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#### Status quo policy-making uses discursive containment to delegitimize Native American objections to energy policy---the result is the continuing exploitation of Native lands

Endres 9—Assistant Professor of Communication at the University of Utah (Danielle, The Rhetoric of Nuclear Colonialism, Communication and Critical/Cultural Studies, 6:1,39 — 60)

Although there is sufficient evidence that nuclear colonialism is an empirically verifiable phenomenon, previous studies do not attend to a crucial aspect of this phenomenon, which is how nuclear colonialism is perpetuated through public policy deliberation and corporate discourses. In this essay, I argue that nuclear colonialism is significantly a rhetorical phenomenon that employs particular discursive strategies for enabling the perpetuation of nuclearism, continuation of colonialism, and deliberate exclusion of indigenous voices from decision-making. These strategies are successful, in part, due to the contested nature of indigenous nationhood and the public’s benign neglect of indigenous lands and peoples.¶ <Cont>¶ Nuclear Colonialism as a Discursive Phenomenon¶ Although the material implications of nuclear colonialism are undeniable, it is important to turn to the discursive dynamics of the phenomenon. Nuclear colonialism fundamentally depends on discourse because the policy decisions go through deliberation before being implemented. The decisions to site parts of the nuclear production process on or adjacent to indigenous lands rely on complex arguments and rhetorical strategies that invoke the interrelated discursive systems of colonialism and nuclearism.¶ Colonialism¶ Post-colonialism attends to the legacies of colonial systems. Diasporic Indian literary critic and theorist Gayatri Spivak has argued that attention must be paid to theidentities of colonized peoples in relation to race, gender, ethnicity, and nationality. 20 Raka Shome and Radha Hegde’s scholarship has pushed post-colonialism intocritical-cultural communication scholarship. 21 Although post-colonialism is a crucialarea of study, it unfortunately implies that colonialism is over. For some countries(e.g., India, the Congo) the colonizers have left, leaving post-colonial peoples tograpple with the legacies of colonialism. However, colonialism still exists forindigenous people across the globe. Indigenous scholars such as Glenn Morris andthe late Gail Valaskakis resist the notion of post-colonialism. 22 As stated by LindaTuhiwai Smith, ‘‘naming the world as ‘post-colonial’ is, from indigenous perspectives,to name colonialism as finished business . . . post-colonial can mean only one thing:the colonizers have left. There is rather compelling evidence that in fact this has nothappened.’’ 23 Despite the surprisingly common contemporary belief that colonizationof indigenous nations is a thing of the past, we must not only recognize that colonialism still exists but also explore the communicative practices that maintain colonialism.¶ The present form of colonialism in the US is what Al Gedicks has called resource colonialism, whereby ‘‘native peoples are under assault on every continent becausetheir lands contain a wide variety of valuable resources needed for industrialdevelopment.’’ 24 As described by Marjene Ambler, the US government works incollusion with large national and multinational corporations to facilitate leases and access to indigenous resources that benefit the government and corporations to the detriment of indigenous communities. 25 Resource colonialism depends on ignoring the land ownership rights of the colonized. As such, it also relies on the country’s legal and political system to limit the rights of the colonized, specifically drawing on both the domestic dependent relationship and the trust relationship that holds American Indian lands and monies in ‘‘trust’’ through the Bureau of Indian Affairs. 26 As American Indian Studies scholar Sharon O’Brien states, ‘‘today’s ‘Indian wars’ arebeing fought in corporate boardrooms and law offices as tribes endeavor to protectand control their remaining resources.’’ 27 Resource colonialism is a reality for many tribes in the US, especially those with oil, gas, coal and uranium reserves. In the American West, the Western Shoshone, Navajo, Southern Ute, Paiute and Lagunanations possess a wealth of natural resources including uranium ore and vast desert‘‘wastelands’’ for nuclear waste storage. Historian Gabrielle Hecht noted that ‘‘thehistory of uranium mining . . . shows that colonial practices and structures wereappropriated \* not overthrown \* by the nuclear age, and proved central to itstechnopolitical success.’’ 28 Nuclear colonialism is a tale of resource colonialism.¶ Colonialism in all its forms is dependent on the discursive apparatus that sustains it. Mary Stuckey and John Murphy point out that rhetorical colonialism recognizes that the language used by colonizers is a crucial justification for the colonial project. 29 Caskey Russell argues that ‘‘vast justification systems have been set up to keep colonizers from feeling guilty.’’ 30 Indian Law is an integral part of the discursive system of colonialism that is employed over an over again to grant political sovereignty while simultaneously restricting it. Political sovereignty for AmericanIndians is a complex concept that reveals that US Indian Law views American Indiannations as colonized peoples. It is not based on the inherent sovereignty of AmericanIndian nations but instead upon the laws of the US that grant political sovereignty toAmerican Indians. Yet, when sovereignty is granted, it is dependent upon acknowl-edgment by the grantor and is therefore vulnerable to coercive restriction. Althoughthe Constitution, hundreds of treaties, and US Supreme Court decisions affirm thepolitical sovereignty of American Indian nations, this form of political sovereignty is egregiously and unilaterally limited by the US federal government through its laws and policies. 31 Three Supreme Court decisions under Chief Justice John Marshall inthe early 1800s solidified the assumption that Indian sovereignty is granted andintroduced the concept of American Indian nations as ‘‘domestic dependentnations.’’ 32 According to Wallace Coffey and Rebecca Tsosie of the Native AmericanRights Fund, ‘‘the concept of Indian tribes as ‘domestic dependent nations’ means that tribal governmental authority is to some extend circumscribed by federal authority.’’ 33 The domestic dependent status defined by Supreme Court decisions inthe 1860s discursively relegates American Indian nations to a partial and contingent nationhood. The term ‘‘domestic dependents’’ also calls forth paternalistic images of American Indians as child-like dependents who need to be protected by the federal government. Given these restrictions, if American Indian nations attempt to useIndian Law and its notion of political sovereignty for the improvement of the nationor to assert sovereignty, the nations are stuck in a catch-22 where they have to acceptthe limited notion of sovereignty granted through federal law in their quest for morerights within Indian Law. Although political sovereignty may acknowledge thatAmerican Indians have distinct nations and governments, this sovereignty is alwaysdefined as dependent on and subordinate to the US federal government.¶ Indigenous resistance over the years has created cracks in the system of resource colonialism, resulting in more control over resources and more lucrative leases formany American Indian nations. 34 Recognizing the limitations of political sovereignty as defined by US colonialist laws, Coffey and Tsosie and John Borrows have called forindigenous people to reject political sovereignty and to assert and live by their inherent sovereignty. 35 Borrows calls for ‘‘an inherent, unextinguished, and continu-ing exercise of self-government’’ that challenges the imposition of politicalsovereignty upon American Indian nations by the federal government. 36 The conceptof ‘‘inherent sovereignty’’ exemplifies the potential for resistance to colonization through a constitutive redefinition of sovereignty that supersedes the politicaldefinition.¶ Nuclearism¶ Considering the use of American Indian resources and lands in support of the nuclearproduction process, the discourse of nuclearism intersects with the discourse of colonialism to create the discourse of nuclear colonialism. Nuclearism is theassumption that nuclear weapons and nuclear power are crucial to the nationalinterest and national security, serving to normalize and justify all aspects of thenuclear production process. 37 Nuclearism is an ideology and a discursive system thatis ‘‘intertextually configured by present discourses such as militarism, nationalism,bureaucracy, and technical-rationality.’’ 38 Even with the end of the Cold War, we stillsee nuclearism present in contemporary US policy such as the call to license new nuclear reactors for the first time in over twenty years and research into new nuclearweapons technology (e.g., bunker busters).¶ Resistance to nuclearism comes in many forms, one of which is the body of scholarship called nuclear communication criticism. Within this corpus, Bryan Taylorand William Kinsella advocate the study of ‘‘nuclear legacies’’ of the nuclearproduction process. 39 The material legacies of the nuclear production process includethe deaths of Navajo uranium miners, the left-over uranium tailings on Navajo land,and Western Shoshone downwinders. However, nuclear waste is in need of moreexamination; as Taylor writes, ‘‘nuclear waste represents one of the most complex andhighly charged controversies created by the postwar society. Perhaps daunted by its technical, legal and political complexities, communication scholars have not widely engaged this topic.’’ 40 One of the reasons that nuclear waste is such a complex controversy is its connection with nuclear colonialism. ¶ Nuclear communication criticism has focused on examination of the ‘‘practices and processes of communication’’ related to the nuclear production process and the legacies of this process. 41 At least two themes in nuclear discourse are relevant tonuclear colonialism: 1) invocation of national interest; and 2) constraints to publicdebate. First, nuclear discourse is married to the professed national interest, callingfor the sacrifices among the communities affected by the legacies of the nuclearproduction process. 42 According to Kuletz, the American West has been constructedas a ‘‘national sacrifice zone’’ because of its connection to the nuclear productionprocess. 43 Nuclearism is tautological in its basic assumption that nuclear production serves the national interest and national security and its use of national security and national interest to justify nuclearism. The federal government justifies nuclearproduction, which disproportionately takes place on American Indian land, asserving the national security. This justification works with the strategy of colonialismthat defines American Indian people as part of the nation and not as separate, inherently sovereign entities whose national interest may not include storing nuclearwaste on their land.¶ A second theme in nuclear discourse is its ability to constrain public debate through invoking the national interest, defining opponents as unpatriotic and employing discursive containment. 44 For instance, ‘‘discursive containment often operates on the premise that public participation is a potential hazard to officialinterests and should be minimized and controlled.’’ 45 The strategies of nuclear discourse that constrain public debate work in concert with strategies of rhetorical colonialism that exclude and constrain the participation of American Indians in decisions affecting their land and resources. Taken together, the intersection of thediscourses of colonialism and nuclearism create a powerful discourse aimed atperpetuating the nuclear production process for the benefit of the colonizer at theexpense of their colonial targets.¶ Nuclear Colonialism, Discourse, and Yucca Mountain¶ Nuclear colonialism is inextricably linked to the concept of rhetorical exclusion. According to John Sanchez, Mary Stuckey and Richard Morris rhetorical exclusion is employed by those in power to ‘‘foreclose debate without appearing to engage in undemocratic action.’’ 46 Using American Indian Movement (AIM) activism and thecase of Leonard Peltier as examples, they reveal that rhetorical exclusion provides ‘‘frames through which those who challenge the status quo may be understood.’’ 47 Intheir analysis, rhetorical exclusion is primarily a strategy of definition. They reveal thenumerous ways that the federal government’s discourse explicitly defines American Indians as subversive, inherently dangerous, oppositional, and always already guilty. These definitions build upon and contribute to the assumption that the US federal government is democratic, legitimate, and inherently worthy of defense against any threats (i.e., American Indians). Rhetorical exclusion, then, is a strategy of definitionthat justifies taking ‘‘whatever actions those in power deem necessary to controlchallenges to its legitimacy.’’ 48¶ Despite the nuanced analysis offered by Sanchez, Stuckey and Morris, their articulation of the strategy of definition discussed above is not the only strategy of rhetorical exclusion in discourse about American Indians. Rather, their discussion of rhetorical exclusion provides a starting point for considering the multiple strategiesof rhetorical exclusion in different situations. 49 Sanchez, Stuckey and Morris’articulation of rhetorical exclusion is limited to how American Indians are explicitly defined in federal government documents as threatening or subversive. However, thisstrategy is used in a context very different from that of the Yucca Mountaincontroversy. In the late 1960s and 1970s, AIM was highly active and widely covered inthe media, such as the takeover of Alcatraz and Wounded Knee. AIM activism in the1970s called forth a rhetorical situation to which the federal government had torespond. However, even though current American Indian grievances pose as big athreat to the federal government’s modus operandi of colonialism, these issues do notreceive the national attention they did in the 1970s. Today, rhetorical exclusion includes more subtle ways of excluding American Indian voices from deliberation.This study aims to contribute to a more comprehensive understanding of rhetoricalexclusion.¶ <Cont>¶ This essay is a first step in articulating nuclear colonialism as a rhetoricalphenomenon. The rhetoric of nuclear colonialism draws from the discourses of colonialism and nuclearism to justify the continued disproportionate and unjust useof indigenous lands to sustain the US national interest in nuclearism. My articulationof the rhetoric of nuclear colonialism contributes to rhetorical theory by demonstrating how a phenomenon often expressed with empirical evidence fundamentally relies on discourse for its perpetuation. This reliance on rhetoricincludes the use of particular rhetorical strategies such as naming practices, shiftingthe burden of proof, and strategic silence. These strategies work to exclude American Indian nations and their arguments from the deliberative process. These strategies also help to complete our understanding of the concept of rhetorical exclusion.Because the rhetoric of nuclear colonialism is more complicated than the limitedstrategies presented in this essay, further research should be done to disclose therhetoric of nuclear colonialism.¶ My exploration of the rhetoric of nuclear colonialism also suggests that colonialpractices and discourse still exist in the US and other areas of the world. Whilecritical-cultural communication scholars have engaged in post-colonial criticism, weshould also engage in and encourage colonial and indigenous criticism. This essay identifies several aspects of colonialism, such as the catch-22 of political sovereignty,the complexity of American Indian nationhood and particular strategies of rhetoricalexclusion, each meriting continued study. If we cannot recognize the colonialrelationship between American Indians and the federal government, our attempts tounderstand American Indian movements and resistance will fall short.¶ This essay is aligned with recent work in nuclear communication focused onlocalizing and particularizing the consequences of nuclear weapons and power onsociety. However, my essay expands this body of scholarship by specifically attendingto the localized consequences of nuclear technologies for indigenous peoples. Nuclearcolonialism is, in part, an example of environmental injustice. American Indianopponents of nuclear colonialism often identify with the environmental justicemovement, whose members argue that toxic waste and pollution are disproportio-nately linked to marginalized communities \* people of color and the poor. 83 Environmental racism, Robert Bullard argues, ‘‘is reinforced by government, legal,economic, political, and military institutions.’’ 84 The environmental justice move-ment was created to address the localized affects of technological development andglobalization on marginalized communities. Environmental injustices often go unnoticed unless activists rise up to challenge the injustices. ¶ As we build scholarship on the rhetoric of (nuclear) colonialism, it will also be important to examine the role of incommensurable values and standpoints between indigenous people and colonial powers. For instance, my analysis of American Indianpublic comments and the Department of Energy’s documents reveals fundamentally different perspectives on the value of the land. The Western Shoshone and SouthernPaiute people argue that Yucca Mountain is sacred and that the project may irreparably destroy the spirituality and resources of the land. In contrast, the DOEdescribes the land as a ‘‘wasteland,’’ even saying that ‘‘ no one lives at Yucca Mountain’’and that ‘‘there are no known natural resources of commercial value at YuccaMountain (such as precious metals, minerals, oil, etc.).’’ 85 From the perspective of thefederal government, then, the land is valuable because of its role in furthering thenational interest for a greater number of people than the ‘‘handful’’ of opponents. Assuming the greatest good for the greater number of people, a sacrifice is demandedof those living by Yucca Mountain for the good of the nation. 86 Maurice Charland uses Lyotard’s notion of differe’nd to describe this type of radical incommensurability, a notion manifested in the inability of the republic to see outside its decision-making paradigm to include discussions of indigenous sovereignty and differing perspectives on land use. 87¶ If the rhetoric of nuclear colonialism is designed to exclude American Indian nations from deliberation and if Charland is correct that the decision-makers may not be capable of seeing outside their concept of decision-making, then the hope for challenging nuclear colonialism must come from resistance outside the deliberative system. Although my essay focuses on the discursive formation that supports thefederal government’s perpetuation of nuclear colonialism, it is important to recognizethat American Indian nations are resisting it in many ways \* protesting, filing lawsuits, seeking media attention, asserting their inherent right to proclaim their lands as Nuclear Free Zones and banning uranium mining on their lands. Eventhough nuclear colonialism attempts to silence American Indian voices, nuclearcolonialism has not completely succeeded, because there is an active resistancemovement. As Robin Clair notes, ‘‘within each practice of oppressive silence, there isa possibility of voice.’’ 88 We must also look for the possibilities of voice and theinstances of voice that emerge from nuclear colonialism.¶ Ultimately, the policies and discourse of nuclear colonialism continue. TheDepartment of Energy recently submitted an application to the Nuclear Regulatory Commission (NRC) for a license for the Yucca Mountain project, which continues tobe funded annually by Congress. Private Fuel Storage and the members of the SkullValley government who support temporary storage on the reservation have filed alawsuit to reverse the Department of Interior and Bureau of Land Managementdecisions which stopped the project. 89 Interest in licensing new reactors andproducing new types of nuclear weapons has created pressure to re-open and opennew uranium mines on Lakota and Navajo land. However, there are still openings forresistance to nuclear colonialism. Although the Yucca Mountain site was authorizedin 2002, it has not yet begun to accept waste. The DOE still needs to obtain their NRClicense; and an interview with an NRC official reveals that the NRC usually takes three to four years to evaluate an application. 90 Thus, American Indian activists argue thatthe 2002 siting decision has not foreclosed their fight against the site. Shortly after thesite authorization decision, the Western Shoshone filed a lawsuit against the YuccaMountain project based on their land rights under the Treaty of Ruby Valley. 91 Beyond Yucca Mountain, Skull Valley activist Margene Bullcreek vowed to continueto fight against temporary nuclear waste storage on her reservation. 92 And asdiscussed above, the Navajo and Lakota nations both experienced recent victories intheir struggles against uranium mining. As nuclear colonialism continues, so does resistance to nuclear colonialism. Thus, further study of the discursive elements of nuclear colonialism can potentially reveal new strategies for resistance to nuclear colonialism.

