### Case

#### Their K is not outside of history but rather also constituted by the current discursive regime, encouraging passivity in the face of power

Zizek 2001

[Slavoj, Still gives a shit, *On Belief (Thinking in Action)*, New York City: Routledge, 2001, 12-3// The ultimate postmodern irony is thus the strange exchange between Europe and Asia: at the very moment when, at the level of the "economic infrastructure," "European" technology and capitalism are triumphing world-wide, at the level of "ideological superstructure," the Judeo-Christian legacy is threatened in the European space itself by the onslaught of the New Age "Asiatic" thought, which, in its different guises, from the "Western Buddhism" (today's counterpoint to Western Marxism, as opposed to the "Asiatic" Marxism-Leninism) to different "Taos;" is establishing itself as the hegemonic ideology of global capitalism.6

Therein resides the highest speculative identity of the opposites in today's global civilization: although "Western Buddhism" presents itself as the remedy against the stressful tension of the capitalist dynamics, allowing us to uncouple and retain inner peace and Gelassenheit, it actually functions as its perfect ideological supplement. One should mention here the well-known topic of "future shock," i.e. of how, today, people are no longer psychologically able to cope with the dazzling rhythm of technological development and the social changes that accompany it - things simply move too fast. Before one can accustom oneself to an invention, it is already supplanted by a new one, so that more and more one lacks the most elementary "cognitive mapping."

 The recourse to Taoism or Buddhism offers a way out of this predicament which definitely works better than the desperate escape into old traditions: instead of trying to cope with the accelerating rhythm of technological progress and social changes, one should rather renounce the very endeavor ~ retain control over what goes on, rejecting it as the expression of the modern logic of domination - one should, instead, "let oneself go," drift along, while retaining an inner distance and indifference towards the mad dance of this accelerated process, a distance based on the insight that all this social and technological upheaval is ultimately just a non-substantial proliferation of semblances which do not really cncern the innermost kernel of our being . . . One is almost tempted to resuscitate here the old infamous Marxist cliché of religion as the "opium of the people," as the imaginary supplement of the terrestrial misery: the "Western Buddhist" meditative stance is arguably the most efficient way, for us, to fully participate in the capitalist dynamic while retaining the appearance of mental sanity. If Max Weber were alive today, he would definitely write a second, supplementary, volume to his Protestant Ethic, entitled The Taoist Ethic and the Spirit of Global Capitalism.7

#### Eastern mysticism is a fetish whose inward focus allows the subject to better participate in hegemony and prevents external politicization

Zizek 2001 [Slavoj, Still gives a shit, *On Belief (Thinking in Action)*, New York City: Routledge, 2001, 13-5/

