# 1AC

#### The current mode of renewables production simply tries to create a greened version of economic colonialism by large, absentee corporations. Creating local ownership stakes in wind power is essential to destroy the old paradigm and foster a transition towards embracing small-scale, renewable electricity production\*\*

Farrell 11

[John, directs the Energy Self-Reliant States and Communities program at the Institute for Local Self-Reliance, “Democratizing the Electricity System: A Vision for the 21st Century Grid”, June, p. <http://atcscam.homestead.com/democratizing-electricity-system.pdf> //wyo-tjc]

While technology has helped change the economics of electricity production (in favor of renewables and distributed generation), this new dynamic can as easily be controlled by the incumbent utilities as the old paradigm of centralized fossil fuel power generation. The cornerstone of the distributed generation revolution is its potential democratizing influence on the electric grid, the opportunity unlocked for local ownership and the coincident political support for more renewable energy. In no place is that clearer than in the public support for renewable energy. An increasing number of renewable energy projects (primarily wind, but also large-scale solar) have met with resistance from local residents or environmentalists. Centralized, remote generation might seem to avoid NIMBY issues by placing wind turbines or solar power plants far from population centers; but in practice, there have been opponents to these projects as well. Large power plants raise questions about environmental impact from creature habitat to water consumption. Power from distant plants must be transmitted over high-voltage transmission lines to get to load centers without significant losses, and such lines are built only at great ratepayer expense, over many years, and with the taking of land with eminent domain. Some folks just hate the look of power plants, regardless of their sustainable nature. Resistance has been organized enough to win restrictive state siting policies (e.g. wind policy in Wisconsin) or to coordinate environmental advocacy organizations to oppose solar power plants on undeveloped desert lands. In some cases, resistance takes on the strange aspect of “wind turbine syndrome,” or other mysterious illnesses. At the heart of the matter, citizens rightly see renewable energy as different, and find it frustrating to see new, widely available resources like sun and wind developed under the old, centralized paradigm and owned by the usual suspects. In a recent study by the ever-methodical Europeans, they found that opponents to new wind and solar power have two key desires: “people want to avoid environmental and personal harm” and they also want to “share in the economic benefits of their local renewable energy resources.”32 It’s not that people are made physically ill by new renewable energy projects. Rather, they are sick and tired of seeing the economic benefits of their local wind and sun leaving their community. Such opposition is perfectly rational, since investments in renewable energy can be quite lucrative (private developers and their equity partners routinely seek 10% return on investment or higher). And the economic benefits of local ownership far outweigh the economic colonialism of absentee owners profiting from local renewable energy resources. Additionally, when projects are absentee owned, local residents see little to no economic advantage to offset their concerns about health or the environment. It’s not just centralized renewable energy projects facing opposition; distributed generation (DG) can also face resistance. While DG projects are of a more modest scale than centralized power generation, they also reside closer to actual electricity demand; thus, they are closer to population centers. For solar, this is largely a non-issue, because it can be easily installed on rooftops or other existing structures. Similarly, other technologies like geothermal or even natural gas generate little hostility from locals. On the other hand, for wind power there’s little distinction between a 30 MW and 300 MW project, because all the turbines are the same size. A distributed wind project will place very large turbines close to population centers and wind projects of all sizes have met with stiffer resistance. For both centralized and distributed generation, local ownership becomes the key to unlocking local support. For example, the following chart illustrates the local support for wind power in two German towns, Nossen and Zschadraß. With local ownership of the wind project, 45% of residents had a positive view toward more wind energy (Zschadraß). In the town with an absentee-owned project (Nossen), only 16% of residents had a positive view of expanding wind power; a majority had a negative view. By unlocking economic opportunity, distributed generation and local ownership of renewable energy create a positive feedback loop for more investment in renewable energy.

#### Passive income rules and tax-based incentives strangle community wind by precluding them from the largest source of capital AND gives investment banks and corporations massive leverage over energy costs, bleeding public offers dry.

Farrell 11

[John, directs the Energy Self-Reliant States and Communities program at the Institute for Local Self-Reliance, “Democratizing the Electricity System: A Vision for the 21st Century Grid”, June, p. <http://atcscam.homestead.com/democratizing-electricity-system.pdf> //wyo-tjc]

There are many ways federal incentives for renewable energy have been biased toward large, absentee owned centralized power generation. One of the most pervasive is evident in the two major incentives for renewable energy production: the Production Tax Credit (PTC) and Investment Tax Credit (ITC). The PTC provides a 2.1 cent per kWh incentive for several renewable technologies over 10 years. The ITC provides an up-front 30% tax credit to defray project capital costs. Both federal tax incentives require the renewable energy producer to have sufficient tax liability to absorb the credit. The use of tax credits for incentives eliminates any non-taxable entity from access to the incentive, including municipal or county governments, tribal entities, non-profit organizations, and cooperatives. In the case of wind power, the limitations on access are particularly profound because each investor in a wind project must either have “passive income” to apply the credit against or be materially involved in the day-to-day operation of the project. This limitation is particularly onerous for wind projects with many owners, such as cooperatively- or community-owned projects.85 For solar, the use of tax credits is particularly onerous for homeowners. As many as half of American households do not have sufficient tax liability to absorb the federal solar tax credit before it expires.86 These households could go solar, but only at a higher price than those who can use the credit. In other words, those with money and income can go solar, while the rest of us stay in the “dark” ages. In addition to limiting participation in renewable energy development, the federal tax incentives also make renewable energy more expensive than alternative incentive strategies.87 Providing incentives through the tax code forces project developers to partner with “tax equity investors” such as large investment banks. These banks want a return on their investment, so they add cost to the project, costs that are passed on to ratepayers (and also come out of the pockets of taxpayers). Additionally, the number of such tax equity investors is limited, both constricting the total market and allowing them to set their own price. A recent study found that a cash grant (as was enacted as part of the federal economic stimulus package) could provide the same impact on project finances at half the cost to the government and taxpayers.88 Tax credits have also provided an opportunity for financing hijinks. Banks who finance leased residential solar PV projects have taken advantage of rules allowing them to substitute the “fair market value” of the installation rather than the actual project cost. The cost inflation is as high as $4.00 per Watt and can cause million of dollars in overpayments of federal tax credits to bankers.89

#### Because energy conglomerates and big corporations control the energy sector, they ensure the occlusion of innovative, decentralized energy because it threatens its power structure.

O'Leary 08

(Brian, former astronaut, Cornell professor, physics faculty member at Princeton University and visiting faculty member in technology assessment at the University of California Berkeley School of Law, Mo Udall's energy advisor and speechwriter during his 1975 Presidential campaign, author, AAAS Fellow, World Innovation Foundation Fellow, NASA group achievement award recipient, and founder of the New Energy Movement, The Energy Solution Revolution, Chapter 2. “Who’s Doing the Suppressing?” October 1, 2008, Pgs 28-29//wyo-mm)

The ecologists are right: how could anyone trust the energy establishment to manage new energy? How could we simply stand by while corporate profit-centers decide for us whether to go with coal, oil, gas, tar sands, oil shale, nuclear power, solar, wind, biofuels, hydrogen, fuel cells, etc. The bottom line is that breakthrough energy does not appeal to big business because of its simplicity, cheapness, renewability, and decentralized nature. I wholeheartedly agree with the progressive greens’ critique, and support strong action against our current practices, for example Monbiot’s brilliant suggestion to leave the oil, coal, etc. in the ground. Yes! But he only solves half the problem—letting go of what we don’t want. But what do we want in its place? What’s next? Overcoming the lack of awareness of the possibility of clean and abundant solutions, especially among those who correctly see a crisis in search of answers, is a thread that will run throughout this book. Common sense dictates a strong disgust with the American government’s mandate not to reduce its emissions just to feed the appetite of the energy and war industry’s thirst for ever-more business, power and influence. Most environmentalists and I can also demonstrate that many government-and-industry-imposed “cleaner” alternatives such as carbon sequestration at coal plants, spewing particles into the atmosphere, and burning biofuels just to marginally mitigate emissions so we can keep gassing up the billion private vehicles, are very bad ideas. Eating and injecting bad stuff into the biosphere and burning our food, are the crazy notions worthy of a society-gone-mad searching for band-aids. So, too, is a hydrogen fuel cell economy, which can only serve an elite few because of its great expense and its own energy requirements to produce the hydrogen in the first place. Most of the educated world understands that these excesses can only exacerbate rather than reduce global pollution. But is the misappropriation of effort skewed towards the needs of the corporate culture any reason to block promising new possibilities for the rest of us? Why must we accept conventional wisdoms about our energy future, based on the self-interest of industry and government, and at great cost to the rest of us? The news coming from the December 2007 UN Climate Change Conference in Bali is not good. The U.S. and China lead the way away from agreeing to the modest Kyoto emissions reductions, while promoting carbon trading as the only solution to our dilemma. As we shall see, these kinds of neoliberal gimmicks give the biggest polluters the right to burn more, not less, in this world of flush windfall profiteering. We have three communities objecting to breakthrough energy: (1) the powers-that-be, the current energy industry and its cronies in government, combined with a secrecy apparatus that covers up the truth of new energy, while the Pentagon spends bigger budgets and produces more weapons than ever; (2) mainstream scientists and their students, whose interests are best served by defending the familiar old turfs of thermodynamics, nuclear physics, and the denial of the existence of energy from the vacuum of space or from novel catalytic reactions with hydrogen; and (3) most environmentalists who are scared of the potential misuse of new energy and are steeped in the zero-sum game of scarcity, and so deny it on bogus scientific grounds, or they hope the problem will go away. Most of the rest of us remain in ignorance. As one green economist put it, in a new energy future, we would have our skies swarming with personal helicopters like locusts, bigger bulldozers, weed-whackers and power saws...and even more awesome weapons of mass destruction. We don't want that! So this begs the question, how can free energy be regulated? Which applications are benign and which have the potential to do great harm to nature or be abused as weapons or overused by over-consumption? No matter which choices we make for the future, we need to be selective about which ones make the most environmental sense rather than be victims of the winds of corporate and governmental power. We need to consider a wide range of renewable options, ones we will look at in Part III. Where I differ from some of these environmentalists is that we can proceed towards a solution energy age by: (1) carefully selecting those sources which can deliver energy on small scales with no weapons potential, and (2) reasserting public control of our energy choices. Like ordering from a menu at a restaurant, we can select whatever energy system we'd like--in principle.

#### When democracy becomes subsumed by corporations, it causes governmental corruption.

Danaher 03

(Kevin, Insurrection: Citizen Challenges to Corporate Power, INTRODUCTION The Insurrection Against Corporate Power, Pgs 3-4//wyo-mm)

This concentration of economic power means that just a small number of giant businesses possess enormous influence over the everyday aspects of people’s lives. A few oil companies put the gas in our cars, while a clique of auto companies builds the cars that we drive. Our entertainment—films, movies, books, music—is delivered by a handful of conglomerates such as Disney, Sony, Bertelsmann, and AOL/ TimeWarner. The morning newspaper is often produced by a corporation—Gannett, Knight Ridder, or the Washington Post Company—as is the nightly news, which in the case of NBC is courtesy of industrial giant General Electric. A tiny collection of huge food corporations—Nestle, Kraft (owned by tobacco giant Philip Morris), and Archer Daniels Midland—sells us the food that we eat. Companies like Wal-Mart and Gap Inc. provide the clothes we wear. Corporations touch each minute of our waking lives. To be sure, consumer choice and a measure of competition give people some say in the cars available or the clothing styles on hand. But the $450 billion advertising industry ensures that the choices are kept within a permissible range and that success is defined by how much you own. As unsettling as corporate control of our daily routines may be, it is still less pernicious than corporations’ massive influence over our political system. Corporate control over the auto industry may be tolerable; corporate control over democracy is not. The weight of corporate wealth has corrupted our democracy, and it is this corruption that is the most obvious sign of corporate rule. Corporations and government have become so intertwined that it is often difficult to see where one begins and the other ends. At times it seems as if our government is a wholly owned subsidiary of Corporate America.

#### Governmental corruption saps citizen agency, kills value to life and makes social inequality inevitable.

Ionescu et al 12

(Luminiţa, George Lăzăroiu, and Gheorghe Iosif, Ionescu at Academia Romana, Scoala Postodoctorala SPODE, Spiru Haret University, Bucharest, Romania, Lăzăroiu is at Institute of Interdisciplinary Studies in Humanities and Social Studies, New York/ Spiru Haret University, Bucharest, Romania, Iosif is at the Media and Publishing Group "Economic Tribune", Contribution of Services to Economic Development, “Corruption and Bureaucracy in Public Services,” 2012,

http://www.amfiteatrueconomic.ro/temp/Article\_1158.pdf//wyo-mm)

Uslaner states that corruption leads to less trust in other people and to more inequality. Societies are trapped in a cycle of high inequality, low out-group trust, and high corruption. An unfair legal system is one of the key determinants of corruption. The conception of corruption that Uslaner finds most compelling is malfeasance as the absence of transparency. There are plenty of exceptions to treating corruption as violations of transparency. Petty corruption helps a large number of people cope with broken public and private sectors, and does not engender jealousy and mistrust. People make a clear connection between inequity and grand corruption (grand corruption troubles people far more than petty misdeeds). Petty corruption drags ordinary people into the web of dishonesty. High inequality leads to low out-group trust and then to high corruption. The fairness, not the effectiveness, of the legal system shapes corruption. The links from inequality to trust and from trust to corruption are strong. Uslaner shows that corruption leads to public policies that produce better quality of life, stronger market performance, and less inequality. Uslaner presents aggregate portraits of trends in inequality and corruption. Grand corruption leads to social strains and to perceptions of rising inequality. Working from the ground up will not alleviate people’s concerns about corruption. Corruption is part of an inequality trap that saps people of the belief that it is safe to trust others, transfers resources from the mass public to the elites, and is not easy to eradicate if it is largely based upon the distribution of resources and a society’s culture. An unfair legal system is a key determinant of corruption (strong institutions, most notably equal justice for all, play a key role in combating corruption). Uslaner contends that authoritarian governance generally leads to high levels of corruption. Inequality, low trust, and corruption form a vicious cycle. Reducing inequality frees people from being dependent upon corrupt patrons. Corruption rests upon a foundation of strong in-group trust and low out-group trust. Uneven economic development is strongly related to all of the other determinants of corruption. Perceptions of corruption are higher in countries that have higher levels of economic inequality. People perceive a link between corruption and inequality (Uslaner, 2008, pp.5-29). Uslaner says that regulation is a policy choice that affects corruption. Corruption leads to less effective government. Democracy is not the cure-all for corruption. Corruption rests upon a foundation of an unfair legal system. Inequality leads to resentment of out-groups and enhanced in-group identity. An unfair legal system will lead to more corruption. Less bureaucratic red tape is one way to reduce corruption. Corruption rests upon a foundation of inequality. The overall conclusion to be drawn from these and similar observations is that a strong economy is a stimulant to the reduction of corruption. The inequality trap reflects how people think about corruption. The transparency of government decision-making is important for corruption. Uslaner posits that corruption should depend upon trust and policy choices. The effectiveness of government mostly reflects corruption and societal forces. Trust works as the most significant predictor of corruption. The fairness of the legal system shapes corruption through the regulatory regime. Corruption leads to poorer policies and worse social outcomes. People think about corruption as stemming from inequality. Uslaner notes that there are powerful effects for perceptions of corruption in business and in the legal system. People see higher levels of corruption where there is considerable inequality and corruption. Inequality and an unfair legal system are key determinants of corruption. Both corruption and inequality lead to weak states. Corruption leads to state failure and to inadequate public services. Corruption has great effects on government performance on the quality of life and on increasing inequality. Perceptions of corruption may persist even as elites see the world differently. Control over corruption is a sine qua non for rapid and sustained economic growth. Uslaner claims that the most important factors shaping perceptions of corruption are levels of confidence in institutions. States with a weak rule of law are more corrupt. Corruption in the American states reflects longstanding social and economic patterns. Uslaner remarks that the decline of corruption in the Nordic countries has its roots in a more equitable distribution of wealth over a long period of time. Corruption remains high in states with low trust and high levels of inequality. The gains from grand corruption persists even where petty corruption has been greatly reduced. Bad policy can lead to higher levels of corruption. Strong institutions do not emerge from constitutional conventions and often not from anti-corruption commissions (Uslaner, 2008, p.30–249).

#### Additionally, the centralized decision-making of neoliberalist on energy policies regimes normalizes elitist structures that make self-fulfilling prophecies more likely and subsumes deliberation from the public.

Devine-Wright et al 07

(Patrick, edited by Joseph Murphy, Governing Technology for Sustainability, “Chapter 4 Energy Citizenship: Psychological Aspects of Evolution in Sustainable Energy Technologies,” 2007, pg 69//wyo-mm)

In sum, it is suggested that the centralized energy system is embedded within, and has helped produce, a social representation of the ‘energy public’ that is overwhelmingly characterized by deficits: f interest, knowledge, rationality and environmental and social responsibility. Moreover, it is argued that this is a self-fulfilling prophesy – the more the representation is assumed to be common sense by decision makers, the more it is likely to lead to ‘out of sight, out of mind’ energy policies, and to institutions and technologies that foster its continuity, creating a context with limited scope for public engagement with the energy system. Imagining the likely implications of the centralized system and its related social representations of energy and energy users for future energy system evolution, one might speculate as follows: In terms of governance: holding the view of the public as consumer/deficit suggests that decision making about system evolution is best left to the experts (that is to a bounded array of ‘technocrats’ already involved in managing the centralized system at the national level, including working groups involving government departments, regulatory bodies, industry and some academics) rather than being opened out to encompass more collective, deliberative processes directly with the public. Scepticism about the value of deliberative processes in energy system evolution would be consonant with this position. In terms of technological change: designers, developers and installers of new energy technologies would aim to minimize public engagement since this would be assumed to increase the risk of resistance, delay, planning refusal and inefficient or incorrect use of technologies. Large-scale energy generation would be preferred and sited at a maximal distance from centres of population; for example, off-shore or in remote areas. New energy- demand technologies, including ‘smartmeters’, would be designed on a ‘plug and forget’ basis, aiming to minimize disruption to existing lifestyles; load-management devices would be embedded within existing appliances to work as independently as possible of the consumer so as to minimize inconvenience. In terms of public acceptance: it would be assumed that the best way to ensure acceptance of new-energy technologies would be to get sufficient incentives (or benefits) in place and market them effectively to ensure consumer adoption deal with NIMBY resistance to change by siting technologies away from centres of population and by obliging developers to compensate local residents, under the guise of local community economic benefits (e.g. DTI, 2005b); and prioritize policies to maintain low energy prices, consumer choice and reliable supply.

#### And, without sustained citizen involvement, it’s impossible to deal with a host of problems that threaten survival.

Carl Boggs, Professor of Social Sciences and Film Studies at National University, Los Angeles, 2000, The End of Politics, p. 244-245

The disintegration of political life in late-twentieth-century America poses a series of novel dilemmas and challenges that I have tried to illumi­nate in this volume. Many of the social phenomena explored here—meta­physics, the therapeutic culture, localism, deep ecology, urban revolt, and postmodernism, among them—intersect with and reinforce one another. While those intellectual and psychological responses to an increasingly harsh, atomized social order have deep origins in the popular movements of the 1960s and 1970s, the momentum of such responses has not noticably waned throughout the 1990s. Despite their often radically differ­ent constituencies, outlooks, and espoused goals, these modalities all share a profoundly depoliticized modus operandi. As the quagmire of political decay widens, urgent social problems go unsolved. Such problems, from urban decline to technological displace­ment of labor to global ecological crisis, cannot be grasped, much less acted on, without looking at the national and international context of markets, finance, and communications. Yet, paradoxically, the widespread retreat from politics, so often inspired by localist impulses, comes at a time when social agendas that ignore global factors will be, more than ever, reduced to impotence. Localist withdrawal is in fact powerfully rein­forced by the growing remoteness and devaluation of politics (especially state and federal politics) as increasing numbers of people turn away from difficult, frustrating public concerns toward more comfortable, manage­able private ones. Of course, the private realm holds significance as a source of self-fulfillment and as a bulwark against an assortment of out­side encroachments. Yet, by diminishing the life of common involve­ments, we negate the very idea of politics as a source of public good and social transformation.3 In the meantime, it may not be too hyperbolic to say that the fate of the world hangs in the balance. The unyielding truth is that, even as the mood of antipolitics encapsulates more and more of American culture, it is still the vagaries of political power that will deci­sively shape the future of human societies.

#### Unfortunately, the status quo has prescribed a model of linear solutions to address all issues. This model fails to grapple with complex systems and creates solutions that inevitably fail when confronted with non-linearity.

Jørgensen 05

(Ulrik, Department of Manufacturing Engineering and Management, Technical University of Denmark, Technological Forecasting and Social Change, “Energy sector in transition—technologies and regulatory policies in flux,” July 2005, Science Direct//wyo-mm)

Policy measures are often discussed in idealised form without any specific institutional reference of use and without too much reference to the limitations coming with implementation. The idealisation is legitimised through the need for reduced complexity of the policy context and limitations in the access to factual data. The disciplinary, theoretically motivated knowledge used to construct stylised models for policy measures and institutional frameworks for policy implementation are important elements in shaping regulatory measures. The impact of disciplinary knowledge goes beyond academic exercise and becomes an integral part of the policy programme itself, delivering not only the technicalities but also a complete contextual framework for understanding the role and impacts of policy [5]. This includes the training of staff in institutions in charge of regulation, which motivates the use of the term regime for this interlinked set of models, meanings, measures and mediations of regulation.

#### Energy issues are too complex for linear models- it’s not sufficient to homogenize issues of energy as problems needing quick tech fixes- this causes terrible prediction models and empirically leads to worse impacts.

O’Neill-Carrillo et al 08

(Dr. Efraín, Dr. Agustín A. Irizarry-Rivera, Dr. José A. Colucci-Ríos, Dra. Marla Pérez-Lugo and Dr. Cecilio Ortiz-García, Conference Proceedings of Energy 2030: IEEE Conference on Global Sustainable Energy Infrastructure, “Sustainable Energy: Balancing the Economic, Environmental and Social Dimensions of Energy,” November 2008, <http://www.uprm.edu/aceer/pdfs/antologia_ITEAS_2008.pdf#page=105//wyo-mm>)

It is important to emphasize that the transition from the dominant energy model to a more decentralized model should not be viewed as a mostly technological matter. Focusing only on technological fixes for our energy problems has historically proved to be a wrong strategy. The authors firmly believe that the world’s complex problems require a more holistic approach that integrates the expertise and will of many diverse fields and individuals. In fact, history provides numerous examples in which the technological approach has yielded grave unintended consequences. Sustainability presents a holistic approach to integrate not only the technological dimension, usually tied up with economic considerations, but also the environmental as well as the social dimensions of development, energy in our present discussion. The sustainability concept evolved from ideas on human impact on the environment and the welfare of people, one of the first international forums on the subject was the Stockholm Conference on Human Environment in 1972 [3]. There are many definitions of sustainability or sustainable development. In fact, there is literature comparing the various stances on sustainability, classifying definitions in terms of weak, strong or normative sustainability (for an example comparing Solow, Holling, Leopold, Pearce and Barbier see Chapter 8 of Norton’s Sustainability [4]). There are also various indicators of sustainability such as the ones from the World Bank, the European Union, and UN [5]. Perhaps one the best -known definitions of sustainable development is from Our Common Future and deals with how we use resources today in a way that does not compromise the ability of future generations to meet their needs [6]. Wider exposure was given to sustainable development in the 1992 UN Earth Summit in Rio de Janeiro. Besides conflicting definitions, there are opposing views to sustainability, for example how can we determine the most important interests that future generations will have [7]. Regardless of particular positions on what is sustainability, a sustainable future will require sustainable energy sources and practices. A reference point that will be used in this work is that sustainable energy integrates the economic, social and environmental dimensions of energy issues in decision making. Furthermore, an energy ethics, a moral obligation to deal with the energy problems, should be at the center of that decision making process. Figure 1 illustrates this idea that has also been proposed by others [3]. Two common approaches used to integrate economic, environmental and social aspects in decision making are Life Cycle Analysis (LCA) and the Internalization of Externalities. LCA is a process to evaluate the environmental burdens associated with an activity by identifying and quantifying energy and material usage and environmental releases, to assess the impact of those energy and material uses and releases on the environment, and to evaluate and implement opportunities to effect environmental improvements [8]. On the other hand external costs are defined as those actually incurred in relation to health and the environment and quantifiable but not built into the cost of a product or service to the consumer, but borne by society at large [9-11]. Example results of these methodologies are provided in the tables 1-2. Notice that both LCA and external costs provide a better estimate of the impact of these technologies to society. These methods strive to correct market failures that ignore these environmental and social costs in traditional economic analysis. This is not a trivial process, but it is necessary to get a more leveled playing field when comparing alternatives on current energy practices and technologies.