#### Affirming renewable policies for Natives is necessary to begin reorienting our relationship to exploitative power structures of energy production---debate is a key site to generate knowledge practices that shape our political horizons

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In this paper, building on interdisciplinary approaches to the study of social movements (including some outside of academia), we argue that knowledge-practices are a crucial component of the creative and daily practice of social movements. As we will demonstrate, encounters ranging from heated online and journal debates over the nature and meaning of Italy's movimento no global, in which new forms of situated and reflexive [End Page 19] theoretical production are defined; to hours of direct-action strategizing in meetings at Chicago's cooperative bookstores, where theories of embodied democracy are derived; to campground conferences on Native American territories, where native knowledge contributes to the science of environmental justice issues; constitute, among other things, important sites of knowledge creation, reformulation, and diffusion. We call these diverse practices "knowledge-practices." This hyphenated term aims to escape from the abstract connotations usually associated with knowledge, arguing for its concrete, embodied, lived, and situated character. As Boaventura de Sousa Santos argues, "all social practices imply knowledge, and as such they are also knowledge-practices" (2005:19).1 Moreover, we argue that when we recognize movements as spaces and processes in which knowledges are generated, modified, and mobilized by diverse actors, important political insights are gained—both into the politics of those contemporary movements, as well as into those of society more broadly. This recognition bears important implications for social movement researchers. It requires that we shift the mode of engagement in our research, blurring well-established boundaries in social science between the "subjects" and "objects" of knowledge production—a shift that has certainly been called for in anthropology for at least 20 years and by the critique of positivist and Cartesian epistemologies, more broadly.¶ Our impetus for this project comes from our contention that a great deal of even the most critical academic work on social movements has theoretical assumptions and methodological inclinations that prevent scholars from seeing or making sense of various knowledge-practices and their implications. This is significant, we argue, because the inability to recognize knowledge-practices as some of the central work that movements do, has made it difficult for social movement theorists to grasp the actual political effects of many movements. As the cases in the paper demonstrate, these effects include not only immediate strategic objectives for social or political change, but the very rethinking of democracy; the generation of expertise and new paradigms of being, as well as different modes of analyses of relevant political and social conjunctures.¶ The argument is taken up in two parts. In the first section, "Towards a Different Mode of Engagement," we suggest a need for a different mode of engagement in social movement research that recognizes social movements not simply as objects to be studied and understood, but as subjects or actors who are knowledge-producers in their own right. In so doing we challenge [End Page 20] the social scientific mode of empiricism that stresses the search for mechanisms and causal variables to be generalized. Instead, we argue for a mode of engaging with social movements that does not set "culture" (and those who bear it) as something "out there" to be accounted for and explained as an independent variable, but instead studies social movements on (and in) their own terms. As such, and building on criticisms of the structural and positivist orientations of the field articulated by authors associated with the "cultural turn" (Johnston and Klandermans 1995; Goodwin and Jasper 2004; Polletta 2004), we argue for the need to go beyond the emphasis on determining the mechanisms by which social movements work. We suggest that if we push the cultural turn even further, incorporating insights from multiple fields working to understand human agency in diverse cultural worlds (see Holland et al., this issue), we will be able to engage with movements not simply as objects to be explained by the distanced analyst, but as lively actors producing their own explanations and knowledges. These knowledges take the form of stories, ideas, narratives, and ideologies, but also theories, expertise, as well as political analyses and critical understandings of particular contexts. Their creation, modification and diverse enactments are what we call "knowledge-practice."¶ As will become apparent, knowledge-practices in our view range from things we are more classically trained to define as knowledge, such as practices that engage and run parallel to the knowledge of scientists or policy experts, to micro-political and cultural interventions that have more to do with "know-how" or the "cognitive praxis that informs all social activity" and which vie with the most basic social institutions that teach us how to be in the world (see Varela 1999; Eyerman and Jamison 1991:49). Many have begun to speak of the centrality of knowledge to the understanding of practice and social life in the late twentieth century (Schatzki et al. 2001). Moreover, recent shifts in cognitive science emphasize more materialist understandings of knowledge such that "cognition consists not of representations but of embodied action" (Varela 1999:17). Departing from a grounded and plural understanding of the term, we claim that movements prolifically produce knowledge—a category often reserved for social and natural scientists, and other recognized "experts." This both radically shifts our conception of what social movements have to offer, and potentially broadens our understandings of what constitutes "the social."¶ In the second section, called "Understanding Knowledge-Practices," we explore and explain our use of this hyphenated term and its implications. [End Page 21] The section begins with three ethnographic vignettes from our own research to illustrate what the category of "knowledge-practice" is and what it makes visible. The cases include descriptions of an Indigenous environmental justice network in North America, Chicago's Direct Action Network collective, and a segment of Italy's alter-globalization movement. Each case highlights a different way in which knowledge-practice is central to collective action. The cases (respectively) show how contemporary movements are: 1) engaging in co-producing, challenging, and transforming expert scientific discourses; 2) creating critical subjects whose embodied discourse produces new notions of democracy; and 3) generating reflexive conjunctural theories and analyses that go against more dogmatic and orthodox approaches to social change, and as such contribute to ethical ways of knowing. Building on these empirical cases and descriptions of the material and situated nature of these knowledge-practices, we then explain that these knowledges are unique and politically important largely due to their place-based natures.¶ Toward a Different Mode of Engagement¶ In recent years, critiques of positivist and structuralist orientations in the interdisciplinary field of social movement studies have become well known. Authors affiliated with what is known as the "cultural turn" in social movement studies have argued for the need to bring greater attention to culture (Johnston and Klandermans 1995; Polletta 2004; Polletta and Jasper 2001), identity (Melucci 1989, 1996), ideology (Laraña et al. 1994), narratives (Davis et al. 2002) and framing processes (Benford and Snow 2000; Snow and Benford 1988, 1992) as a way of countering what these authors have identified as the overly structural and macro-political orientation of the prevailing, and primarily sociological, social-movement studies approach. Relatedly, many of these same authors call for researchers to pay more attention to what were previously considered "irrational" aspects of movements, including emotion, affect and identity. Finally, they have matched this call for a shift in content with a shift in methodology. That is, they have urged researchers to employ more ethnographic tools and analyses that focus on the meaning-making and cultural practices of collective action. This shifts the focus to the narratives and terms movement activists provide about themselves and their campaigns for justice (see especially Davis 2002; Goodwin et al. 2001), rather than answers to predetermined questions the social scientist brings to them. [End Page 22]¶ This move is crucial, because as articulated by theorists within and beyond sociology (Escobar 1992; Goodwin and Jasper 2004; Johnston and Klandermans 1995; McAdam, Tarrow and Tilly 2001; Touraine 1988), social movement studies, especially in North America, has been heavily influenced by strict definitions of what constitutes the properly scientific object of study, as well as by political culture in the U.S. that reduces the political to a fixed and pre-determined politico-institutional sphere.2 These conceptual boundaries around science and politics have influenced the field to treat movements frequently as objects whose existence, emergence, growth and decline must be objectively explained. This is in turn based on a notion of explanation that suggests analysis by properly distanced and neutral researchers, on the one hand, and by the pursuit of generalizable mechanisms and laws, on the other. While we recognize that generalizability can be commensurate with an interest in "culture," our central concern is with the culturalist turn's tendency to mechanize "culture" into an explanatory variable in human behavior.¶ We follow the path of these important culturalist critiques, but then move into a different terrain, raising the possibility of asking different questions, questions that aim to complicate notions of "culture" and alter the "what for" of social movement research. We argue that despite their important contributions, even those culturalists most critical of dominant approaches have not recognized the epistemological significance and political stakes of the underlying subject-object divide and its implications for their research. Moreover, they have not let go of seeing the ultimate "goal" of their work as a form of objective explanation. Consequently, we hope to draw the field's attention to the centrality of knowledge-practices in movements and how these enactments destabilize the boundary between activist and academic (or other expert) knowledges. In what follows, we review the criticisms of the dominant approach to social movement studies and then go on to point out the persistent limitations of these critical approaches. Finally, we move to explain why shifting the mode of engagement in research on and with movements will not only enable knowledge-practices to be more visible, but will also provide valuable political insights.¶ Rethinking the Treatment of Culture and Agency¶ We depart from Goodwin and Jasper's call for a "social movement analysis that rejects invariant modeling, is wary of conceptual stretching and recognizes the diverse ways that culture and agency [as opposed to only macro [End Page 23] and external causes], including emotions and strategizing, shape collective action" (1999:27). With Goodwin and others, we believe that the commitment to a priori models, categories, and frameworks such as "political opportunities" or "resource mobilizations" not only obscures the meaning-making and cultural aspects of social movements, but is ultimately tautological. Its redundancy lies in leading the researcher to always find what s/he is looking for, regardless of the analytical utility of the models they are using. For instance, when the researcher uses a political opportunity structure (POS) model based on the belief that such political opportunities are determinants for moments of collective action, then s/he locates POS everywhere, defining almost all aspects of creative movement practice as meeting or reacting to a political opportunity (Clark 2002). While political process is clearly an important element, even from the perspectives of activists, its over-use as an a priori analytical framework certainly predisposes the movement to be interpreted in this way, rather than according to what activists find important. As a result, while POS has been very useful in certain instances—taking state action and fissures into account, for example—it often leads analysts to ignore the creative work movements themselves do to create opportunities and other forms of political effect.¶ Notably, as Goodwin and Jasper show, this use of largely inflexible models and explanatory variables has also pervaded work on culture in social movements. In their 2004 edited volume, Rethinking Social Movements: Structure, Meaning and Emotion, Goodwin and Jasper argue for the need for greater attention to the affective, emotive and historically specific aspects of movements as central to a form of research that does not force movements to fit into "invariant models." Their volume advances the work of researchers like Benford and Snow, whose writing on "framing" not only brought the meaning-making work of social movements center-stage, but also acknowledged—using insights from cultural studies—that this meaning-making intervenes directly in the political field by participating in the "politics of signification" (Benford and Snow 2000:613). However, Goodwin and Jasper also argue (and we agree) that the concept of "frames" ultimately treats culture reductively. This is because the use of framing is almost always premised on the assumption that the key goal of any social movement is mobilization. Within this understanding, frames are merely instrumental tactics by which to achieve this prefigured goal (Goodwin and Jasper 2004). And while mobilization is indeed an important objective for many movement actors, it is [End Page 24] by no means the only one; furthermore, what it means "to mobilize" is always culturally and historically specific, exceeding the parameters of "framing" approaches. In sum, the literature on framing tends to treat culture as yet another variable to be added to the model according to which movements are studied. Building both on a critique of latent structuralism and on the work of European New Social Movement theorists, Goodwin and Jasper call for a recognition that cultures, identities, beliefs, and ideologies are not simply important insofar as they aid mobilization. Rather, they are in and of themselves critical subjects for understanding the nature, effects and goals of social movements.¶ The tendency towards rigid modeling that Goodwin and Jasper point to also suggests an imposition of the researcher's categories of analysis onto the political actors they are studying without any actual exchange or dialogue with those actors (see Flacks 2004; Jordan 2005; Osterweil 2004). This omission of the visions and goals of movement actors, as they express them, falsely empowers the social scientist to judge the political efficacy of these movements according to his or her own model of what the political goals of a movement should be, and/or according to his/her own definition of the political. Such a conceptual imposition fails to acknowledge that movements are often challenging the very definitions of what in fact constitutes the social or political. In other words, the imposition of the researcher's categories prevents the researcher from understanding movements according to their participants' often diverse (even contradictory) analytic or descriptive terms, as well as obscuring the agencies, complex and changing identities, and cultural production of movement actors.¶ Responding to this dilemma, many researchers who emphasize the centrality of culture in social movement studies have argued for the importance of employing ethnographic research methods such as semi-structured interviews and forms of participant observation to allow actors to speak directly about their own cultural worlds, thus foregrounding the narratives, ideologies and stories rendered by activists themselves. For example, Francesca Polletta's work on culture, emotion and narrative (2001, 2004) employs ethnographic methods and greatly contributes to our understanding of the place of culture in social movements. Polletta points out that a continuing yet unrecognized problem in the supposed debate between culturalists and structuralists is the false separation between culture and structure. This separation, she argues, causes several problems: It makes culture seem overly voluntaristic, as if it were something [End Page 25] individuals choose to use, rather than are socially influenced to use. It also ignores the fact that structural causes or political opportunities are themselves culturally and historically specific, as well as discursively interpreted and constructed.3 However, in addition to these crucial critiques, and perhaps more importantly for our purposes, Polletta also brings us closer to the notion of movements as knowledge producers when she suggests that as part of their cultural work, "movements invent new ideas and popularize conceptions" (Polletta 2004:104).¶ However, it is here, very much indebted to a renewed focus on human agency and culture, that our critique diverges from what we call the "culturalist turn." For it is precisely in failing to move from "ideas" to "new knowledges," or from a methodology that only allows an activist the possibility of answering certain questions posed by the researcher (rather than introducing their own questions or categories) that Polletta and others remain within a theoretical and methodological milieu we would like to move beyond. For it is a milieu in which categories like culture are viewed primarily as explanatory devices—tools for researchers who aim to explain and generalize social movement behavior. While explanation is not a bad thing in and of itself, it makes other readings and understandings less accessible. That is, rather than consider movements' ideas and concepts as innovative and authoritative in their own right, these theorists maintain the distinction between that which movements do and the knowledge that comprises their own academic work and social life. Ideas, narratives, and ideologies generated by social movements are, in the end, located in a separate sphere from acts of knowing, or the "cognitive praxis" that defines the rest of social life (Eyerman and Jamison 1991; Varela 1999), despite their similarity to the knowledges produced by social movement researchers.¶ Although she emphasizes the culture, identities and meaning-making practices of the movements, Polletta ultimately forecloses the possibility for movements to speak for themselves, to posit their own vocabularies, cartographies and concepts of the world, and to articulate their own categories of analysis. As such, she and others miss or erase the fact that many of the meanings being enacted and articulated through collective action are also forms of knowledge. These knowledges are important not only because they manifest the values, visions, and theories movement actors are working from, but because such knowledges are generative of political theories and of certain "realities," in which the realm of "the social" cannot be taken for granted by the analyst. [End Page 26]¶ Enacting New Modes of Engagement¶ What would happen if rather than approaching culture, narratives, and ideas as interchangeable variables, or categories to be filled by the researcher of social movements, we were to recognize these "ideas" as knowledges? Moreover, what if we allowed that these knowledges have direct, political effects on the world? Such effects might range from attempts to interfere in technical or theoretical debates that effectively define "truth," to effects that exist below the radar of what traditionally constitutes the political field by, for example, producing critical subjectivities or new ways of being?