####  "Western Buddhism" thus perfectly fits the fetishist mode of ideology in our allegedly "post-ideological" era, as opposed to its traditional symptomal mode, in which the ideological lie which structures our perception of reality is threatened by symptoms qua "returns of the repressed," cracks in the fabric of the ideological lie. Fetish is effectively a kind of inverse of the symptom. That is to say, the symptom is the exception which disturbs the surface of the false appearance, the point at which the repressed Other Scene erupts, while fetish is the embodiment of the Lie which enables us to sustain the unbearable truth. Let us take the case of the death of a beloved person: in the case of a symptom, I "repress" this death, I try not to think about it, but the repressed trauma returns in the symptom; in the case of a fetish, on the contrary, I "rationally" fully accept this death, and yet I cling to the fetish, to some feature that embodies for me the disavowal of this death. In this sense, a fetish can play a very constructive role in allowing us to cope with the harsh reality: fetishists are not dreamers lost in their private worlds, they are thoroughly "realists," able to accept the way things effectively are - since they have their fetish to which they can cling in order to cancel the full impact of reality. In Nevil Shute's World War II melodramatic novel Requiem For a WREN, the heroine survives her lover's death without any visible traumas, she goes on with her life and is even able to talk rationally about the lover's death - because she still has the dog who was the lover's favored pet. When, some time after, the dog is accidentally run over by a truck, she collapses and her entire world disintegrates. In this precise sense, money is for Marx a fetish~ I pretend to be a rational, utilitarian subject, well aware how things truly stand - but I embody my disavowed belief in the money-fetish . . . Sometimes, the line between the two is almost indiscernible: an object can function as the symptom (of a repressed desire) and almost simultaneously as a fetish (embodying the belief which we officially renounce). For instance, a relic of the dead person, a piece of his/her clothing, can function as a fetish (in it, the dead person magically continues to live) and as a symptom (the disturbing detail that brings to mind his/her death). Is this ambiguous tension not homologous to that between the phobic and the fetishist object? The structural role is in both cases the same: if this exceptional element is disturbed, the whole system collapses. Not only does the subject's false universe collapse if he is forced to confront the meaning of his symptom; the opposite also holds, i.e. the subject's "rational" acceptance of the way things are dissolves when his fetish is taken away from him. So, when we are bombarded by claims that in our post-ideological cynical era nobody believes in the proclaimed ideals, when we encounter a person who claims he is cured of any beliefs, accepting social reality the way it really is, one should always counter such claims with the question: OK, but where is the fetish which enables you to (pretend to) accept reality "the way it is"? "Western Buddhism" is such a fetish: it enables you to fully participate in the frantic pace of the capitalist game while sustaining the perception that you are not really in it, that you are well aware how worthless this spectacle is – what really matters to you is the peace of the inner Self to which you know you can always withdraw... (In a further specification, one should note that fetish can function in two opposite ways: either its role remains unconscious - as in the case of Shute's heroine who was unaware of the fetish-role of the dog - or you think that the fetish is that which really matters, as in the case of a Western Buddhist unaware that the "truth" of his existence is the social involvment which he tends to dismiss as a mere game.)

### 1st off

#### And the status quo model of the PTC locks out tribes from the ability to participate in clean energy because they are a non-taxable entity- the plan’s producer payment makes tribes eligible

Masterson 10

[Crystal, Third-year student, University of Oklahoma College of Law, “WIND-ENERGY VENTURES IN INDIAN COUNTRY: FASHIONING A FUNCTIONAL PARADIGM”, American Indian Law Review //wyo-tjc]

The federal production tax credit (PTC) 134 is the single most important incentive for developing an economically viable renewable-energy facility. 135 Without the PTC, wind-energy projects in the United States "would not be economically viable" under the current regulatory framework. 136 The PTC provides a per-kilowatt-hour tax credit for electricity derived from renewable resources for the first ten years of a renewable- energy facility's operation. 137 The current per-kilowatt-hour credit is set at 2.1 cents, 138 and "[f]or a taxpayer with a positive tax liability, the electricity production credit is equivalent to a subsidy that pays the taxpayer for each kilowatt-hour of electricity produced in addition to the price at which the producer sells the electricity." 139 The owner therefore profits from the funds received through the tax credits as well as from the income generated through electricity sales. Standing alone, the economic impact of the PTC is remarkable-a relatively small thirty-megawatt wind farm generates more than $ 1.6 million per year in tax credits. 140 Estimates suggest the PTC has the potential to add as much as seventeen percent to the profitability of a wind-energy project. 141 In order to take advantage of the tax credits, "the owner must have a large, steady tax liability from non-wind operations that they can offset with the PTC [\*335] credits." 142 This fact can prove doubly troublesome for tribal wind-farm owners. First, tribes are non-taxable entities, making them ineligible to receive the PTC. 143 Second, even if the tribes hypothetically were able to take advantage of the tax credits through some particular government agreement, the impoverished reality of many tribes 144 could preclude them from having the necessary substantial tax liability through alternative tribal commerce to make realistic and effective use of the tax credits. 145 The inapplicability of the tax credits to tribal entities thus prevents them from independently participating in the renewable-energy industry as currently structured. 146

#### The alternative fails in the context of the electricity markets- corporate energy powerhouses will unleash a wave of resources to utterly crush public support for localization of power. Only policy initiatives that strategically subvert market logic can create a basis for change