#### Linear solutions alone fail to establish accurate, predictive models, issues, fail to recognize the context-specification of problems, and lead us to worse conclusions.

Ramalingam et al 08

(Ben, Harry Jones, Toussaint Reba and John Young, Foreword by Robert Chambers, Results of ODI research presented in preliminary form for discussion and critical comment, “Exploring the science of complexity Ideas and implications for development and humanitarian efforts,” 2008, <http://www.odi.org.uk/resources/docs/833.pdf//wyo-mm>)

Linearity describes the proportionality assumed in idealised situations where responses are proportional to forces and causes are proportional to effects (Strogatz, 2003). Linear problems can be broken down into pieces, with each piece analysed separately; finally, all the separate answers can be recombined to give the right answer to the original problem. In a linear system, the whole is exactly equivalent to the sum of the parts. However, linearity is often an approximation of a more complicated reality – most systems only behave linearly if they are close to equilibrium and are not pushed too hard. When a system starts to behave in a nonlinear fashion, ‘all bets are off’ (Strogatz, 2003). This is not to suggest that nonlinearity is necessarily a dangerous or unwanted aspect of systems. The biology of life itself is dependent on nonlinearity, as are the laws of ecology. Combination therapy for HIV/AIDS using a cocktail of three drugs works precisely because the immune response and viral dynamics are nonlinear – the three drugs taken in combination are much more effective than the sum of the three taken separately. The nonlinearity concept means that linear assumptions of how social phenomena play out should be questioned. It is important to note that such thinking has only relatively recently been incorporated into the ‘hard’ science paradigms and, moreover, is still only starting to shape thinking in the social, economic and political realms. Nonlinearity poses challenges to analysis precisely because such relationships cannot be taken apart – they have to be examined all at once, as a coherent entity. However, the need to develop such ways of thinking cannot be overstated – as one thinker puts it: ‘... every major unresolved problem in science – from consciousness to cancer to the collective craziness of the economy, is nonlinear’ (Capra, 1996). Although nonlinearity is a mathematical formulation, it is useful to take the suggestion that what is required is a ‘qualitative understanding of [the] quantitative’ when attempting to investigate them systematically (Byrne, 1998). Such a qualitative understanding has been furthered by the work of Robert Jervis (1997) on the role of complexity in international relations. Starting with the notion that understanding of social systems has tacitly incorporated linear approaches from Newtonian sciences, Jervis goes on to highlight three common assumptions that need to be challenged in order to take better account of nonlinearity. These assumptions provide a solid basis for investigating nonlinearity. First, it is very common to test ideas and propositions by making comparisons between two situations which are identical except for one variable – referred to as the independent variable. This kind of analysis is usually prefaced with the statement ‘holding all other things constant’. However, in a system of interconnected and interrelated parts, with feedback loops, adaptive agents and emergent properties, this is almost impossible, as everything else cannot be held constant and there is no independent variable. Jervis argues that, in such systems, it is impossible to look at ‘just one thing’, or to make only one change, hence to look at a situation involving just one change is unrealistic. Secondly, it is often assumed that changes in system output are proportional to changes in input. For example, if it has been assumed that a little foreign aid slightly increases economic growth, then more aid should produce more growth. However, as recent work by ODI and others argues, absorption capacity needs to be taken account – more aid does not necessarily equate to better aid. In complex systems, then, the output is not proportional to the input. Feedback loops and adaptive behaviours and emergent dynamics within the system may mean that the relationship between input and output is a nonlinear one: ‘Sometimes even a small amount of the variable can do a great deal of work and then the law of diminishing returns sets in [a negative feedback process] … in other cases very little impact is felt until a critical mass is assembled’ (Jervis, 1997). The third and final commonly made assumption of linearity is that the system output that follows from the sum of two different inputs is equal to the sum of the outputs arising from the individual inputs. In other words, the assumption is that if Action A leads to Consequence X and Action B has Consequence Y then Action A plus Action B will have Consequences X plus Y. This frequently does not hold, because the consequences of Action A may depend on the presence or absence of many other factors which may well be affected by B or B’s Consequence (Y). In addition, the sequence in which actions are undertaken may affect the outcome. Example: The growth dynamics model as an alternative to linear regression models Studies of economic growth face methodological problems, the foremost of which is dealing with real world complexity. The standard way of understanding growth assumes, implicitly, that the same model of growth is true for all countries, and that linear relationships of growth are true for all countries. However, linear relationships might not apply in many cases. An example would be a country where moderate trade protection would increase economic growth but closing off the economy completely to international trade would spell economic disaster. Linear growth models imply that the effect of increasing the value of the independent variable would be the same for all countries, regardless of the initial value of that variable or other variables. Therefore, an increase of the tariff rate from 0% to 10% is presumed to generate the same change in the growth rate as a change from 90% to 100%. Furthermore, the change from 0% to 10% is assumed to have the same effect in a poor country as in a rich country, in a primary resource exporter as in a manufacturing exporter, and in a country with well developed institutions as in a country with underdeveloped institutions. Despite some efforts to address these issues by relaxing the linear framework and introducing mechanisms to capture nonlinearities and interactions among some variables, this is still a poor way of addressing real world nonlinearity. Econometric research has identified that linear models cannot generally be expected to provide a good approximation of an unknown nonlinear function, and in some cases can lead to serious misestimates (Rodríguez, 2007). Research at Harvard University has focused on the problem of designing a growth strategy in a context of ‘radical uncertainty’ about any generalised growth models. They call their method ‘growth diagnostics’, in part because it is very similar to the approach taken by medical specialists in identifying the causes of ailments. In such a context, assuming that every country has the same problem is unlikely to be very helpful. The principal idea is to look for clues in the country’s concrete environment about the specific binding constraints on growth. The growth diagnostics exercise asks a set of basic questions that can sequentially rule out possible explanations of the problem. The answers are inherently country-specific and time-specific. The essential method is to identify the key problem to be addressed as the signals that the economy would provide if a particular constraint were the cause of that problem. Implication: Challenge linearity in underlying assumptions Within complex systems, the degree of nonlinearity and relationships between various factors, and the lack of proportionality between inputs and outputs, means that the dynamics of change are highly context-specific. Therefore, if there are assumptions, aggregations and theories about the relations among different aspects of a specific situation, and these are not entirely appropriate when applied to the dynamics of a new local situation, then this perspective is unlikely to lead to a deep understanding of what should be done, and is furthermore unlikely to lead to the hoped-for changes. Nonlinearity implies that, as well as understanding the limitations of a particular model or perspective, it is important to build and improve new models that can provide the sort of information required for the particular task at hand. ‘No kind of explanatory representation can suit all kinds of phenomena ... any one diagnosis of [a] problem and its solution is necessarily partial’ (Holland, 2000). From this perspective, it is important to tailor to the particular situation one’s perspective on the dynamics of some phenomena. In a complex system, one must examine the complex web of interrelationships and interdependencies among its parts or elements (Flynn Research, 2003). It is important from the outset to understand the association and interaction among variables, rather than assuming that one causes another to change, and to look at how variables interact and feed back into each other over time (Haynes, 2003). Homer-Dixon, cited above, suggests that political scientists use methods that are modelled on the physical sciences, developing broad theories of political behaviour to generate hypotheses about causal relations between variables of interest.

#### Leaving corporations in charge of decision-making is the life-line of centralized, linear approaches to energy- if these power structures go unchallenged, numerous scenarios for global catastrophe become inevitable.

O'Leary 08

(Brian, former astronaut, Cornell professor, physics faculty member at Princeton University and visiting faculty member in technology assessment at the University of California Berkeley School of Law, Mo Udall's energy advisor and speechwriter during his 1975 Presidential campaign, author, AAAS Fellow, World Innovation Foundation Fellow, NASA group achievement award recipient, and founder of the New Energy Movement, The Energy Solution Revolution, Chapter 1. “Pigs Can Fly!” October 1, 2008, Pg 18//wyo-mm)

My pessimism is well-founded, because the prospect for an energy solution revolution has been suppressed at every turn by powerful vested interests. The media again passes while mainstream scientists wallow in denial for fear of ridicule ("if it isn't reported or properly vetted by vested money and intellectual interests, it isn't real"). The result is an unwitting alliance between establishment scientists and the corrupting energy barons and their governmental and media mouthpieces. Meanwhile, we continue to be addicted to oil, so much so we don't seem to know a good thing when it comes along. Yet, most of us know, at least at some level, that we need to transform this addiction to chain-smoking our oil and coal and move on to alternatives before it's too late. We must lift the contradictory veil of credibility. From ten years' direct experience at witnessing new energy breakthroughs in laboratories around the world, I can personally vouch for the successes in solution energy research, whether it be cold fusion, advanced hydrogen chemistry or vacuum energy. But, like during the Wrights' first flights, we are not delivering the product yet. We are in the research phase of a research and development cycle. The research, if properly supported, will inevitably lead to the deployment of energy systems that will profoundly change the world. Why can't we perceive the truth hidden beneath the conundrum of credibility? It seems that credibility is simply a fantasy created by media, academe, politicians and corporate interests. In this game of smoke and mirrors, style has usurped substance, moreso than ever in these trying times. Hidden under the radar of the mass culture, we are missing out on concrete solutions, with the truth lying not so far below, but actively suppressed by current powers, who see such developments either as impossible or as a threat to an economy based mostly on polluting, destabilizing and unsustainable energy resources. Politicians rarely see beyond the next elections and corporations rarely see beyond their next earnings report. I am convinced we could have a comprehensive energy policy leading to near-zero emissions by 2020. The research is mature enough to set this goal, just as JFK had done for the Apollo lunar missions. I am also convinced that a publicly funded R&D effort of some hundreds of millions of dollars will catapult us into a sustainable future with many energy choices. On the other hand, we can maintain our cultural "credibility" by doing nothing. Meanwhile the research goes on in scattered locations by inventors in government labs, universities or on their own, with little or no support or acknowledgement from the government or the scientific mainstream. In my opinion, the development phase needs to become transparent and public. It is too important to be left to existing powers whose economic self-interest is suppressing solution energy at every turn. Yet we may need it to avert global disaster from pollution, climate change, prolonged blackouts, and wars over oil.

#### Thus the plan,

#### The United States federal government should establish a producer payment for locally-owned wind power produced for on-site demand in the United States. This payment should be higher than the current Production Tax Credit rate for wind power.

#### The current production tax credit creates a feedback loop of corporate domination as passive income and third-party restrictions allow massive investment banks to bleed communities dry, add-on costs and extract revenue from the tax-payers. The plan is key to break this cycle and enable local, direct ownership of wind production

Morris 7

[David, Institute for Self Reliance, Center for American Progress, “Energizing Rural America: Local Ownership of Renewable Energy Production is the Key”, Jan. 2007, p. <http://www.americanprogress.org/wp-content/uploads/issues/2007/01/pdf/rural_energy.pdf> //wyo-tjc]

Local ownership strengthens local and regional economies, yet an increasing proportion of the nation’s renewable energy capacity is absentee-owned. This should change. The vast majority of America’s wind turbines are absentee-owned, which has been the case since the emergence of utility-sized wind turbines in the early1980s. Until very recently, though, America’s biofuels industry was largely locally owned. In 2003, about half of all existing ethanol refineries and perhaps 80 percent of all proposed plants were majority owned by farmers. Today, more than 90 percent of new ethanol production is from absentee-owned plants. The structure of the infant biodiesel industry is also evolving rapidly in the direction of absentee ownership. An absentee ownership structure weakens the link between ethanol production and agricultural prosperity and may also cause long-term problems. Absentee owners of wind turbines, for example, invest largely to make use of the tax benefits, which end after 10 years. Chances are absentee owners will not make the necessary follow-on maintenance investments after these tax benefits expire. Farmers, though, often view the investment as a way to provide ongoing supplemental revenue to keep them, and their sons and daughters, on the land. Farmers invest in ethanol plants for two very different reasons. One is as a hedge against a possible drop in the price of corn. If the price of corn drops, the cost of production of ethanol drops and, all other things being equal, dividends should increase. For every 50 cent drop in the price of corn, on average a farmer may make back 35 cents to 50 cents as a result of increased dividends from his ownership in an ethanol plant. The other reason farmers invest is for dividend income. As indicated above, they have received, on average, 15 percent to 18 percent per year on their investment in ethanol plants. Farmer-owners have largely ignored capital appreciation because their crop ties them to the plant and because they take a long-term view of their biorefinery investments. In fact, when ethanol prices were high last year, private equity investors on Wall Street offered farmers as high as 400 percent more for their shares in ethanol plants than the farmers had paid, yet only two of the 56 farmer-owned ethanol facilities sold out. Wall Street, however, focuses almost entirely on capital appreciation, then seeking to “exit” their investments through the sale of these assets to a wider population of absentee owners. In contrast, farmer-owners of ethanol plants understand the importance of these production facilities above and beyond the opportunity to profit from quick capital appreciation. And local ownership will become even more important to farmers if, as expected, Congress takes three steps to boost renewable energy production mandates by increasing the national biofuels production mandate and enacting a a biodiesel production mandate alongside a federal Renewable Portfolio Standard for electricity. With such production mandates in place, there would be much less justification for financial incentives. Yet a justification for tax incentives for production would continue to exist, especially if they were designed to achieve qualitative objectives that help the economies of local rural communities. In designing these tax incentives, Congress could take a page from Minnesota’s playbook. In the mid1980s, Minnesota transformed its partial state gas tax credit paid to blenders of ethanol and gasoline into a direct payment of between 13 cents and 20 cents per gallon to ethanol producers. To qualify for the incentive the ethanol had to be produced inside the state. This married the public incentive to a public purpose, spurring rural development. What’s more, Minnesota decided that only the first 15 million gallons produced each year would receive a payment. This encouraged many ethanol facilities rather than a handful of very large ones, which in turn enabled local ownership. Payments to any producer ended after 10 years. This reduced the ongoing burden to the state taxpayer. The redesign of Minnesota’s incentive ushered in what came to be known as the Minnesota Model— more than a dozen largely farmer-owned, small- and medium-scale biorefineries. The benefits have been very important, especially to outlying rural areas. The Chippewa Valley Ethanol Corporation in Minnesota is a good example. CVEC is located in Benson, Minn., population 3,400. The ethanol plant employs 45 full-time workers, with a payroll of more than $2 million. Its 650 farmer-owners have earned, on average, a return of 25 percent on their investment since the plant opened in 1996, generating more than $4 million per year in local dividends. On a statewide basis, a Minnesota legislative auditor’s report found that $3 of additional economic activity was generated for every dollar of state incentives.8 A similarly structured program at the national level through a federally mandated program could well reap equally impressive returns to the nation’s rural economy. A direct payment to producers is a more effective incentive for production since part of the existing incentive is eaten up by middlemen. That’s why it is critical that the producer payment is structured to encourage local ownership. Yet it is equally important that producers qualify for the federal incentive for only 10 years, the same term used for Minnesota’s ethanol incentive, and the federal wind energy incentive. Consequently, Congress should consider the following policy recommendations: Recommendation: Establish a two-tiered, indexed production payment that favors local ownership. Congress should enact tax incentives for both absentee-owned and locally owned biorefineries, but with a higher incentive for locally owned plants. The incentive should also encourage smaller facilities. For illustrative purposes, an absentee-owned plant might be paid 15 cents per gallon for the first 30 million gallons produced each year for 10 years, but a majority local-owned plant might receive 25 cents per gallon. Congress could also insert a recapture provision to ensure that any local owners who sell to absentee investors within a certain time period would have to repay the Treasury the difference in the payment levels they had received as local owners. The plant financing would likely coincide with the term of the producer payments; when the latter ends, the debt is paid off. This would reduce production costs by about 15 cents per gallon, a benefit to the bottom line almost as large as the original tax incentive. Ethanol or biodiesel plants operational by the end of 2008 would be paid the full producer payment, dependent on their ownership status. By that time Congress should have in place a mechanism that indexes the payment to a combination of the wholesale price of gasoline (or diesel) and the wholesale price of corn (or soybeans or cellulose). Again, for illustrative purposes, a full producer payment would be distributed when wholesale gasoline prices are $1.77 a gallon and corn prices are $2.25 a bushel—up to a point where the gasoline prices are $2.36 and corn prices are $2.50 a bushel. These prices translate roughly into a compound return on equity to an absentee investor in an ethanol plant of 17 percent to 26 percent, or 20 percent to 27 percent for a local investor. When the combination of gasoline and feedstock prices vary such that the return on equity drops below 17 percent or climbs above 27 percent then producer payments would fall rapidly, perhaps reaching zero when the ROE climbed above 35 percent. Another way to do this would be to establish a set return on equity as a benchmark and then establish a formula based on oil and corn prices.9 This sliding public subsidy for ownership and return on equity is both equitable to the ethanol producer and equitable to the taxpayer. And it offers far more to rural areas than the current incentive design. This redesign could reduce federal subsidies even if ethanol production triples. The incentive itself, at 15 cents and 25 cents per gallon, is less than half the current 51 cents per gallon. Currently, about 110 ethanol plants produce about 5 billion gallons. All are eligible for the existing incentive. Under the new design, only 30 million gallons per plant, for a total of 3.3 billion gallons, would be eligible. Thus, the overall budgetary burden would drop by more than two thirds. The reduction would be even greater if oil prices remain very high and feedstock prices moderate. Moreover, the incentive’s duration per plant is only for 10 years. Recommendation: Establish a two-tiered, wind-energy producer payment that favors local ownership. Minnesota’s experience might again help inform policy makers. In the late 1990s, Minnesota created a producer payment for locally owned wind turbines similar to that offered ethanol facilities—a 10year producer payment to facilities under a certain size. Local is defined in the statute. In 2005, the state stopped paying the incentive from the general fund, thus avoiding biennial budget battles, and established a utility tariff that encourages locally owned wind enterprises. It does this by front-loading payments. Although owners receive the same amount of money over the life of the contract, they receive a higher payment in the early years, which helps cash flow.10 Currently there is about 200 MW of so-called Community Based Energy Development wind projects in Minnesota. By 2010 an anticipated 800MW will be on line. Congress should offer a higher 10-year payment to majority locally owned wind-turbine enterprises than it does to absentee-owned turbines, perhaps in the range of 2.5 cents per kWh. Local might be defined as investors living within 75 miles of the wind turbine. The tax credit should be made refundable. Recommendation: Allow on-site wind turbines that serve on-site demand to be eligible for the federal wind energy producer payment. Congress should also revise the existing production tax credit for wind by making on-site generation for on-site use eligible. Currently, the production tax credit is eligible only for wind energy sold into the commercial grid system. Wind energy consumed on-site has the same, or an even superior, impact than the same amount of wind energy exported into the grid. Congress should allow these turbines, which would usually be much smaller than existing utility sized turbines, to be eligible for incentives. Recommendation: Broaden the local capital pool available for financing wind turbines by allowing tax credit to be taken against ordinary income rather than only passive income. A proliferation of locally owned wind turbines requires tapping a vastly larger pool of local capital. Currently that pool is limited because of the design of the production tax credit. This credit can only be taken against tax liability from “passive income,” which is defined by the Treasury Department as rental income or income from businesses in which the individual participates only as an investor. Passive income does not include wage income or interest income or farm income. This restriction has forced advocates of local ownership to create complex ownership structures that enable, over the long term, local ownership while attracting large amounts of outside investors with sufficient tax liability from passive income. The arrangement is know as a “flip” structure. The outside investors use all of the tax liability and receive most of the revenue generated from the sale of the wind energy during the first 10 years, and then sell the facility to local residents for a small amount of money in the 11th year, after which all the revenue goes to the local owners. This is a cumbersome arrangement, and middlemen often absorb a significant portion of the federal incentive. Also, national investment pools prefer to invest in large wind farms, which limits the ability of locally owned wind turbines from attracting such financing. If farmers and other local residents were able to use the wind incentive to reduce their tax liability on ordinary income, then the base of potential local investors would grow dramatically.

#### Community-owned wind is not possible without the plan—it is key to open up investing options that would not be affordable otherwise

Mazza 8

[Patrick, Research Director, Climate Solutions, “Community Wind 101”, Sept, p. <http://climatesolutions.org/resources/reports/harvesting-clean-energy/CommunityWind_101.pdf> //wyo-tjc]

Federal tax incentives including the Production Tax Credit and accelerated depreciation vital to all wind development are not fully usable by many potential community wind projects – This represents a major barrier to local ownership. The key difficulty facing prospective community wind developers is lack of tax liability sufficient to take full advantage of federal tax incentives. These incentives represent a large portion of the financial return of a wind project and generally are needed to make projects of any size under any ownership model economically feasible. To fully utilize PTC incentives for a two MW project, an investor must owe $125,000 in federal taxes on income from the wind project itself or from “passive income.” This is defined as income from a rental property, limited partnership or other business in which they are not actively involved. Fixing the PTC to apply to a broader range of income types and levels could generate widespread community wind ownership – A complementary option is producer payments and other incentives targeted specifically at community wind. Proposals before Congress would allow tax credits to be deducted against income from wages or a business in which the taxpayer is actively engaged. For example, Rep. Tim Walz (D-Minnesota) proposes in H.R. 2691 to allow investors to claim up to $40,000 in tax credits against ordinary income tax liability. The Center on American Progress and the Institute for Local Self-Reliance propose to make the PTC more usable for community wind projects by: Establishing a two-tiered producer payment • that provides greater tax credit benefits to community wind owners in the range of a 2.5 cents/kilowatt hour (kWh) • Providing producer payments for on-site power generation. • Allowing tax credits to be taken against ordinary wages and business income. Congress might also consider providing a program offering financial assistance targeted specifically to community wind projects.

#### Breaking corporate hegemony over electricity and political life requires the use of market mechanisms to turn the logic of the market against itself. Electricity is a unique site for resistance because it has the potential to shift control of production from corporate domination towards local and direct democracy. But ONLY institutional action can hold the door open. Otherwise, corporate hegemony continues unchecked and will crush local and grassroots efforts

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]

At this point one might ask an evaluative or normative question. Has the transition to competition in electricity markets in the USA been generally beneficial? In other words, did marketplace competition lead to the promised distributional benefits of lower prices for consumers and increased opportunity for technological innovation and entrepreneurial firms in the power generation industry? Framed in this way, the question becomes a technical one that can only be addressed by economic analysis. The analysis developed here suggests a slightly different level of response: technical answers to the question need to be historically contextualized, so that a positive answer for one period might be countered by a negative answer for another. There is an ongoing dialectic between various forms of hegemonic liberalism and diverse redistributive or protective movements in Polanyi's (1994) sense. Reforms oriented toward redistributive politics (including local socialism, state-level progressive social liberalism, national-level progressive social liberalism, and even early neoliberalism, with its promises of rate reductions for small consumers) become opportunities for long-term subversion and transformation into hegemonic social liberalism or hegemonic neoliberalism (or mixes of the two). However, as the political field is redrawn based on the result of one series of conflicts, and as the hegemonic forms of liberalism reassert themselves, the protective countermovements regroup and find new opportunities for redistributive politics. As the countermovements moved up the geographical scale (from local socialism to state-level utility regulation and then New Deal federalism) only to find reform efforts partially floundering on regulatory capture and cronyism, the movements have come full circle, at this particular historical juncture, and found new political opportunities for redistributive politics opened at the local and state level. Perhaps in the wake of the Great Recession opportunities will also reopen at higher levels of scale. Furthermore, the answer to the evaluative question of whether electricity market restructuring has been generally beneficial to customers or whether it has been harmful to them is made difficult partly by the variation in the effects of restructuring at the state-government level. The case of California in 2000–2001 is probably the strongest example in support of the argument that neoliberal restructuring benefited the accumulation of wealth by some economic elites at the expense of retail consumers and taxpayers. One needs the qualifying term “some” because at the height of the crisis, the traditional elites in the industry, the IOUs [investor owned utilities], were bankrupt, due largely to market manipulation by Enron and other new players. Partly because of the public revelations that followed the California crisis, the state has also been a site for some of the most interesting innovations that seem capable of combining redistributive politics with shifts toward greener electricity. As I have suggested, although the IOUs [investor owned utilities] in California and elsewhere were able to survive and prosper after the crisis ended, the restructuring process has also opened political opportunities for redistributive politics. By creating institutions, financial products, technologies, and laws that facilitate community and local ownership, reformers have come up with ways to link marketplace restructuring to redistributive projects that favor the transfer of electricity generation ownership to local governments and small consumers. One might argue that the reformers’ vision that links distributed generation to redistributed ownership is anachronistic, because the trend is for economic organizations to get larger and larger. However, the literature in economic sociology has shown that the trend toward industrial consolidation is the product of public policies and corporate strategy, not the natural forces of markets (Fligstein 1990; Perrow 2002; Roy 1997). Furthermore, as I have suggested, the decentralist experiments have often been linked to renewable energy production and energy conservation (see also Blackford 2005; Heiman and Solomon 2004; Pickford 2001). The latter—the savings generated from not purchasing energy—is in many ways the purest form of green energy (not consuming at all) and redistributive transfer of wealth (not paying IOUs [investor owned utilities] and generation corporations for future electricity). As of 2009 such experiments in decentralized energy production have not achieved significant impact on the electricity field; they occupy subordinate positions as successors to the cooperativist and local socialist positions in the field. They can spread and become more influential, provided that the legal and financial arrangements are in place to enable the shift to occur, and the experiments discussed above suggest ways of solving some of the financing problems that plagued earlier generations of local energy production, such as in the appropriate technology and home power movements. One might predict from the history that if financing mechanisms were to become widespread, then the IOUs [investor owned utilities] and other large corporations in the electricity field would attempt to change the regulatory landscape to close down the reforms. From this perspective, a mixed regime of neoliberal market reforms and social liberal regulation provides some protection for economic elites. The avenue of state-oriented intervention is left open as a mechanism for protecting threats to profits that market restructuring can cause by inadvertently opening up political opportunities for redistributive politics.