¶ By "knowledges" we mean experiences, stories, ideologies, and claims to various forms of expertise that define how social actors come to know and inhabit the world. Given this, the definition of knowledge from which we work is rather expansive. However the important point is that understanding that movements do produce knowledge—often as the very objective of their practice—has profound implications for social movement research. As generators of these forms of knowledge, social movements quite explicitly challenge the divide between subjects and objects of scientific explanation and compel researchers to rethink both the mode and the "what for?" of their research. This does not mean ignoring the importance of narratives, identity, culture and ideology, and the fact that they are often salient factors in explaining the why's and how's of collective action. Rather, it means recognizing that there is a need to augment and expand the kinds of questions asked by researchers of movements. This requires moving beyond the traditional social scientific schema of the explainers and the explained, to recognize that many of the conclusions and analyses resulting from the knowledge produced by social movements could be read alongside academic research on similar topics.¶ We seek a mode of engagement that does not stop with a consideration of the scientific veracity of certain methods, but questions the very logics and ethics that underpin our relationships to those we study. We suggest the need for a relational mode of engagement that shifts the focus and goals of our studies of collective political action: going beyond causal explanation, toward description, evocation, and translation (see Latour 2005; Strathern 1991; Tsing 2005). In so doing we identify our work as not simply "on," but primarily with or alongside movements. As such, instead of aiming to fit case studies of social movements into existing frameworks or conceptual orders of how collective action is or ought to be deployed, [End Page 27] we aim to follow social movement actors themselves, listening, tracing, and mapping the work that they do to bring movements into being.4 This shift does not deny some utility in explanatory concepts, but rather seeks to engage the explanatory concepts of the movement actors themselves, as well as concepts primarily drawn from academic scholarship. Following Romand Coles (2004), this method values "receptivity" and "listening" to the explanations and arguments posed by movements, which may, in turn, entail various forms of engagement with, or participation in, the movements' own knowledge-practices, locating them in relation to more conventional, "expert" theories. Such a move not only avoids the pitfalls of inflexible and reductive modeling, it also enables us to recognize that a great deal of what social movements do is produce and act upon various political knowledges. Overall, this allows us to recognize that some (though certainly not all) movements are intensely involved in the epistemological work of analyzing, envisioning and elaborating new ways of knowing and being in the world.5 These knowledges are, moreover, potentially as valid and significant as those generated by institutionally and culturally recognized experts, and are in fact often produced in dialogue and collaboration with them.6¶ In addition to introducing a new methodology and ethic,7 understanding movements as knowledge producers also implies that a main analytical goal of studying social movements becomes the documentation of and engagement with activist knowledges that are in turn important and potentially useful for society at large. These activist knowledges are enacted through diverse forms of knowledge-practice. They include, on the one hand, analyses, concepts, theories, imaginaries—including the very categories of collective identification and political analysis according to which they act—and on the other, methodological devices and research tools. In addition, they also entail practices less obviously associated with knowledge, including the generation of subjectivities/identities, discourses, common-sense, and projects of autonomy and livelihood.¶ In the following section, we contend that two aspects of these diverse knowledge-practices are particularly significant. First, they are material and occupy a great deal of day-to-day movement activity; and second, they offer unique and important political perspectives. These perspectives are in turn critical not only for making sense of movements, but also, and perhaps more importantly, as political knowledge for society at large. [End Page 28]¶ Recognizing Knowledge-Practice in Social Movements¶ We begin the second part of our paper with the claim that a crucial part of the work that movements do in their diverse and dispersed networks of political action is to generate and act upon various critical understandings of the world. As we engage with these emergent theories of social change and cultural critique that movements develop and enact, we not only gain better knowledge about movements, but we also have access to socio-political theories and analyses that are uniquely insightful due to their conjunctural and situated nature. Following the work of many feminists, science studies, and other critical theorists, we recognize the distinct and embodied nature of situated—rather than detached or "universal"—knowledge (Haraway 1991, 1997; Latour 1988, 2005; Varela 1999). This claim can itself be located within a large history of debates on epistemology, hermeneutics and the sociology of knowledge, as well as recent social theory on the political importance of knowledge as it intersects with power. In addition to refining our understanding of the "what for?" of social movement research, then, we add the argument that this recognition provides access to insights about alternatives and processes of social change not easily available from other perspectives.¶ The discussion that follows begins with examples from each author's ethnographic and activist work in order to illustrate three different instances of knowledge-practice. We then consider the concept of knowledge-practice and how it might contribute to ongoing debates about the material and situated nature of knowledge production as well as within a diverse and dispersed (yet growing) literature focused on the intersection of knowledge production with social movements and social change.¶ Introducing Knowledge-Practice¶ Each instance below seeks to reveal not only the centrality of knowledge production within specific movement practices, but also the diversity and historicity of the forms, uses, and effects of specific knowledge-practices. These include different meanings and uses of the term "knowledge" itself. For example, Powell's vignette discusses how the Indigenous Environmental Justice (IEJ) movement in the U.S. engages, challenges and produces expertise and, therefore, participates in claims to truth-making, much like (and in dialogue with) scientists and policy-makers. In the second example, Casas-Cortés shows how the organizing work of Chicago's Direct Action Network (DAN) can be understood as creating alternative subjectivities and new [End Page 29] forms of social relations as part of a process of developing new forms of democracy, producing alternative micro-political and embodied knowledges. Finally, Osterweil describes how Italian alter-globalization activists are developing reflexive forms of theorizing and analysis, ones that are conjunctural, experimental and partial, embracing an epistemology of unfixity.8¶ Indigenous Environmental Justice Movement: Engaging Expertise¶ In the cool, early days of summer in 2004, I arrived in the Black Hills of South Dakota to pitch my tent with more than three hundred other activists, doctors, researchers, engineers, scientists, and tribal leaders for five days of workshops, panel discussions, debates, and educational sessions on the politics of environmentalism in Native North America. I was there as an ally, having worked with a particular vein of the Indigenous Environmental Justice (IEJ) movement in the U.S. since 1999 on projects targeting protection of sacred sites from industrial energy development. The agenda of this year's annual gathering was to collectively produce better knowledge and strategies for addressing climate change, globalization and free trade, renewable energy technologies such as wind and solar power, natural resource management, and the ongoing disproportionate siting of toxic and nuclear waste dumps on Indigenous territories. There was no media present and no official declaration being issued from the discussion groups, panels, prayers, and presentations that constituted this gathering. There were no confrontations with the state or spectacular demonstrations of direct action that would make this event conventionally recognizable as a site of resistance or even part of a "movement"; nor were there credentialed development "experts" with institutional backing debating the salient social and environmental issues. And yet, this was a site of rigorously re-imagining the futures of Native communities through engaging and producing a form of expertise tailored to the material and spiritual context of particular communities. The conference was a convergence site of critical subjects, enacting a particular style of social movement practice and knowledge production through a network of relationships, blurring boundaries between generations, tribal affiliations, ethnic identifications, and the frontiers between humans, animals, spirits, machines, nature, and culture.¶ Through daily presentations, meals shared at the picnic tables, and fireside prayers and remembrances, the conference became a site of knowledge-practice. Under the large, open-air tents set against slopes of [End Page 30] Ponderosa pines and through the crackling speakers of the solar-powered audio system, the knowledge being mobilized and produced by these activists both drew upon and challenged dominant scientific expertise. Knowledge was expressed as socio-cultural critique and theory, as the ethics of making decisions with seven generations in mind, as traditional knowledge and oral histories, as principles of "precaution," and as a translation of legal and scientific research; in all cases, these knowledges addressed the unequal, historically-produced fields of power in which these individuals and organizations must work. The contestation, mobilization, and production of knowledge is crucial to this particular movement, as evidenced in the construction of the annual conference itself as one of the central events of this transnational network of activists. Various panels addressed federal policies and environmental impact statements; the roles of tribes in relation to federal agencies; biotechnology and genetic engineering of foods; traditional knowledge and cultural preservation; funding and engineering tribal-based wind and solar energy projects; and connecting place-based grassroots activism on Indigenous lands to multi-issue, global movements. Legitimacy and expertise was not only relegated to those with institutional credentials, but was also demonstrated through the testimonies of elders and lifetime environmental and human rights advocates. While environmental policy specialists and biomedical doctors (who were both self-identififed Native and non-Native) were also on site as important, recognized experts, their claims and analyses were tempered in this social context by the authority of stories, community-based research, and lived experience.¶ 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.¶ Scientific knowledge is thus not rejected outright, but is mobilized and intertwined with traditional knowledge and technological knowledge for the purpose of making a case for alternative approaches to energy production and, more broadly, for analyzing the present conditions of economic and health disparities among Native communities. "Energy justice" can thus be seen not only as a prescriptive concept, but also as a claim seeking to transform conventional thought about the historical production and consumption of electrical and nuclear power in the United States. Enacted through legislative and juridical means, direct action events, scientific [End Page 32] research, community organizing, and a series of pamphlets and publications, the concept claims that historically, the impacts and benefits of energy production have been disproportionately distributed.11 Knowledge-practice is thus, in this sense, a theoretical event with pragmatic intentions. The process of this hybridization of knowledge poses a challenge to the hegemonic discourses of science and federal policy (embodied, for movement actors, in institutions of power such as the Nuclear Regulatory Commission and the Department of Energy), which have reflected a desire for progress and modernization via development, at the deadly and irreversible cost of lands and lives in Native communities.¶ <Continues>¶ These three accounts briefly describe how movements engage in diverse knowledge-practices that include traditional ethics as well as technical knowledge about alternative approaches to energy development and natural resource management; embodied knowledge about creating real democracy; and participation in theoretical and analytical debates on the current political conjuncture. Each highlights the production and development of concepts, theories and analyses as well as new political and life practices, including the production of subjectivities and critical capacities, [End Page 41] that, at their best, might enable alternative social and political forms of organization, institutions or even societies to emerge. Furthermore, each instance involves a nearly constant engagement with and creation of situated theorizing about contemporary power conditions as well as about the political effectiveness of diverse movement strategies.¶ Notably, these knowledge-practices range from things we are more classically trained to define as knowledge, such as research practices and critiques that engage, augment, and sometimes challenge the knowledge of scientists or policy experts, to micro-political and cultural interventions that have more to do with "know-how" or the "cognitive praxis that informs all social activity" and which vie with the most basic social institutions that teach us how to be in the world (see Varela 1999; Eyerman and Jamison 1991:49). While these knowledge-practices are certainly part of the cultural and ideological production of movements, when they are recognized as knowledge-practices they become much more than that. Not only an important part of daily movement practice that a researcher studies for empirical precision, knowledge-practices offer understandings and information of potential relevance to the life of the researcher her/himself. In other words, the importance of recognizing these activities and events as knowledge-practices finds its full expression in the analytical and epistemological shift that is then required in analyzing and interpreting the data.¶ Thinking back to the "culturalist turn" upon which we build, we can note the shift. For example, there is a marked, yet subtle difference between the analytical conclusion that movements produce different ideas or narratives about democracy (Polletta 2002), to a conclusion that recognizes these as theoretical and practical creations and/or applications of a theory or knowledge of democracy. That is to say, in modern societies ideas are simply not given as much weight or authority as "knowledge" or "theory." Theories of democracy can more easily offer themselves as interlocutors with political theories produced in the academy, by politicians, etc., and thus become much more clearly applicable and engaged with the world of the sociologist or political scientist herself. Thus investigations of social movements and their knowledges yield different kinds of knowledges—of, with and for the social movement.¶ Moreover, and perhaps more importantly, the fact that the knowledges produced in these various instances are embedded in and embodied through lived, place-based experiences, means that they offer different [End Page 42] kinds of answers than more abstract knowledge: knowledges that are situated and embodied, rather than supposedly neutral and distanced. For example, in the first case above, the fact that knowledge about resource management and energy production is produced by the very people whose lives are affected by extractive technologies means that considerations of newer, sustainable technologies must account for place-based experiences of toxic contamination and the particular possibilities for social and environmental change. Similarly, in the DAN example, the fact that these new theories and forms of democracy are being processually created by people who are responding both to positive experiences of why these forms of democracy are more effective, as well as negative experiences of previous political modalities, is not inconsequential. It suggests that this democratic theory is of a situated and reflexive nature, and the same activists who develop the theories can continue to revise them based on how they "work" in practice. It suggests that is there is a more direct and accountable authority. Finally, and also closely related, in Italy's movimiento no global, the conjunctural, self-reflexive and un-fixed forms of analyses and theory developed by movement activists are largely reactions to universalizing and generalizing political theories of the past—mostly of a Marxist bent—that had little ability to take place-based or circumstantial specificities into account. As a result, they not only failed to achieve radical social change, but often, even if unwittingly, produced exclusions and marginalizations that exacerbated political problems because of their lack of accountability and reflexivity.¶ As such, the place-based nature of movement knowledges offers a counterpoint to conventional academic and scientific modes of knowledge production. The latter tend to be predicated on an authority that often lies precisely in being unattached, removed from "place," in order to gain the necessary status of generalizability; whereas the knowledges produced by movements are enriched by their spatial and temporal proximity and accountability to the places which they affect, and from which they come. That is, the examples above show how their place-based nature—a closer connection to the sites where theories are lived and produced—makes them qualitatively different, in terms of both their abilities to take "place-based" specificities into account, as well as their more obvious and deliberate connection to "places" of accountability and revisability. (For more on "place-based politics," see Harcourt and Escobar 2005; Massey 1994; Prazniak and Dirlik 2001.) [End Page 43]¶ As Janet Conway notes, "the knowledges and agencies needed to change the world do not yet exist in fully developed and easily identifiable forms, but in the micro-processes of [certain] social movements…they are being incubated" (2004:239). This can be expanded to suggest that while it is true that overall we lack good answers or even appropriate questions to many of the most urgent political problems of our day, movements are some of the most promising places to look for salient questions and potential answers. There are no guarantees, of course, nor is this a romantic view of political movements. It is, however, a call to recognize that the norms of institutional expertise have obscured other knowledges in other locations. We feel it is no coincidence that some of the most explicit claims about the importance of situated knowledge production in processes of social struggle are being put forward by movements themselves. For example, in the introduction to a volume about different contemporary activist/militant research initiatives produced and published by social movement networks, the centrality of knowledge in social struggle is emphasized:¶ In those processes of struggle and self-organization that have been the most vivid and dynamic, there has been an incentive to produce their own knowledges, languages and images, through procedures of articulation between theory and praxis, departing from a concrete reality, proceeding from the simple to the complex, from the concrete to the abstract. The goal is that of creating an appropriate and operative theoretical horizon, very close to the surface of the "lived," where the simplicity and concreteness of elements from which it has emerged, achieve meaning and potential.