Hess 11

[David J., a professor of sociology at Vanderbilt University, associate director of the Vanderbilt Institute for Energy and Environment, director of tEnvironmental and Sustainability Studies, and director of undergraduate studies for sociology, Antipode, “Electricity Transformed: Neoliberalism and Local Energy in the United States”, p. asp//wyo-tjc]

There were many responses both in California and in other states to the dramatic power crisis of 2000 and 2001, but I will focus here on the implications for organizational innovation that challenged the existing order of market domination by large energy corporations such as the IOUs [investor owned utilities]. One example is the attempt by San Franciscans to municipalize their electricity in response to public anger. Given the generally progressive politics of the city, the “socialist” connotations of municipalization posed less of a framing threat than municipalization efforts faced in other areas. However, the IOU invested millions of dollars to defeat the ballot propositions, and despite grassroots mobilization, the advocates of municipalization lost. A series of other ballot measures was introduced, and in 2008 proponents of clean energy and municipalization introduced Proposition H, a ballot initiative that called for the development of a plan that would enable the city to have 100% clean energy by 2040 and would assess municipalization (Hess 2005). The utility spent $10 million, a rate of 160 to one, and led the defeat of the proposition (SF Clean Energy 2008). Although the effort to municipalize electricity was not successful, some of the other efforts throughout the country have been successful, even when opposed by the IOUs [investor owned utilities]. According to the American Public Power Association, there were 16 successful municipalizations roughly since 1998 and 72 since 1978 (American Public Power Association 2008). However, because some public power organizations also were privatized, there may have been a net loss of municipally owned electricity systems (Bradshaw 2002, cited in Heiman and Solomon 2004).

The efforts to municipalize electricity represent a return to a previous wave of local public ownership as a mechanism to confront monopoly power and corruption, but in the late twentieth century the monopoly power was organized at a higher level of scale and therefore had greater financial and political resources available to resist municipalization. When successful, public ownership of electricity distribution (and in some cases generation and transmission as well) would offer long-term benefits both to the city government and to electricity consumers. However, the transition can include the costs of well-funded campaigns against municipalization by the IOUs [investor owned utilities] and subsequent litigation expenses. Furthermore, even where the municipalization campaigns are politically and legally successful, local governments face the steep costs of financing the transition and developing the expertise to run a comprehensive system of electricity distribution as well as, in some cases, generation and transmission.

In a few states an alternative has emerged that has the redistributive goals associated with public ownership but lacks some of the drawbacks of public ownership: community choice. Pioneered in Massachusetts shortly after electricity restructuring went into effect, community choice programs have been implemented in various places, among which the most well-known are the Cape Light Compact, a consortium of towns on Cape Cod, and NOPEC, the Northeast Ohio Public Energy Council. Community choice allows the local government to aggregate all customers, usually with an opt-out clause, and bid the aggregation of customers to electricity service providers. State-level legislation potentially allows communities to determine the energy mix and to negotiate a price, but without undergoing the expense, electoral battles, litigation, and steep learning curve involved in municipalization. Where the negotiations are successful, the redistributive intent of community choice can be realized in lower retail electricity prices for consumers, especially small businesses and residences that otherwise lack bargaining power. In the Cape Cod group, the aggregation also engaged in energy conservation work supported by a small surcharge on consumers’ electricity bills. In the case of NOPEC, the consortium originally negotiated a contract that brought both substantial energy savings and a significant reduction in greenhouse gases due to a shift away from coal generation. Later it faced and, as of 2009, won a pitched battle with the IOU to maintain its right to aggregate customers (Littlechild 2008; Northeast Ohio Public Energy Council 2009).