#### Localizing ownership of electricity production is a key point of disruption for neoliberal hegemony because it offers a way of enabling a return to cooperativist and progressive economic arrangements

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]

The restructuring of electricity markets during the 1990s can be viewed as consistent with the neoliberal pattern of deregulation that occurred in the airline, natural gas, railroads, telecommunications, and financial industries. The restructuring was sold to the broader public as beneficial to small consumers because competition would lead to lower rates and thus offer some redistributive benefits (as a result, it is located in the lower right quadrant of Figure 2). The extent to which those benefits were realized varies considerably over time and across state governments. The broader point is that the creation of new markets took place within a broader electricity field that included the diverse ideologies and organizations described above. Thus, it would be a mistake to paint the entire field with the broad brush of a transition to a neoliberal regime; rather, it would be more accurate to say that a neoliberal strand was introduced into an organizationally, institutionally, and ideologically diverse political field. Municipal utilities, rural cooperatives, federal electricity generation facilities, state regulatory commissions, and regulated IOUs [investor owned utilities] remained in place in a field that now included competing wholesalers, retail competition in some states, and a range of other organizational innovations needed to support the new markets. For this reason, the term “restructuring” is more accurate than “deregulation” (Hirsh 1999:293). Within this heterogeneous field, the dominant players remained the IOUs [investor owned utilities], even after restructuring. Their number remained relatively small in comparison with municipal electricity organizations and electricity cooperatives (about 240 out of 3100 in the early 2000s), but the IOUs [investor owned utilities] served about three-quarters of the country's customers. Furthermore, although the restructuring of the electricity industry after 1992 separated generation from distribution and “broke up” the vertical integration of the industry, a decade later the IOUs [investor owned utilities] still generated about 40% of the electricity in the USA. Although there were temporary setbacks (such as during the California electricity crisis), in general the IOUs [investor owned utilities] were able to continue to become integrated into the new regime of mixed social liberalism and neoliberalism (represented schematically by a transition upward and leftward in Figure 2). In the remaining part of this essay, I will argue that the other players of the political field adjusted to the neoliberal change, but in complex ways that subverted, altered, and reconstituted the market-oriented reforms. Just as the transition in the field since the 1980s can only be described in the broadest brush strokes as a shift from social liberalism to neoliberalism, so the various responses, accommodations, and resistances cannot be described as either wholly captured by or wholly resisting an all-encompassing neoliberal regime. The overall political field was always a mixture of ideologies and positions, and if anything that complexity has increased and diversified. Local Subversion and Reconstitution One of the outcomes of the post-restructuring era of electricity in the USA is that the local level of scale has emerged as a site for contesting corporate ownership. This development is consistent with other shifts in scale, both upward and downward, that have occurred in the contestation of neoliberal globalization (Hess 2009; Mayer 2007). In the electricity field, there is some evidence of a reconstitution of the redistributive politics associated with the history of socialist, cooperativist, and progressive, social liberal policies. Other policy changes in the broader energy field, such as regional cap-and-trade policies and the efforts to develop national carbon legislation, are important, but the consideration of the ideological dimensions of such topics would require a separate analysis.

#### Plan is the only sufficient mechanism to overcome the complexities in complex issues like energy production- fostering increased local deliberation and decision making decenters the status quo discussion of energy that allows the public to resist domination of corporations.

Hayward 09

(Bronwyn, Senior Lecturer at the University of Canterbury, Hypatia, “Let’s Talk about the Weather: Decentering Democratic Debate about Climate Change,” 2009, Wiley Online Library//wyo-mm)

In 2006, Iris Marion Young gave a provocative address to the American Phi- losophy Association (APA) (2006a). There, Young criticized the way theories of deliberative democracy are often applied in planning and policy contexts. She expressed frustration with well-meaning deliberative experiments in which members of a local community are brought together to address envi- ronmental problems. These experiments frequently assume a “centered” view of deliberation, where a “single body” talks together in “a single encounter.” Young expressed concern that these approaches miss the point. Given that our most troubling environmental problems are global or decentered in scale, and the power to address these problems is also diffuse, our responses ought to be decentered as well. In this paper, I continue a conversation with Young and pay tribute to her significant contribution to environmental policy and planning literature. Drawing on the example of climate change, I argue that many difficult envi- ronmental issues are decentered in space and time, involving multiple actors, jurisdictions, and institutions. The complex historical origins of these problems involve past injustices and have consequences that obligate future generations. As a result, local deliberative responses are often inadequate. However, many people want to talk about complex issues at a local level. In my observation, the grounded experience of suffering, anger, or frustration often galvanizes a community into action. I discuss the example of climate change impacts on local New Zealand and Pacific atoll communities. 1 argue that the challenge for deliberative planners and environmental policy analysts is to give voice to concerns of particular communities while also addressing the centering effects of local deliberation, to ensure local talk is not simply a recipe for inaction, exclusion, or irrelevance. I share the concerns of Young and other colleagues who wish to bring dis- persed or dynamic concentrations of power under democratic control (Bohman 2004,2007; Dryzek 2006; Fung 2003; Karpowitz and Mansbridge 2005). At the risk of overstatement of difference, my point of departure with Young is that I argue local deliberation can be a decentering strategy that enables communities to “resist domination” (Bohman 2004), transform understandings, and build “resilience” in the face of climate change (Adger 2006). Young once commented that “a gift should be reciprocated with a gift,” and so this paper is my response to a conversation with her about the role of “thirds” (or others) in deliberation. I am indebted to Young’s reflections on the role of thirds in planning conversations: the people who mediate, bridge, coordinate, network, connect, translate, and work to build empathy. In my experience of local planning and policy making, the actions of others can help community discussion overcome barriers of isolation, exclusion, or irrelevance, for example, when individual actors intervene formally, or informally, to connect local talk with other communi- ties’ discussions. In her 2006 address, Young introduced a concept of ‘linkage’ as a criterion of good deliberation in a decentered democracy (2006a). Linkage describes the mediating role that third parties perform when connecting sites or occasions of discussion with each other. When the conversations of groups and organizations are linked, Young argued, communication becomes more politically efficacious and its outcomes are normatively legitimated. Without such mediated conversations, “a space of public opinion will not consolidate” (2006b, 52). In what follows, I turn first to examine the reasons why Young believed the concept of decentered democracy was so important and to pay tribute to her contribution to planning and policy practice. I then review the criteria Young proposed for good decentered democracy, particularly the concept of linkage. Finally, I consider the issue of climate change in the South Pacific. I argue that multiple linkages among sites of local and transnational discussion can strengthen decentered democracy, transforming local talk into strategies to address injustice, encourage social learning, and build the resilience of vulnerable communities.

#### Plan fosters better decision making by bridging the gap between top-down and bottom-up solutions- key to account for the complexity involved in participation and decision-making. Either side of the pure institutional focus and grassroots movement fails to allow for effective deliberation- and makes visible problematic power relations

Nieusma 11

(edited by Gwen Ottinger and Benjamin Cohen, Technoscience and Environmental Justice: Expert Cultures in a Grassroots Movement, Chapter 5 “Middle-out Social Change: Expert-Led Development Interventions in Sri Lanka’s Energy Sector, pg 121//wyo-mm)

Highlighting the middle space between top-down and bottom-up approaches to environmental justice serves a variety of purposes. First, it adds nuance to what is otherwise a false duality in thinking about where social change originates: top-down and bottom-up change are, not the only options available. In fact, nearly every social change advocate is located somehow between the top and the bottom of the invoked political hierarchy, and, as Schlosberg (2999, 90) points out, effective accommodation of diverse perspectives (i.e., pluralism) happens “in the spaces between individuals and the state.” Second, the “middle-out” concept reminds us that experts occupy a variety of positions with respect to social change efforts—a central theme of this book. In the one hand, they represent a variety of interests: experts are not always in the service of the elite; many seek to represent marginalized groups. On the other hand, even those experts seeking to “represent” grassroots perspectives rarely do so without attempting to mediate, educate, or by some other fashion shift those perspectives: experts are change agents themselves. Third and most important, if addressed systematically, the middle-out concept directs attention to what I will term the relations of expertise that constrain typical grassroots empowerment initiatives by systematically excluding entire domains of knowledge. This analysis entails a critical orientation to expertise—one that recognizes the potentially productive role expert knowledge can play in serving grassroots interests without ignoring the social power embedded within expertise and, hence, its implications for democratic process. Ultimately, this chapter argues that, to be effective, expert practicing middle-out social change must accommodate the authority of expertise while simultaneously renegotiating how that authority is assigned and acted on by policymakers, other experts, and even grassroots stakeholders. In so doing, they not only operate in the (often unacknowledged) spaces between traditional, top-down expert practices and the grassroots activities commonly associated with the EJ movement; they simultaneously widen and make visible those spaces.

# 2AC

### 2AC A2 Restrictions Not Regulations

#### First, we meet- A restriction is a regulatory constraint

Farlex, ’12 (Farlex collection, Princeton University, 2012, WordNet 3.0, Print)//CC

restriction - an act of limiting or restricting (as by regulation)

#### Second, counter-interp: a “Restriction” is a limitation on the use of property

**Texas** Supreme Court **’10** CAUSE NO. 08-01-18,007-CV-A, Final Judgment, http://www.supreme.courts.state.tx.us/ebriefs/12/12046401.pdf

"Restriction" is defined and commonly used to mean "[a] limitation (esp. in a deed) placed on the use or enjoyment of property." BLACK'S LAW DICTIONARY 1054 (7th ed. 2000).

#### Third, we meet: approval process prohibits development absent Secretary consent

**U.S. Code ‘5** 25 U.S.C. § 3504 : US Code - Section 3504: Leases, business agreements, and rights-of-way involving energy development or transmission, 2005,

An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without review or approval by the Secretary if - (1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e); (2) the term of the right-of-way does not exceed 30 years; (3) the pipeline or electric transmission or distribution line serves - (A) an electric generation, transmission, or distribution facility located on tribal land; or (B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and (4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including the periodic review and evaluation of the activities of the Indian tribe under an agreement described in subparagraphs (D) and (E) of subsection (e)(2)). (c) Renewals A lease or business agreement entered into, or a right-of-way granted, by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section. (d) Validity No lease, business agreement, or right-of-way relating to the development of tribal energy resources under this section shall be valid unless the lease, business agreement, or right-of-way is authorized by a tribal energy resource agreement approved by the Secretary under subsection (e)(2). (e) Tribal energy resource agreements (1) On the date on which regulations are promulgated under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section. (2)(A) Not later than 270 days after the date on which the Secretary receives a tribal energy resource agreement from an Indian tribe under paragraph (1), or not later than 60 days after the Secretary receives a revised tribal energy resource agreement from an Indian tribe under paragraph (4)(C) (or a later date, as agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the tribal energy resource agreement. (B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if - (i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; (ii) the tribal energy resource agreement includes provisions required under subparagraph (D); and (iii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of- way under this section - (I) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way; (II) address the term of the lease or business agreement or the term of conveyance of the right-of-way; (III) address amendments and renewals; (IV) address the economic return to the Indian tribe under leases, business agreements, and rights-of-way; (V) address technical or other relevant requirements; (VI) establish requirements for environmental review in accordance with subparagraph (C); (VII) ensure compliance with all applicable environmental laws, including a requirement that each lease, business agreement, and right-of-way state that the lessee, operator, or right-of-way grantee shall comply with all such laws; (VIII) identify final approval authority; (IX) provide for public notification of final approvals; (X) establish a process for consultation with any affected States regarding off-reservation impacts, if any, identified under subparagraph (C)(i); (XI) describe the remedies for breach of the lease, business agreement, or right-of-way; (XII) require each lease, business agreement, and right-of- way to include a statement that, if any of its provisions violates an express term or requirement of the tribal energy resource agreement pursuant to which the lease, business agreement, or right-of-way was executed - (aa) the provision shall be null and void; and (bb) if the Secretary determines the provision to be material, the Secretary may suspend or rescind the lease, business agreement, or right-of-way or take other appropriate action that the Secretary determines to be in the best interest of the Indian tribe;

#### Fourth, Counter-interpretation: restrictions includes statutory requirements that DIRECTLY BLOCK land access for production

DOI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

Additional statutory and discretionary requirements beyond lease stipulations impact Federal land access for oil and gas development. Many of these impacts were not quantified because GIS data do not exist, or they are issues that are not amenable to quantitative analysis. Many of these requirements can be considered restrictions on drilling because they have effects similar to stipulations on oil and gas development activities. These issues can directly or indirectly impact Federal land accessibility for oil and gas development. Tables 4-1 through 4-16 present office-specific issues that were recorded from discussions with BLM and FS staff during field visits. Average APD processing time was calculated for each office using input from the offices supplemented by an analysis of BLM’s Automated Fluid Minerals Support System (AFMSS).47

#### Fifth, We meet and have the best interp- plan reduces the NEPA requirement which is the LARGEST AND MOST DIRECT restriction

DOI, USDA, DOE 2008

[“Inventory of Onshore Federal Oil and Natural Gas Resources and Restrictions to Their Development”, <http://www.blm.gov/pgdata/etc/medialib/blm/wo/MINERALS__REALTY__AND_RESOURCE_PROTECTION_/energy/0.Par.68195.File.dat/EPCA2008lo_1.pdf> //wyo-tjc]

4.1 Issues Directly Impacting Access

The National Environmental Policy Act of 1969. The NEPA is the nation’s central environmental statute. It requires Federal agencies to consider environmental impacts before an action is taken. The NEPA process is intended to help public officials make better decisions based on an understanding of their environmental consequences. The NEPA is embedded into the fabric of Federal land management decision-making and has become the most important procedural public land management statute because it requires agencies to comply with its processes in all situations where major actions are contemplated. When an activity or action is proposed on Federal lands, an interdisciplinary review of the environmental effects of the proposal is conducted and made available to citizens and public officials. The review can take one of four forms: • a categorical exclusion (CX) • documentation of NEPA adequacy (DNA) • an environmental assessment (EA) • an environmental impact statement (EIS) The NEPA process can impact oil and gas development in terms of cost and time delays. Typically an EIS or EA is drafted in consultation with the cooperating agencies, presented for public comment, and reviewed by multiple agencies. A simple EIS can take 24 to 36 months to complete, while those with more complex issues may require three to six years to complete. The land use planning process as a whole takes in excess of 36 months, particularly if there is oil and gas involved. The NEPA documents analyze alternatives to the proposed action and must include a “no action” alternative. Impacts are classified as direct, indirect, and cumulative, and include the evaluation of economic impacts to counties and states to be considered, as well as impacts on resources. When considering oil and gas leasing, the BLM has identified the need to obtain additional data on such issues as air quality and clean water as a part of the cumulative impact analysis required by the NEPA and land use planning processes. This has been cited as an overarching issue that affects oil and gas lease parcel nominations. This lack of data can result in leasing delays when existing documents are deemed inadequate. The net result is that potential applicants are often aware of the problem and make decisions not to develop in areas that will be or could be held up by the NEPA process. With respect to the NEPA process itself, concern was expressed by some government officials that individual documents provide “piecemeal” information and that better environmental decisions could be made based on larger scale studies that look at the “bigger picture.” For example, wildlife habitat fragmentation is better characterized when it is examined in the context of larger rather than smaller areas. Delays can increase costs for oil and gas operations because, rather than waiting for the Federal agency to complete the work, operators frequently pay a third-party contractor to perform the necessary work. Section 366 of Energy Policy Act of 2005 (EPAct 2005) sets a deadline for the consideration of applications for permits. The permit must be issued within 30 days (if NEPA and other legal requirements have been met), or defer the decision and provide a notice to the applicant.

#### Sixth, Reject their interpretation:

#### A- It’s arbitrary: there is no significant difference between prohibitions and regulations THAT restrict

#### B- It conflates BANS with RESTRICTIONS-

BLM 2

[Bureau of Land Management, “Energy and Public Lands”, <http://www.blm.gov/wo/st/en/res/Education_in_BLM/Learning_Landscapes/For_Teachers/science_and_children/energy/index/energy2.html> //wyo-tjc]

Alternative energy production from federal lands lags behind conventional energy production, though the amount is still significant. For example, federal geothermal resources produce about 7.5 billion kilowatt-hours of electricity per year, 47 percent of all electricity generated from U.S. geothermal energy. There are 2,960 wind turbines on public lands in California alone, producing electricity for about 300,000 people. Federal hydropower facilities produce about 17 percent of all hydropower produced in the United States.

Most U.S. geothermal resources are in the western states, where most public lands are located. The sunny southwest has the greatest potential for solar energy production. Wind resources are more widespread, and there are federal lands in many of the most favorable areas.

The Secretaries of the Interior, Energy, and Agriculture are in the process of identifying renewable energy siting opportunities and reevaluating access restrictions on federal lands. Development limitations, including environmental considerations, must also be assessed. Federal agencies will also consider development incentives such as reduced site rental fees to encourage industry to more aggressively pursue renewable energy production.

Because of the growing U.S. thirst for energy and increasing public unease with dependence on foreign oil sources, pressure on the public lands to meet U.S. energy demands is intensifying. Public lands are available for energy development only after they have been evaluated through the land use planning process. If development of energy resources conflicts with management or use of other resources, development restrictions or impact mitigation measures may be imposed, or mineral production may be banned altogether.

BLM and other land managers have the delicate task of weighing energy production against competing public land uses, seeking a balance that both best serves the American public and sustains the health of the land. This is often a difficult undertaking, as conflicts over the Arctic National Wildlife Refuge (ANWR) illustrate. This pristine, controversial area—by current law off-limits to energy development—hosts native tribes, a vast wilderness teeming with wildlife, and significant oil and gas reserves. Wildlife and wilderness proponents oppose any development whatsoever; the oil industry and the current administration view ANWR as a step toward energy independence; and the native peoples—some of whom stand to gain, some to lose—are split on the subject. In addition to carefully considering what is fact and what is opinion, everyone involved in making decisions about ANWR and energy in general will need to seek innovative approaches and work collaboratively to find alternatives that can be accepted by all.

#### C- links more to limits

Bernard Hoekman and Petros C. Mavroidis (World Bank Development Research Group) October 2002 “Economic Development, Competition Policy, and the World Trade Organization” http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/11/22/000094946\_02111404425138/Rendered/PDF/multi0page.pdf

Under the "effects" doctrine (or subjective territoriality), countries may take action¶ against foreign practices that have negative effects in their markets. Cartels are an¶ example. The WTO may be relevant in this connection through GATT Art. XI, which¶ states: "no prohibition or restriction ... shall be instituted or maintained ... on the exportation or sale for export". Export cartels are a restriction on exportation. As with national treatment, the threshold issue is whether the export cartel can be attributed to government behavior. On this, a GATT panel (Japan - Semiconductors) argued that a "but for" test should be used, i.e., to what extent the observed behavior would have taken place absent government involvement. Unfortunately the precise degree of government involvement was not specified and thus it is doubtful whether mere 'tolerance' of a cartel suffices. Arguably, however, even passive behavior could be caught by Art. XI, given that the term "restriction" invites a wider reading than the terms "law", "regulation" or "requirement" figuring in Art. I1.4. A legislative (rule making) initiative could usefully clarify this gray area.

#### D- No aff meets-

Hagerty ‘11 - Specialist in Energy and Natural Resources Policy for the Congressional Research Service

Curry L. Hagerty is, May 6, 2011, “Outer Continental Shelf Moratoria on Oil and Gas Development”, http://www.fas.org/sgp/crs/misc/R41132.pdf

Bureau of Ocean Energy Management, Regulation and Enforcement

(BOEMRE)32

Footnote 32 Begins…

32 BOEMRE is a bureau in the U.S. Department of the Interior that manages the nation’s oil, gas, renewable, and other¶ mineral resources on the outer continental shelf (OCS). Secretarial Order 3299, “Establishment of the Bureau of Ocean¶ Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Natural Resources¶ Revenue,” issued May 19, 2010, renamed the Minerals Management Service (MMS) as BOEMRE. This order was¶ amended on June 18, 2010, to extend the deadline for development of a schedule for implementing agency¶ reorganization from “within thirty (30) days,” or by June 19, 2010, to “by July 9, 2010.”

Footnote 32 End…

As mentioned above, regulated oil and gas activities on the OCS are administered pursuant to the¶ Outer Continental Shelf Lands Act (OCSLA). The chief agency for administering the oil and gas¶ leasing program is the Bureau of Ocean Energy Management, Regulation and Enforcement¶ (BOEMRE) in the Department of the Interior.¶ To clarify, BOEMRE is authorized to administer the leasing program, but it is not required to¶ lease specific areas. BOEMRE can opt to defer oil and gas development in any OCS area, even¶ when such action may appear to be inconsistent with other federal policies. BOEMRE has¶ deferred offering OCS areas numerous times over the years in response to recommendations from¶ state governors, stakeholders, and others.33¶ In rare cases, BOEMRE has designated OCS leasing in moratorium areas. In the current Five-¶ Year Plan, which took effect on July 1, 2007, BOEMRE (then the Minerals Management Service,¶ or MMS) proposed a lease sale in an area under moratorium offshore of the commonwealth of¶ Virginia.34 Sale 220 was proposed while the area was under a moratorium prohibiting leasing¶ activities; by 2009, however, the area was no longer under moratorium, and was eligible for¶ leasing consideration. Since that time Sale 220 has been removed from the lease sale schedule.

#### Seventh, Err affirmative—the topic is massively neg-biased because of a lack of fed-key warrants and the states counterplan, and huge backfile generics because of past energy topics

#### Eighth, Competing interpretations is bad—comparisons are just as subjective as reasonability and their frame encourages a race to the bottom. We shouldn’t lose if our aff makes debate harder as long as it is still possible and educational.

#### Ninth, wm financial incentives

Brown 10 -- AP (Matthew, Indian tribes to Congress – Streamline energy development, [www.buffalopost.net/?p=8525#more-8525](http://www.buffalopost.net/?p=8525#more-8525))

American Indian leaders on Thursday asked Congress to streamline the development of energy projects on tribal lands by curbing some federal oversight and providing incentives for companies to strike deals with reservations.

Reservations from Oklahoma to Montana and Alaska sit atop large amounts of oil, natural gas and coal. Others in wind-swept regions of the Northern Plains and on the West Coast have huge renewable energy potential.

But existing government rules make it easier for energy companies to pursue projects on non-tribal land, some members of Congress and tribal leaders say. As a result, tribes often miss out on the chance to develop their natural resources.

“Tribes in some of the poorest counties in America have vast renewable energy resources that can help them overcome poverty,” said Joe Garcia, Chairman of the All Indian Pueblo Council of New Mexico.

Garcia and other tribal representatives want the Senate Indian Affairs Committee to intervene through legislation proposed by Sen. Byron Dorgan, the North Dakota Democrat who chairs the committee.

The tribes want to eliminate federal drilling fees, pare down the Interior Department’s bureaucracy, and shield tribes from state and local taxes on energy projects.

Dorgan’s bill has yet to be introduced.

The tribal leaders’ requests were welcomed Thursday by both Democrats and Republicans.

“Energy development means jobs,” said Sen. John Barrasso, a Wyoming Republican. “It means income for families. It means paying the heating bill.”

Nationwide, energy royalties paid to tribes through the federal government totaled more than $334 million in 2008, the most recent year with figures available. That was down sharply from 2007, driven largely by a drop in oil and gas prices.

More than 2 million acres of tribal land have been developed for oil, gas and coal, according to the government. Estimates show 15 million acres more have the same potential, with additional land suited for wind, solar and other renewable energy projects.

In 2005, Congress tried to promote development by making it easier for tribes to enter agreements with private companies.