¶ (Malo 2004:13)20¶ Knowledge-Practice as Material, Situated, Political Praxis¶ While knowledge production has always been part of processes of struggle, for the most part, the field of social movement studies has largely neglected it as an area worthy of description and exploration in its own right. Furthermore, movements themselves have oftentimes posited an opposition between "theory" or "intellectual work" over and against "practice" or "real-world" work. This scholarly neglect, combined with some activists' shirking of "theory," has resulted in a gap in our understanding of the theoretical practice of movements themselves. [End Page 44]¶ There is, however, a broad, interdisciplinary set of literature addressing knowledge production, particularly its intersections with materiality, situatedness, knowledge and power. With the concept of knowledge-practice we hope to start making visible the commonalities and resonances among these various literatures, as well as advance a deeper understanding of the effects of this epistemological shift—both for our methodologies and our political analyses. Bringing diverse works into a common orbit, then, our argument is two-fold. First, movements generate knowledge and that knowledge is material—that is, concrete and embodied in practice. As such, it is situated. Second, knowledge-practices are politically crucial, both because of the inextricable relationship between knowledge and power and because of the uniquely situated locations of these practices. We elaborate these claims by drawing together a diverse set of literatures that engage the material and situated nature of knowledge production.¶ As material movement activity, knowledge-practices are an essential and mundane part of the day-to-day work that constitutes a movement. That is, knowledge-practice is enacted by various people, institutions, and organizations in particular times and places. Consider the Black Hills Indigenous environmental conference, the weekly meetings in the independent bookstore in Chicago, and the heated post-event discussions in Italy. In this sense, knowledge-practices can be identified and studied by focusing on the production of texts, images and media, as well as strategies, tactics and other events like protests, marches, meetings and direct actions, more classically understood to be movement activities. Like processes of collective-identity formation, knowledges are meaningful and emerge only in and through practice in the day-to-day life of a movement. Following the social-practice theory tradition, movements can be considered as creating their own forms of social practice, even habitus, and constituting their own figured worlds (Bourdieu 1977; Crossley 2002; Holland et al. 1998).¶ Analagous to practice theory, certain authors working within the heterogeneous field of Science and Technology Studies (STS) have focused on the construction of claims to truth and expertise, emphasizing the centrality of practice and multiple actors in the making of knowledge. STS scholars have studied assemblages of human and non-human actors that act, collectively, to produce scientific and technological knowledge and distinctly networked worlds. STS has thus dismantled some of the unquestioned legitimacy and black-boxing of knowledge production, and [End Page 45] brought to light the intricate work, trials and errors of scientific genius and artifacts (Latour 1988; Callon 1986; Law 1999, 2006). Notably, STS often uses ethnographic approaches to reveal the material, particular, historical contingencies that play a part in making things appear to bear truth or authority. In this sense, these studies make visible the heterogeneous networks of knowledge-production and practices, including processes of enrollment, translation and coordination among distinct actors involved in making scientific theories into facts, that hold and endure (see Callon 1986; Latour 1986; Law 1999; Raffles 2002; Star and Griesemer 1989). A few STS authors have begun to turn their gaze toward the work of social movements (see Hess 1995, 2005, 2007; Redfield 2005; Woodhouse et al. 2002),21 though it is unclear that this turn is having reciprocal effects within the mainstream of social movement studies. We are not suggesting STS offers all of the necessary correctives, but rather that applying the methodological insights about the material and situated nature of the production of scientific knowledge is helpful in both seeing and explaining the knowledge-practices of movements.22¶ Insofar as knowledge-practices are forged in fields of power, to claim social movements as knowledge-makers has political significance. Movements' theoretical practice is generated in relation to epistemic and ontological regimes they are striving to transform. In this sense, the importance of knowledge-practices rests on the one hand on the unique sites of enunciation—their situatedness—and on the other, in their engagement with dominant (even repressive) regimes of truth (Foucault 1980) or hegemonies (Gramsci 1971). Whether through direct and explicit contestation of "expert" discourses, or through proliferating a variety of alternative ways of knowing and being, including alternative economic, social and cultural models, the production of knowledges by movements intervenes in important operations of power. As such, practices such as fighting for an alternative concept and practice of development, engaging in a distinct notion and enactment of democracy, and articulating different questions and analyses of political contexts, should not only all be understood as knowledge-practices but the knowledge thus produced must be understood as intervening in a complex, contentious, political field.¶ The importance of knowledge then lies not only in the fact that it is a series of concrete, material practices, but also in the fact that it is located in relationship to dominant as well as alternative paradigms of thinking and being. As Eyerman and Jamison write: [End Page 46]¶ Society is constructed by recurrent acts of knowing. Knowledge that is not only or primarily the systematized, formalized knowledge of the academic world, nor (merely) the scientific knowledge produced by sanctioned professionals. It is rather the broader cognitive praxis that informs all social activity.¶ (Eyerman and Jamison 1991:49)¶ The centrality of knowledge to contemporary definitions of power was perhaps made most famously in the work of Michel Foucault and his conceptual pairing of "power/knowledge" (1980, 2003). According to Foucault, much of reality is maintained through the creation of discursive formations, and the relative power of certain regimes of truth. These regimes of truth are made real through discourse—very often scientific or expert discourses—to produce "truth-effects." These truth-effects in turn define and shape what we see, experience and think; what it is possible to say and do, as well as what is outside the realm of comprehensibility.23 In effect, our knowledge of the world, as well as how we understand "truth" and "reality" both enables and constrains our actions in the world.¶ In fact, in addition to STS briefly described above, a number of literatures have addressed this political nature and significance of knowledge: in what follows we briefly review three traditions that are particularly useful for the argument we are making. These include feminism, Participatory Action Research and Modernity/Coloniality, as well as an emergent yet disparate set of literatures on social movements at the margins of the field.¶ First, by pointing to how knowledge-practices are located in relation to power as well as resistance, we follow feminist arguments (which also often build upon Foucault) that knowledge is always situated. Feminist theorists working at the intersection of science, technology and epistemology have made this argument to challenge conventional, gendered understandings of what constitutes "theory" and "expertise." This lens of "socially lived theorizing" (MacKinnon 2001) has long questioned hegemonies of authority that lay claim to universal truths (Haraway 1991; Harding 1988; Lutz 1995; Smith 2004). Their intention was at once to point out the non-neutral or situated character of both science and expertise, and also to argue for the possibility of different standards of "knowledge," "theory," and "objectivity." They argue for the epistemic relevance and validity of knowledges coming from "marked" locations (women, people of color, people of the Global South, etc.) and point out that all knowledge is in a sense "marked," in that it is located historically, geographically, and produced [End Page 47] through the work of specific, "local" individuals. This shift is to move away from the "God tricks" performed by a large amount of theorizing, which portends to emanate from nowhere, and everywhere at once, and to move toward an appreciation of all knowledes, perhaps especially scientific knowledges, as a "located and heterogenous practice…[as a] fragile, human achievement" (Haraway 1997:137–138).¶ The "marked" location inhabited by social movements engaged in issues of social and environmental justice is, in conventional terms, a location of exclusion and subalterity. These exclusions vary from the most obvious material deprivations, to less glaring cultural and epistemic exclusions, where one's way of being, values and lifeworld are denied by the dominant culture or political system. The initiatives of Participatory Action Research (PAR), born out of decolonization movements of the 1960s and 70s, as well as Freirian Pedagogy, point precisely to how marginal and exploited communities produce emancipatory knowledge through their processes of collective struggle. The uniqueness of knowledge produced by subaltern groups organized for social transformation resided in its potential to offer "better" analysis and responses to situations of exploitation and exclusion because those situations were the lived experiences of those producing the knowledge. If scientific knowledge aspires to develop generalizeable theoretical and methodological models (some of which is indeed often relied upon by movement actors), "peoples' knowledge" is based on grounded experience that can differently enhance particular processes of social emancipation (see Fals-Borda 1985; Fals Borda and Rahman 1991). While the contributions made by PAR are important precursors to our argument linking knowledge and social movements, we distance ourselves from some clear shortcomings: the ontological separation between scientific knowledge and people's knowledge without interrogating the validity or social-situatedness of science itself; and second, the tendency towards essentializing or romanticizing the knowledge of certain groups as necessarily and naturally "better" than all others.¶ This attentiveness to subaltern locations in the production of knowledge is further elaborated by the more recent and perhaps less known Modernity/Coloniality approach developed by an interdisciplinary group of scholars, primarily in and from Latin America. This approach is working to critique and move beyond Eurocentric or "universal" knowledge by developing theoretical frameworks based on a situated critique of colonialism. For them, this requires understanding the unique knowledges [End Page 48] that particular experiences of and geographically-specific encounters with coloniality concede. With their notion of "sites of enunciation," they argue that the place from which one speaks is both historically and geopolitically significant. Moreover, they argue that there are certain locations that are worth considering as "epistemically different," especially in relation to certain issues, such as colonization of the Americas. Whereas PAR's notion of subaltern, exploited or marginalized people was defined mainly in terms of class, the Modernity/Coloniality focus is on the position marked by the experience of "coloniality." Many social movements emerge from such positions of difference, working both outside of and under power structures to provide alternatives to hegemonic forms. Such proposed alternatives are often different ways of knowing. In this way, movements generate what this perspective terms "subaltern knowledges," or "worlds and knowledges otherwise" (Escobar 2002; Mignolo 2000; Mignolo and Nouzeilles 2003).¶ Finally, a few authors and activists working on the edge of the field of social movement studies have also begun to link social movements to knowledge practices more explicitly. These studies have largely focused on the way social movements produce knowledge and information to compete with "expert knowledges" of their opponents, such as the state, the World Bank, and other institutions (Conway 2004; Paley 2001; Powell 2006). A few shorter pieces have discussed the production of evaluative or strategic knowledges (Grueso 2005; Wainwright 1994), as well as the political importance of knowledge in the production of critical subjects (Casas-Cortés 2005; Conway 2004; Giroux 1997; Horton and Freire 1990). Notably, a few scholar-activists publishing largely on the internet have begun advancing arguments about the theoretical contributions of social movements (Barker and Cox 2001). Arturo Escobar has developed a series of articles where he explores how different movements are engaging in the production of distinct environmental knowledges that become the basis for struggles against globalization and for autonomy (Escobar 1998). The cognitive approach to social movements advanced by Jamison and Eyerman (1991), which is also based on a critique of the dominant field of social movement research, calls on similar social-theoretical frameworks (including science studies) and comes quite close to our argument, yet without recognizing the extent of knowledge-practices by social movements. Chesters and Welsh's work on complexity in social movements, and the centrality of communicative and sense-making practices, also sees knowledge at the forefront of what movements do (2006). All of [End Page 49] these build in some sense upon the groundbreaking work of Alberto Melucci, whose recognition of movements as "prophets of the present" that work at multiple levels of action to challenge the very cultural codes underpinning contemporary complex systems of power (1989, 1996), is important both methodologically and conceptually, as a precursor to the notions and epistemologies necessary for recognizing the focus on "knowledge-practice" that we employ. Finally, experiments in collaborative research such as the Center for Integrating Research and Action and the Social Movements Working Group at the University of North Carolina (processes of which this paper is a part), are presently striving to highlight and advance knowledge production between scholars and activists.24 Building upon these interdisciplinary projects, we maintain that the supposed dichotomy among academic knowledge production and movement knowledge production is breaking down and being productively rearranged. There appears to be a significant trend towards recognizing the importance of the use and production of various knowledges by social movements in multiple literatures and, even more forcefully, by movements themselves (Borio et al. 2002; Horton and Freire 1990; LaDuke 1999, 2005; Malo 2004).¶ Conclusion: Towards Social Movement Research on Knowledge-Practice¶ In spite of the breadth and resonance of the literatures briefly reviewed above, there is yet to be a common recognition leading to a coherent theoretical framework of knowledge-practices. Such a framework would understand knowledge-practice as an important part of the crucial collective work movements do. Likewise, it might transform our own theories and methods as researchers, refocusing our work on the processes of "fieldwork" and ethnographic practice, rather than only its "findings" and textual products. Along with feminist geographers J.K. Gibson-Graham, we want to join a number of social scientists who are trying to "think about practicing research alongside rather than on a group or organization, collaborating with what [Callon] calls 'researchers in the wild,' not by becoming an activist, but by maintaining a specificity of one's activities as a social scientist and making connections with other knowledge producers" (Gibson-Graham 2006:xvii).¶ We have, in this paper, attempted to sketch the blueprints for such a framework to come together. This article has tried to map out a trajectory [End Page 50] that builds upon the important "turn to culture" in social movement studies, but then draws out the largely unexamined category of "knowledge," linking it to relevant literatures on knowledge and social struggle, and finally, calling upon social movement researchers to transform their mode of engaging movements through a recognition of relational and even, sometimes, horizontality in knowledge production. It is a modest beginning to what we hope will be more fruitful discussions and more effective actions centered around seeing, nurturing and exploring the vitality of knowledge-practices in struggles to transform various worlds.¶ In sum, when movements are understood as knowledge-practitioners, and not simply as campaigners, or subjects to be understood by social movement researchers, their importance is rearticulated, challenging our habits of practice and modes of engagement as researchers. Even beyond the specific cases we have described above, we can understand many movement-related activities as knowledge-practices, which not only critically engage and redraw the map of what comprises the political, but also produce practices and subjects according to different logics. As such, knowledge-practices are part of the investigative and creative work necessary for (re)making politics, both from the micro-political inscribed on our bodies and lived in the everyday, to broader institutional and systemic change. It is in this sense that movements can be understood in and of themselves as spaces for the production of situated knowledges of the political.¶ Despite these multiple and rich expressions of knowledge-practice, many social movements' visibility in public and academic debates is still confined to media-grabbing mobilizations, concrete and measurable victories, or moments when bodily repression is suffered and sustained. The methodological and theoretical shift in social movement studies that we propose makes visible different goals and effects of knowledge production. Instead of detached, academic knowledge about movements that operate "out there," we argue for the value of seeing the continuous generation, circulation and networked nature of heterogeneous knowledges, which in themselves work to make different futures possible—futures that do not exist in a narrow or campaign-specific space that closes once a certain demand has been met or a mobilization realized. In fact, rather than engage solely or primarily with the macro-political, knowledge-practices seem to work as much on the level of the micro-political, a level of experimentation, memory, analysis and intentional and ongoing critique, rather than the production [End Page 51] of new and final solutions (Deleuze and Guattari 1987; see also D'Iganazio 2004). We, too, offer not a new and final solution, but what we hope is an opening for greater recognition, valorization and engagement with the conceptual praxis of movements themselves.