In the terminology developed above, public power involves a revival of early twentieth-century local socialism, whereas community choice might as a first approximation be characterized as redistributive neoliberalism. The very phrase “community choice” suggests three elements that Guthman (2008) has identified as characteristic of neoliberal politics: choice, localism, and the use of market mechanisms to solve political problems. However, one has to be careful with taking political slogans at face value. Based on my interviews, I believe the terms were carefully chosen to make the redistributive politics more palatable across political divisions, thereby neutralizing potential framing of “community choice” by opponents as progressive social liberalism while also appealing to the redistributive politics of progressive social liberals. As a result, it is more accurate to describe community choice aggregation as a reform movement that operates overtly as a form of redistributive politics but also shifts across a continuum of neoliberal and social liberal politics. In effect a consumer union, the aggregated community is in a much better position to negotiate a better price, thus transferring some of the profits of the IOUs [investor owned utilities] to the customers, including the smaller customers that generally lack market power. Furthermore, the community choice unit can also determine the extent and pace of its transition to green power, and in some cases it can exceed the targets of state government renewable portfolio standards. Unfortunately, the two goals of lower price and more rapid transition to green power are not always compatible, so cities may be forced to make difficult choices (Jamison 2009).

I used the phrase “first approximation” for the description of community choice as redistributive neoliberalism because there are other political currents also at play. In San Francisco one of the ballot propositions granted the city government the authority to issue a municipal revenue bond that would enable the city to fund the construction of solar and wind energy, as well as conservation and distributed energy. When implemented, the project could supply about half of the city's average load. In other words, the city would own a large portion of its electricity generation, but transmission and distribution would remain in the hands of the IOU. This development is interesting because it would have the electricity service provider build the new generation capacity and administer conservation programs as part of the community choice contract. As a result, the mechanism of electricity market restructuring would become a vehicle for the construction of municipally owned electricity generation capacity, which also would mark a significant transition toward green energy. In terms of the typology of underlying political ideologies, the arrangement comprises a hybrid of local socialism (municipally owned generation), state-level social liberalism (a regulated utility and state-government legislation that defines community choice arrangements), and redistributive neoliberalism (under a contract that is negotiated in a competitive bid). However, the model remains untested, and given the credit market risks, as of 2009 the San Francisco experiment had yet to be initiated (Jamison 2009; Witherell and Redmond 2009).

There are other ways to achieve local ownership of energy (generally renewable energy) than through a municipal revenue bond. For example, municipal electricity organizations have used voluntary green pricing on the customer's municipal electricity bill to finance the construction of wind turbines owned by the city government (American Wind Energy Association 1999). In terms of the typology developed above, green pricing arrangements are an example of the ethical markets of redistributive neoliberalism that have been enabled by wholesale competition in electricity markets. In this case, environmentally concerned customers pay a voluntary tax that, in theory, supports a marginal increase in green power generation that is locally and publicly owned. Again, what might first appear to be a neoliberal policy (a voluntary green tax) is associated with local public ownership.

Similar policies can also be associated with collective private ownership. For example, in Ellensburg, Washington, electricity customers may buy shares in a solar array and receive a proportional reduction on their electricity bill (Asmus 2008). When shareholders move, they may donate the share to a nonprofit organization (redistributive neoliberalism), add the value of the shares to the price of the house, or sell the shares back to the host utility. Likewise, although the rural energy cooperatives have resisted state-government renewable portfolio standards because of their potential to result in price increases (Heiman and Solomon 2004), farmers and rural cooperatives have shown growing interest in building wind generation that they own collectively (Mazza 2008). These two examples suggest ways in which collective ownership, either via a city government or a cooperative, has been connected with locally owned, renewable energy.

#### Our advocacy represents a reversal of status quo logic that forces us and the state to not only confront its fear losing control, but also creating a metaphoric condensation that rhetorically questions our politics proper of what democracy assistance looks like.