Witnesses at Thursday’s hearings said those changes weren’t enough. They also criticized changes instituted since 2005, such as a $4,000 fee for drilling on public lands – including reservations, which are held in federal trust.

#### Zero uniqueness- wind is high AND inevitable, both here and globally

Saari 2/11

(Emily, SMCM graduate and web producer, tck tck tck The Global Campaign for Climate Action, “2012 was a banner year for wind: Competitive pricing, record growth,” February 11, 2013, http://tcktcktck.org/2013/02/wind-is-cheaper-than-coal-for-the-first-time/48235//wyo-mm)

Posting a year of record success in several nations, the wind industry once again demonstrated the ability of the renewable energy sector to grow amidst negative economic trends. In Australia, wind is now a cheaper source of electricity than both natural gas and coal. Overall, the industry increased its total capacity by 19% worldwide, and it could meet up to a fifth of global electricity demand by 2030. In Spain, wind is the primary source of energy in the nation. Since November, Spain’s wind farms have produced six terawatt-hours of electricity per month, exceeding the production capacity of both nuclear and coal-fired power plants. The nation is on track to produce 40% of its energy from renewable sources by 2020. The U.S. and China both installed more than 13 gigawatts of new wind capacity each. Europe introduced a record 12.4 gigawatts, with Germany leading the way in growth and the emergence of new markets in Sweden, Romania, and Poland. “While China paused for breath, both the U.S. and European markets had exceptionally strong years,” said Steve Sawyer, Secretary General of the Global Wind Energy Council. “Asia still led global markets, but with North America a close second, and Europe not far behind.” The solid growth of the wind energy industry in 2012 will come as good news to businesses, trade unions, and health experts. Sustained progress on renewable energy capacity, however, is still at risk of being undermined by a lack of reliable support from policy makers. To meet domestic emissions reductions goals, countries around the world need to support the growth of the renewable industry and end active support of the fossil fuel industry.

**No impact to biodiversity**

**Sagoff et al 97**  Mark, Senior Research Scholar – Institute for Philosophy and Public policy in School of Public Affairs – U. Maryland, William and Mary Law Review, “INSTITUTE OF BILL OF RIGHTS LAW SYMPOSIUM DEFINING TAKINGS: PRIVATE PROPERTY AND THE FUTURE OF GOVERNMENT REGULATION: MUDDLE OR MUDDLE THROUGH? TAKINGS JURISPRUDENCE MEETS THE ENDANGERED SPECIES ACT”, 38 Wm and Mary L. Rev. 825, March, L/N

Note – Colin Tudge - Research Fellow at the Centre for Philosophy at the London School of Economics. Frmr Zoological Society of London: Scientific Fellow and tons of other positions. PhD. Read zoology at Cambridge.

Simon Levin = Moffet Professor of Biology, Princeton. 2007 American Institute of Biological Sciences Distinguished Scientist Award 2008 Istituto Veneto di Scienze Lettere ed Arti 2009 Honorary Doctorate of Science, Michigan State University 2010 Eminent Ecologist Award, Ecological Society of America 2010 Margalef Prize in Ecology, etc… PhD

Although one may agree with ecologists such as Ehrlich and Raven that the earth stands on **the brink of** an episode of **massive extinction, it may not follow** from this grim fact **that human** being**s will suffer** as a result. On the contrary, skeptics such as science writer Colin Tudge have challenged biologists to explain **why we need more than a tenth of the 10 to 100 million species that grace the earth**. Noting that "cultivated systems often out-produce wild systems by 100-fold or more," Tudge declared that "the argument that humans need the variety of other species is, when you think about it, a theological one." n343 Tudge observed that "the **elimination of all but a tiny minorityof our fellow creatures does not affect the material well-being of humans one iota."**n344 This skeptic challenged ecologists to list more than 10,000 species (other than unthreatened microbes) that are essential to ecosystem productivity or functioning. n345 "**The human species could survive just as well if 99.9% of our fellow creatures went extinct,** provided only that we retained the appropriate 0.1% that we need." n346   [\*906]   The monumental Global Biodiversity Assessment ("the Assessment") identified two positions with respect to redundancy of species. "At one extreme is the idea that each species is unique and important, such that its removal or loss will have demonstrable consequences to the functioning of the community or ecosystem." n347 The authors of the Assessment, a panel of eminent ecologists, endorsed this position, saying it is "unlikely that there is much, if any, ecological redundancy in communities over time scales of decades to centuries, the time period over which environmental policy should operate." n348 These eminent ecologists rejected the opposing view, "the notion that species overlap in function to a sufficient degree that removal or loss of a species will be compensated by others, with negligible overall consequences to the community or ecosystem." n349  Other biologists believe, however, that species are so fabulously redundant in the ecological functions they perform that the life-support systems and processes of the planet and ecological processesin general will function perfectly well with fewer of them, certainly fewer than the millions and millions we can expect to remain **even ifevery threatened organism becomes extinct**. n350 Even the kind of sparse and miserable world depicted in the movie Blade Runner could provide a "sustainable" context for the human economy as long as people forgot their aesthetic and moral commitment to the glory and beauty of the natural world. n351 The Assessment makes this point. "Although any ecosystem contains hundreds to thousands of species interacting among themselves and their physical environment, the emerging consensus is that the system is driven by a small number of . . . biotic variables on whose interactions the balance of species are, in a sense, carried along." n352   [\*907]   To make up your mind on the question of the functional redundancy of species, consider an endangered species of bird, plant, or insect and ask how the ecosystem would fare in its absence. The fact that the creature is endangered suggests an answer: it is already in limbo as far as ecosystem processes are concerned. What crucial ecological services does the black-capped vireo, for example, serve? Are any of the species threatened with extinction necessary to the provision of any ecosystem service on which humans depend? If so, which ones are they?  Ecosystems and the species that compose them have changed, dramatically, continually, and totally in virtually every part of the United States. There is little ecological similarity, for example, between New England today and the land where the Pilgrims died. n353 In view of the constant reconfiguration of the biota, **one may wonder why Americans have not suffered more as a result of ecological catastrophes**. The cast of species in nearly every environment changes constantly-local extinction is commonplace in nature-but the crops still grow. Somehow, it seems, property values keep going up on Martha's Vineyard in spite of the tragic disappearance of the heath hen.  One might argue thatthe sheer number and variety of creatures available to any ecosystem buffers that system against stress. Accordingly, we should be concerned if the "library" of creatures ready, willing, and able to colonize ecosystems gets too small. (Advances in genetic engineering may well permit us to write a large number of additions to that "library.") In the United States as in many other parts of the world, however, **the number of species has been increasing dramatically**, not decreasing, as a result of human activity. This is because the hordes of exotic species coming into ecosystems in the United States far exceed the number of species that are becoming extinct. Indeed, introductions may outnumber extinctions by more than ten to one, so that the United States is becoming more and more species-rich all the time largely as a result of human action. n354 [\*908] Peter Vitousek and colleagues estimate that over 1000 non-native plants grow in California alone; in Hawaii there are 861; in Florida, 1210. n355 In Florida more than 1000 non-native insects, 23 species of mammals, and about 11 exotic birds have established themselves. n356 Anyone who waters a lawn or hoes a garden knows how many weeds desire to grow there, how many birds and bugs visit the yard, and how many fungi, creepy-crawlies, and other odd life forms show forth when it rains. All belong to nature, from wherever they might hail, but not many homeowners would claim that there are too few of them. Now, not all exotic species provide ecosystem services; indeed, some may be disruptive or have no instrumental value. n357 This also may be true, of course, of native species as well, especially because all exotics are native somewhere. Certain exotic species, however, such as Kentucky blue grass, establish an area's sense of identity and place; others, such as the green crabs showing up around Martha's Vineyard, are nuisances. n358 Consider an analogy [\*909] with human migration. Everyone knows that after a generation or two, immigrants to this country are hard to distinguish from everyone else. The vast majority of Americans did not evolve here, as it were, from hominids; most of us "came over" at one time or another. This is true of many of our fellow species as well, and they may fit in here just as well as we do. It is possible to distinguish exotic species from native ones for a period of time, just as we can distinguish immigrants from native-born Americans, but as the centuries roll by, species, like people, fit into the landscape or the society, changing and often enriching it. Shall we have a rule that a species had to come over on the Mayflower, as so many did, to count as "truly" American? Plainly not. When, then, is the cutoff date? Insofar as we are concerned with the absolute numbers of "rivets" holding ecosystems together, extinction seems not to pose a general problem because a far greater number of kinds of mammals, insects, fish, plants, and other creatures thrive on land and in water in America today than in prelapsarian times. n359 The Ecological Society of America has urged managers to maintain biological diversity as a critical component in strengthening ecosystems against disturbance. n360 Yet as Simon Levin observed, "much of the detail about species composition will be irrelevant in terms of influences on ecosystem properties." n361 [\*910] He added: "For net primary productivity, as is likely to be the case for any system property, **biodiversity matters only up to a point**; above a certain level, increasing biodiversity is likely to make **little difference**." n362 What about the use of plants and animals in agriculture? There is no scarcity foreseeable. "Of an estimated 80,000 types of plants [we] know to be edible," a U.S. Department of the Interior document says, "only about 150 are extensively cultivated." n363 About twenty species, not one of which is endangered, provide ninety percent of the food the world takes from plants. n364 Any new food has to take "shelf space" or "market share" from one that is now produced. Corporations also find it difficult to create demand for a new product; for example, people are not inclined to eat paw-paws, even though they are delicious. It is hard enough to get people to eat their broccoli and lima beans. It is harder still to develop consumer demand for new foods. This may be the reason the Kraft Corporation does not prospect in remote places for rare and unusual plants and animals to add to the world's diet. Of the roughly 235,000 flowering plants and 325,000 nonflowering plants (including mosses, lichens, and seaweeds) available, farmers ignore virtually all of them in favor of a very few that are profitable. n365 To be sure, any of the more than 600,000 species of plants could have an application in agriculture, but would they be preferable to the species that are now dominant? Has anyone found any consumer demand for any of these half-million or more plants to replace rice or wheat in the human diet? There are reasons that farmers cultivate rice, wheat, and corn rather than, say, Furbish's lousewort. There are many kinds of louseworts, so named because these weeds were thought to cause lice in sheep. How many does agriculture really require? [\*911] The species on which agriculture relies are domesticated, not naturally occurring; they are developed by artificial not natural selection; they might not be able to survive in the wild. n366 This argument is not intended to deny the religious, aesthetic, cultural, and moral reasons that command us to respect and protect the natural world. These spiritual and ethical values should evoke action, of course, but we should also recognize that they are spiritual and ethical values. We should recognize that ecosystems and all that dwell therein compel our moral respect, our aesthetic appreciation, and our spiritual veneration; we should clearly seek to achieve the goals of the ESA. There is no reason to assume, however, that these goals have anything to do with human well-being or welfare as economists understand that term. These are ethical goals, in other words, not economic ones. Protecting the marsh may be the right thing to do for moral, cultural, and spiritual reasons. We should do it-but someone will have to pay the costs. In the narrow sense of promoting human welfare, protecting nature often represents a net "cost," not a net "benefit." It is largely for moral, not economic, reasons-ethical, not prudential, reasons- that we care about all our fellow creatures. They are valuable as objects of love not as objects of use. What is good for   [\*912]  the marsh may be good in itself even if it is not, in the economic sense, good for mankind. **The most valuable things are quite useless**.

#### Allowing political participation is critical to resignifying Native epistemological control and increasing self-determination

Powell and Curley 09

(Dana and Andrew, Assistant Professor of Anthropology, Appalachian State—AND—Researcher, Diné Policy Institute, Navajo Nation K’e, Hozhó, and Non-governmental Politics on the Navajo Nation: Ontologies of Difference Manifest in Environmental Activism, [http://www.ram-wan.net/documents/05\_e\_Journal/journal-4/5-powell.pdf)FLD=Fundamental](http://www.ram-wan.net/documents/05_e_Journal/journal-4/5-powell.pdf%29FLD%3DFundamental) Laws of the Dine

Admittedly, use of customary principles serves as a pragmatic legal strategy, but there remains strong use of these concepts within the meaning-making work that goes on within Diné non-governmental politics. In fact, it is precisely the contested meanings of FLD that fuel the debates over various development technologies, as evidenced in all ten of the public hearings for the Draft Environmental Impact Statement on the Desert Rock Energy Project (coal fired power plant) during the Summer of 2007. The meaning-making work of these social movement actors is crucial to their political subjectivities and epistemologies, which are significant products of the cultural politics they are engaged in. In other words, their efficacy and agency cannot be measured only in terms of “political opportunities” or directly causal factors, but operates as well at the level of knowledge production and resignification.12 What’s more, many of Navajo non-governmental actors express extreme dissatisfaction with the decision-making processes currently operating in the Navajo Nation government, while at the same time stressing the central importance of tribal sovereignty, self-determination, and good governance.

#### Affirming wind and solar is a critical way for Native Americans to expand and implement their epistemological fields in a way that resists colonial submission and combats environmental injustice-

Powell et al 08

(Dana E., assistant professor of Anthropology, Appalachian State—M. Isabel Casas-Cortés—PhD student in Anthropology at University of North Carolina , Michal Osterweil—lecturer in the dept of anthropology, UNC Powell (Dana, Blurring Boundaries: Recognizing Knowledge-Practices in the Study of Social Movements, Anthropological Quarterly 81.1; 17-58)

One of the central and most evident articulations of knowledge-practice was the concept of "Energy Justice," a challenge to the history of subterranean resource extraction on Indigenous lands led by tribal-federal or tribal-utility contracts, and a call for alternative ethics and methods of resource management. Activists posed this concept as both an analytic and a prescription for action, historicizing and bringing a critical, situated edge to more abstract, often unmoored discourses such as "climate change" or "economic development." Such global concepts thread into the IEJ network through various points of entry, but are translated by activists in relation to particular, geo-historical instances of environmental, economic, social, physical, and spiritual impact. In this sense, universal concepts such as climate change—one of the five key focus areas of the Indigenous Environmental Network conference and its ongoing campaigns—must be worked out to [End Page 31] engage the embodied struggles, specific histories of colonization and resource extraction, and meanings of nature in certain Native communities. "Energy justice" is presently attempting to do that translation work.9 Thus "energy justice" as articulated by movement activists (LaDuke 1999, 2005)10 presents a political analysis of the chain of energy production and policy in several ways. As a concept, it also posits an alternative knowledge of the impacts of resource extraction on particular Native communities. At the same time, it influences scientific investigation on the viability of renewable energy technologies, such as wind and solar power, on Native territories. Finally, it lays claim to the highly contentious field of knowledge surrounding energy policies, technologies, and economic "development" projects for tribes and First Nations. "Energy Justice" advocates (Native and non-Native) presented empirical research on uranium extraction on Navajo lands for plutonium production by U.S. military and nuclear industries. They also shared knowledge of coal extraction and refineries in places such as the Fort Berthold reservation in South Dakota and Ponca land in Oklahoma—communities that are soot-soaked and asthma-ridden from decades of pollution. They discussed the two current federal proposals for storage of high-level nuclear waste, one on Skull Valley Goshute land in southern Utah and the other on Western Shoshone land at Yucca Mountain, Nevada. Outlining the controversies surrounding the Yucca Mountain site in particular, activists articulated their critiques of federal and tribal energy development with scientific discourses of geography, geology and physics, as well as with a cosmology of ancestors, spirits and animate ecologies, which are as intrinsic and authoritative in their politics of nature as soil samples or other material data. In this way, "energy justice" emerges from a commingling of epistemological practices: "Western" and "natural" science and technology, economics, Native epistemologies and the lived experiences of members in these impacted communities.

### AT: Politics

#### Impact framing:

#### Don’t prefer extinction level impacts- survival politics obscure violence committed against the racialized body- makes racism more tacit and violent- that’s Doane- immigration is a unique example of this because it’s used to prop up the white privileged regime like ballot claiming- if we win this frame is problematic- you assign low-risk to the DA bc it makes genocidal politics inevitable

#### Focus on spectacular politics create fixation on improbable and mask systemic violence- leaves the root causes of destruction and violence intact - that’s Nixon- turns the DA because it makes conflicts in the long-run worse

#### You have no PC card- says Obama pushing, but doesn’t say anybody’s vote switches-

#### This ev makes a a u/q overwhelsm the link claim- says it will be tough, but says they will get it done inevitably-

#### No new block evidence- makes impossible to predict-

#### Immigration won’t pass – broad opposition begins after Easter break

Ashley Parker and michael d. Shear, “G.O.P. Opposition to Immigration Law Is Falling Away” New York Times, 3/19/13. http://www.nytimes.com/2013/03/20/us/politics/gop-opposition-to-immigration-law-is-falling-away.html?pagewanted=all&\_r=1&

The Senate group is aiming to release its proposals in the second week of April, after lawmakers return from Easter break. A week later, as part of Mr. Dane’s event, activists, sheriffs, cattle ranchers and others will fan out across Capitol Hill to lobby against the legislation.¶ Their message, he said, is aimed directly at lawmakers like Mr. Paul: “Forget about politics. Forget about trying to win voters. Stand on principles.”

#### No immigration – guest worker dispute

Elise Foley, Immigration Reform Guest Worker Provision Hits Another Roadblock, Huffington Post, 3/22/2013. http://www.huffingtonpost.com/2013/03/22/immigration-reform-guest-worker-\_n\_2936266.html

WASHINGTON -- Immigration talks in the Senate snagged Friday when Republican members of the "gang of eight" rejected another compromise on the future flow of foreign workers, according to the AFL-CIO labor federation.¶ Senators said they had hoped to agree on reform by the end of the week, before a two-week recess takes them out of Washington. Other issues, even contentious ones such as border security and a path to citizenship for undocumented immigrants, have mostly been resolved. But squabbling over worker visas continues.¶ The latest problem is how to decide the future flow of workers that won't disrupt wages of American workers. Talks between the AFL-CIO and the U.S. Chamber of Commerce over guest worker provisions have stalled over the issue. After Republicans senators in the gang of eight -- Marco Rubio (R-Fla.), John McCain (R-Ariz.), Lindsey Graham (R-S.C.) and Jeff Flake (R-Ariz.) -- rejected other proposals, AFL-CIO spokesman Jeff Hauser said Democrats offered a compromise: adopting language from an existing law for another type of visa, the H2-B. "Visas will be issued only when the employment of foreign workers will not adversely affect the wages and working conditions of similarly situated workers in the United States," that law reads.¶ The aim is to avoid driving down wages for American workers by maintaining the existing H2-B mechanism that sets wages for new workers.¶ Republicans turned down that proposal, Hauser said, surprising Democrats, who believed other elements of the future flow agreement had addressed GOP concerns.¶ "This is not just looking a gift horse in the mouth, but like looking at every tooth," Hauser said.¶ AFL-CIO campaign manager Tom Snyder told TPM earlier Friday that "the only thing that’s remaining here is that the business community wants to set wage rates for the new visa holders that are below the federal poverty line."

#### Immigration won’t pass – pathway to citizenship costs

Ted Hesson, “Haley Barbour and Ed Rendell Cast Doubt on Immigration Law By Summer,” 3/20/2013. http://abcnews.go.com/ABC\_Univision/Politics/governors-cast-doubt-immigration-law-summer/story?id=18773580&page=2

President Barack Obama along with Democratic and Republican lawmakers have said they would like to see an immigration law come to a vote in the Senate by June. But two party elders think that's too hopeful a goal.¶ Former Govs. Haley Barbour (R-Miss.) and Ed Rendell (D-Pa.) both said they support an immigration reform effort with a path to citizenship, but the pair expressed skepticism about reports that an immigration bill could come to a vote in the Senate by June.¶ "Having been in the White House in '86, the last time we did this, I know that it's complex and contentious," said Barbour, who was a political aide for President Ronald Reagan during the passage of the Immigration Control and Reform Act, which gave nearly three million people a path to citizenship. "To me, it's a little bit overly optimistic to be talking about what we're going to get done this spring or before the August recess."¶ Both Barbour and Rendell have deep political resumes, each having served as chairman for their respective parties. Since February, they've been advocating for immigration reform as part of a task force formed by the Bipartisan Policy Center (BPC) that includes former Secretary of State Condoleezza Rice, who served in the administration of President George W. Bush.¶ In a press briefing at the BPC in Washington, D.C., Barbour and Rendell spelled out some of the roadblocks that they think reform will need to overcome.¶ One of the biggest will be the cost, according to Rendell.¶ He cited a Congressional Budget Office (CBO) report that looked at costs associated with giving legal permanent residency to foreign students who graduate from U.S. universities with advanced degrees in the fields of science, technology, engineering and math, commonly known as STEM.¶ A large portion of the expenses in the report were related to prospective health care coverage that immigrants would receive under the Affordable Care Act, the contentious law pass in 2010. With that in mind, Rendell thought the CBO estimate was off-base.

PC not real/irrelevant-

Hirsh Feb. 7th

[Michael Hirsh, Feb. 7 There’s No Such Thing as Political Capital, http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207]

The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.” The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong. “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980.” For that reason, political capital is a concept that misleads far more than it enlightens. It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history.

#### New tribal bills being pursued now-

Granitz 3/21

(Peter, KTOO, “Murkowski introduces new revenue sharing bill,” March 21, 2013, <http://www.ktoo.org/2013/03/21/murkowski-introduces-new-revenue-sharing-bill///wyo-mm>)

Senator Mark Begich introduced his own revenue sharing bill earlier this year, one that looks quite different from Senator Murkowski’s. He said his plan would put more money into the local economies and Native Corporations but less into the state. “The key for me is making sure the local communities, including the tribes are part of the equation,” he said before a Senate vote. He said the two plans can be reconciled.

#### The DA creates a tyranny of the people that makes Native subjugation inevitable

Judge Royce C. Lamberth 5, United States District Judge, 229 F.R.D. 5; 2005 U.S. Dist. LEXIS 13757; 62 Fed. R. Serv. 3d (Callaghan) 319, July 12, 2005, lexis

At times, it seems that the parties, particularly Interior, lose sight of what this case is really about. The case is nearly a decade old, the docket sheet contains over 3000 entries, and the issues are such that the parties are engaged in perpetual, heated litigation on several fronts simultaneously. [\*\*2] But when one strips away the convoluted statutes, the technical legal complexities, the elaborate collateral proceedings, and the layers upon layers of interrelated orders and opinions from this Court and the Court of Appeals, what remains is the raw, shocking, humiliating truth at the bottom: After all these years, our government still treats Native American Indians as if they were somehow less than deserving of the respect that should be afforded to everyone in a society where all people are supposed to be equal.¶ For those harboring hope that the stories of murder, dispossession, forced marches, assimilationist policy programs, and other incidents of cultural genocide against the Indians are merely the echoes of a horrible, bigoted government-past that has been sanitized by the good deeds of more recent history, this case serves as an appalling reminder of the evils that result when large numbers of the politically powerless are placed at the mercy of institutions engendered and controlled by a politically powerful few. It reminds us that even today our great democratic enterprise remains unfinished. And it reminds us, finally, that the terrible power of government, and the frailty [\*\*3] of the restraints on the exercise of that power, are never fully revealed until government turns against the people.¶ The Indians who brought this case are beneficiaries of a land trust created and maintained by the government. The Departments of the Interior and Treasury, as the government's Trustee-Delegates, were entrusted more than a century ago with both stewardship of the lands placed in trust and management and distribution of the revenue generated from those lands for the benefit of the Indians. Of course, it is unlikely that those who concocted the idea of this trust had the Indians' best interests at heart--after all, the original General Allotment Act that created the trust was passed in 1887, at a time when the government was engaged in an "effort to eradicate Indian culture" that was fueled, in part, "by a greed for the land holdings of the tribes[.]" Cobell v. Babbitt ("Cobell V"),91 F. Supp. 2d 1, 7-8 (D.D.C. 1999). But regardless of the motivations of the originators of the trust, one would expect, or at least hope, that the modern Interior department and its modern administrators would manage it in a way that reflects our modern understandings [\*\*4] of how the government should treat people. Alas, our "modern" Interior department has time and again demonstrated that it is a dinosaur--the morally and culturally oblivious hand-me-down of a disgracefully racist and imperialist government that should have been buried a century ago, the last pathetic outpost of the indifference and anglocentrism we thought we had left behind.

#### No terminal impact-

#### No war: 3 warrants

#### 1. Interdependence- increases cooperation and coalition building between countries- makes them more likely to negotiate than go to war because the economic costs would be too high- that’s Deudney

#### 2. Mindset shift solves- war not morally justified by squo leaders and mass opposition from country’s public- that’s Fettweis

#### 3. Nuclear deterrence, increased cooperation, global economic interdependence, high-costs and empirics all check back against risk of great power wars and conflict- that’s Robb

#### PC no- perceived as inattentive

Young 2/15

(J.T., The Washington Times, “YOUNG: Ignoring the dismal Obama economic reality Solving fiscal woes will require more than pretty words,” February 15, 2013, http://www.washingtontimes.com/news/2013/feb/15/ignoring-the-dismal-obama-economic-reality/?page=1//wyo-mm)

Mr. Obama begins his second term with less political capital than he would like — and far less than he realizes. While he may think he’s the master of his message, his unrealistic response to economic indicators could convince Americans that he is inattentive to the struggles they face.