#### Our critique of Western knowledge production is the necessary starting point of a process that is itself an affirmation of the statement the resolution---our advocacy is not instrumental, but rather imaginative

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In sum, while Social Movement Studies as a field has undergone many important changes in response to critiques of its positivism and political reductionism, and while it can hardly be said to represent a wholly coherent theoretical approach, we argue that there remain — even among those who critique the overemphasis on structural causes — major epistemological and methodological obstacles to understanding the “why’s” of studying social movements in the first place. Along with Conway, we believe that “the problem of knowledge for social movements is not simply or primarily one of appropriating or disseminating received knowledges, but one of producing the knowledges and identities that are constitutive of emancipatory agency—building their collective capacity to enter into contemporary political struggle in which contestations over knowledge are central” (2004, 58). In a sense, the very shift from concepts such as ”frames”, “narratives” and “ideologies,” to “knowledge” allows us to see the work social movements do as similar to the work of many other social actors. In other words, if we move beyond terms like framing which essentially see movement language and imaginaries as instrumental rather than creative or generative, we recognize that movements are engaged in the epistemological work of analyzing, envisioning and elaborating new ways of knowing/being in the world. These are what we call knowledge-practices.

B. Beyond Frames, Ideology and Narratives

Despite their critiques of the structuralist paradigm, even the work of Jaspers, Poletta, and others continues to work within the same epistemological and political framework set by the dominant theorists in Social Movement Studies. This paradigm includes a lingering focus on causal mechanisms—albeit of a different order or scale — and liberal definitions of what constitutes the political. In other words, despite the important moves toward culture, history, and affect, the terms of the conversation or debate themselves have not been challenged. It is still a debate framed around how movements work, while we would like to focus on why movements matter.

For us this means recognizing that the cultural aspects of social movements are not simply instrumental or additional factors to take into consideration in order to understand the causes and courses of movements, but that these elements are productive in and of themselves. In other words, we want to argue that movements are not simply instrumentally reassembling or “framing’ their claims in order to secure political opportunities, but are in fact sites of creative practices re-imagining the political itself. This then is essentially a call to treat movements as knowledge-producers in their own right, rather than as conduits of “narratives”, “ideologies” and “frames” in a pre-given social and political field. Our argument clearly builds on, but is ultimately critical of the work of social movement researchers that have argued for the centrality of culture 4 .

Furthermore, while the methodological implications of framing and narrative approaches continue to posit the logic of a strict subject/object divide, we argue for an ethnographic mode of engagement which reverses conventional social scientific approaches to studying political action. A mode of engagement we refer to as immanent, and that engages specifically with the intellectual and practical production of movements themselves. Instead of fitting case studies of social movements into pre-existing frameworks or conceptual orders of how collective action is or ought to be organized and deployed we aim to follow social movement actors themselves—tracing and mapping the work that they do to bring movements into being. 5 Work that involves the theories, analyses and concepts social movements generate as part of their material and everyday practice. This includes first and foremost listening 6 to their own explanations and arguments, locating these in tandem with related mainstream theories, as well as engaging with their knowledge-practices, from everyday life projects 7 to large-scale manifestations.

We want to call for a mode of engagement that does not stop with a consideration of methods, but questions the very logics that underpin our relationships to those we “study,” allowing what was previously perceived (by analysts) as “framing” and “narrating” claims for political opportunities to give way to a less predictive logic. 8 This reversal allows us to recognize that a great deal of what social movements do is to produce and act upon various political knowledges, political knowledges that are as valid as the ones generated by those recognized as experts. A call for a rigorous re-conception of the relationship and location of the researcher vis a vis social movements is therefore fundamental to our argument. It is only by clearing the ground for this methodological and epistemological shift, that we can understand and begin to see social movements as producing knowledge through diverse practices, what we call “knowledge-practice(s)”.

Others in a large and growing literature on the study of social movements beyond ‘SMS proper’ have begun to highlight the centrality of knowledge to the work of social movements (Conway 2004, 2006; Eyerman and Jamison 1991; Escobar 1998, 2002, 2004, Chesters and Welsh 2005, 2006 ; SMWG at UNC-CH). We see this emergent recognition as a sea change in the relationship of researchers to movements (especially when the researcher herself is already actively engaged with the movement, as is the case with Conway, ourselves, and others). It is within the emergence of this disperse yet interrelated work on social movements as linked to processes of knowledge production and struggle that we situate our claim. This literature, despite its different disciplinary specificities, shares a common problematic centered around knowledge production and social movements. Without entering into philosophical debates about the nature of knowledge, 9 this emergent work emphasizes how movements generate concepts, terminologies, analyses, theories, know-how, subjectivities/identities, discourses, common sense, projects of livelihood, technologies/devices of autonomy, etc. As a result, a main analytical goal of studying social movements becomes the documentation and engagement with activist knowledges, premised on a recognition of activist ideas as knowledge in their own right .

Janet Conway’s ethnographic study of the Metro Network for Social Justice in Toronto, in which she was an activist for many years, emphasized the necessity of this approach for SMS:

"Despite what felt like endless rounds of struggle and defeat through the 1990s, I was struck by what activists knew in and through their activism. Through our activist attempts to further our knowledge about the world we sought to change and in the course of my own subsequent studies, I began to think that knowledges —rich, distinct and important to emancipatory politics— were being produced through activist practices. Furthermore, I realized that activist practice was essential and largely unvalued source for any scholarship claiming to be progressive" (2006: ix)

Together with authors like Conway, it is our contention that without taking into account activist-produced knowledges not only are we failing to fully understand processes of collective action, but, and perhaps even more importantly, we are missing key analytical and theoretical insights about current world transformations and possible interventions. Insights are actually rather unique due to the fact that their enunciations occur at the very sites of struggle and practical transformative action. We would suggest that with the current proliferation of this argument — one shared by movements themselves— it becomes possible to speak about a “knowledge turn,” where movements are seen as generators of concepts, analyses, theories and inquiries (Casas-Cortes 2005) 10 .

Notably, though we situate our argument within this emergent and heterodox literature on social movements, it is not only in academic literature that this argument is being made. Some of the most explicit and forceful claims about the importance of knowledge production in processes of social struggle are being put forward by movements themselves. For example, in the introduction to a volume of different contemporary activist/militant research initiatives produced and published by social movement networks, the centrality of knowledge in social struggle is emphasized:

“In those processes of struggle and self-organization that have been the most vivid and dynamic, there has been an incentive to produce their own knowledges, languages and images, through procedures of articulation between theory and praxis, departing from a concrete reality, proceeding from the simple to the complex, from the concrete to the abstract. The goal is that of creating an appropriate and operative theoretical horizon, very close to the surface of the ‘lived’, where the simplicity and concreteness of elements from which it has emerged, achieve meaning and potential” (Malo 2004: 13)11

II. Enacting and Defining Knowledge-Practice

It is this intersection between methodological and political critiques of dominant approaches and the proliferation of knowledge practices, pointed out and claimed by social movements themselves, that our argument engages. And so we begin from the recognition that a crucial part of the work that movements are doing in the various and diverse networks of political action in which they move is to generate and act upon various critical understandings of the world. By taking movements as generators of knowledge — including the very categories of collective-identification and political analysis according to which they act— we are better able to apprehend the emergent and alternative theories of social change and cultural critique that they are developing and enacting. Knowledge-practices, as the instances below will demonstrate, include participating in and contributing to specific scientific debates; becoming key sites of socialization and subjectification through embodying and enacting democratic processes; as well as creating, debating and theorizing the potentials and limitations of the movement and the political moment.

In what follows, based on our respective ethnographic research projects, we will show the centrality of various instances and forms of “knowledge-practice” to contemporary social movements. Each instance below shows the diversity and historicity of form, use, and effect of specific knowledge-practices. These include different meanings and uses of the term “knowledge” itself, such as: 1) engaging debates on particular issues often limited to “experts”— therefore participating in claims to truth-making; 2) experimenting with new forms of democracy and in the process, creating alternative notions and forms of social relations; 3) elaborating conjunctural and experimental political theories that are actually tested in practice. Ultimately the importance of these knowledge-practices rest in the ways they challenge traditional terrain and definition of the political.

Native American Environmental Justice Movement: Translating Expertise

In the cool days of early June 2004, I arrived in the rural, Black Hills of South Dakota to pitch my tent with over three hundred other native and non-native activists for five days of workshops, panel discussions, debates, and educational sessions on the politics and science of environmentalism in Native North America. I was there as an ally, having worked with a particular vein of the Native American Environmental Justice (NAEJ) movement since 1999. The agenda of this year’s annual, outdoor conference of the Indigenous Environmental Network (IEN) was to produce better understandings and strategies for approaching climate change, globalization and free trade, renewable energy development, water and mineral resources, youth leadership, and other natural-cultural issues related to the ongoing movement for environmental justice in reservation-based communities. There was no media present and no official statement being issued. There were no confrontations with the state or visible demonstrations of resistance or direct action, although the appearance of a low-flying glider plane above the camp and conference site sparked speculation and rumors that this was nothing other than FBI surveillance. This was, however, a convergence site of critical subjects, enacting a particular style of social movement practice and knowledge production through a network of relationships, which crosses boundaries between generations, tribal a iliations, ethnic identifications, and the frontiers between humans, animals, spirits, machines, science and society.

At the conference were many veterans of the American Indian Movement of the 1960’s, as well as younger generations of grassroots activists, who together since the late 1980’s have reshaped an historical movement for recognition and sovereignty into an emergent movement for healthier lands, bodies, and communities. Most of the present organizing is in response to the ill effects of subterranean resource extraction and proposed nuclear waste storage on reservation lands. Local controversies were discussed through various workshops addressing, among other issues: understanding federal policies and environmental impact statements; the roles of tribes in relation to federal agencies; biotechnology and genetic engineering of foods; funding and engineering tribal-based wind and solar energy projects; and connecting local grassroots activism to transnational Indigenous movements and the growing global justice movement for fair trade and corporate accountability. Under the large, open-air tents set against slopes of ponderosa pines and through the crackling speakers of the portable audio system, the knowledge being mobilized and produced by these activists both called upon and challenged scientific expertise.

In the temporary landscape of nylon tents, RVs, pick-up trucks, teepees, and folding chairs, the conference was a momentary site in which the knowledge practices and geographically dispersed activists involved in this particular environmental justice movement could assemble. Through collaboration among activists working in grassroots organizing, engineering, environmental science, intertribal project building, medicine and community health in their respective reservation communities, panel discussions centered around the key concerns of the movement mentioned above. This collective sense of resistance and critical analysis stabilized the relationships of individuals and non-profit organizations to one another, making the movement – in this lived moment – more “real”. 12 The technical and ethical knowhow13 that comes from various embodied, activist experiences – from Gwi’ichn struggles in Alaska to Ponca struggles in Oklahoma – was translated by each participant through stories of place-based movements against mining corporations, coal-fired power plants, timber extraction, and nuclear waste disposal. Wind power advocates detailed the expertise involved in building tribal support, raising funds from the Department of Energy and donors, researching a turbine site, and contracting with private sector energy specialists such as Native Energy and Solar Energy International in order to bring wind and solar technology to rural reservations for an alternative project of “homeland security.” Thus, the notion of energy entered the debates of science and technology, environmental politics and conservation, capitalist consumption, the politics of development, and U.S. foreign policy.