Zizek 99

(Slavoj, Senior researcher at the Institute for Social Studies in Ljubjana, The Ticklish Subject, 1999, pg. 207-209)
Are we then, condemned to the debilitating alternative of choosing between a knave and a fool, or is there a tertium datur? Perhaps the contours of this tertium datur can be discerned via reference to the fundamental European legacy. When one says 'European legacy', every self-respecting leftist intellectual has the same reaction as Joseph Goebbels had to culture as such: he reaches for his gun and starts to fire accusations of proto-Fascist Eurocentrist cultural imperialism.... Is it possible, however, to imagine a leftist appropriation of the European political tradition? Yes, if we follow Ranciere and identify as the core of this tradition the unique gesture of democratic political subjectivization: it was this politicization proper which re-emerged violently in the disintegration of Eastern European Socialism. From my own political past, I remember how, after four journalists were arrested and brought to trial by the Yugoslav Army in Slovenia in 1988, 1 participated in the 'Committee for the protection of the human rights of the four accused'. Officially, the goal of the Committee was simply to guarantee fair treatment for the four accused; however, the Committee turned into the major oppositional political force, practically the Slovene version of the Czech Civic Forum or East German Neues Forum, the body which co-ordinated democratic opposition, a de facto representative of civil society.

/ The Committee's programme consisted of four items; the first three directly concerned the accused, while the 'devil in the detail', of course, was the fourth item, which said that the Committee wanted to clarify the entire background of the arrest of the four accused, and thus contribute to creating circumstances in which such arrests would no longer be possible – a coded way of saying that we wanted the abolition of the existing Socialist regime. Our demand 'Justice for the four accused!' started to function as the metaphoric condensation of the demand for the global overthrow of the Socialist regime. For that reason, in almost daily negotiations with the Committee, Communist Party officials were always accusing us of a 'hidden agenda', claiming that the liberation of the four accused was not our true goal – that we were 'exploiting and manipulating the arrest and trial for other, darker political goals'. In short, the Communists wanted to play the 'rational' depoliticized game: they wanted to deprive the slogan 'Justice for the four accused!' of its explosive general connotation, and reduce it to its literal meaning, which concerned just a minor legal matter; they cynically claimed that it was we, the Committee, who were behaving 'non-democratically' and manipulating the fate of the accused, using global pressure and blackmailing strategies instead of focusing on the particular problem of their plight. This is politics proper: the moment in which a particular demand is not simply part of the negotiation of interests but aims at something more, and starts to function as the metaphoric condensation of the global restructuring of the entire social space. There is a clear contrast between this subjectivization and today's proliferation of postmodern 'identity politics' whose goal is the exact opposite, that is, precisely the assertion of one's particular identity, of one's proper place within the social structure. The postmodern identity politics of particular (ethnic, sexual, etc.) lifestyles perfectly fits the depoliticized notion of society, in which every particular group is 'accounted for', has its specific status (of victim) acknowledged through affirmative action or other measures destined to guarantee social justice. The fact that this kind of justice meted out to victimized minorities requires an intricate police apparatus (for identifying the group in question, for punishing offenders against its rights – how legally to define sexual harassment or racial injury?, and so on – for providing the preferential treatment which should compensate for the wrong this group has suffered) is deeply significant: what is usually praised as 'postmodern politics' (the pursuit of particular issues whose resolution must be negotiated within the 'rational' global order allocating its particular component its proper place) is thus effectively the end of politics proper.

#### Perm solves: understanding the complexity of energy requires us to combine different perspectives to render possible the best possible solution.

O’Neill-Carrillo et al 12

(E., H.R. Zamot, M. Hernandez, A.A. Irizarry-Rivera and L.O. Jimenez-Rodriguez, O’Neill-Carrillo is with the University of Puerto Rico-Mayagüez (UPRM), Electrical and Computer Engineering Department, Zamot and Hernandez were graduate students at UPRM, Irizarry-Rivera and Jimenez-Rodriguez are with UPRM, Electrical and Computer Engineering Department, “Beyond Traditional Power Systems: Energy Externalities, Ethics and Society,” May 2012, <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=6228003&tag=1//wyo-mm>)