#### Failure to recognize colonial domination of Native’s is the root of war---hegemony makes conflict inevitable

Street 4—member of the International Organization for a Participatory Society[1] and holds a doctorate in U.S. History from Binghamton University. Author of many books and former Director of Research and Vice President for Research and Planning at the Chicago Urban League (Paul, Those Who Deny The Crimes of the Past: American Racist Atrocity Denial 101, http://www.blackcommentator.com/82/82\_think\_street.html)

Americans are clearly faced with a choice. On the one hand, they can continue in their collective pretense that "the opposite of everything is true," prattling on about "innocent Americans" being "the most peaceful people on earth" while endorsing the continuous U.S. disposition of death, destruction, and domination in every quarter of the globe. On the other, they must at last commence the process of facing up both to the realities of their national history and to the responsibilities that history has bequeathed. In effect, Americans will either become active parts of the solution to what they and their country have wrought, or they will remain equally active parts of the problem. There is no third option. – Ward Churchill, On the Justice of Roosting Chickens: Reflections on the Consequences of U.S. Imperial Arrogance and Criminality (AK Press, 2003, p. 79) John Kerry Haunted by the Youthful Admission of "Absolute Horror" There are many indications that the United States is nowhere near ready to repudiate imperial arrogance, racism, and criminality so that it might join or help create a real world community. One such indication is the brazen chutzpah with which it has restored fascist thugs to power in Haiti, standing by while U.S.-friendly henchmen butcher supporters of a president that American military personnel kidnapped “back to Africa” because he was too closely aligned for American corporate tastes to the nation’s millions of desperately impoverished citizens. If one of those citizens is to be believed, and his eyewitness testimony (see the quote from “Johnny” above) is richly consistent with a long record of U.S. military conduct (see below), some U.S. Marines are posing for souvenir photographs with murdered victims of Haiti’s new death squads. Another depressing sign is the United States’ failure to include Arab victims in its ongoing presidential candidate "debate" over the wisdom and morality of George W. Bush's illegal invasion and occupation of Iraq. At the height of his anti-war campaign for the Democratic nomination, Howard Dean said that "there are now almost 400 people dead who wouldn't be dead if we hadn't gone to war" (New York Times, November 4, 2003), ignoring careful investigations showing that more than 7800 Iraqi civilian non-combatants died during the invasion. Another among many warnings along the same discouraging lines is the sad fact that Democratic presidential candidate John Kerry can be put on the defensive because of some minimally honest testimony he gave to the Senate Foreign Relations Committee more than thirty years ago. The candidate's political problem is that he told some basic truth about what he called "the absolute horror" of U.S. conduct in Vietnam after two tours of "duty" in Southeast Asia. Kerry's "old words have come back to haunt him," the New York Times reported two weeks ago, as "conservative" supporters of "President" Bush "question whether Mr. Kerry is 'a proud war hero or an angry antiwar protester.'" The young Kerry's 1971 testimony noted that American military personnel there had "raped, cut off ears, cut off heads, taped wires from portable telephones to human genitals and turned up the power, cut off limbs, blown up bodies, randomly shot at civilians, razed villages in a fashion reminiscent of Genghis Kahn, shot cattle and dogs for fun, poisoned food stocks and generally ravaged the countryside of South Vietnam." According to the Times, Kerry's words "remain a special lightning rod...especially" because he described military atrocities in Vietnam as "'not isolated incidents but crimes committed on a day-to-day basis with the full awareness of officers at all levels of command.'" (Kerry's 1971 testimony, quoted in Todd S. Purdum, "In '71 Antiwar Words, a Complex View of Kerry," New York Times, February 28, 2004, A1) A Nation of Exceptional "Kindness and Good Will" In uttering these accurate words, Kerry violated two related principles of dominant US doctrine and culture. The first principle holds that the real tragedy of the Vietnam War is all about the trauma it inflicted on America, not Vietnam – a small peasant nation that lost millions of lives to US invasion. Seen (or not seen) through the filters of America's "mainstream" (really corporate-state) news and entertainment culture, however, Vietnam's difficulties are nothing compared to the pain that "pre-modern" state inflicted on the world's most powerful nation by committing the unpardonable "sin of self-defense," to use one of Noam Chomsky's sardonic characterizations. The second principle is a timeworn United States dictum that is "often," in Chomsky words, "considered unnecessary to formulate because its truth is taken to be so obvious." This narcissistic, self-evident U.S. maxim holds that, in Chomsky apt paraphrase, "we [the U.S] – or at least the circles who provide the leadership and advise" the makers of US policy – "are good, even noble. Hence our interventions are necessarily righteous in intent, if occasionally clumsy in execution. In [former US President (1912-1918) Woodrow] Wilson's own words, we have 'elevated ideals' and are dedicated to 'stability and righteousness,' and it is only natural, then , as Wilson wrote in justifying the conquest of the Philippines, that 'our interests must march forward, altruists though we are.'" (Chomsky, Hegemony or Survival: America's Quest for Global Dominance, 2003, pp. 42-43). Chomsky's analysis provides useful context for understanding a speech that George W. Bush delivered last November to the U.S. Chamber of Commerce. After claiming that U.S. actions during the last three years had "shown the noble aims and good heart of America," Bush told his assembled business class compatriots that "the cause we serve is right, because it is the cause of all mankind": to "promote liberty around the world." "The advance of freedom," Bush II elaborated, is "the calling of our country," which has always "put our power at the service of principle" - unlike past empires, which sought profit and advantage (George W. Bush, remarks at the 20th Anniversary of the National Endowment for Democracy, November 6, 2003). In a similar vein, Bush's "Mission Accomplished" speech to U.S. troops on the USS Abraham Lincoln last May claimed that "American values and America interests lead in the same direction: ...human liberty." America is unique, Bush the Second claimed, in the benevolence of its global power. "When Iraqi civilians looked into the faces of our servicemen and women," Bush claimed, "they saw strength and kindness and goodwill" on the part of armed forces that "achieve military objectives without directing violence against civilians" and use force only "as a last resort" ("President Bush Announces Major Combat Operations in Iraq Have Ended," May 1, 2003). In these and other examples, Bush II's orations are often monuments to the depth and degree of the "national self-love" (to borrow a phrase from Frederick Engels) that statesmen are capable of proclaiming. The Noble "Determination to Kill Every Native in Sight": A Brief Chronology of Direct U.S. Atrocities One of the many difficulties with the Wilson-Bush II way of seeing the US role in the world is the United States' long record of inflicting massive, elite-approved military mayhem on noncombatants at home and abroad. Below, I provide a partial and selective chronology of some of the better-known U.S. atrocities. This record places the carnage hinted at by the youthful Kerry in chilling historical context, helping us grasp the full extent of the United States' exceptional commitment to "kindness and goodwill" at home and abroad. In reviewing these terrible episodes, it is important to remember that the US prefers whenever possible for atrocities to be carried out quietly and impersonally – the US-imposed sanctions on Iraq (which silently killed more than half million Iraqi children) and the econoterrorist neoliberal mandates of the International Monetary Fund and the World Bank, for example – or indirectly, by non-American proxy forces like Pinochet's fascist butchers of the Chilean left (1973), the Central American death squads and contras of the 1970s, 1980s and 1990s, the mass-murderous Suharto regime in Indonesia (1965-2001), the racist occupation state in Israel, and the current gang of fascist thugs (whose leader expresses admiration for Pinochet) the US has just recently restored to client-state power in Haiti. Indirect and silent massacre is not always feasible, however, and there is thus a rich record of direct US engagement in the infliction of "absolute horror" on enemies at “home” and abroad, accompanied by a strong dose of racist rationalization. Here are some of the highlights: "The Winning of the West": A Great Work of Civilization By "The English-Speaking Race" 1776: Six thousand US troops raze more than 20 Cherokee towns, "destroying crops, inflicting serious casualties on noncombatants and sweeping much of the population into Spanish Florida. Only the cessation of about a third of the all Cherokee territory brings the annihilatory campaign to a halt" (Churchill, On the Justice of Roosting Chickens, p.44) 1800: American troops destroy a slave revolt in Virginia, executing Gabriel Prosser and 35 accomplices as a deterrent example to blacks that might seek freedom in the land of freedom. Already nearly two centuries old, North-American black chattel slavery will continue for six and half more decades, an ultra-racist social atrocity that some might consider as bad as physical eradication and which is followed by successive new regimes of anti-black racist oppression – Jim Crow segregation/apartheid, sharecropping and debt-peonage, urban ghettoization, mass incarceration, etc. – that embody the largely unacknowledged legacy and un-repaired burden of mass enslavement. Untold numbers of African-Americans will be murdered by white masters and overseers for various “reasons,” ranging from out-and-out rebellion to attempted escape, “disrespectful” behavior, and perceived insufficient work productivity. 1822: Troops hang 35 rebellious black slaves in South Carolina, leaving the rotting corpses on prolonged public display as a warning to other black chattel who might contemplate extending the principles of the Declaration of Independence to people of African ancestry. 1828-1840: U.S. Army conducts a long and bloody forced removal of the Cherokee, Choctaw, and Seminole nations to Oklahoma. 1831: Troops hang 19 rebellious slaves in Virginia. 1850: US troops massacre at least 75 Pomo Indians trapped on an island in the Russian River area of California. 1863: US Army Colonel Henry Sibley puts down a revolt of starving Santee Dakota Indians, conducting a mass execution of 38 native leaders. 1864: U.S. territorial military commander Colonel John Chivington oversees the quick and brutal murder of as many as 200 Cheyenne and Arapaho Indians at Sand Creek (Colorado). The Indians had been led to believe they had been given sanctuary at Sand Creek. More than half of the victims were women and children. 1868: Lieutenant George Armstrong Custer's Seventh U.S. Cavalry conducts a dawn assault on a noncombatant Cheyenne village camped along the Washita River in Oklahoma. Custer orders and oversees the slaughter of more than 100 Cheyenne, including women and children and the killing of 875 ponies. 1876-1877: The U.S. Army celebrates the 100th anniversary of American "freedom" and "goodwill" by launching a "Centennial Campaign" to clear the Black Hills of their original inhabitants. A winter campaign targeting mostly defenseless villages shreds away 90 percent of Lakota territory. Former Civil War hero and prolific Indian-killer General Phillip Sheridan proclaims that US Indian policy is one of "extermination," consistent with his pithy 1868 observation that "the only good Indian is a dead Indian." 1890/1899: The U.S. Seventh Cavalry massacres 350 unarmed Lakota - mainly women, children, and old men – at Wounded Knee creek in South Dakota. "The ostensible purpose," writes Churchill, "is to end the 'insubordination' embodied in the Indians' practice of the Ghost Dance. More likely, the troops [were] revenging themselves for the fate of Custer fourteen years earlier" (Churchill, On the Justice of Roosting Chickens, p.57) – when Lakota warriors committed the "sin of self-defense" by decimating Custer and his regiment at Little Bighorn. The Seventh Cavalry killers received Medals of Honor in recognition of their courageous actions. This and other genocidal anti-Indian atrocities that preceded it receive hearty approval in future US President and Spanish-American War instigator/hero Theodore Roosevelt's massive, four-volume 1899 study Winning of the West – a white-supremacist paean to Anglo-America's near- eradication of North America's original civilizations. "During the past three centuries," Roosevelt opined, "the spread of English-speaking people over the world's waste spaces" (meaning spaces not occupied by "progressive" capitalist-developmental Caucasians) was a great and welcome "feat of power," for which the "English-speaking race" could justly feel proud. No such "feat" of "race power" was more laudable, however, than "the vast movement by which this continent [North America] was conquered and peopled" – the "crowning and greatest achievement of a series of mighty movements." The Anglo-American pioneers conducted what Roosevelt called the noble civilizing "work" of "overcoming the original inhabitants" while at the same time "warding off the assaults of the kindred [that is European-Caucasian] nations that were bent on the same schemes." The North-American settlers performed the most heroic "work" of all, for they "confronted the most formidable savage foes ever encountered by colonists of European stock." Destroying the Indian "savages," Roosevelt claimed, was white North America's third greatest work to date, exceeded only by "the preservation of the Union itself and the emancipation of the blacks" – this as African-Americans suffered under terrorist Jim Crow regime in the former slave states and faced countless indignities throughout the U.S (Theodore Roosevelt, The Winning of the West, Volume I: From the Alleghenies to the Mississippi, 1769-1776 [New York, 1899], pp. 1-22). 1889-1918: 3,224 Americans are lynched within the United States, mostly in the South. Seventy-eight percent of these atrocity victims are black. In most cases the victims are hung or burned to death by mobs of white vigilantes, commonly in front of thousands of gleeful spectators. Many observes take pieces of the victim’s body as souvenirs to memorialize the event. Photographs of the murdered victims circulate as popular postcards throughout the South, providing precedent for the imperialist pornographic exercise observed by “Johnny” and noted at the beginning of this article. The Free-Fire Zoning of Asia and the Disciplining of Haiti by "The Children of the Anglo-Saxon Race" 1898-1905: The U.S. Army, frequently led by "old Indian fighters," seizes the Philippines from its prior colonial master (Spain) and crushes a Filipino independence movement, killing as many as 600,000 natives of the newly US-acquired Philippine islands. Few prisoners are taken and the Red Cross reports an extremely high ratio of dead to wounded, indicating U.S. "determination to kill every native in sight." Throughout the barbarian U.S. "pacification" of the Philippines, American forces refer to the Filipinos as "niggers," "barbarians," and "savages." America's racist and Social-Darwinist President (1901-08) Theodore Roosevelt vilifies resisting Filipinos as "Apaches." The phrase "gook" makes its first appearance as a U.S. military term to describe angry and frightened Asians who inhabit lands invaded by "freedom-loving" Americans. Custer's legendary U.S. Seventh Cavalry arrives to help suppress "gook Apaches" in 1905. The U.S. butchery receives indirect racist approval from leading U.S. financial authority and Wall Street journalist Charles A. Conant, who anticipates certain aspects of J.A. Hobson and V.I. Lenin's celebrated theories of imperialism (see Carl Parrini and Martin Sklar, “New Thinking About the Market: Some American Economists on Investment and the Theory of Surplus Capital,” Journal of Economic History [September 1983], pp. 559-578) in an essay titled "The Economic Basis of Imperialism." Beyond his argument that surplus domestic capital in core industrial states provides the taproot for modern U.S. and European imperialism, Conant claims that the US is entering a path of global expansion "marked out for them as children of the Anglo Saxon race." The new movement towards overseas imperialism is "the result," Conant argues, of "natural laws of economic and race development. The great civilized people have today at their command the means of developing the decadent nations of the world," who require benevolent Anglo-Saxon intervention because they are on the wrong side of the law of the "survival of the fittest" (Charles A. Conant, The United States in the Orient, New York, NY, 1900, p. 2) 1915-1934: Haiti lives under the supreme authority of the U.S. Marine Corps, which dissolves that formerly sovereign country’s National Assembly, restores practical slavery for much of the populace, turns the economy over to U.S. corporations, and massacres an untold number of Haitian peasants. During a “battle” at Fort Reviere, the Marines kill 51 Haitians and do not suffer a single casualty, helping U.S. Smedly D. Butler earn a Congressional Medal of Honor. Reports of U.S. military abuse and atrocity lead to an investigation by NAACP official James Weldon Johnson, who finds the charge of extreme cruelty by the North-American troops to be accurate (J. Damus, “Reparations,” National Black Law Students’ Association). This imperial butchery is encouraged by the rich and toxic racism of the supposedly great moral-idealist Woodrow Wilson administration, one of whose high diplomatic officials tells Wilson’s Secretary of State Robert Lansing that “Negro blood” keeps the Haitians “almost in a state of savagery and complete ignorance.” Lansing agrees, claiming that “the African race are devoid of any capacity for political organization” and “governance” and marked by “a tendency to revert to savagery and to cast aside the shackles of civilization which are irksome to their physical nature” (quoted in Noam Chomsky, World Orders Old and New (New York, 1996, p.44). August 1945: the US drops atomic bombs on Hiroshima and Nagasaki, fully aware that Japan was defeated and seeking surrender. These monumental crimes are perpetrated to demonstrate unassailable U.S. power to the world and especially to the Soviet Union in the post-WWII era. The only nation-state to use nuclear WMD against concentrated human populations, the U.S. murders 150,000 "Jap" civilians to make a threatening statement to the Russians and other people who might follow the Soviet example by developing their nations and societies outside the American-based world capitalist system. 1950: In one small incident in a broader war that killed perhaps 2 million Koreans, members of the legendary U.S. Seventh Cavalry murder hundreds of South Korean refugees – mostly women and children – at a railroad trestle near the village of No Gun Ri. According to the Pulitzer Prize-wining authors of a 2002 book recounting this previously buried U.S. atrocity, "some refugees were shot trying to climb back up the embankment to fetch food from abandoned bags. Some were shot when, desperately thirsty, they ventured outside for stream water." U.S. "mortarmen, machine-gunners, and riflemen blasted away" at trapped refugees "from their ragged holes on the dusty barren hillside, in the Seventh Cavalry's first big encounter with 'gooks' in Korea." When they joined the Seventh, recruits were given a pamphlet telling them that their cavalry unit "firmly established their reputation as Indian fighters at the battle of Washita." This pamphlet "did not explain that the Seventh Cavalry, in the snowstorm at Washita, had slaughtered more than one hundred Native Americans – mostly unarmed old men, women, and children – who had been ordered into the area by the U.S. Army itself." (Charles Hanley, Sang-Hun Choe, and Martha Mendoza, The Bridge At No Gun Ri: A Hidden Nightmare From the Korean War, N.Y., 2002, pp. 17, 129-34). May to November 1967: As a small part of a broader U.S. invasion and occupation that killed millions of Vietnamese, an "elite" 45-man unit of the U.S. Army 101st Airborne Division known as "Tiger Force" conducts a murderous march through Vietnam's central highlands. A detailed and courageous four-part series published by The Toledo Blade in the fall of 2003 shows that "Tiger Force" killed an untold number – certainly well into the hundreds – of farmers, villagers, and prisoners. One medic interviewed by Blade reporters "said he counted 120 unarmed villagers killed in one month." According to left writer Mike Davis, who helped bring the Blade series to national light, "Tiger Force atrocities began with the torture and execution of prisoners in the field, then escalated to the routine slaughter of unarmed farmers, elderly people, even small children... Early on, Tiger Force began scalping its victims (the scalps were dangled from the ends of M-16s) and cutting off ears as souvenirs. One member – who would later behead an infant – wore the ears as a ghoulish necklace... A former Tiger Force sergeant told reporters that 'he killed so many civilians he lost count.'" A Tiger Force private remembers thinking that the killings were "wrong" but recalls that they were considered an "acceptable practice" for US military personnel in the central-highlands' many US-designated "free fire zones," where (by a former Tiger Force Lieutenant's account) "anything living...was subject to be eliminated." The slaughter was sponsored and protected by senior officers (including one who went by the name of "Ghost Rider" and named his battalions "Barbarians," "Cutthroats" and the like) and never resulted in prosecution of any of the perpetrators, despite an extensive Pentagon investigation that was buried by the White House in 1975. Asked why the Pentagon's post-atrocity investigation of Tiger Force never went anywhere, a leading senior office and massacre participant later recalls being summoned to the Pentagon and told that "there's wrongdoing there, and we know about it. But basically it's not...in the best interest of this, that and the other to try to pursue this." According to this officer, the investigation "was a hot potato. See this was after My Lai [see below] and the army certainly didn't want to go through the publicity thing." Former Watergate perpetrator and chief White House counsel (under Nixon) John Dean told the Blade that he was not surprised the investigation was dropped since "the government doesn't like ugly stories." Neither apparently does today's supposedly "left-leaning" mainstream press, which refuses to pick up and meaningfully disseminate the shocking Blade findings. The great "liberal" New York Times prefers months later to prattle on page one about the "controversial" nature of Kerry's 1971 testimony, leaving cutting-edge investigation into what really happened in Vietnam to a relatively small paper in the "conservative" Midwest. 1968: My Lai, the mother of all officially recognized modern U.S. atrocities: 347 unarmed Vietnam civilians, including 12 babies, are slaughtered in the hamlet at Song My by a company of the U.S. Army 23rd ("Americal") Division. While belated U.S. media attention focuses in 1969 and 1970 on the company's deranged commander (Lieutenant William Calley) and treats the incident as an anomaly within the broader benevolent (if occasionally “clumsy”) conduct of US policy, the massacre provides what Ward Churchill calls "a lens through which to examine the de-facto rules of engagement under which U.S. ground forces operated for nearly 7 years (1965-1972). "Known as the 'Dead Gook Rule' – that is, if a corpse is Vietnamese it is counted as a slain 'enemy combatant' on that basis alone – it points to a process of unremitting massacre, both large-scale and small, of the civilian population.... More than a score of such operations during the course of the U.S. 'commitment,' and this is not even to begin to count the toll taken by such routine measures as the declaration of whole swaths of the country to be 'free-fire zones,' in which anything that moved could be killed with impunity." (Churchill, pp. 140-141). Colonel Oran Henderson (who shares the duty of covering up the My Lai killings with an up-and-coming military bureaucrat named Colin Powell), noted in 1971 that "every unit of brigade size" that "served" in Vietnam "has its My Lai hidden someplace" (Howard Zinn, The Twentieth Century: A People's History, 1988, p.226). 1969: Future US Senator (D-Nebraska) and current president of New York City's New School University Bob Kerry joins other Navy SEALS in the massacre of a score of unarmed villagers, mainly women and children. He later says it's "pretty close to being right" to call this massacre "an atrocity." "We Annihilated That Target, Let's Move On:" Killing Innocent Arabs, Africans, and Afghanis, 1987-2004 1986: The U.S. bombs the Libyan cities of Tripoli and Benghazi, killing hundreds, including Libyan dictator Muamar al Quadaffi's infant daughter. There is no evidence for the White House's claim that Libyan agents had been involved in the earlier bombing of a German disco in which seven U.S. military personnel were killed. 1988: The U.S.S. Vincennes shoots down a clearly marked civilian Iranian airliner over the Persian Gulf, killing 290 civilians and possibly motivating Iran to become involved in the bombing of Pan Am flight 103 over Scotland. The ship's captain, who illegally crossed into Iran's territorial waters before shooting the defenseless commercial plane, later receives a "combat action ribbon" for this action. His "air warfare coordinator" even receives the Navy's Commendation Medal for "heroic actions" and "ability to maintain poise and confidence under fire." 1991: US forces kill as many as 250,000 Iraqis, including large numbers of noncombatants during "Operation Dessert Storm," ostensibly launched to punish its longstanding dictator-client Saddam Hussein for invading Kuwait, a neo-feudal U.S. oil protectorate – an action Saddam had reason to think the U.S. approved. The U.S. military mercilessly slaughtered more than 2000 Iraqi troops, many waving surrender flags, who are moving defenselessly out of and away from Kuwait on what became known as "the Highway of Death." Numerous war crimes are committed by US forces (including the dropping of cluster bombs in areas where civilians are present) in an onslaught that is absurdly excessive relative to the force required to drive Saddam out of Kuwait. The Jordanian Red Crescent society counts 120,000 civilian casualties. The White House initially encourages Iraqi Kurds and Shiites to rebel against Saddam but then permits the Iraqi dictator it supposedly reviles as a "butcher" to pitilessly slaughter his domestic opposition. 1998: The Bill Clinton White House orders the bombing of the only pharmaceutical plant in the deeply impoverished Sudan, killing thousands of bystanders and an untold number of others. There is no evidence for White House claims that the plant was manufacturing illegal weapons. 2001-2004: Thousands of innocent Afghans and Iraqis are killed by U.S. forces. Among other things, these murders reflect racist superpower payback for the jetliner attacks carried out on 9/11/01 by a small number of predominantly Saudi-Arabian Islamic extremists against innocent noncombatants at the World Trade Center and military personnel at the Pentagon. Resisting majority global sentiment insisting that the U.S. respect established global norms and procedures for responding, U.S. authorities answer the 9/11 atrocities with proportionately far greater terrorism directed at people who had nothing to do with any attacks on the United States. During one of many incidents where the US "mistakenly" murders innocent/noncombatant Iraqis in the spring of 2003, the Air Force blows up 18 ordinary civilians in a house thought to be sheltering Saddam Hussein. Left dead in the rubble is "Abdul M's" "entire family," including his daughter and his wife. "I dug them out," Abdul tells researchers a Public Broadcasting system "Frontline" documentary that appears in February 2004, "with my own bare hands. I carried them out with my own bare hands. I buried them with my own bare hands." "Emotionally," a U.S. officer involved in this glorious, freedom-loving act of imperial butchery notes, "it was, 'we annihilated that target, ok we did that, let's move on." Regarding butchered Iraqi soldiers, the "Frontline" documentary tells viewers that, "in the end, it was [Iraqi] street gangs versus [American] soldiers": poorly equipped Iraqi troops, including large numbers of teen conscripts, versus the most powerful military force in world history. "Operation Iraqi Freedom," it appears, was another "turkey shoot," to use Dessert Storm veterans' common description of the first George Bush's one-sided Iraqi "war," which ushered in a US-imposed sanctions regime that killed more than half a million Iraqi children, exacting a "price worth paying," in the immortal words of Clinton's Secretary of State Madeline Albright, who once claimed that that the United States "stands taller and sees farther than other nations." The White House and Pentagon justifies its imperial orgy in Iraq during 2003 with falsely concocted arguments about imminent WMD threats to the security of the United States – of increasing official prominence as the WMD threat claims are disproved – and America's supposed desire to export democracy to the Middle East. The American imperial state seizes upon 9/11 as a glorious opportunity to launch a permanent, open-ended "war on terrorism" and unfurl a long-planned doctrine of pre-emptive war and unilateral world domination that seeks among other things to tighten the US grip on pivotal Persian Gulf and South Asian petroleum and gas resources and demonstrated US capacity to rule the world on the basis of preponderant military force. By “the latest conservative estimate,” John Pilger notes, the bloody U.S.-British invasion has killed “between 21,000 and 55,000,” causing the “death every month of 1,000 children from cluster bombs” (John Pilger, interview by the Australian Broadcasting System, March 11, ZNet). Meanwhile the U.S. can’t develop the capacity to include Arab victims in its election arguments over “Operation Iraqi Freedom.” Dean makes the critical oversight (including 8000 dead Iraqi noncombatants) mentioned at the beginning of this article. In a pivotal anti-war address he makes to the Council on Foreign Relations in June 2003, the most outspokenly anti-war of the serious contenders renders Iraqi victims invisible, except – maybe – insofar as their suffering harms America's damaged "moral authority in the world." Dean proclaims his desire to restore that supposed "authority," which he identifies with president Harry Truman (1945-52), who ordered the two most barbarian acts in human history (the racist atom-bombings of Hiroshima and Nagasaki) and who grossly exaggerated the "Soviet threat" to launch a half-century campaign of hyper-militarization and racially disparate global devastation called "the Cold War." Those Who Fail to Acknowledge the Crimes of the Past... Seen against, and as part of, the vast historical canvass of U.S. racist-imperial slaughter, the monumental US crimes in Southeast Asia that John Kerry hinted at in his 1971 testimony are part of a larger story that renders self-delusional many Americans' notion that their nation-state is some sort of great exceptional moral and ethical city on a global hill. It is especially important to appreciate the significance of the vicious, often explicitly genocidal "homeland" assaults on native-Americans, which set foundational racist and national-narcissist patterns for subsequent U.S. global butchery, disproportionately directed at non-European people of color. The deletion of the real story of the so-called "battle of Washita" from the official Seventh Cavalry history given to the perpetrators of the No Gun Ri massacre is no small detail. Denial about Washita and Sand Creek (and so on) encouraged US savagery at Wounded Knee, the denial of which encouraged US savagery in the Philippines, the denial of which encouraged US savagery in Korea, the denial of which encouraged US savagery in Vietnam, the denial of which (and all before) has recently encouraged US savagery in Afghanistan and Iraq. It's a vicious circle of recurrent violence, well known to mental health practitioners who deal with countless victims of domestic violence living in the dark shadows of the imperial homeland's crippling, stunted, and itself-occupied social and political order. Power-mad US forces deploying the latest genocidal war tools, some suggestively named after native tribes that white North American "pioneers" tried to wipe off the face of the earth (ie, "Apache," "Blackhawk," and "Comanche" helicopters) are walking in bloody footsteps that trace back across centuries, oceans, forests and plains to the leveled villages, shattered corpses, and stolen resources of those who Roosevelt acknowledged as America's "original inhabitants."  Racist imperial carnage and its denial, like charity, begin at home.  Those who deny the crimes of the past are likely to repeat their offenses in the future as long as they retain the means and motive to do so.  It is folly, however, for any nation to think that it can stand above the judgments of history, uniquely free of terrible consequences for what Ward Churchill calls "imperial arrogance and criminality."  Every new U.S. murder of innocents abroad breeds untold numbers of anti-imperial resistance fighters, ready to die and eager to use the latest available technologies and techniques to kill representatives – even just ordinary citizens – of what they see as an American Predator state. This along with much else will help precipitate an inevitable return of US power to the grounds of earth and history.  As that fall accelerates, the U.S. will face a fateful choice, full of potentially grave or liberating consequences for the fate of humanity and the earth. It will accept its fall with relief and gratitude, asking for forgiveness, and making true reparation at home and abroad, consistent with an honest appraisal of what Churchill, himself of native-American ancestry, calls "the realities of [its] national history and the responsibilities that history has bequeathed":  goodbye American Exceptionalism and Woodrow Wilson's guns. Or Americans and the world will face the likely alternative of permanent imperial war and the construction of an ever-more imposing U.S. fortress state, perpetuated by Orwellian denial and savage intentional historical ignorance.  This savage barbarism of dialectically inseparable empire and inequality will be defended in the last wagon-train instance by missiles and bombs loaded with radioactive materials wrenched from lands once freely roamed by an immeasurably more civilized people than those who came to destroy.