In addition, critical discourses of “neo-colonialism” and “environmental justice” circulated among activists as we engaged one another publicly on panel discussions about local struggles as well as international summits and actions, and privately in small huddles around weak co ee and warm fry bread. At the IEN gathering, activists presented the concept of “Energy Justice” as an articulation of knowledge pertaining to the history of subterranean resource extraction on Native lands, and as a call for new ethics and methods of resource management. As such, this analytic is a prescription for action, historicizing and bringing a critical, situated edge to more abstract, universal discourses such as “climate change” or “economic development.” These global concepts thread into the NAEJ network through various points of entry, but are reworked by activists in relation to specific, concrete instances of environmental, economic, social, physical, and spiritual impact. In this sense, universal concepts such as climate change – one of the five key foci of the IEN conference – must somehow engage the embodied struggles and meanings of nature of particular communities. “Energy Justice” is presently doing that translation work. 14

Thus “Energy Justice,” as articulated by activists, 15 presents a political analysis, challenges scientific expertise and signifies the production of new political meanings and cultural critique. Forged by a strong alliance between the nonprofit groups Honor the Earth and the Intertribal Council on Utility Policy, this concept lays claim to the highly contentious field of knowledge surrounding energy policies, technologies, and tribal development projects. Energy Justice advocates discussed the history of uranium extraction on Navajo lands for plutonium production by the military and nuclear industries; 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 the above-ground 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 and spirits who are as intrinsic and authoritative in their politics of nature as soil samples or other material data. Scientific knowledge is not rejected outright, but is mobilized and commingled with so-called Indigenous knowledge for the purpose of making a case for alternative approaches to tribal energy development. The process of this hybridization of knowledge poses a challenge to the hegemonic discourses of science (embodied in institutions such as the Nuclear Regulatory Commission and the Department of Energy), which have reflected a will to progress and modernization via development, at the deadly and irreversible cost of lands and lives in Native communities.

I spoke with Bob Shimek, Associate Director of the Indigenous Environmental Network about why environmental justice and energy justice defined his organization’s work and differentiated it from mainstream environmental movements in which the protection of a perceived “pure” nature was the essential moral imperative. He described the Indigenous environmental movement as being:

Really about health and people dying … people can’t have an enjoyable life anymore. The work of the movement is never about the power plant itself, but about how all the EJ (environmental justice) issues come together and link up to affect people’s lives. The heart disease, cancer and asthma in these communities is just not fair – especially the asthma up at Fort Berthold reservation, where they’re surrounded by massive power plants.

As such, Energy Justice positions wind turbines and solar photovoltaic panels as countertechnologies to the destructive effects of science and technology. Yet at the same time, advocates are turning science to their advantage by promoting wind turbines and other renewable energy technologies particular as political techniques of engaging technoscience in the service of Native communities; such a turn challenges externally imposed forces of extraction with locally based projects of production. Through such discourse, wind turbines are, in the words of activist Winona LaDuke, “democratizing power” and reclaiming terrestrial and atmospheric space on behalf of communities. Opposing a science that has penetrated the earth with a knowing, authoritative gaze in search of subsurface answers to supply the country’s insatiable energy consumption, Native activists are turning their gaze toward the skies, partnering with Native and non-Native engineers and Danish manufacturers to install commercial and residential scale wind turbines on the windiest reservations in the Great Plains and regain local control over the production and distribution of electrical power.

At stake in these contestations for authority in the field of science is the very question of sovereignty and of what kind of futures are being imagined. These debates are material and holistic; on the one hand, they engage issues of environmental resource management, tribal development, and questions of sustainable technologies, and on the other hand, they engage questions of modernity, of what gets counted as truth or knowledge and “who will count as producers of that knowledge.” 16 Indigenous activists in the U.S. are challenging scientific expertise in ways that cannot be easily bracketed as “organic,” Traditional Environmental Knowledge (TEK), emanating from a realm of pure Nature (or the Natural History where Native peoples are often classified along with flora and fauna). Instead, the challenge becoming more and more audible from this movement directly engages and appropriates scientific knowledge, remaking its claims to universality in the context of local struggles and introducing alternative, situated, and subjugated knowledges by way of political claims such as “Energy Justice.” Also very relevant, is the fact that the enactment of knowledge at the IEN conference suggests “a sense of the political that has everything to do with life and death.” 17 As activists collaborate to produce and enlist others into the campaign for “Energy Justice,” they are constructing a future in which power production is locally controlled and “the good life” is the new measure of well-being in Native communities. In this way, activists call attention to the potential for science and technology as ethical practice. Not only are they challenging the separation and exclusivities of expertise accorded to these domains, but they are galvanizing and translating these domains through their own knowledge-practices in order to push for social change.

Continues

These three accounts describe how movements engage in material and diverse knowledge practices that are not necessarily visible on a traditional, or politico-institutional terrain. Each of these experiences highlight the production of concepts, theories and analyses as well as new political and life practices, including the production of subjectivities and critical capacities to face the complex political and social terrain we are faced with today. These knowledge practices include bringing scientific and situated knowledges to bear on lived experiences of contaminated lands and bodies; the generation of laboratory-like spaces to experiment with ways of building collaborative and anti-systemic politics, as well as enabling ways of living and modes of being in the world to be remade. They involve a near constant engagement with and creation of situated theorizing about both contemporary power conditions and the political effectiveness of diverse movement strategies.

Even beyond the specific cases we have described we can understand many movement related activities as knowledge-practices. Activities like building countertechnologies of sustainable energy; fair trade networks, non-hierarchical organizations; collaborative reading and writing groups; grassroots unions, squats; action-research projects; cooperatively-run factories; horizontally organized schools; or declaring selfreduction of prices at the supermarket, to be enacted not as pre-given solutions, but as forms of experimentation, as well as means for enabling and generating critical capacities and subjectivities. As such theses knowledge-practices not only critically engage and redraw the map of what comprises the political, but they also produce practices and bodies according to different logics. As Conway notes, “ the knowledges and agencies needed to change the world do not yet exist in fully developed and easily identifiable forms, but in the micro-processes of [certain] social movements… they are being incubated.” (2004:239). As such, knowledge- practices are part of the investigative and creative work necessary for (re)making politics, both from the micro-political inscribed on our bodies and lived in the everyday, to broader institutional and systemic change. It is in this sense that movements can be understood in and of themselves as spaces for the production of situated knowledges of the political.

#### The impact’s extinction---a holistic Indigenous epistemology is necessary to rectify our mechanistic relationship to energy production which makes environmental collapse inevitable

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The symbol of the double spiral functions as a discursive and philosophical metaphor for the way in which I have both engaged this topic and constructed this chapter. In Maori1 cosmology, the double or "Archimedean" spiral form demonstrates the interrelationships of past, present and future, of time and space, of spirit and matter. It represents Te Korekoiv, the world of raw elemental energy, pre- creation; Te Fo the world of potentiality, of seeking, emerging and coming into being: and finally, Te Ao Mamma, the emergence into light, into wisdom, into lull beingness (Stewart-Marawira 2005: 34. 35). Cultural anthropologist and Maori expert Anne Salmond describes the historical use of a double spiral in Maori genealogical spatial conceptualizations in which chevron markings represent successive epochs (Salmond 1985 cited Stewart 2007) Thus the double spiral design "was also a physical mnemonic from which whakapapapa (genealogy) could be read (recited)." The phenomenologist Merleau-l'onty explains conceptual signification arising from the style of language or gestural signification (1962 cited Toadvine 2004) He describes these word styles or gestures as ways in which the human body vibrates or resonates with its surroundings, and which represent so many ways of "singing the world." Maori oral traditions tell us that in the beginning, the world was "sung into being" by the gods From a Maori eosmological perspective, therefore, the double spiral form is at once an expression of the nature of Being and existence, of genealogical connection from the earth to the cosmos and back, and the vehicle by which our world is sung into being As a hermeneutic and traditional symbol, it also represents the cusp on which we find ourselves at this critical juncture in time, the cusp of our own great Turning, towards an urgent reconsideration of the fundamentals of our socio/politico/economic ontologies of being: to a reconsideration, in fact, of the kind of world we are singing into being and the nature of our relationship to that world. ¶ The premise of this chapter is that the traditional ontologies and epistemologies of the world's Indigenous peoples 1 have a vital contribution to make at this critical juncture in the evolution of humankind. This is not, however, an essentialist position that sees Indigenous knowledge and ontologies as a panacea for all the world's ills. The relationship between traditional Indigenous knowledge and conservation efforts is complex uneven and contested. Neither does it suggest that local Indigenous traditional know ledge has universal applicability or that all traditional knowledge contributes to sustainable conservation practices, or that there is one unitary body of Indigenous knowledge In many countries and territories colonialism's suppressions and delegitimations of¶ Indigenous languages and forms of know ledge, combined with the inroads of market capitalism.5 have undeniably resulted in the derogation of traditional cultural knowledge. Yet although unevenly located and preserved. Indigenous know ledge survives.¶ Rather than being a codified canon, however, traditional knowledge is living know ledge (Urion 1999: 11). It is documented in traditional songs and chants, in story\*, in traditional practices and in language and is increasingly sought for its contribution to the preservation of biodiversity, for remediation and mitigation of negative impacts of industrial development and for futurist planning. Despite the diversity of Indigenous ontologies and epistemologies, core sets of principles, beliefs, ways of knowing that have been conveyed through ritual, customs and social structures for millennia in some cases, are frequently held in common. Predicated upon relationality and reciprocity, they exhibit a profound understanding of the deep interconnectedness of being. The increasing acknowledgement by the scientific community in recent years regarding the extent and significance of such interconnectedness of existence signals important steps towards the vital understanding of relationality without which resolution of this crisis of existence will not be possible. Indigenous ontologies have much to contribute towards this understanding and its translation as a response to the existential crisis of our time.¶ Indigenous knowledge holders have articulated grave concerns for the future of humankind over many decades. Their warnings are frequently predicated on visible signs foretold in prophetic visions of the future. These include foretellings of a time when the indicators by which communities predict life events such as weather patterns, ocean currents, animal/bird/fish migrations and plant behaviours would no longer behave according to pattern,4 as is the case today. Rachel Carson's prescient 1962 publication, The Silent Spring, which warned of impending catastrophic outcomes without drastic changes in our relationship with modes of production and patterns of consumption, is one of an increasing body of such warnings issued by ecologists, climatologists, and others. As the warnings from prominent scientists increase in number and urgency daily, so too does the empirical evidence that the sustainabilty of life on this planet is in peril. The major conclusion of the third edition of Global Diversity Outlook (2010)6 described as the flagship publication of the Convention on Biological Diversity, is that the natural systems that support economics, lives and livelihoods across the planet are at risk of rapid degradation and collapse unless there is swift, radical and creative action to conserve and sustainably use the variety of life on Earth. An analysis of nine "planetary boundaries" identified as crucial to maintaining an earth system environment which is safe for human existence provides evidence that three of these have already crossed the boundary thresholds (Rockslrom et al. 2009 cited Foster et al. 2010) They are climate change, loss of biodiversity and interruption of the nitrogen cycle (the phosphorus cycle is included in this boundary and is identified as close to but not past the threshold) The other boundaries nominated in this model are ocean acidification, stratospheric ozone depletion, global fresh water use, change in land use. atmospheric aerosol loading and chemical pollution (for a fuller discussion of this, see Foster et. al. 2010: 14-15).¶There can be no doubt that by virtue of our unlimited ability to create havoc on each other and on the biosphere, humankind is in the midst of the greatest transition and eco/geo/political crisis within the known history of humankind. It is a crisis that extends across all spheres of human life - economic, political, industrial, militarist, ecological, social and most fundamentally, ethical and spiritual. It is my contention that this multifaceted, multilayered crisis is symptomatic of a deep ontological rupture which is located at the heart of modern societies as well as at the heart of the individual, one which Frances Jamieson (in Foster, 2010: 32) describes as '"a fundamental ontological rift, posing dialectical oppositions that can be fathomed but never fully bridged." Without mediation and ultimately repair of this great ontological rift, the likelihood of humankind’s survival for many more generations is increasingly tenuous.¶ My objective in this chapter is not to merely add yet another voice to the call to halt the path upon which humankind is currently headed and to change direction while there isyet time, nor only to point to the efficacy of traditional Indigenous worldvicws and knowledge systems in recovering the lost balance in our world, critical as this point is. It is above all. to argue that central to that recovery is the notion of the sacred, of spirit, and of the entwining of the world of spirit with the material world.¶ Nature as Sacred¶ The view that today's crisis of survival is in part symptomatic of a spiritual crisis that involves the nature of our human selves in relation to Beingness is not confined to Indigenous peoples and religious communities. Among the advocates for this perspective are spiritually oriented ecologists, a grouping which encompasses deep ecologists and eco-feminists, neo-pagans and similarly-oriented groups, all of whom, as Michael Zimmerman (2001) notes, believe that central to resolving the crisis of modernity is the restoration of spirituality. The issue at debate, he suggests, is the kind of spirituality required.

#### Debate should not be about literal interpretations of the resolution---attempting to dissect the plan from our advocacy ignores the ethical potential of voting aff---vote aff to embrace the 1ac as a vision of the resolution, rather than the resolution itself as an instrumental policy