As we discover more and more the complexity of some realities, we realize that the perspective of one sole discipline is not enough to describe a situation, explain the causes or solve problems. A problem as complex as the global dependence on non-renewable energy sources and its social an environmental impacts requires to be analyzed and understood from different perspectives. These different perspectives are what some scholars call “horizons” (suggests a superior vision of a higher universality from which an interpreter overcomes his particularities, enabling the interpreter to “see” better in a larger whole [21]), “mentality” [22] or “mental situations” from where we retrieve different although complementary understanding of an event, situation or problem. In terms of disciplines, the global dependence on non-renewable energy sources must be analyzed and studied from different horizons, mentalities or perspectives, e.g., engineering-technology, economics, sociology, ecology, politics, etc. However, the perspectives are not reduced to academic disciplines. There are perspectives or mentalities related to personal or social goals, interests and values grounded in the ordinary life of the different stakeholders living in different and perhaps conflicting socio-economical situations. Consider, for example, the differences between the perspective brought by a poor community that requires some infrastructure to promote their development, the perspective brought by an industry and the perspective brought by ecologists about the impact to the environment. The challenge is how to articulate and integrate these different mental horizons with the objective of developing concrete public policies. Currently, our main objective is to study the foundations that render possible productive dialogues, interactions, articulation and integration between researchers, engineers, public policy makers and stakeholders. This work involves research on the diversity of ideas, values and disciplinary perspectives that may contribute in the development of modern sustainable infrastructure solutions and a shared responsibility with respect to the environment and future generations. There are a series of issues that makes that articulation and integration very difficult: each discipline studies different aspects of the same problems from different systems of reference, there are differences of languages, different methods and different objectives. For that reason we require mediation between these perspectives and mentalities. We consider that ethics can play the role of mediation across multiple disciplines, values and mentalities. For us, following the Belgium philosopher and mathematician Jean Ladrière, ethics is inscribed in the structure of the human existence, decisions, actions and their achievement [23]. The objective of ethics is the construction of a world authentically human and reasonable [24]. Ethics should inspire us to seek a human, social and global project that is reasonable, responsible and in solidarity with the environment. Consequently, it is a form of life that seeks to achieve human and social existence through concrete decisions and actions in concrete situations with norms that have universal pretension. For example, Hans Jonas’ imperative: that there be a humankind. This means that our actions should not harm the conditions that render possible the existence of our human species [25].

#### Wilderson is wrong, reductionist, and essentialist

Ellison 11 (Mary, PhD, Fellow, African American and Indian American history and culture, Keele University, “Review of: Red, White and Black: cinema and the structure of US antagonisms”

[http://rac.sagepub.com/content/53/2/100.full.pdf+html?rss=1, Acc](http://rac.sagepub.com/content/53/2/100.full.pdf%2Bhtml?rss=1,%20Acc): 8/5/12, og)

These are two illuminating, but frustratingly flawed books. Their approaches are different, although both frequently quote Frantz Fanon and Jacques Lacan. Frank Wilderson utilises the iconic theoreticians within the context of a study that concentrates on a conceptual ideology that, he claims, is based on a fusion of Marxism, feminism, postcolonialism and psychology. He uses a small number of independent films to illustrate his theories. Charlene Regester has a more practical framework. She divides her book into nine chapters devoted to individual female actors and then weaves her ideological concepts into these specific chapters. Both have a problem with clarity. Regester uses less complex language than Wilderson, but still manages to be obtuse at times. Wilderson starts from a position of using ontology and grammar as his main tools, but manages to consistently misuse or misappropriate terms like fungible or fungibility. Wilderson writes as an intelligent and challenging author, but is often frustrating. Although his language is complicated, his concepts are often oversimplified. He envisions every black person in film as a slave who is suffering from irreparable alienation from any meaningful sense of cultural identity. He believes that filmmakers, including black filmmakers, are victims of a deprivation of meaning that has been condensed by Jacques Lacan as a ‘wall of language’ as well as an inability to create a clear voice in the face of gratuitous violence. He cites Frantz Fanon, Orlando Patterson and Hortense Spiller as being among those theorists who effectively investigate the issues of black structural non-communicability. His own attempts to define ‘what is black?’, ‘a subject?’, ‘an object?’, ‘a slave?’, seem bound up with limiting preconceptions, and he evaluates neither blackness nor the ‘red’ that is part of his title in any truly meaningful way.