**Immigration is too close to completion and too well-supported for the plan to have any effect**

**Ferraro and Cowan 15 Mar**

[Ferraro, Thomas: congressional correspondent for Reuters, and Richard Cowan: journalist for Reuters. "Bipartisan immigration reform bill takes shape in House."*Reuters*. Reuters, 15 Mar 2013. Web. 19 Mar 2013. <http://www.reuters.com/article/2013/03/15/us-usa-immigration-congress-idUSBRE92E0WI20130315>. //Wyo-BF]

**A bipartisan group in the House of Representatives is close to completing work on a comprehensive immigration reform bill that would include a pathway to citizenship for 11 million illegal immigrants living in the United States, according to congressional aides.** Two of the aides confirmed on Friday that the negotiators were still trying to agree on the issue of how to handle temporary laborers coming into the United States. House Speaker John **Boehner**, a Republican, **was briefed on Friday on the legislation, which congressional aides described as being nearly complete.** House Democratic leader Nancy Pelosi received a briefing on Thursday, said one senior Democratic aide. **Michael Steel**, a spokesman for Boehner, said**: "The speaker had a good talk with the Republicans in the bipartisan immigration reform group. They've made real progress on a tough issue." He said the group would continue to work on the measure**. Boehner's office would not comment on details of the bipartisan group's work. **The back-to-back briefings for Pelosi and Boehner were "to let them know they were close to a finished product**," said one House aide with knowledge of the issue. **In the Senate, a bipartisan group also neared completion of its own broad immigration bill**, said senators and Senate aides. Andrea Zuniga DiBitetto, a lobbyist for the AFL-CIO labor federation, said, "We're confident that a deal is going to be reached." **Leading senators have said the goal is to introduce a bill by early April**. If things go as planned, the legislation could be ready for Senate floor debate by June or July. Proponents in the House hope to pass their version of a bill this year. **A comprehensive reform bill,** if it comes together, **would aim to further toughen border security, deal with the millions living illegally in the United States and develop a way to streamline the future legal flow of immigrants, including temporary workers**. **Prospects for legislation got a major boost last November**, when Hispanic-Americans voted overwhelmingly to re-elect Democratic President Barack Obama. **The election results jolted Republicans, many of whom had taken a hard-line stance against any immigration reforms other than securing the southwestern border with Mexico and luring more skilled workers from abroad for U.S. high-tech firms facing labor shortages**. Although most Republicans say they now want to see some sort of immigration bill enacted this year, many are still hesitant about, or opposed, to giving 11 million illegal immigrants a special pathway to citizenship, arguing that would reward them for breaking the law and encourage a new wave of illegal border crossings.

Perm do both- the Disad’s not intrinsic, a logical policy maker could do both

### Econ

#### Their historical arguments are wrong

Ferguson 6

(Niall, MA, D.Phil., is the Laurence A. Tisch Professor of History at Harvard University. He is a resident faculty member of the Minda de Gunzburg Center for European Studies. He is also a Senior Reseach Fellow of Jesus College, Oxford University, and a Senior Fellow of the Hoover Institution, Stanford University, Foreign Affairs, Sept/Oct)

**Nor can economic crises explain** the **bloodshed**. What may be **the most familiar causal chain in modern historiography links the Great Depression to** the rise of **fascism and** the outbreak of **World War II. But** that simple story leaves too much out. **Nazi Germany started the war** in Europe **only after its economy** had **recovered. Not all** the **countries affected by the** Great **Depression were taken over by fascist regimes, nor did all such regimes start wars** of aggression. In fact, **no general relationship between economics and conflict is discernible** for the century as a whole. **Some wars came after periods of growth, others were the causes rather than the consequences of economic catastrophe, and some severe economic crises were not followed by wars.**

### 2AC A2 Courts CP

#### First, Perm do both. [if applicable]- It solves their internal net-benefit because…

#### Second, Solvency Deficits:

#### Third, links to the disad- the special session triggers immediate political shock waves

Mears, 12

(Bill- CNN Supreme Court Producer. “The Supreme Court and election-year blockbusters”, March 26, 2012. http://www.cnn.com/2012/03/25/politics/scotus-health-care-blockbusters/index.html//wyokb]

The justices on the Supreme Court know very well their rulings can send immediate political shock waves, and those just intensify in a presidential election year. So there is an unusual internal dynamic at work of what cases the court hears and when. Unlike the other parts of the judiciary, the Supreme Court is a discretionary body. They stingily pick which cases go on the docket and when. In fact, only about 1% of appeals are accepted and fully reviewed. But certain legal fights are so important and time-sensitive, this court of last resort is often powerless to refuse or delay. That is true of the current challenges to the health care reform law, which will be argued Monday through Wednesday. An expected June ruling in an election year will put the court front and center for voters come November. The justices by nature are loathe to get involved in such highly partisan disputes. But sometimes often have no choice.

#### Fourth, perm do the counterplan:

#### **USFG could mean any one of the branches or bodies.**

Chicago 7 (University of Chicago Manual of Style, “Capitalization, Titles”, http://www.chicagomanualofstyle.org/CMS\_FAQ/CapitalizationTitles/CapitalizationTitles30.html)

Q. When I refer to the government of the United States in text, should it be U.S. Federal Government or U.S. federal government? A.The government of the United States is not a single official entity. Nor is it when it is referred to as the federal government or the U.S. government or the U.S. federal government. It’s just a government, which, like those in all countries, has some official bodies that act and operate in the name of government: the Congress, the Senate, the Department of State, etc.

#### B- Agent CPs are not educational because they don’t test the merit of the mandate, shifting debates to generic questions that aren’t topic-specific. They are also unfair because they result in the outcome of the entire affirmative.

#### C- Reject the counterplan because it isn’t competitive

#### Fifth, counterplan impossible- Congress has exclusive jurisdiction

Dreveskracht 11

[Ryan David, Associate at Galanda Broadman PLLC, of Seattle, an American Indian majority-owned law firm, Washington and Lee Law Review, Winter, 2011, “NATIVE NATION ECONOMIC DEVELOPMENT VIA THE IMPLEMENTATION OF SOLAR PROJECTS: HOW TO MAKE IT WORK” //wyo-tjc]

Finally, “Indian tribes possess the same immunity from suit traditionally enjoyed by all sovereign powers.” [FN232] This stems from the status of Indian tribes as “autonomous political entities, retaining their original rights with regard to self-governance.” [FN233] Tribes enjoy this immunity absent a clear waiver or explicit and unambiguous Congressional action. [FN234] In the absence of an effective waiver of immunity, state and federal courts cannot exercise jurisdiction over, or provide remedies against, Indian tribes. [FN235] Congress has abrogated sovereign immunity only in a few limited circumstances. [FN236] As to contracts, tribes also enjoy \*69 immunity from suit, “whether those contracts involve governmental or commercial activities and whether they were made on or off a reservation.” [FN237] Tribally-chartered corporations “acting as an arm of the tribe” are imputed the same sovereign immunity granted to a tribe itself. [FN238] In addition, this immunity extends to persons acting as agents of the tribal corporation. [FN239] Previously, the general consensus was that in contracts with non-Indians, waiver would never be implied. [FN240] However, that rule has been disregarded in a few recent cases. [FN241] Namekagon Development Co. v. Bois Forte Reservation Housing Authority [FN242] is one example where general “[o]rganizational documents of tribal entities that empower the entity to ‘sue and be sued’ have been held to constitute a waiver of immunity.” [FN243] Likewise, under C&L Enterprises, Inc. v. Citizen Band Potawatomi Indian Tribe of Oklahoma, [FN244] arbitration provisions contained in contracts with \*70 non-Indians have been deemed to waive sovereign immunity. [FN245] However, “[n]o agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.”

#### Sixth, Circumvention kills solvency:

#### Agencies

Sierra Club 08 (EPA’s Continued Defiance of High Court Ruling Challenged, Apr. 2, 2008, http://www.sierraclub.org/pressroom/releases/pr2008-04-02.asp)

Exactly one year ago today the Supreme Court handed down a watershed decision in the case of Massachusetts v. EPA. Today the Sierra Club, more than a dozen cities and states, and numerous other environmental groups began legal proceedings in the U.S. Court of Appeals for the District of Columbia Circuit to compel the Environmental Protection Agency to stop defying the Supreme Court. The new proceedings come after months of warning from the petitioners that continued inaction would not be tolerated. Unfortunately, EPA chose not only to continue to ignore the High Court’s ruling, but instead proposed an alternative course that had been advocated by the Heritage Foundation, industry, and other special interests--a course of action explicitly rejected by the High Court in its ruling. EPA’s recent decisions on a variety of issues related to this case and other global warming issues are the subject of several lawsuits and investigations by no fewer than three Congressional committees. EPA documents in this case are expected to be subpoenaed by the House Select Committee on Energy Independence and Global Warming shortly after today’s court filings. Statement of David Bookbinder, Sierra Club Chief Climate Counsel "While EPA has spent seven years finding new and creative ways to delay, obfuscate, deceive, block action in the states, and otherwise refuse to take action on global warming, it seems it took them only a week to do what was demanded by the Heritage Foundation and other special interests. This latest provocation, combined with a nearly decade-long trail of broken promises from President Bush on down the line, left us with no other choice but to take EPA back to Court. "EPA threw the kitchen sink at the Supreme Court, lost, and has now proved that they’re willing to ignore even the highest court in the land in order to protect their friends in industry. While this administration has done everything possible to make a mockery of the rule of law in this country, it’s still stunning that they refuse to yield even to the High Court.

#### Congress

NTT, no date

[National Timber Tax Website, no date. “Judicial Sources- Supreme Court”, <http://www.timbertax.org/research/process/judicial/supreme_court/>//wyokb]

If the Supreme Court agrees to review a decision, its interpretation and application of the law are the final authority, and all lower courts, taxpayers, and the IRS must follow its decision. If Congress is unhappy with the Court's interpretation and application of the law Congress might repeal the challenged statute, or the federal administration might refuse to fund or enforce the underlying law and related activities. Neither a citizen nor the government can appeal a Supreme Court decision.

### 2AC Irig

#### Our Interpretation: The resolution asks the question of desirability of USFG action. The Role of ballot is to say yes or no to the action and outcomes of the plan.

#### Second, is reasons to prefer:

#### (\_\_\_) A. Aff Choice, any other framework or role of the ballot moots 9 minutes of the 1ac

#### (\_\_\_) B. It is predictable, the resolution demands USFG action

#### (\_\_\_) C. It is fair, Weigh Aff Impacts and the method of the Affirmative versus the Kritik, it’s the only way to test competition and determine the desirability of one strategy over another

#### Finally, It is a voter for competitive equity—prefer our interpretation, it allows both teams to compete, other roles of the ballot are arbitrary and self serving

#### The Aff’s focus on deliberative approaches to public policy makes participation in policy decisions by those without their hands on the levers of power possible

Hickman, 12

[Larry, director of the Center for Dewey Studies and professor of philosophy at Southern Illinois University Carbondale, “Citizen Participation: more or less?” Online, http://www.secularhumanism.org/index.php?section=fi&page=hickman\_28\_6] /Wyo-MB

Progressives such as John Dewey have tended to take a very different view from that of Caplan, Lippmann, and the Roberts Court. In his 1927 book The Public and Its Problems, Dewey mounted an energetic response to Lippmann. He encouraged support for a free and vigorous press whose task would be to make the results of research in the social sciences available to every citizen. He denied that the “ordinary citizen” lacked sufficient intelligence or interest to participate in public affairs. And he called for greater support for a type of public education that would increase the critical skills that every citizen requires to cut through the web of disinformation that tends to be disseminated by governments, corporations, and other forces seeking to impede full discussion of matters affecting the public good. If ordinary citizens were as distracted as Lippmann claimed, Dewey suggested, they would hardly be amenable to control by the educated elites in any event. And if experts were cut off from the needs and concerns of the general population, then their databases would dry up. They and their reports would become increasingly irrelevant. Of course, Dewey was not advocating a pure form of participatory democracy. He recognized that men and women have different talents, needs, and interests and that when they associate themselves in groups larger than a mere handful, there is a tendency toward specialization in the various tasks required to support the continued existence of the group. One of those areas of specialization is the ability to act on behalf of other members of a group—or what Dewey termed a public—in ways that its members find acceptable. In sum, in order for a public to exist, it must have members who are able to take the lead in articulating its goals and interests and in representing those goals and interests to other publics. Dewey was in fact calling for a form of deliberative democracy that would achieve a creative balance between participation and representation. He realized that deliberative democracies cannot function in the absence of experts in various fields and representatives who take decisions on behalf of a voting public. On one side, while participation within civic affairs could hardly be required, it should nevertheless be open to anyone willing to develop the skills necessary for involvement in the processes of public debate and decision making. On the other side, efficient government requires both representatives who are sensitive to public problems and experts who can advise those representatives on technical matters.

#### Aff skills are key to citizen participation in policy,

Hickman, 12

[Larry, director of the Center for Dewey Studies and professor of philosophy at Southern Illinois University Carbondale, “Citizen Participation: more or less?” Online, http://www.secularhumanism.org/index.php?section=fi&page=hickman\_28\_6] /Wyo-MB

How can preclusionary decisions be justified? In their 2004 book Why Deliberative Democracy?, Amy Gutman and Dennis Thompson provided a baseline for citizen participation. Deliberative democracies involve a give-and-take in which citizens are free and equal and in which they and their representatives “justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.” The second prong of Dewey’s answer to a Caplanesque argument is inclusionary. He called for an expanded and invigorated system of public education, including lifelong learning, in which every learner—including every current and future voter—would master the critical tools necessary to take his or her place as a full participant in the democratic process. For example, Dewey championed an educational process that emphasizes learning to learn rather than simply learning to take standardized tests. His prescription would effectively reverse the process that currently exists in many educational settings. Pedagogies of memorization and recitation of factual information as a means to understanding larger patterns would be limited. Instead, knowledge of factual information would be the fruit of educational practices that engage the talents, interests, and abilities of learners. Learning to learn would trump memorization of facts. This second prong of Dewey’s response reveals the poverty of Caplan’s argument. It is unfortunate but undeniable that there are times when some of our fellow citizens exhibit traits that are best described as ignorant or irrational. But rather than simply accepting this fact, instead of offering a cosmetic solution by dividing citizens into an elite participant class and a nonparticipant underclass, Dewey wanted to attack the root causes of the problem. His proposal was to decrease the incidence of ignorant and irrational acts by enlarging the sphere of public education, including lifelong learning. He argued that educators should start with the premise that everyone is capable of knowledgeable and intelligent participation in democratic processes. Instead of dividing the educated from the uneducated, then, Dewey and other Progressives aimed to enlarge the pool of educated and informed citizens as far as possible. Dewey and the other Progressives thought that the processes of deliberative democracy are themselves educative. Citizen participation should not be restricted, but expanded. In their view, when deliberative democracy does not work, the answer is not disenfranchisement. The answer is more education and thus an enlarged deliberative democracy.

#### First, impact outweighs and turns the kritik- colonial exploitation of tribes has led to the cultural, spiritual and physical slaughter of indigenous populations for centuries- absent plan, environmental destruction and racial oppression is inevitable

#### Second, no link- aff interrogates colonial relationship between the federal government and tribes to unlock sites for resistance-antithetical to exclusion-

#### You create reverse discrimination: perm solves best to combat all injustices

Preparata 07

(Guido Giacomo, completed his PhD in Political Economy and Economic History at the University of Southern California and is an Associate Professor of Political Economy at the University of Washington, The Ideology of Tyranny Bataille, Foucault, and the Postmodern Corruption of Political Dissent, Chapter 7: “The “Mocking Varlets” of the Postmodern Left: Political Correctness, Education, and Empire,” pgs 121-122//wyo-mm)

This is a prime example of postmodern discursivity. Aside from wondering whatever happened to the Latino gays, the Puerto Rican women, and the rest of the human population, one cannot but be struck by this presumption that certain racially and sexually defined groups, precisely because of the wrongs they have suffered at the hands of the whites, should be afforded a higher, clearer vista on truth, and on the depth of suffering and oppression (“more ‘objective’ truths”). As if given clans could be accorded by a self-appointed tribunal of “counterauthority” a proprietary right to the blues. Clearly, a favorable reading of this excerpt would suggest that these particular groups of subjugated people are those that still need strong support in their struggle for social acceptance, a proud identity, and a peaceful life in white America. One may read in it a special motion of empathy toward some, rather than acrimonious exclusion of others. But this would be granting this argument a favorite does not deserve. No question: the white male is to date the most abominable, arrogant, obscene, murderous, mendacious, and savage creature that has tread upon this earth—his record of ignominies, which grows by the day, is simply indescribable and matched by no other. Feminists are telling us nothing new; what they forget, however—and this is an unforgivable omission—is that the greatest amount of violence that the white male has expended, he has expended upon white males like himself. He oppresses ferociously, discriminates, and insults daily all those individuals mentioned in the above quote, but he violates and crushes with even greater determination, brutality, and profusion his own brothers. And this is a fact that the modern historical and social experience reveals unambiguously. Now what about the rest of our race? Yes, feminist rhetoric is mostly governed by logistical exigencies: feminists make noise and perforce restrict the focus of their grievances to attract the public’s attention to the plight of their sisters around the world. The cause is noble. But to affirm that only they qua women, or nonwhite individuals (i.e.., weak targets), know or know more about suffering, is capricious bombast. It simply isn’t true: there could be many white men that could share, and have shared, what they have suffered at the hands of their fellow being sin ways no less profound and insightful than those recounted by non-quite women—in ways, truly, that are by and large identical. Maybe postmodernists should take a look at the literature; not their cliquish “literacies,” but the patrimony of cultures to realize their myopia. To realize further that all such insistence on this form of reverse discrimination, as we all know, brings no end to the tension. By making cultural difference a “differing science” and an “antagonistic discourse,” it entrenches clans and factions along racial and/or sexual divides, fossilizing acrimony and fueling absurd tribal warfare among individuals that could easily be allies. Let the fight be one, a fight which does acknowledge cultural and gender differences, but which is ultimately waged in the name of a common cause to alleviate suffering and to oppose the grave injustices wrought by the incumbent system of privilege.

