature’ which coincidentally reinforce social differences and wider power relations” (p. 80). The Burns Paiute are a federally recognized tribe of Northern Paiute Indians whose reservation borders the Malheur refuge. In reports about the occupation, tribal members were quoted as being alarmed by the actions of the occupiers and the likelihood that they were damaging sacred lands and artifacts.

In Burns, Ore., another group, the Burns Paiute Tribe, reminds officials that they, too, have been trying to reclaim the Malheur Wildlife Refuge as part of their tribal history. The Refuge is also home to about 300 historic sites and 4,000 artifacts. The Burns Paiute Tribe is now pressing charges against occupiers, and has stated that the presence of militia members at the Refuge is defiling sacred sites, reports the Washington Post. Tribal Chairwoman Charlotte Rodrique says she is concerned about the artifacts at the refuge. Ms. Rodrique says, ‘As far as I'm concerned, our history is just another hostage.’ (Beck, 2016, para. 16)

Tribal members were quoted as being against the occupation, and were therefore conceivably part of the “we” who appreciate birds and nature, and not the “they” who want to ranch on public

lands. And yet, tribal members were described in ways that were not nearly as separate from nonhumans as from other humans. So, for example, an article in the *Los Angeles Times* written shortly after the end of the occupation surveys the “aftermath” of the occupation, noting that migrating birds would be returning soon; “fresh wing beats descending unarmed and unintimidated” (Yardley, 2016, para. 4). The article concludes by offering an indigenous perspective on the occupation:

Charlotte Rodrique, tribal council chairwoman for the Burns Paiute Tribe, said in an interview on Friday that she was concerned after seeing videos of armed occupiers rifling through tribal artifacts stored at the refuge and that they had apparently used heavy equipment to carve out a roadway near an area where tribal members who died in the 19th century were reburied. *She said that in the long memories of wildlife and of the tribe, the refuge is essential and sacred.* It is never truly off limits and it has no firm borders. “There was no Oregon at that time,” she said, recalling how the small tribe used to winter on the refuge before being forced onto a tiny reservation nearby in the 19th century. “There were no state lines. There were no boundaries. Tribal people didn’t claim anything and put a fence around it and say you can’t come in here.” [Emphasis added] (para. 18)

The “long memories of wildlife and of the tribe” is a noteworthy phrase – here we see a kind of similarity between humans and animals that is not evident in other claims to “We the People” above. In other words, while “us and them” configurations are produced in discourse about human-bird relations, the difference between occupiers and birders is a difference of affective relationship to animals. But in this example, the tribe shares the same long memories of wildlife. This is something more than affinity. This is a humananimalness in which the difference

between human and nonhuman animal is minor, if not nonexistent. On the one hand, this linking of indigenous people with animals might be seen as dehumanizing. But, from a posthuman perspective, this human-nonhuman shared memory offers a glimpse of what Pfister's (2015) notion of "trans-species identification" might look like. This is not to minimize (or somehow gloss over) the multiple generations of violence and colonization the Burns-Paiute have experienced at the hands of "We the People." But Deleuze (as employed by Braidotti (2006)) and Haraway (2007) both highlight the importance of histories, memories, and heritages to any project that attempts to make possible new ways of relating. Deleuze notes that 'becoming' is about repetition, but also about memories of the non-dominant kind" (as cited in Braidotti, 2006, p. 8) and Haraway (2007) imagines a scenario in which nonhumans and humans exist "together in situated histories, situated naturecultures, in which all the actors become who they are *in the dance of relating*, not from scratch, not ex nihilo, but full of the patterns of their sometimes-joined, sometimes-separate heritages both before and lateral to *this* encounter" (p. 25).

In October 2016, a jury in Portland announced their surprising verdict that seven of the Malheur occupiers, including both Bundy brothers, were not guilty of conspiracy to occupy the Malheur Refuge. This verdict surprised many in the media. Indigenous writers were not nearly as surprised. Articles on the *Indian Country Today* news site framed their coverage of the occupier trial and acquittal in contrast to the violent treatment of protestors (many, but not all of them, members of the Standing Rock Sioux Tribe) opposed to the construction of the North Dakota Access Pipeline (DAPL). Writing about both the Malheur occupiers' verdict and anticipated future action against Standing Rock protestors, Russel (2017) notes that "within Indian country, the perceived linkage between the unarmed Indians and the armed white people will be the backdrop of every trial" (para. 13). We do not deny that whiteness impacted the response to the

occupiers. But our posthuman analysis adds another dimension to our understanding of human-nonhuman-land conflicts. The ways in which humans see themselves as separate from nonhuman animals and the land is not simply an issue of definition, or even one of empathy. Instead, by routinely denying agency to nonhuman animals and by clinging to human exceptionalism, both humans and nonhumans are more easily relegated to categories and descriptors that allow for lack of empathy, othering, and ultimately violence. Thinking with posthumanism about the Malheur occupation helps to reveal the follies of ignoring human entanglement with other nonhuman bodies and places.

And yet, we suggest that a “birding” perspective on Malheur also offers a kind of promise for escaping violent and degrading human activities that appear, on the surface, to be “natural” expressions of (masculine) humanity. In bringing into focus nonhuman animal agencies and human-nonhuman interrelatedness, we notice how we are already comingled with birds and other nonhumans. As you read our concluding words, take a moment to glance back at Table 1. Those nonhuman beings lived through the occupation of the Malheur wildlife refuge. They are inescapably connected to Ammon Bundy, to the journalists who wrote about the conflict, and to those who read about and commented on the occupation from miles away. And yet, in all of the human-produced discourse, they are written into the background of the conflict in ways that harm them as much as they harm humans. Anthropocentric discourse offers human subject positions that are built on separation and mastery, and even in “sympathetic” communication about nonhuman animals, the human is easily reduced to an ugly “them” or an impossibly righteous “us,” and the human’s words are heard as being representative of the “left” or the “right.” This is the same kind of language that denies certain people full personhood or insists that oppressive divisions are natural and inevitable.

We are ultimately buoyed by Plec's (2013) hope that developing a robust scholarship of internatural communication might "broaden our critical horizons to include other species and, indeed, other worlds" (p. 2). This kind of broadening is already happening in Environmental Communication scholarship, and we see our "birding" of the Malheur occupation as another example of how to consider other views of human conflicts and human-nonhuman relationships. A birding approach refuses human heroes and villains, and scrambles us and them. We are occupiers. We are birds. We are land. We propose that in employing a "birding" (or "animaling") approach, the critical feminist foundations of posthumanism and CAS can help deepen the critical and ethical contributions of Environmental Communication scholarship by holding on to the emancipatory potential of rethinking human-nonhuman relationships, for the benefit everyone involved. A birding approach suggests that decentering humans is both possible when looking at human-produced discourse and a key technique for producing discourse that resists incorporation into existing discourses of left and right, us and them, pro and con. In the current U.S. political climate, in particular, where land disputes get read within broader binary discourses of "left" and "right," "populating" the discourse with nonhuman actors perhaps offers a kind of resistance to the assimilation of such conflicts into this reductive and destructive human-centered view of the world.

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