**Wilderson offers no alternative to ontological death, it is impossible to be solved for because you can’t directly engage it.**

**Maty Ba, 11**

SAËR MATY BÂ, teaches film at Portsmouth University, September 2011 "The US Decentred: From Black Social Death to Cultural Transformation" book review of Red, Black & White: Cinema and the Structure of US Antagonisms and Mama Africa: Reinventing Blackness in Bahia, Cultural Studies Review volume 17 number 2 http://epress.lib.uts.edu.au/journals/index.php/csrj/index pp. 381–91 ,WYO/JF

**Red, White and Black is** particularly **undermined by Wilderson’s propensity for exaggeration and blinkeredness.** In chapter nine, ‘“Savage” Negrophobia’, **he writes**: The philosophical anxiety of Skins is all too aware that through the Middle Passage, African culture became Black ‘style’ ... **Blackness can be placed and displaced with limitless frequency** and across untold territories, by whoever so chooses. Most important, **there is nothing real Black people can do to either check or direct this process** ... Anyone can say ‘nigger’ because anyone can be a ‘nigger’. (235)7 Similarly, in chapter ten, ‘A Crisis in the Commons’, Wilderson addresses the issue of ‘Black time’. Black is irredeemable, he argues, because, at no time in history had it been deemed, or deemed through the right historical moment and place. In other words, the black moment and place are not right because they are ‘the ship hold of the Middle Passage’: ‘the most coherent temporality ever deemed as Black time’ but also ‘the “moment” of no time at all on the map of no place at all’. (279) Not only does Pinho’s more mature analysis expose this point as preposterous (see below), **I also wonder what Wilderson makes of** the **countless historians’ and sociologists’ works on slave ships, shipboard insurrections and/during the Middle Passage,8 or of groundbreaking jazz‐studies books on cross‐cultural dialogue like The Other Side of Nowhere (**2004). Nowhere has another side, **but once Wilderson theorises blacks as socially and ontologically dead while dismissing jazz as ‘belonging nowhere and to no one, simply there for the taking’, (225) there seems to be no way back**. It is therefore hardly surprising that **Wilderson ducks the need to provide a solution or alternative to both his sustained bashing of blacks and anti‐ Blackness**.9 Last but not least, Red, White and Black ends like a badly plugged announcement of a bad Hollywood film’s badly planned sequel: ‘How does one deconstruct life? Who would benefit from such an undertaking? The coffle approaches with its answers in tow.’ (340)

#### The plan removes the key barrier to tribal sovereignty, which is their ability to throw off the yoke of corporate hegemony by giving them access to capital to build wind on their own

Masterson 10

[Crystal, Third-year student, University of Oklahoma College of Law, “WIND-ENERGY VENTURES IN INDIAN COUNTRY: FASHIONING A FUNCTIONAL PARADIGM”, American Indian Law Review //wyo-tjc]