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Making use of J. L. Austin’s notion of the performative function of language, a ceremonial world (in the fullest sense of the term) is an actively constructed portrait of the world intended to be responsibly true, one which rings true for everybody’s well-being. It is a world built on the basis of an ethical-epistemological orientation of attentiveness (or, as Native Americans tend to put it, respect) rather than an epistemology of control. Such ceremonial worlds, built, as they are, around the notion of responsible truth, are not developed piecemeal, but are synthetic creations, adjusted holistically to all the concerns that arise from a focus on responsible truth: they must tie down to the world of everyday practise and experience in a way that makes it possible to survive; they must orient the community and its individuals on roads of life that allow for the flourishing of all members of the community as far as that is possible. The metaphysics or ontology of such a world will not be understood as true in the modern sense of the term. The issue is always (if implicitly) whether it is responsibly, or correctly, true; is it action guiding in the full sense just delineated?¶ In this full sense of the term, ceremonial worlds exist, so far as my experience goes, only in indigenous cultures. All of us live within ceremonial worlds in some sense, however, though nonindigenous ceremonial worlds tend to be diminished worlds. The ceremonial worlds of the West, for example, are diminished in the sense that they are not intended to be responsibly true worlds, ones that ring true for everybody’s well-being. Nor are they worlds built on the basis of an ethicalepistemological orientation of attentiveness (respect). Rather, these worlds pretend to be value-neutral ‘true’ accounts of how the world really is. The so-called value neutral project of building a ‘true’ account of the way the world is is severed from the project of creating a world in which humans can and do flourish. Moreover, these worlds tend to be built in accordance with epistemologies of domination and control; and it is within these worlds that we propose ethical theories and projects to counter domination and control. This peculiar and unfortunate situation arises because we do not see that our world-building projects are themselves founded (though implicitly) on epistemological foundations that all but guarantee that the explicitly ethical projects we set ourselves within these worlds will fail.¶ In a series of articles, 6 Vine Deloria, Jr has given us a portrait of epistemological relationships within the world of the ‘old Indians, people who had known the life of freedom before they were con ned to the reservations and subjected to Western religious and educational systems’ that resonates remarkably with the notion of ceremonial worlds and takes it a signi cant step further.¶ ‘The real interest of the old Indians’, Deloria says, ‘was not to find the abstract structure of physical reality but rather to find the proper road along which, for the duration of a person’s life, individuals were supposed to walk’ (Deloria et al., 1999, p. 46). This is key to understanding Native American epistemology: It is ethically informed; 7 any ‘truths’ that emerge in Native American worlds are ‘responsible truths’, in Louise Profeit-LeBlanc’s sense of the term. ‘Lacking a spiritual, social, or political dimension [in their scienti c practise]’, Deloria says, ‘it is dif cult to understand why Western peoples believe they are so clever. Any damn fool can treat a living thing as if it were a machine and establish conditions under which it is required to perform certain functions—all that is required is a suf cient application of brute force. The result of brute force is slavery’ (Deloria et al., 1999, p. 13). ‘Science forces secrets from nature by experimentation, and the results of the experiments are thought to be knowledge. The traditional peoples accepted secrets from the rest of creation’ (Deloria et al., 1999, p. 135). Lacking an ethical dimension, the epistemology of Western scientific method produces something that can be called ‘knowledge’ only in an attenuated sense: ‘We may elicit and force secrets from nature, but it is only answering the specific questions we ask it. It is not giving us the whole story as it would if it were specifically involved in the communication of knowledge’ (Deloria et al., 1999, p. 136).¶ Another, related, key to understanding Native American epistemology is its attitude with respect to anomalies—data or experiences that do not seem to t into the patterns that have so far emerged in one’s observations of nature. Within the life history of maturity one can be said to travel from information to knowledge to wisdom. Organisms gather information, and as the cumulative amount begins to achieve a critical mass, patterns of interpretation and explanation begin to appear—even thoughts seem to form themselves into societies at a certain level of complexity. Here it is that Western science prematurely derives its scientific ‘laws’ and assumes that the products of its own mind are inherent in the structure of the universe. But American Indians allow the process to continue, recognizing that premature analysis will produce anomalies and give incomplete understanding. (Deloria et al., 1999, p. 14)¶ At the point where ‘patterns of interpretation and explanation’ begin to emerge, the epistemological methods of Western science and Native American epistemological methods part ways. As Lee’s story puts it, in Western science (and philosophy) belief enters the picture (‘Western science prematurely derives its scienti c ‘‘laws’’ and assumes that the products of its own mind are inherent in the structure of the universe’) and the map is taken as a true account of the territory; the map is mistaken for the territory. For the Native American, both the map and the territory are real, but the map is not (is not understood as a true picture of) the territory. The Western understanding of ‘true belief’ is absent in Native American epistemology. As Deloria puts it in another context, ‘it is important to note that [Indians] are dealing with recognitions, not beliefs that have an intellectual content; and recognitions, like perceptions, involve the totality of personality’ (Deloria et al., 1999, p. 362). Native Americans do not get stuck as Western thought does: ‘An old chief of the Crow tribe from Montana was asked to describe the difference between his tribe and the whites who lived nearby. Pausing slightly and drawing his conclusions, he remarked that the white man has ideas [beliefs], the Indian has visions’ (Deloria et al., 1999, p. 15). Beliefs concern the map and mistake it for the territory; visions are integrating experiences at the core of ceremonial worlds that orient Native Americans culturally, spiritually, psychologically, politically, and in matters of subsistence and use of technology. ‘Because Western science concentrates so heavily on information and theory, its product is youth, not maturity’ (Deloria et al., 1999, p. 15). There is a continuity in the maturation of Native American understanding from information to knowledge to maturity.¶ Traditional people preserve the whole vision, whereas scientists generally reduce the experience to its alleged constituent parts and inherent principles . . . Science leaves anomalies, whereas the unexplained in traditional technology is held as a mystery, accepted, revered, but not discarded as useless. Science operates in fits and starts because the anomalies of one generation often become the orthodoxy of the next generation. (Deloria et al., 1999, p. 135).¶ The Indian understands dreams, visions, and interspecies communications, when they are available, as a natural part of human experience . . . [T]he task is to make sense of the experience or withhold judgment on its meaning until a sufficient number of similar experiences reveal the pattern of meaning that is occurring . . . Wisdom . . . increases with age. As a person gets older he or she is able to remember and understand a wide variety of events or activities that are species-, location-, and time-specific. Instead of matching generalizations with new phenomena, Indians match a more specific body of information with the immediate event or experience. Exceptions to the rule become a new set of specific behaviors that open new classifications for future information. (Deloria et al., 1999, p. 67–68)¶ It is time to join the two keys to Native American epistemology so far discussed: the methodological points just made and the earlier point that this methodology is ethically informed. ‘The old Indians’, Deloria says,¶ were interested in finding the proper moral and ethical road upon which human beings should walk. All knowledge, if it is to be useful, was directed toward that goal. Absent in this approach was the idea that knowledge existed apart from human beings and their communities, and could stand alone for "its own sake." In the Indian conception, it was impossible that there could be abstract propositions that could be used to explore the structure of the physical world. Knowledge was derived from individual and communal experiences in daily life, in keen observation of the environment and in interpretive messages that they received from spirits in ceremonies, visions, and dreams. In formulating their understanding of the world, Indians did not discard any experience. Everything had to be included in the spectrum of knowledge and related to what was already known. (Deloria et al., 1999, p. 43–44)¶ To use a phrase of Deloria’s, we might call the idea that ‘In formulating their understanding of the world, Indians did not discard any experience. Everything had to be included in the spectrum of knowledge and related to what was already known’ a ‘principle of epistemological method’. Another principle of epistemological method appears, Deloria says, at the end of Black Elk’s telling of how the Sioux received the sacred pipe from White Buffalo Calf Woman and how she taught the people to communicate with the higher powers through the use of the pipe in ceremonies: ‘This they tell’, Black Elk said, ‘and whether it happened so or not, I do not know; but if you think about it, you can see that it is true’. Deloria explicitly calls this statement ‘a principle of epistemological method’ (Deloria et al., 1999, p. 44). The idea here is more complex than the first principle. As I read it, this second principle points to two ideas: that the account of Buffalo Calf Woman is not necessarily to be understood in literalist, historical terms; the account is to be understood as a depiction of one element of the ceremonial world within which the Oglala Lakota live 9 and that we must always consider (over the course of our entire lives) the ways (often multiple) that a particular story or experience might instruct us; stories and experience are to be understood as having often inexhaustible depth. A third principle of epistemological principle (not explicitly stated as such) is that ‘Everything that humans experience has value and instructs us in some aspect of life’ (Deloria et al., 1999, p. 45). 10¶ These three, closely-related principles might be contrasted with a more critical epistemological method that focuses on refutation and critical objection as the way to truth. In this epistemological style, for example, one might object that the second principle would certainly lead one astray and that the third principle is simply false (or, at least, has not been shown to be true). It should be noted, however, that to shift the burden of proof in this way does not so much advance the cause of ‘truth’ as it shuts down modes of reflecting on experience and stories that may very well lead to insight and knowledge and to ‘responsible truth’. The point is similar to one Anthony Weston makes concerning Tom Birch’s principle of universal consideration in environmental ethics. Birch says that his principle demands that all things ‘be taken as valuable, even though we may not yet know how or why, until they are proved otherwise’ (Birch, 1993, p. 328). Weston comments: ‘Actually, even more deeply, universal consideration requires us not merely to extend this kind of benet of the doubt but actively to take up the case, so to speak, for beings so far excluded or devalued’. Weston then adds, precisely in line with the Native American view that at the heart of one’s epistemological relation to the world there must be moral purpose, that ‘ethics [a basic etiquette] is primary: ethics opens the way to knowledge, epistemology is value-driven, not vice versa’ (Cheney and Weston, 1999, p. 120). Or, as Deloria himself puts it:¶ In an epistemological sense, there is no question that the tribal method of gathering information is more sophisticated and certainly more comprehensive than Western science. In most tribal traditions, no data are discarded as unimportant or irrelevant. Indians consider their own individual experiences, the accumulated wisdom of the community that has been gathered by previous generations, their dreams, visions, and prophecies, and any information received from birds, animals, and plants as data that must be arranged, evaluated, and understood as a unified body of knowledge. This mixture of data from sources that the Western scientific world regards as highly unreliable and suspect produces a consistent perspective on the natural world. It is seen by tribal peoples as having wide application. Knowledge about plants and birds can form the basis of ethics, government, and economics as well as provide a means of mapping a large area of land. (Deloria et al., 1999, p. 66–67)¶ This epistemological style of openness contrasts with the focus on extracting very specific pieces of information, understood within an equally specific set of concepts, that characterizes the controlled experiment of modern science. Deloria in fact contrasts Native American epistemology with Thomas Kuhn’s understanding of science as proceeding within paradigms and as being therefore highly selective both in its attention to data and the problems on which it chooses to focus.¶ <Cont>¶ This is because English has equated belief with truth. Now, I’m doing some EuroAmerican looking philosophy. I hope you don’t mind. Euro-Philosophers express beliefs as propositions and assign them truth values. When we assert a belief we are asserting the truth of a certain picture of the world. There is, on one hand, our worldview . . . whether we are Native American or Euro-American . . . and on the other hand the world. What has been called metaphorically, ‘the map and the territory’. I think most of us agree that we all live in the same territory. I think it is also clear that the maps held by the Native Americans and Euro-Americans are quite different. However, the main point of this talk is belief. Belief is our attitude toward the relationship between the map and the territory. Western belief generally implies some kind of correspondence between the map and territory. The most extreme version of this is that we can have a completely clear and correct map, a one-to-one correspondence between the map and the territory. Or to put it in the vernacular, we can have the ‘Truth’. This was clearly the project of the Enlightenment. Even though modern thought has cast doubt on this, the West still clings to it.¶ I would characterize the attitude of Native Americans as one of agnosticism concerning the relationship between their map and the territory. Though this may seem strange from a Western stance, it is actually very practical. Indeed, I would argue that it can even make a great deal of sense given modern Western understandings of the limits of knowledge. Think of Heisenberg and Go¨del. Using the map and territory metaphor, Heisenberg seems to be telling us that the clearer our map of any particular part of the territory, the less clear our map will be elsewhere. Go¨del seems to be telling us that when our map becomes too broad, it will be incorrect. If we go too far in detail or breadth, our map becomes confused.¶ The Native American map is not meant to be a high fidelity picture of the territory, but is an action guiding set of ideas. Indeed, the action guiding element is central. Remember the John Proctor story. Particular actions are what makes one Creek. One of the main puzzlements Indian people have expressed historically is how Europeans could assert the truth of their ideas, but act in ways that did not correspond to the truths they asserted. Popular sovereignty, religious freedom, the sanctity of property, peace, brotherhood and all the rest seem to be ignored nearly as often as they are upheld. Of course one answer is that there are bad people and bad governments who do not maintain their own lofty ideas. Though this is true, I think it is worsened by Western belief. If you are convinced that your map truly embodies the territory, despite the fact that it is necessarily incomplete or incorrect (and probably both) then you are going to make many false turns. Your actions will be contradictory. When you have mistaken the map for the territory, you will continue to claim that you have reached the right destination even when you are hopelessly lost. Western philosophers are perhaps the best examples of this tendency and it is one that has cost them much in the way of practical in uence in society. We have all entertained sceptical ideas, examined odd metaphysical systems and sometimes built careers defending their truth. But what if they are true? Many of the maps we have posited cannot be followed. Just how should a solipsist act? Laying aside the question of truth, if your map cannot be followed, what use is it?¶ The Western rejoinder might be, ‘How can agnosticism concerning the connection between the map and territory be action guiding?’ The answer is that it cannot, but it is an attitude which can be very helpful. Though Native Americans may not know what the connection is between their map and the territory, there are some things that they do know. Key among these is their experience. This includes their own actions and the observed consequences of those actions.

#### Pedagogy must be reclaimed as a site to contest colonial Eurocentrism---limits on discursive form aren’t natural rules of the game, but rather a monocultural attempt to eliminate alternative approaches to the resolution

Baker 8—U Rochester (Michael, Eurocentrism and the Modern/Colonial Curriculum:Towards a Post-Eurocentric Math & Science Education – A Critical Interpretive Review, http://www.academia.edu/1517810/Towards\_a\_Post-Eurocentric\_Math\_and\_Science\_Education\_--\_A\_Critical\_Interpretive\_Review)