#### Alt allows women on reservations to be uniquely hurt by climate change- alt replicates violence- plan only way to rectify harms- their authors would agree plan should be sequenced before the alt-

Powell and Long 10

(Dana E. and Dálan J., Andrew, edited by Sherry L. Smith and Brian Frehner, Indians & Energy Exploitation and Opportunity in the American Southwest, Chapter 10: “Landscapes of Power: Renewable Energy Activism in Diné Bikéyah,” Pg. 242//wyo-mm)

For many Navajo activists, their opposition finds roots in Navajo creation stories, which point to the primary role of women in shaping the life-ways and ethics of the Diné in their ancestral territory. Oral histories, which remain a core method of transmitting these values to new generations, are grounded in stories pertaining to specific locations within a landscape defined by the Diné’s four sacred mountains, each one dense with a specific historical knowledge.30 These four mountains mark the boundaries of Navajo land (Diné Bikeyah), which are not contiguous with the present-day political boundaries of the reservation. Asdzáá Náádlehe (Changing Woman) is the central Navajo deity, whose teachings and actions form the backbone of Navajo identity, ethics, and ritual. In the story of Navajo genesis, the Navajo people were created from balls of corn pollen and rubbings from the flesh of her own body.31 Changing Woman formed land and sacred epidermal matter into new, human flesh. Many connect this intimate relationship with an imperative to protect the land against present threats: protection of the land is protection of the embodied self. As ecofeminists and many Native feminists argue, women’s bodies are often the first and hardest hit by environmental pollution and ecological degradation, so “everywhere, women [are] the first to protest against environmental destruction.”32 The thickness of these connections between gender, sickness, and environmental activism exceeds the scope of this chapter. It is explored elsewhere in feminist arguments that the health of the environment is materially and metaphorically linked with women’s bodies, which are also sites of inscription for racism, colonialism, and other forms of violence.33

#### Exclusion DA- Binary conceptions of sexual difference fail to explain identity- and allow replication of exclusionary practices and judgment

Butler 04

[Judith Butler, 2004, Undoing Gender, uwyo//amp]

Braidotti argues that sexual difference is often rejected by theorists because femininity is itself associated with a pejorative understanding of its meaning. She dislikes this pejorative use of the term, but thinks that the term itself can be released into a different future. This may well be true. But is it fair to say that those who oppose this framework therefore demean or debase femininity, or believe that femininity can only have a debased meaning? Is it fair to say that those who do not subscribe to this framework are therefore against the feminine, or even misogynist? It seems to me that the future symbolic will be one in which femininity has multiple possibilities, where it is, as Braidotti herself claims, released from the demand to be one thing, or to comply with a singular norm, the norm devised for it by phallogocentric means. But must the framework for thinking about sexual difference be binary for this feminine multiplicity to emerge? Why can’t the framework for sexual difference itself move beyond binarity into multiplicity? Butch Desire As a coda to the above remark, consider the following: There may be women who love women, who even love what we might call “femininity,” but who cannot find a way to understand their own love through the category of women or as a permutation of femininity.16 Butch desire may, as some say, be experienced as part of “women’s desire,” but it can also be experienced, that is, named and interpreted, as a kind of masculinity, one that is not to be found in men. There are many ways of approaching this issue of desire and gender. We could immediately blame the butch community, and say that they/we are simply antifeminine or that we have disavowed a primary femininity, but then we would be left with the quandary that for the most part (but not exclusively) butches are deeply, if not fatally, attracted to the feminine and, in this sense, love the feminine. We could say, extending Braidotti’s frame of reference, that this negative judgment of butch desire is an example of what happens when the feminine is defined too narrowly as an instrument of phallogocentrism, namely, that the full range of possible femininity is not encompassed within its terms, and that butch desire ought properly to be described as another permutation of feminine desire. This last view seeks a more open account of femininity, one that goes against the grain of the phallogocentric version. The view improves upon the first position, which simply attributes a psychological disposition of selfloathing or misogyny to the desiring subject at hand. But if there is masculinity at work in butch desire, that is, if that is the name through which that desire comes to make sense, then why shy away from the fact that there may be ways that masculinity emerges in women, and that feminine and masculine do not belong to differently sexed bodies? Why shouldn’t it be that we are at an edge of sexual difference for which the language of sexual difference might not suffice, and that this follows, in a way, from an understanding of the body as constituted by, and constituting, multiple forces? If this particular construction of desire exceeds the binary frame, or confounds its terms, why could it not be an instance of the multiple play of forces that Braidotti accepts on other occasions?

#### Transgender DA

#### Sex difference-based feminist politics erases the experience of the transgender and transsexual-

Butler 04

[Judith Butler, 2004, Undoing Gender, uwyo//amp]

In recent years, the new gender politics has offered numerous challenges from transgendered and transsexual peoples to established feminist and lesbian/gay frameworks, and the intersex movement has rendered more complex the concerns and demands of sexual rights advocates. If some on the Left thought that these concerns were not properly or substantively political, they have been under pressure to rethink the political sphere in terms of its gendered and sexual presuppositions. The suggestion that butch, femme, and transgendered lives are not essential referents for a refashioning of political life, and for a more just and equitable society, fails to acknowledge the violence that the otherwise gendered suffer in the public world and fails as well to recognize that embodiment denotes a contested set of norms governing who will count as a viable subject within the sphere of politics. Indeed, if we consider that human bodies are not experienced without recourse to some ideality, some frame for experience itself, and that this is as true for the experience of one’s own body as it is for experiencing another, and if we accept that that ideality and frame are socially articulated, we can see how it is that embodiment is not thinkable without a relation to a norm, or a set of norms. The struggle to rework the norms by which bodies are experienced is thus crucial not only to disability politics, but to the intersex and transgendered movements as they contest forcibly imposed ideals of what bodies ought to be like. The embodied relation to the norm exercises a transformative potential. To posit possibilities beyond the norm or, indeed, a different future for the norm itself, is part of the work of fantasy when we understand fantasy as taking the body as a point of departure for an articulation that is not always constrained by the body as it is. If we accept that altering these norms that decide normative human morphology give differential “reality” to different kinds of humans as a result, then we are compelled to affirm that transgendered lives have a potential and actual impact on political life at its most fundamental level, that is, who counts as a human, and what norms govern the appearance of “real” humanness.

#### D/A to alt- men in feminism is metaphysical cannibalism-erases unique history of violence visited on women because of their sex-demands rejection of the neg

Braidotti 2011

[Braidotti, Rosi. Nomadic Subjects : Embodiment and Sexual Difference in Contemporary Feminist Theory (2nd Edition). New York, NY, USA: Columbia University Press, 2011. p 5.

<http://site.ebrary.com/lib/uofw/Doc?id=10464453&ppg=16> Copyright © 2011. Columbia University Press. All rights reserved. Uwyo//amp]

In spite of my commitment to joyful, positive affirmation of alternative values, according to the Dionysian spirit of nomadic philosophy, there are times when a dose of resentful criticism appears as irresistible as it is necessary. Such is the case whenever I cast an ironic glance at “male-stream” poststructuralist philosophy. The question I will start of with is what is the position of men in feminism. How does the nomadic feminist look upon this issue? There is something both appealing and suspect in the notion of “men in feminism,” like many of the other contributors, my gaze lingers on the preposition “IN” wondering about the spatial dimension it throws open. Is it the battleground for the eternal war of the sexes? Is the space where bodily sexed subjectivities come to a head-on collision? I can only envisage this topic as a knot of interconnected tensions, an area of intense turmoil, a set of contradictions. Somewhere along the line, I am viscerally opposed to the whole idea: men aren’t and shouldn’t be IN feminism: the feminist space is not theirs and not for them to see. Thus the discursive game we are trying to play is either profoundly precarious or perversely provocative— or both at once. A sort of impatience awakens in me at the thought of a whole class/caste of men who are fascinated, puzzled, and intimidated by the sight of a penhandling female intelligentsia of the feminist kind. I do not know what is at stake in this for them and thus, to let my irony shine through between the lines, I am tempted to de/reform a sign and write, instead of phallic subtexts, “men in Pheminism.” Why insist on a letter, for instance? Contextual Constraints Of all Foucault ever taught me, the notion of the “materiality of ideas” has had the deepest impact. One cannot make an abstraction of the network of truth and power formations that govern the practice of one’s enunciation; ideas are sharp-edged discursive events that cannot be analyzed simply in terms of their propositional content. There is something incongruous for me to be sitting here in ethnocentric messed up Europe, thinking about “men in Pheminism.” I cannot say this is a major problem in my mind or in the context within which I am trying to live. There is something very American, in a positive sense, about this issue. The interest that American men display in feminism reflects a specific historical and cultural context: one in which feminist scholarship has made it to the cutting edge of the academic scene. This is not the case in Europe yet. As a European feminist I feel both resistant to and disenchanted with the reduction of feminism to “feminist theory” and the confining of both within academic discourse. This attitude points out a danger that the pioneers of women’s studies courses emphasized from the start: that our male “allies” may not be able to learn how to respect the material foundations, experiential bases, and hence the complexity of the issues raised by feminism. Following a century-old mental habit that Adrienne Rich (1977) analyzes so lucidly, men-in-feminism, however, cannot resist the temptation of short-circuiting this complexity. In a drive to straighten out feminist theory and practice, they streamline the feminist project in a mold. Blinded by what they have learned to recognize as “theory,” they bulldoze their way through feminism as if it were not qualitatively different from any other academic discipline. They are walking all over us. “They” are those white, middle-class male intellectuals who have “got it right” in that they have sensed where the subversive edge of feminist theory is. “They” are a very special generation of postbeat, preneoconfortyto-fifty-year-old men who have “been through” the upheavals of the 1960s and have inherited the values and the neuroses of that period. “They” are the “new men” in the “postfeminist” context of the politically reactionary 1990s. “They” are the best male friends we’ve got, and “they” are not really what we had hoped for. “They” can circle round women’s studies departments in crisis-struck arts faculties, knowing that here’s one of the few areas of the academy tht is still expanding financially with student enrollment at both undergraduate and graduate levels. “They” play the academic career game with great finesse, knowing the rule about feminist politics of locations and yet ignoring it. “They” know that feminist theory is the last bastion of constructive radical thought amidst the ruins of the postmodern gloom. “They” are conscious of the fact that the debate about modernity and beyond is coextensive with the woman question. Some of them are gay theorists and activists whose political sensibility may be the closest to feminist concerns. Next are heterosexual “ladies men,” whose preoccupation with the feminine shines for its ambiguity. What the heterosexual men are lacking intellectually— the peculiar blindness to sexual difference for which the term sexism is an inadequate assessment— is a reflection on their position in history. The politics of location is just not part of their genealogical legacy. They have not inherited a world of oppression and exclusion based on their sexed corporal being; they do not have the lived experience of oppression because of their sex. Thus most of them fail to grasp the specificity of feminism in terms of its articulation of theory and practice, of thought and life. Maybe they have no alternative. It must be very uncomfortable to be a male, white, middle-class, heterosexual intellectual at a time in history when so many minorities and oppressed groups are speaking up for themselves; a time when the hegemony of the white knowing subject is crumbling. Lacking the historical experience of oppression on the basis of sex, they paradoxically lack a minus. Lacking the lack, they cannot participate in the great ferment of ideas that is shaking up Western culture: it must be very painful, indeed, to have no option other than being the empirical referent of the historical oppressor of women, asked to account for his atrocities. The problem, in my perspective, is that the exclusion of women and the denigration of the feminine— or of blackness— are not just a small omission that can be fixed with a little good will. Rather, they point to the underlying theme in the textual and historical continuity of masculine self-legitimation and ideal self-projection (Lloyd 1985; Benjamin 1980). It’s on the woman’s body— on her absence, her silence, her disqualification— that phallocentric discourse rests. This sort of “metaphysical cannibalism,” which Ti-Grace Atkinson (1974) analyzed in terms of uterus envy, positions the woman as the silent groundwork of male subjectivity— the condition of possibility for his story. Psychoanalytic theory, of the Freudian or the Lacanian brand, circles around the question of origins— the mother’s body— by elucidating the psychic mechanisms that make the paternal presence, the father’s body, necessary as a figure of authority over her. Following Luce Irigaray, I see psychoanalysis as a patriarchal discourse that apologizes for and provides a political anatomy of metaphysical canni­ balism: the silencing of the powerfulness of the feminine (potentia). Refusing to dissociate the discourse about the feminine, the maternal, from the historical realities of the condition and status of women in Western culture, Irigaray equates the metaphorization of women (the feminine, the maternal) with their victimization or historical oppression. One does not become a member of the dark continent, one is born into it. The question is how to transform this century-old silence into a presence of women as subjects in every aspect of existence. I am sure “they” know this, don’t “they”?

#### You erase the two spirit - non-sex difference key to Indigenous peoples

Driskill, 2010 (Qwo-Li, “Doubleweaving Two-Spirit critiques: Building alliances between Native and Queer Studies.” GLQ Vol 16, #1-2, 2010, Projectmust, MB)

Two-Spirit critiques are woven into Native feminisms by seeing sexism, homophobia, and transphobia as colonial tools. [End Page 83] While queer of color critique draws on and expands women of color feminisms, Native feminisms are central to Two-Spirit critiques, which see heterosexism and gender regimes as manifestations and tools of colonialism and genocide. Homophobia, transphobia, and misogyny are part of colonial projects intent on murdering, removing, and marginalizing Native bodies and nations. As Smith argues: " U.S. empire has always been reified by enforced heterosexuality and binary gender systems. By contrast, Native societies were not necessarily structured through binary gender systems. Rather, some of these societies had multiple genders and people did not fit rigidly into particular gender categories. Thus, it is not surprising that the first peoples targeted for destruction in Native communities were those who did not fit into Western gender categories."49 Such Native feminist analyses, already critiquing heteropatriarchy and colonialism, are crucial to Two-Spirit critiques. The theories of Two-Spirit and queer Native women —such as Chrystos, Brant, Janice Gould, and Miranda —establish Two-Spirit-centered feminist critiques that challenge misogyny and queerphobia.50 As mentioned earlier, the enormous presence of queer women in Native studies as central to arts and scholarship has meant that these women can't be ignored. However, they are often included without queerness being discussed. Out queer men in Native studies are only recently being published to a degree that intervenes in the field, and too often the queerness of these artists and scholars remains in barely tolerated margins. The presence of trans people in the field, as in much of academia, remains largely underrepresented. In queer studies, Native people are largely ignored unless as "subjects" of anthropological and historical research that demonstrate an idealized "queer" past that can bolster non-Native queer identities.51 Native feminisms offer critiques and activist agendas that work for decolonization by understanding heteropatriarchy as a colonial tool. Two-Spirit critiques are informed by and make use of other Native activisms, arts, and scholarship. Two-Spirit critiques use the materials available to weave radical and transformational critiques. Native Two-Spirit/queer people are already participating in several Native activist, artistic, and academic movements. These movements —even if not "Two-Spirit" —are part of the splints that doubleweave Two-Spirit resistance. Within our scholarship, critical theories in Native studies help strengthen Two-Spirit critiques. American Indian literary nationalisms, for instance, can aid in developing Two-Spirit critiques that are simultaneously tribally specific and speak to intertribal concerns.52 To offer another example, both Winona LaDuke's and Melissa K. Nelson's scholarship and activism can push Two-Spirit critiques to [End Page 84] articulate how issues of environmental justice and traditional knowledges intersect with and inform Native Two-Spirit/queer identities and struggles.53 Two-Spirit critiques contextualize themselves as part of decolonial work already in motion.

#### **Western feminism excludes Native American women**

Dixon, 11

[Violet K., “Western Feminism in a Global Perspective,” Student Pulse, 2011 Vol 3 No. 2, <http://www.studentpulse.com/articles/395/2/western-feminism-in-a-global-perspective> //uwyo-baj]

Western feminism is exclusive and may not even include all women who live in the United States. Some critics have pointed to this social construct as a way of distancing the relationships between women of different backgrounds even further because generally, white middle class women are the first to benefit from social change and advanced privilege. Advancement for some does not necessarily equate to advancement for all. “The increased labor force participation of white middle-class women has been accompanied, indeed made possible, by the increased availability outside the home of services formerly provided inside the home -- cleaning, food, health, and personal services. These jobs are disproportionately filled by women of color -- African American, Latina, Asian American” (Barkley). This disparity of experience leads to a flawed discourse in women’s studies because there is an inherent racism in the way American culture operates. Barkley continues, “We are likely to acknowledge that white middle-class women have had a different experience from African American, Latina, Asian American, and Native American women; but the fact that these histories exist simultaneously, in dialogue with each other, is seldom apparent in the studies we do. The overwhelming tendency now is to acknowledge and then ignore differences among women…The effect of this is that acknowledging difference becomes a way of reinforcing the notion that the experiences of white middle-class women are the norm; all others become deviant -- different from. ” This dialogue is disturbing because it emphasizes the disparity between women created by advancement for only the elite, even within the United States. Being white, thin, and affluent is becoming the only acceptable reality for women who want privilege in the world. Barbie, the popular American girl’s doll, has been manufactured in more than 45 nationalities and sold in 150 nations, but the Mattel Company was not necessarily accurate in its production of multinational Barbie dolls. In fact, the dolls all appeared very similar to the original white Barbie doll. “A comparison of the classic Caucasian, blond-haired, blue-eyed doll to any one of her multiethnic counterparts reveals that the appearance of cultural or racial difference is used through the dye used to color the doll’s body, occasionally a slight modification of facial features (such as slightly slanted eyes for the Asian models of Barbie, or a slightly wider nose and thicker lips in her African versions), and a dramatic change in costume reflecting the Mattel Co.’s understanding of the particular country’s “traditional dress”. No modifications are made to the doll’s body shape and size, or general facial structure (Lind, 27).” This is a perfect example of how a company has projected Western ideals of beauty and homogeneity across the world without making an adequate attempt to create a product suited to each culture. The appeal of the Barbie doll and in fact the danger of it, is that it provides little girls with a concept of identity. This identity, even among white American girls, is unrealistic because the chances of having a body like Barbie is less than 1 in 100,000 (Lind,27). Beyond its unrealistic form, the Barbie doll from a feminist perspective has much deeper implications.

#### Native women are distinct in feminism—Women are constructed as subjects of life within the biopolitical regime of colonialism whereas Natives are subjects of death- this understanding conditioned and informs politics, we are the only prerequisite

Smith 10 (Andrea “Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism” GLQ: A Journal of Lesbian and Gay Studies, Volume 16, Number 1-2, 2010, pp. 42-68 (Article) //)

Thus normative futurity depends on an “origin story.” The future is legitimated as a continuation of the past. Here I am reminded of how I have often heard Native activists say, “Let us not work on domestic or other forms of gender violence now, we must work on survival issues ﬁrst.”25 Of course, since Native women are the women most likely to be killed by acts of gender violence in the United States, they are clearly not surviving. The many works on Native women and feminism that say that we are “American Indian women in that order,” that position gender justice as something to be addressed after decolonization, all speak to how this politics of futurity sacriﬁces the lives of women and those who are not gender nor-mative for the indeﬁnitely postponed postcolonial future. As Denetdale notes, the Native nationhood that becomes articulated under this strategy of futurity is one that supports heteropatriarchy, U.S. imperialism, antiblack racism, and capital- ism. As Edelman states: “Political programs are programmed to reify difference and thus to secure in the form of the future, the order of the same.”26 Edelman calls us to queer “social organization as such” to show how our efforts to secure a better future for our children lead us to excuse injustice in the present.27 At the same time, however, this subjectless critique has its limits with regard to decolonization. For instance, Edelman’s analysis lapses into a vulgar construc- tionism by creating a fantasy that there can actually be a politics without a political program that does not always reinstantiate what it deconstructs, that does not always also in some way reafﬁrm the order of the same. Edelman’s “anti-oppositional” politics in the context of multinational capitalism and empire ensures the continu- ation of that status quo by disabling collective struggle designed to dismantle these systems. That is, it seems difﬁcult to dismantle multinational capitalism, settler colonialism, white supremacy, and heteropatriarchy without some kind of politi- cal program, however provisional it may be. Here, Native studies can temper this subjectless critique by engaging queer of color critique in particular. José Esteban Muñoz notes, for example, that an anti-oppositional politic ultimately opts out of relationality and politics. “Relationality is not pretty, but the option of simply opting out of it . . . is imaginable only if one can frame queerness as a singular abstraction that can be subtracted and isolated from a larger social matrix.”28 Furthermore, an anti-oppositional politic can quickly lapse into a leftist cynicism, in which all politics are dismissed as “reproductive” with no disruptive potential. This cynicism then becomes an apology for maintaining the status quo. As Muñoz argues: “The here and now is simply not enough. Queerness should and could be about a desire for another way of being in both the world and time, a desire that resists mandates to accept that which is not enough.”29 A politics of “opting out” clearly privileges those who are relatively more comfortable under the current situation. For indigenous peoples, however, who face genocide, as well as all peoples subjected to conditions of starvation, violence, and war, opting out is simply not an option. The question then arises, who will be left when we opt out of a struggle against white supremacy, settler colonialism, and capitalism? Those most imme- diately sacriﬁced in this “anti-oppositional” politic are indigenous peoples, poor peoples, and all those whose lives are under immediate attack. Thus, while Edel- man contends that the Child can be analytically separated from actual children, Muñoz demonstrates that Edelman’s Child is nonetheless a disavowed white Child. “The future is the stuff of some kids. Racialized kids, queer kids, are not the sovereign princes of futurity. [Edelman’s] framing nonetheless accepts and repro- duces this monolithic future of the child that is indeed always already white.”30 An indigenous critique must question the value of “no future” in the con-text of genocide, where Native peoples have already been determined by settler colonialism to have no future. If the goal of queerness is to challenge the repro- duction of the social order, then the Native child may already be queered. For instance, Colonel John Chivington, the leader of the famous massacre at Sand Creek, charged his followers to not only kill Native adults but to mutilate their reproductive organs and to kill their children because “nits make lice.”31 In this context, the Native Child is not the guarantor of the reproductive future of white supremacy; it is the nit that undoes it. In addition, while both “tradition” and “the future” must be critically engaged, it does not follow that they can be dismissed. As with identity, the notion of a tradition-free subject simply reinstantiates the notion of a liberal subject who is free from past encumbrances. As Elizabeth Povinelli’s work suggests, the liberal subject articulates itself as an autological subject that is completely self- determining over and against the “genealogical” subject (i.e., the indigenous sub- ject) trapped within tradition, determined by the past and the future.32 Essentially then, this call for “no future” relies on a primitivizing discourse that positions the [white] queer subject in relation to a premodern subject who is locked in history. The “Native” serves as the origin story that generates the autonomous present for the white queer subject.

#### Issues of Native American sovereignty must come prior to deconstruction of truth- their alt is a privileged way of insulatating racialized academia from minority critical perspectives

Gorelova, 2009 (Olena, “Postmodernism, native American literature, and Issues of sovereignty.” http://etd.lib.montana.edu/etd/2009/gorelova/GorelovaO0509.pdf, online, MB)

According to Womack, Abenaki poet Cheryl Savageau, while in college, was labeled an essentialist by one of her professors because she published an article in a newspaper on Native writers and land issues. She wrote in correspondence to Womack: “The same professor who labeled me ‘essentialist’, said there was no truth, no history, just lots of people’s viewpoints. I argued that some things actually did happen. That some versions of history are not just a point view, but actual distortions and lies” (qtd. in Womack 3). Savageau goes on to say that it is curious that exactly then, when Native Americans are finally starting to tell their story from their perspective, all of a sudden there is no truth, but only points of view. She states that it is a political move by the Euro- American academia to safeguard itself from having to deal with all the minority stories, whether they are African-America, American Indian, or gay and lesbian. She points out that this “equality” of everybody’s stories frees the mainstream from accountability since there is then “no need to change anything, no need for reparations, no arguments for sovereign nation status, and their [mainstream] positions of power are maintained” (Womack 4). Therefore, Womack underlines the importance of discovering and re- discovering what has been made implicit and making it explicit: “at least until we get our stories told, especially in terms of establishing a body of Native criticism in relation to nineteenth-century writings, postmodernism may have some limitations in regards to its applicability to Native scholarship” (Womack 4). Womack remarks the vital part that nineteenth-century Indian literature of resistance played in the establishment of Native American literatures. Indian people produced works that argued for the rights of the indigenous nations and criticized land theft.

#### No root cause– failure to recognize multiplicities of perspectives replicates the squo.

Kincheloe 08

(Joe, was a professor and Canada Research Chair at the Faculty of Education, McGill University in Montreal, Quebec, Canada, received three graduate degrees from the University of Tennessee, Knowledge and Critical Pedagogy, Chapter 10: “The Conclusion Is Just the Beginning: Continuing the Conceptualization of a Critical Complex Epistemology,” 2008, SpringerLink//wyo-mm)

In this knowledge domain researchers/scholars/activists can gain perspectives that have been erased in FIDUROD and the dominant power-saturated knowledges such an epistemology produces. Again, this notion comes with a caveat—there is no essential, final, intractable subjugated perspective on the way the world operates. Thus, there is no correct place from which such insights take us to begin our journey into subjugated knowledges and the insights they provide. With every research project, with every effort to engage in anti-oppressive labor in the world, we must explore the subjugated perspectives available and make our decision about where to start in the context at hand. Moreover, the space from which a standpoint epistemology is developed is not deterministic—that is where one stands or is placed in the web of social reality does not determine how one sees the world. A critical complex epistemology will have to analyze diverse perspectives of subjugated people coming from basically the same socio-political, spatial, and temporal locale. This is why I call it a critical complex epistemology instead of merely a critical epistemology (Kincheloe, 1995; Harding, 1998; Shoham, 1999; G. Jardine, 2005).