Since the time of European settlement, Native American tribes have fought for their sovereignty. 147 As a result, it is only natural that they would desire control over their own business ventures. Allowing tribal entities to develop and own wind-energy projects gives them more control over their resources, thereby effectively increasing tribal sovereignty. 148 The most effective way for tribes to control wind-energy development on their land is to develop the wind projects as a tribal enterprise. 149 Although this may be the ideal situation, it does not comport with present reality, as most large-scale resource development remains under the management of non-Indian companies entering into leases and other agreements with tribes. 150 Given the current [\*336] infrastructure, these agreements are necessary because tribes currently have neither the capital necessary to finance such costly projects nor the ability to employ the indispensible tax credits available to taxable entities. 151 Concerns about tribal sovereignty can be problematic both for the tribes themselves and the private investors in the renewable-energy projects. Because tribes are likely to desire control of the project, it may engender tension between the tribe and the investors, both of whom may expect to have decision-making authority- the tribes on account of "owning" the land that hosts the projects and the investors on account of the capital they provide: From the outset, tribes and investors need to have a mutual understanding of the unique issues present, most notably, the tribal independence that is potentially curbed through influence from a non-tribal investor working to maximize their [sic] own interest in the project. This dichotomy between the two entities can create a more complicated dual ownership structure that must be identified and addressed by the parties involved from the project's inception. 152 A further concern stemming from these joint business ventures is the question of how disputes will be resolved. 153 "[P]rinciples of sovereign immunity can complicate legal issues that may arise should private investors and a tribe disagree on some aspect of a wind facility's construction or operation." 154 The question of whether the tribal, state, or federal courts "will ultimately have jurisdiction to resolve dispute[s]" holds particular importance. 155 Though the precise jurisdictional determination is outside the scope of this comment, the question remains an important consideration for tribes and private investors seeking to form a renewable-energy- project partnership.

#### Federal action is key to tribal autonomy- otherwise they have to partner with neocolonial corporations

Masterson 10

[Crystal, Third-year student, University of Oklahoma College of Law, “WIND-ENERGY VENTURES IN INDIAN COUNTRY: FASHIONING A FUNCTIONAL PARADIGM”, American Indian Law Review //wyo-tjc]

The typical cost of installing one megawatt of turbine capacity requires approximately $ 2 million in capital. 105 Recognizing that a common size for a wind project includes one hundred megawatts of capacity, the preliminary cost [\*331] of establishing a wind project is formidable. 106 Although the initial investment represents almost the entirety of the necessary funding (because a wind farm requires little in the way of maintenance costs and no fuel costs), 107 Indian communities do not have such sizeable capital reserves at their disposal. 108 As a result, they are forced to seek out private investors in order to proceed, an action that can spawn further problems for tribes desiring more managerial control than financing sponsors might be willing to allow. The initial costs of launching a wind project include turbines, construction and interconnection fees, metering equipment, maintenance, and any consulting services used. 109 While the enormous cost of the turbine itself is prohibitive, factoring in these additional expenditures 110 places potential wind projects even further from the practical reach of tribal entities. Also, because tribal lands are typically situated in remote places far from access to high-capacity utility transmission lines, tribal wind projects compel the added expense of constructing new connective infrastructure. 111 Bearing in mind that transmission lines can cost more than one hundred thousand dollars per mile, 112 tribal wind ventures appear exorbitantly expensive. As a result of a lack of tribal access to capital, tribes will remain unable singlehandedly to finance renewable-energy projects without the assistance of private investors or the federal government, both of which evoke sovereignty concerns. 113

#### Wind development isn’t a back-door for federal control—it’s a unique opportunity to establish their sovereignty

Masterson 10

[Crystal, Third-year student, University of Oklahoma College of Law, “WIND-ENERGY VENTURES IN INDIAN COUNTRY: FASHIONING A FUNCTIONAL PARADIGM”, American Indian Law Review //wyo-tjc]

The appeal of constructing a wind farm on tribal lands is bolstered by the fact that "tribes constitute sovereign governments within the federal system," making it possible for them to evade onerous zoning restrictions mandated by local governments. 87 As a component of their inherent sovereignty, tribal governments have the authority to craft their own regulations. 88 This benefits all parties to a wind transaction, because not only are they exempt from local or state regulation, but their sovereign status also allows them to bypass many federal guidelines and procedures customarily imposing "complexity and delay" on industrial projects. 89 Where a wind-energy project is erected in Indian Country and tribally managed, modern case law suggests that "the scale will likely tip in favor of preserving tribal sovereignty and not subjecting such project to federal regulations." 90 In some instances, tribes have even succeeded in gaining complete regulatory control over environmental matters for utilities built on their lands, allowing for the circumvention of further arduous administrative constraints. 91 The federal government's hands-off approach suggests to private investors that investing in tribal wind projects in Indian Country lessens "the nuisance of government intervention." 92