# 1AR

### CP

#### Republicans hate circuit court- blockade proves

Stanton 12

[John Stanton,writer for roll call, June 14, 12, GOP Begins Judge Blockade, <http://www.rollcall.com/issues/57_151/GOP-Begins-Judge-Blockade-215369-1.html>, uwyo//amp]

With less than four and a half months until Election Day, Senate Republicans are shutting off the bipartisan spigot when it comes to confirming President Barack Obama’s nominees to the nation’s top courts and will present a unified front against his circuit court picks through November.

Senate Minority Leader Mitch McConnell (Ky.) made the decision to blockade nominations official Wednesday when he informed his colleagues that he would invoke the “Thurmond Rule” from now until after the elections.

### Politics

#### Pushing laws that support tribal self-governance now-

Cowan 3/26

(Emery, The Durango Herald, “From victim to vocal advocate,” March 26, 2013, <http://durangoherald.com/article/20130326/NEWS01/130329661/-1/s//wyo-mm>)

Over a span of two days, the Southern Ute tribal member and founder of the nonprofit Our Sister's Keeper went from sitting at her home south of Durango to standing on stage in Washington, D.C., introducing Vice President Joe Biden at the signing of the Violence Against Women Act. Millich was the only advocate to speak at the March 7 signing of the act that many said heralded a national shift in the response to and culture surrounding domestic and sexual violence. “One of the great legacies of this law is it didn't just change the rules, it changed our culture. It empowered people to start speaking out,” President Barack Obama said before signing the reauthorized law. “It made it OK for us as a society to talk about domestic abuse.” In her speech at the signing ceremony, Millich told her own story of domestic violence. Her experience is a glaring example of why tribes need the authority to prosecute non-Indian perpetrators who abuse Native American victims. Providing that authority was one of the major revisions included in the reauthorized Violence Against Women Act.

#### Pushing sovereignty for tribes now-

Childress 3/25

(Sarah, PBS, “For Tribes, Prosecuting Non-Native Abusers Still a Challenge,” March 25, 2013, http://www.pbs.org/wgbh/pages/frontline/biographies/kind-hearted-woman/for-tribes-prosecuting-non-native-abusers-still-a-challenge///wyo-mm)

When President Barack Obama signed the Violence Against Women Act earlier this month, he spoke of cracking down on domestic abuse in Indian Country, where the violent crime rate is more than 2.5 times the national rate and impunity is deeply entrenched. “One of the reasons is that when Native American women are abused on tribal lands by an attacker who is not Native American, the attacker is immune from prosecution by tribal courts,” Obama said. “Well, as soon as I sign this bill, that ends,” he said. “That ends.” But for most tribes, closing that loophole against abusers will take time. For some, it may not happen at all. The law has two provisions that already apply nationwide. Tribal governments can now enforce protection orders filed in state or federal court. The law also imposes stiffer penalties on anyone who inflicts substantial bodily injury on a partner, such as strangling or suffocation. It’s the law’s controversial provision of trying non-Natives in Native court systems — one that initially held up its passage — that poses the challenge. Tribal justice systems vary in their capabilities. On some reservations, attorneys and judges aren’t required to have a law degree. Defense attorneys may not be provided. Tribal law enforcement officers often don’t have the proper training to handle major crimes cases.

#### PC not real- Obama can’t leverage political power with a divided Congress, empirics prove

Elfers 3/27

(Rich, columnist, Enumclaw Courier Herald, “Political power struggle always in play,” March 27, 2013, http://www.courierherald.com/opinion/200273791.html//wyo-mm)

How much power does any U.S. president have in affecting domestic issues versus the power he can exercise in foreign affairs? Many Americans believe our president has enormous authority in both arenas based upon promises and criticisms during his presidential campaign. According to our Constitution, that view is in error. Let’s examine where power really resides and how it is actually exercised. Power in our federal government is divided into three branches: the president, Congress and the courts. Our government was set up this way to keep any one group or individual from gaining too much power. Congress really is the branch that can affect the economy the most. It can pass laws that help or hinder business activity, raise or lower taxes, pass greater or lesser regulation, increase or decrease entitlement programs like Social Security, Medicare and unemployment insurance, and expand or reduce defense spending. All of these Congressional decisions have an enormous impact upon the economy. Presidents can and do make promises to create jobs during elections, but the reality is that they can only exhort or pressure Congress to act. Blaming any president, Democrat or Republican, for the state of the economy is placing responsibility in the wrong place. Most of you have observed how little President Obama can do with a Republican House that holds opposing priorities and goals for running the country. The president can send out emails and encourage his followers to write or call their Congressional representatives and senators. He can give speeches around the nation and draw attention to issues. The president can urge his supporters to write letters to the editor to force Congress to listen, but he can’t get laws passed without Congressional approval.

#### Its not that Obama lost his PC, but he NEVER HAD IT

Rubin 3/28/13

[Jennifer Rubin, Writer- overs a range of domestic and foreign policy issues and provides insight into the conservative movement and the Republican Party. Rubin came to The Post after three years with Commentary magazine. Her work has appeared in a number of print and online publications, including The Weekly Standard, where she has been a frequent contributor, March 28, 2013, “Obama’s power waning? Not really.”, http://www.washingtonpost.com/jennifer-rubin/2011/02/24/ABbIUXN\_page.html, \\wyo-bb]

There are two ways of looking at this: Either his power evaporated in the wake of sequester overreach or his ability to work his will on Congress has always been slight. I tend to favor the latter analysis. His big legislative triumphs came when Democrats held majorities in the House and Senate and slammed through Obamacare and the initial stimulus on party-line votes. He’s really never been able to sway Republicans or to move his own party to the center. He didn’t just fail to reach a grand bargain; he failed in 2011 (in his first term) as well. Sure, his poll numbers are down; however his approval rating is about where it was before his reelection bounce. He has always been a polarizing president, in fact, the most polarizing in history when you look at his tiny approval rating from the opposing party’s members. When Karl Rove writes that “No president is ever irrelevant, but less than 10 weeks into his second term Mr. Obama’s power is waning,” this assumes that he was at some point after he lost his House majority super-duper effective. I don’t see it. Two things are different from his first term, however, and both act in ways to diminish the president. First, the Senate has been dragged into doing something. It passed a budget; it sent four of its members to the Gang of 8, so immigration reform is now conceivable. In other words, when the president does less (no budget yet, no complete immigration plan, no XL Keystone pipeline decision) than even the lethargic Democratic Senate, he looks puny and his efforts seem vaguely pathetic in the face of action on the Hill. Second, the sequester may have been the tipping point for the mainstream media, which finally have begun questioning his veracity and admonishing him for arrogance. Caught in telling many small to medium untruths, he sparked the media to engage in a higher level of confrontation (well, in comparison to the roll-over-and-play-dead first term). That may be less pointed than under his Republican predecessor and it may be inconsistent, but it is markedly different from the reverential treatment of the first term.

### K

#### Sex difference-based feminist politics erases the experience of the transgender and transsexual-

Butler 04

[Judith Butler, 2004, Undoing Gender, uwyo//amp]

In recent years, the new gender politics has offered numerous challenges from transgendered and transsexual peoples to established feminist and lesbian/gay frameworks, and the intersex movement has rendered more complex the concerns and demands of sexual rights advocates. If some on the Left thought that these concerns were not properly or substantively political, they have been under pressure to rethink the political sphere in terms of its gendered and sexual presuppositions. The suggestion that butch, femme, and transgendered lives are not essential referents for a refashioning of political life, and for a more just and equitable society, fails to acknowledge the violence that the otherwise gendered suffer in the public world and fails as well to recognize that embodiment denotes a contested set of norms governing who will count as a viable subject within the sphere of politics. Indeed, if we consider that human bodies are not experienced without recourse to some ideality, some frame for experience itself, and that this is as true for the experience of one’s own body as it is for experiencing another, and if we accept that that ideality and frame are socially articulated, we can see how it is that embodiment is not thinkable without a relation to a norm, or a set of norms. The struggle to rework the norms by which bodies are experienced is thus crucial not only to disability politics, but to the intersex and transgendered movements as they contest forcibly imposed ideals of what bodies ought to be like. The embodied relation to the norm exercises a transformative potential. To posit possibilities beyond the norm or, indeed, a different future for the norm itself, is part of the work of fantasy when we understand fantasy as taking the body as a point of departure for an articulation that is not always constrained by the body as it is. If we accept that altering these norms that decide normative human morphology give differential “reality” to different kinds of humans as a result, then we are compelled to affirm that transgendered lives have a potential and actual impact on political life at its most fundamental level, that is, who counts as a human, and what norms govern the appearance of “real” humanness.

#### D/A to alt- men in feminism is metaphysical cannibalism-erases unique history of violence visited on women because of their sex-demands rejection of the neg

Braidotti 2011

[Braidotti, Rosi. Nomadic Subjects : Embodiment and Sexual Difference in Contemporary Feminist Theory (2nd Edition). New York, NY, USA: Columbia University Press, 2011. p 5.

<http://site.ebrary.com/lib/uofw/Doc?id=10464453&ppg=16> Copyright © 2011. Columbia University Press. All rights reserved. Uwyo//amp]

In spite of my commitment to joyful, positive affirmation of alternative values, according to the Dionysian spirit of nomadic philosophy, there are times when a dose of resentful criticism appears as irresistible as it is necessary. Such is the case whenever I cast an ironic glance at “male-stream” poststructuralist philosophy. The question I will start of with is what is the position of men in feminism. How does the nomadic feminist look upon this issue? There is something both appealing and suspect in the notion of “men in feminism,” like many of the other contributors, my gaze lingers on the preposition “IN” wondering about the spatial dimension it throws open. Is it the battleground for the eternal war of the sexes? Is the space where bodily sexed subjectivities come to a head-on collision? I can only envisage this topic as a knot of interconnected tensions, an area of intense turmoil, a set of contradictions. Somewhere along the line, I am viscerally opposed to the whole idea: men aren’t and shouldn’t be IN feminism: the feminist space is not theirs and not for them to see. Thus the discursive game we are trying to play is either profoundly precarious or perversely provocative— or both at once. A sort of impatience awakens in me at the thought of a whole class/caste of men who are fascinated, puzzled, and intimidated by the sight of a penhandling female intelligentsia of the feminist kind. I do not know what is at stake in this for them and thus, to let my irony shine through between the lines, I am tempted to de/reform a sign and write, instead of phallic subtexts, “men in Pheminism.” Why insist on a letter, for instance? Contextual Constraints Of all Foucault ever taught me, the notion of the “materiality of ideas” has had the deepest impact. One cannot make an abstraction of the network of truth and power formations that govern the practice of one’s enunciation; ideas are sharp-edged discursive events that cannot be analyzed simply in terms of their propositional content. There is something incongruous for me to be sitting here in ethnocentric messed up Europe, thinking about “men in Pheminism.” I cannot say this is a major problem in my mind or in the context within which I am trying to live. There is something very American, in a positive sense, about this issue. The interest that American men display in feminism reflects a specific historical and cultural context: one in which feminist scholarship has made it to the cutting edge of the academic scene. This is not the case in Europe yet. As a European feminist I feel both resistant to and disenchanted with the reduction of feminism to “feminist theory” and the confining of both within academic discourse. This attitude points out a danger that the pioneers of women’s studies courses emphasized from the start: that our male “allies” may not be able to learn how to respect the material foundations, experiential bases, and hence the complexity of the issues raised by feminism. Following a century-old mental habit that Adrienne Rich (1977) analyzes so lucidly, men-in-feminism, however, cannot resist the temptation of short-circuiting this complexity. In a drive to straighten out feminist theory and practice, they streamline the feminist project in a mold. Blinded by what they have learned to recognize as “theory,” they bulldoze their way through feminism as if it were not qualitatively different from any other academic discipline. They are walking all over us. “They” are those white, middle-class male intellectuals who have “got it right” in that they have sensed where the subversive edge of feminist theory is. “They” are a very special generation of postbeat, preneoconfortyto-fifty-year-old men who have “been through” the upheavals of the 1960s and have inherited the values and the neuroses of that period. “They” are the “new men” in the “postfeminist” context of the politically reactionary 1990s. “They” are the best male friends we’ve got, and “they” are not really what we had hoped for. “They” can circle round women’s studies departments in crisis-struck arts faculties, knowing that here’s one of the few areas of the academy tht is still expanding financially with student enrollment at both undergraduate and graduate levels. “They” play the academic career game with great finesse, knowing the rule about feminist politics of locations and yet ignoring it. “They” know that feminist theory is the last bastion of constructive radical thought amidst the ruins of the postmodern gloom. “They” are conscious of the fact that the debate about modernity and beyond is coextensive with the woman question. Some of them are gay theorists and activists whose political sensibility may be the closest to feminist concerns. Next are heterosexual “ladies men,” whose preoccupation with the feminine shines for its ambiguity. What the heterosexual men are lacking intellectually— the peculiar blindness to sexual difference for which the term sexism is an inadequate assessment— is a reflection on their position in history. The politics of location is just not part of their genealogical legacy. They have not inherited a world of oppression and exclusion based on their sexed corporal being; they do not have the lived experience of oppression because of their sex. Thus most of them fail to grasp the specificity of feminism in terms of its articulation of theory and practice, of thought and life. Maybe they have no alternative. It must be very uncomfortable to be a male, white, middle-class, heterosexual intellectual at a time in history when so many minorities and oppressed groups are speaking up for themselves; a time when the hegemony of the white knowing subject is crumbling. Lacking the historical experience of oppression on the basis of sex, they paradoxically lack a minus. Lacking the lack, they cannot participate in the great ferment of ideas that is shaking up Western culture: it must be very painful, indeed, to have no option other than being the empirical referent of the historical oppressor of women, asked to account for his atrocities. The problem, in my perspective, is that the exclusion of women and the denigration of the feminine— or of blackness— are not just a small omission that can be fixed with a little good will. Rather, they point to the underlying theme in the textual and historical continuity of masculine self-legitimation and ideal self-projection (Lloyd 1985; Benjamin 1980). It’s on the woman’s body— on her absence, her silence, her disqualification— that phallocentric discourse rests. This sort of “metaphysical cannibalism,” which Ti-Grace Atkinson (1974) analyzed in terms of uterus envy, positions the woman as the silent groundwork of male subjectivity— the condition of possibility for his story. Psychoanalytic theory, of the Freudian or the Lacanian brand, circles around the question of origins— the mother’s body— by elucidating the psychic mechanisms that make the paternal presence, the father’s body, necessary as a figure of authority over her. Following Luce Irigaray, I see psychoanalysis as a patriarchal discourse that apologizes for and provides a political anatomy of metaphysical canni­ balism: the silencing of the powerfulness of the feminine (potentia). Refusing to dissociate the discourse about the feminine, the maternal, from the historical realities of the condition and status of women in Western culture, Irigaray equates the metaphorization of women (the feminine, the maternal) with their victimization or historical oppression. One does not become a member of the dark continent, one is born into it. The question is how to transform this century-old silence into a presence of women as subjects in every aspect of existence. I am sure “they” know this, don’t “they”?

#### You erase the two spirit - non-sex difference key to Indigenous peoples

Driskill, 2010 (Qwo-Li, “Doubleweaving Two-Spirit critiques: Building alliances between Native and Queer Studies.” GLQ Vol 16, #1-2, 2010, Projectmust, MB)

Two-Spirit critiques are woven into Native feminisms by seeing sexism, homophobia, and transphobia as colonial tools. [End Page 83] While queer of color critique draws on and expands women of color feminisms, Native feminisms are central to Two-Spirit critiques, which see heterosexism and gender regimes as manifestations and tools of colonialism and genocide. Homophobia, transphobia, and misogyny are part of colonial projects intent on murdering, removing, and marginalizing Native bodies and nations. As Smith argues: " U.S. empire has always been reified by enforced heterosexuality and binary gender systems. By contrast, Native societies were not necessarily structured through binary gender systems. Rather, some of these societies had multiple genders and people did not fit rigidly into particular gender categories. Thus, it is not surprising that the first peoples targeted for destruction in Native communities were those who did not fit into Western gender categories."49 Such Native feminist analyses, already critiquing heteropatriarchy and colonialism, are crucial to Two-Spirit critiques. The theories of Two-Spirit and queer Native women —such as Chrystos, Brant, Janice Gould, and Miranda —establish Two-Spirit-centered feminist critiques that challenge misogyny and queerphobia.50 As mentioned earlier, the enormous presence of queer women in Native studies as central to arts and scholarship has meant that these women can't be ignored. However, they are often included without queerness being discussed. Out queer men in Native studies are only recently being published to a degree that intervenes in the field, and too often the queerness of these artists and scholars remains in barely tolerated margins. The presence of trans people in the field, as in much of academia, remains largely underrepresented. In queer studies, Native people are largely ignored unless as "subjects" of anthropological and historical research that demonstrate an idealized "queer" past that can bolster non-Native queer identities.51 Native feminisms offer critiques and activist agendas that work for decolonization by understanding heteropatriarchy as a colonial tool. Two-Spirit critiques are informed by and make use of other Native activisms, arts, and scholarship. Two-Spirit critiques use the materials available to weave radical and transformational critiques. Native Two-Spirit/queer people are already participating in several Native activist, artistic, and academic movements. These movements —even if not "Two-Spirit" —are part of the splints that doubleweave Two-Spirit resistance. Within our scholarship, critical theories in Native studies help strengthen Two-Spirit critiques. American Indian literary nationalisms, for instance, can aid in developing Two-Spirit critiques that are simultaneously tribally specific and speak to intertribal concerns.52 To offer another example, both Winona LaDuke's and Melissa K. Nelson's scholarship and activism can push Two-Spirit critiques to [End Page 84] articulate how issues of environmental justice and traditional knowledges intersect with and inform Native Two-Spirit/queer identities and struggles.53 Two-Spirit critiques contextualize themselves as part of decolonial work already in motion.

#### **Western feminism excludes Native American women**

Dixon, 11

[Violet K., “Western Feminism in a Global Perspective,” Student Pulse, 2011 Vol 3 No. 2, <http://www.studentpulse.com/articles/395/2/western-feminism-in-a-global-perspective> //uwyo-baj]

Western feminism is exclusive and may not even include all women who live in the United States. Some critics have pointed to this social construct as a way of distancing the relationships between women of different backgrounds even further because generally, white middle class women are the first to benefit from social change and advanced privilege. Advancement for some does not necessarily equate to advancement for all. “The increased labor force participation of white middle-class women has been accompanied, indeed made possible, by the increased availability outside the home of services formerly provided inside the home -- cleaning, food, health, and personal services. These jobs are disproportionately filled by women of color -- African American, Latina, Asian American” (Barkley). This disparity of experience leads to a flawed discourse in women’s studies because there is an inherent racism in the way American culture operates. Barkley continues, “We are likely to acknowledge that white middle-class women have had a different experience from African American, Latina, Asian American, and Native American women; but the fact that these histories exist simultaneously, in dialogue with each other, is seldom apparent in the studies we do. The overwhelming tendency now is to acknowledge and then ignore differences among women…The effect of this is that acknowledging difference becomes a way of reinforcing the notion that the experiences of white middle-class women are the norm; all others become deviant -- different from. ” This dialogue is disturbing because it emphasizes the disparity between women created by advancement for only the elite, even within the United States. Being white, thin, and affluent is becoming the only acceptable reality for women who want privilege in the world. Barbie, the popular American girl’s doll, has been manufactured in more than 45 nationalities and sold in 150 nations, but the Mattel Company was not necessarily accurate in its production of multinational Barbie dolls. In fact, the dolls all appeared very similar to the original white Barbie doll. “A comparison of the classic Caucasian, blond-haired, blue-eyed doll to any one of her multiethnic counterparts reveals that the appearance of cultural or racial difference is used through the dye used to color the doll’s body, occasionally a slight modification of facial features (such as slightly slanted eyes for the Asian models of Barbie, or a slightly wider nose and thicker lips in her African versions), and a dramatic change in costume reflecting the Mattel Co.’s understanding of the particular country’s “traditional dress”. No modifications are made to the doll’s body shape and size, or general facial structure (Lind, 27).” This is a perfect example of how a company has projected Western ideals of beauty and homogeneity across the world without making an adequate attempt to create a product suited to each culture. The appeal of the Barbie doll and in fact the danger of it, is that it provides little girls with a concept of identity. This identity, even among white American girls, is unrealistic because the chances of having a body like Barbie is less than 1 in 100,000 (Lind,27). Beyond its unrealistic form, the Barbie doll from a feminist perspective has much deeper implications.

#### Native women are distinct in feminism—Women are constructed as subjects of life within the biopolitical regime of colonialism whereas Natives are subjects of death- this understanding conditioned and informs politics, we are the only prerequisite

Smith 10 (Andrea “Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism” GLQ: A Journal of Lesbian and Gay Studies, Volume 16, Number 1-2, 2010, pp. 42-68 (Article) //)

Thus normative futurity depends on an “origin story.” The future is legitimated as a continuation of the past. Here I am reminded of how I have often heard Native activists say, “Let us not work on domestic or other forms of gender violence now, we must work on survival issues ﬁrst.”25 Of course, since Native women are the women most likely to be killed by acts of gender violence in the United States, they are clearly not surviving. The many works on Native women and feminism that say that we are “American Indian women in that order,” that position gender justice as something to be addressed after decolonization, all speak to how this politics of futurity sacriﬁces the lives of women and those who are not gender nor-mative for the indeﬁnitely postponed postcolonial future. As Denetdale notes, the Native nationhood that becomes articulated under this strategy of futurity is one that supports heteropatriarchy, U.S. imperialism, antiblack racism, and capital- ism. As Edelman states: “Political programs are programmed to reify difference and thus to secure in the form of the future, the order of the same.”26 Edelman calls us to queer “social organization as such” to show how our efforts to secure a better future for our children lead us to excuse injustice in the present.27 At the same time, however, this subjectless critique has its limits with regard to decolonization. For instance, Edelman’s analysis lapses into a vulgar construc- tionism by creating a fantasy that there can actually be a politics without a political program that does not always reinstantiate what it deconstructs, that does not always also in some way reafﬁrm the order of the same. Edelman’s “anti-oppositional” politics in the context of multinational capitalism and empire ensures the continu- ation of that status quo by disabling collective struggle designed to dismantle these systems. That is, it seems difﬁcult to dismantle multinational capitalism, settler colonialism, white supremacy, and heteropatriarchy without some kind of politi- cal program, however provisional it may be. Here, Native studies can temper this subjectless critique by engaging queer of color critique in particular. José Esteban Muñoz notes, for example, that an anti-oppositional politic ultimately opts out of relationality and politics. “Relationality is not pretty, but the option of simply opting out of it . . . is imaginable only if one can frame queerness as a singular abstraction that can be subtracted and isolated from a larger social matrix.”28 Furthermore, an anti-oppositional politic can quickly lapse into a leftist cynicism, in which all politics are dismissed as “reproductive” with no disruptive potential. This cynicism then becomes an apology for maintaining the status quo. As Muñoz argues: “The here and now is simply not enough. Queerness should and could be about a desire for another way of being in both the world and time, a desire that resists mandates to accept that which is not enough.”29 A politics of “opting out” clearly privileges those who are relatively more comfortable under the current situation. For indigenous peoples, however, who face genocide, as well as all peoples subjected to conditions of starvation, violence, and war, opting out is simply not an option. The question then arises, who will be left when we opt out of a struggle against white supremacy, settler colonialism, and capitalism? Those most imme- diately sacriﬁced in this “anti-oppositional” politic are indigenous peoples, poor peoples, and all those whose lives are under immediate attack. Thus, while Edel- man contends that the Child can be analytically separated from actual children, Muñoz demonstrates that Edelman’s Child is nonetheless a disavowed white Child. “The future is the stuff of some kids. Racialized kids, queer kids, are not the sovereign princes of futurity. [Edelman’s] framing nonetheless accepts and repro- duces this monolithic future of the child that is indeed always already white.”30 An indigenous critique must question the value of “no future” in the con-text of genocide, where Native peoples have already been determined by settler colonialism to have no future. If the goal of queerness is to challenge the repro- duction of the social order, then the Native child may already be queered. For instance, Colonel John Chivington, the leader of the famous massacre at Sand Creek, charged his followers to not only kill Native adults but to mutilate their reproductive organs and to kill their children because “nits make lice.”31 In this context, the Native Child is not the guarantor of the reproductive future of white supremacy; it is the nit that undoes it. In addition, while both “tradition” and “the future” must be critically engaged, it does not follow that they can be dismissed. As with identity, the notion of a tradition-free subject simply reinstantiates the notion of a liberal subject who is free from past encumbrances. As Elizabeth Povinelli’s work suggests, the liberal subject articulates itself as an autological subject that is completely self- determining over and against the “genealogical” subject (i.e., the indigenous sub- ject) trapped within tradition, determined by the past and the future.32 Essentially then, this call for “no future” relies on a primitivizing discourse that positions the [white] queer subject in relation to a premodern subject who is locked in history. The “Native” serves as the origin story that generates the autonomous present for the white queer subject.