This essay reviews literature in science and mathematics education that assumes the possibilities for knowing the realities of the world through the official curriculum are reductively maintained within a Eurocentric cultural complex (Carnoy, 1974; Swartz, 1992;Willinsky, 1998). Eurocentrism will be described as the epistemic framework of colonial modernity, a framework through which western knowledge enabled and legitimated the global imposition of one particular conception of the world over all others. Eurocentrism is an ethnocentric projection onto the world that expresses the ways the west and thewesternized have learned to conceive and perceive the world. At the center of this ethnocentric projection are the control of knowledge and the maintenance of the conditions of epistemic dependency (Mignolo, 2000a).¶ Every conception of the “world” involves epistemological and ontological presuppositions interrelated with particular (historical and cultural) ways of knowing and being. All forms of knowledge uphold practices and constitute subjects (Santos, 2007a).What counts as knowledge and what it means to be human are profoundly interrelated(Santos, 2006). The knowledge that counts in the modern school curriculum, fromkindergarten to graduate school, is largely constructed and contained within an epistemic framework that is constitutive of the monocultural worldview and ideological project of western modernity (Meyer, Kamens & Benavot, 1992; Wallerstein, 1997, 2006; Lander,2002; Kanu, 2006; Kincheloe, 2008; Battiste, 2008). The monocultural worldview andethos of western civilization are based in part upon structures of knowledge and an epistemic framework elaborated and maintained within a structure of power/knowledge relations involved in five hundred years of European imperial/colonial domination(Quijano, 1999, p. 47). If our increasingly interconnected and interdependent world is also to become more and not less democratic, schools and teachers must learn to incorporate theworldwide diversity of knowledges and ways of being (multiple epistemologies and ontologies) occluded by the hegemony of Eurocentrism. Academic knowledge andunderstanding should be complemented with learning from those who are living in andthinking from colonial and postcolonial legacies (Mignolo, 2000, p. 5).¶ Too many children and adults today (particularly those from non-dominant groups)continue to be alienated and marginalized within modern classrooms where knowledge and learning are unconsciously permeated by this imperial/colonial conception of the world.The reproduction of personal and cultural inferiority inherent in the modern educational project of monocultural assimilation is interrelated with the hegemony of western knowledge structures that are largely taken for granted within Eurocentric education (Dei,2008). Thus, in the field of education, “we need to learn again how five centuries of studying, classifying, and ordering humanity within an imperial context gave rise to peculiar and powerful ideas of race, culture, and nation that were, in effect, conceptual instruments that the West used both to divide up and to educate the world” (Willinsky,1998, pp. 2-3). The epistemic and conceptual apparatus through which the modern worldwas divided up and modern education was institutionalized is located in the culturalcomplex called “Eurocentrism”.¶ Western education institutions and the modern curriculum, from the sixteenthcentury into the present, were designed to reproduce this Eurocentric imaginary under thesign of “civilization” (Grafton & Jardine, 1986; Butts, 1967, 1973). Eurocentric knowledge lies at the center of an imperial and colonial model of civilization that now threatens to destroy the conditions that make life possible (Lander, 2002, p. 245). From a post-Eurocentric interpretive horizon (described below), the present conditions of knowledge are embedded within a hegemonic knowledge apparatus that emerged withEuropean colonialism and imperialism in the sixteenth century (Philopose, 2007;Kincheloe, 2008).¶ Based upon hierarchical competition for power, control, and supremacy among the“civilized” nation-states, imperialism is an original and inherent characteristic of themodern western interstate system that emerged with the formation of sovereign Europeanterritorial states in the sixteenth and seventeenth centuries (Wallerstein, 1973; Gong, 1984 ;Hindness, 2005; Agnew, 2003; Taylor & Flint, 2000). Closely interrelated withimperialism, colonialism involves a civilizing project within an ideological formation established to construct the way the world is known and understood, particularly through the production, representation, and organization of knowledge (Mignolo, 2000a; Kanu,2006). Colonialism reduces reality to the single dimension of the colonizer. Colonialism and imperialism impose on the world one discourse, one form of conscience, one science, one way of being in the world. “Post-colonial analysis leads to a simple realization: that theeffect of the colonizing process over individuals, over culture and society throughoutEurope’s domain was vast, and produced consequences as complex as they are profound”(Ashcroft, 2001a, p. 24).¶ In yet to be acknowledged ways, the Eurocentric curriculum, and western schoolingin general, are profoundly interrelated with both modern imperialism and colonialism.The persistence and continuity of Eurocentrism rather leads one to see it asa part of a habitus of imperial subjectivity that manifests itself in a particular kind of attitude”: the European attitude – a subset of a more encompassing “imperial attitude.” The Eurocentric attitude combines the search for theoria with the mythical fixation with roots and the assertion of imperial subjectivity. It produces and defends what Enrique Dussel hasreferred to as “the myth of modernity” (Maldonado-Torres, 2005b, p. 43). ¶ Western schooling reproduces this “Eurocentric attitude” in complicity with a globalizedsystem of power/knowledge relations, tacitly based upon white heterosexual malesupremacy (Kincheloe, 1998; Allen, 2001; Bonilla-Silva, 2001, 2006; Twine & Gallagher,2008; Akom, 2008a, 2008b). Eurocentrism is a hegemonic representation and mode of knowing that relies on confusion between abstract universality and concrete world hegemony (Escobar, 2007; Dussel, 2000; Quijano, 1999, 2000). Worldwide imperialexpansion and European colonialism led to the late nineteenth century worldwidehegemony of Eurocentrism (Quijano, 2005, p. 56). Eurocentrism, in other words, refers to the hegemony of a (universalized) Euro-Anglo-American epistemological framework that governs both the production and meanings of knowledges and subjectivities throughout the world (Schott, 2001; Kincheloe, 2008).¶ Eurocentrism is an epistemological model that organizes the state, the economy,gender and sexuality, subjectivity, and knowledge (Quijano, 2000). The production of Eurocentrism is maintained in specific political, economic, social and cultural institutions and institutionalized practices that began to emerge with the colonization of the Americasin the sixteenth century. The nation-state, the bourgeois family, the capitalist corporation,

Eurocentric rationality, and western educational institutions are all examples of worldwideinstitutions and institutionalized practices that contribute to the production of Eurocentrism (Quijano, 2008, pp. 193-194).¶ Eurocentrism as a historical phenomenon is not to be understood withoutreference to the structures of power that EuroAmerica produced over thelast five centuries, which in turn produced Eurocentrism, globalized itseffects, and universalized its historical claims. Those structures of power include the economic (capitalism, capitalist property relations, markets andmodes of production, imperialism, etc.) the political (a system of nation-states, and the nation-form, most importantly, new organizations to handle problems presented by such a reordering of the world, new legal forms,etc.), the social (production of classes, genders, races, ethnicities, religiousforms as well as the push toward individual-based social forms), andcultural (including new conceptions of space and time, new ideas of thegood life, and a new developmentalist conception of the life-world) (Dirlik,1999, p. 8).¶ Eurocentric thinking is embedded in the concepts and categories through which the modernworld has been constructed. “The West defines what is, for example, freedom, progress and civil behavior; law, tradition and community; reason, mathematics and science; what is real and what it means to be human. The non-Western civilizations have simply to accept these definitions or be defined out of existence” (Sardar, 1999, p. 44).¶ The mostly taken-for-granted definitions and conceptual boundaries of the academic disciplines and school subjects such as “philosophy”, “math”, “science”,“history”, “literature”, “literacy”, “humanities”, “education” are all Eurocentric constructions.If Eurocentrism is intrinsic in the way we think and conceptualize, it is alsoinherent in the way we organize knowledge. Virtually all the disciplines of social sciences, from economics to anthropology, emerged when Europewas formulating its worldview, and virtually all are geared to serving theneed and requirements of Western society and promoting its outlook. Eurocentrism is entrenched in the way these disciplines are structured, the concepts and categories they use for analysis, and the way progress is defined with the disciplines (Joseph et al. 1990) (Sardar, 1999, p. 49).¶ This hegemonic knowledge formation envelops the modern school curriculum within an imperial/colonial paradigm legitimated by the rhetoric of modernity (i.e., equal opportunity, mobility, achievement gap, meritocracy, progress, development, civilization,globalization). Western education (colonial and metropolitan) reproduces imperial/colonial, monocultural, and deluded conceptions of and ways of being in the world (Mignolo, 2000a; Kincheloe, 2008). “The effect of Eurocentrism is not merely that it excludes knowledges and experiences outside of Europe, but that it obscures the very nature and history of Europe itself” (Dussel, 1993). Understanding Eurocentrism thus involves recognizing and denaturalizing the implicitly assumed conceptual apparatus and definitional powers of the west (Sardar, 1999, p. 44; Coronil, 1996). Individually,understanding Eurocentrism may also involve the experience of disillusionment and cultureshock as one begins to demythologize the dense mirage of modernity.¶ Yet, today, in the academic field of education, “Eurocentrism” is commonlyunderstood as a cultural perspective among political conservatives who ascribe to thesuperiority of western contributions (e.g., scientific, cultural and artistic) to world ivilization that in turn justify the continued exclusion of non-European cultures andknowledges in the curriculum (Collins & O’Brien, 2003). Understanding Eurocentrism as a conservative perspective on western culture and education ignores the historical claim that Eurocentrism is the framework for the production and control of knowledge – thatEurocentrism is the way the “modern” world has been constructed as a cultural projection.For many of us educated in the western tradition – within this still dominantepistemological framework -- a Eurocentric worldview may be all we know. We may not recognize that our enlightened, liberal versus conservative, university educated ways of thinking, knowing, and being are a reflection of a particular historical-cultural-epistemological world-view, different from and similar to a variety of other equally valid and valuable ways of knowing and being (Santos, 2007; Battiste, 2008). In other words, if we are “well educated”, we conceive, perceive, interpret, know, learn about, and (re)produce knowledge of the “world” through an ethnocentric cultural projection knownas “Eurocentrism” (Ankomah, 2005).¶ This review begins therefore by situating Eurocentrism within the historical contextof its emergence – colonial modernity – and proceeds to define Eurocentrism as theepistemic framework of colonial modernity. From this decolonial (or post-Eurocentric)historical horizon and framing of Eurocentrism, the second part will frame and reviewliterature on the critique of Eurocentrism within mathematics and science education thatrepresent alternatives to the hegemony of western knowledge in the classroom. This literature was searched for and selected because it provides critiques of Eurocentrism that include specific proposals for de-centering and pluralizing the school curriculum. Thereview concludes by summarizing, situating, and appropriating these two school subject proposals within a vision for a post-Eurocentric curriculum. In framing, selecting, andreviewing literature that challenges and reconceptualizes the underlying Eurocentricassumptions of the modern school curriculum, this literature review adopts from critical philosophical (Haggerson, 1991), interpretive (Eisenhardt, 1998), and creative processapproaches (Montuori, 2005). The rationale for this two-part organization, as well as thetype of review this rationale calls for deserve further clarification, before analyzing thehistorical context of Eurocentrism.¶ Methodological and Theoretical Rationale¶ Conventional literature reviews seek to synthesize ideas as overviews of knowledgeto date in order to prefigure further research (Murray & Raths, 1994; Boote & Beile, 2005).Eisenhardt (1998) however, describes another purpose of literature reviews as interpretivetools to “capture insight ….suggesting how and why various contexts and circumstancesinform particular meanings and reveal alternative ways of making sense (p. 397).Following Eisenhardt’s description, this unconventional literature review is intended tosituate and review an emergent literature on a post-Eurocentric curriculum within anhistorical analysis of Eurocentrism. A post-Eurocentric interpretive horizon is describedthat provides an alternative way of making sense of the curriculum literature. Eurocentricmodernity is the historical context within which the modern curriculum is conceived. Mostuses of term Eurocentrism within the curriculum literature have yet to include analyses of the origins and meaning of Eurocentrism within the history and project of modernity. Thislack of recognition and analysis of the historical context of Eurocentrism contributes to both incoherence and impotency in the use of this critical concept (for examples seeMahalingam, 2000; Gutierrez, 2000; Aikenhead & Lewis, 2001).¶ The concepts Eurocentrism and post-Eurocentrism offer contrasting paradigmsthrough which the curriculum can be evaluated in relation to whether teaching and learningreproduces or decolonizes the dominant modern/colonial system of power/knowledgerelations. The successful development and implementation of a post-Eurocentriccurriculum is dependent upon an adequate historical-philosophical interpretation of Eurocentrism. As such, this literature review adopts elements from the critical philosophical, interpretive, and creative process approaches (Haggerson, 1991; Eisenhardt,1999; Livingston, 1999; Meacham, 1998; Schwandt, 1998; Montuori, 2005). Eisenhardtdescribes interpretive reviews as presenting information that “disrupts conventional thinking” and seeks to “reveal alternative ways of making sense”

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#### Only combining specific struggle and historical materialism can solve---the alt alone totalizes capitalism which makes resistance impossible

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The dialectical tension between discourse and historical materialism is productive, but the “end of the real” thesis appears unsustainable, and worse, complicit with relations of exploitation. In fact, ludic postmodernists may have succeeded in dodging Scylla only to strengthen Charybdis. It is fair to assume that if the United States were to become a socialist state, white men will likely hold the important bureaucratic positions, therefore racism will still be a problem and women will ?nd themselves ?ghting for gender rights. The ugliest forms of racist and patriarchal relations may signi?cantly decrease through economic transformation, but race and gender relations will not become insignificant in socialist America (Hunter 2002). Thus, social theory must incorporate an analysis of differences, especially in their commodi?ed form. Here, postmodern theorizing has been helpful. Discourses of difference remind us that although gender, sexual, and race issues do not exist autonomously from material relations, they are articulated in meaningful ways that have their particular concerns.

For example, we notice that socialist Cuba had to reconstruct the family, Mao’s China instituted the cultural revolution, and the elite in the former Soviet Union was all but male. Difference is in?ected by the economy, but is not determined by it in the orthodox sense of Marxism. To the extent that Marxist praxis neglects the specific discourses of identity formation, it is guilty of subsuming the social meanings that racialized, gendered, and sexualized subjects experience on a daily basis, some of which inform the epistemological work of revolutionary movements. Re- ducing identity politics to an individual’s experience minimizes the institu- tional aspect of a subject’s identity. But asserting identity in its traditionally vague way assumes an a priori sameness between those who invoke it, some of whom may experience a rude awakening when they discover the pane of difference (Brubaker and Cooper 2000). Rather, the process of identi?- cation may be preferable to the apparent condition of having an identity.

This is where Nancy Fraser’s (1998) ideas on the politics of (mis)recognition ameliorate the otherwise vulgar suggestion that identity is private and only particular. She deploys a neo-Weberian model for addressing the differ- ential status and rights of gays and lesbians in the context of heterosexist capitalism. This is an area where orthodox Marxism has been criticized for its refusal to address identity discourses with respect to rights, prestige, and status. Although Baudrillard’s theories did not create the notion of difference, they attend to its contours. The politics of identity is based on the notion that groups of people have been treated as merely different in patterned ways that have material sources and consequences (Leonardo 2000, 2002).

For example, the social movement we know as the Civil Rights Movement was supra-individual. It was the recognition by masses of people of color, women, and gays and lesbians that the white, male, heterosexual state was deliberately thwarting their rights as groups of people. There is also a sense that the 1960’s identity politics movement extended beyond identity as politics-of-the-self when white Americans joined hands with people of color and acknowledged that minorities were being oppressed on the basis of their identity. Looked at in this way, we can avoid relegating identity politics to the margins of theory as a form of privatized discourse having no ties with material life. There is something to suggest that the “new identity politics” and materialist politics are compatible. For the very notion of identity is traceable to the material ?ow of life and how, for example, the black body is commodi?ed as the sexualized subject. In other words, a materialist identity politics is part of an overall and more complete transformation of objective life insofar as it leaves its stamp on our subjectivity. Identity is real because it is part of the productive process insofar as workers gain an identity through their practical activity. To the extent that identity is abstract, it is imagined. It is very much like the sort of thing that Levi-Strauss described as a “‘virtual center (foyer virtuel) to which we must refer to explain certain things, but without it ever having a real existence”’ (cited by Brubaker and Cooper 2000: 9; italics in original). Keeping in mind the dialectic between the real and imagined aspects of identity, theorists avoid a fetishism of either pole.

#### The critique guarantees continued colonization

Means 80—was a leader in the American Indian Movement (AIM) of the 1960s and 70s, and remains one of the most outspoken Native Americans in the U.S. (Russell, Revolution and American Indians: “Marxism is as Alien to My Culture as Capitalism”, http://endofcapitalism.com/2010/10/17/revolution-and-american-indians-marxism-is-as-alien-to-my-culture-as-capitalism/#more-1730)

I should be clear about something here, because there seems to be some confusion about it. When I speak of Europeans or mental Europeans, I’m not allowing for false distinctions. I’m not saying that on the one hand there are the by-products of a few thousand years of genocidal, reactionary, European intellectual development which is bad; and on the other hand there is some new revolutionary intellectual development which is good. I’m referring here to the so-called theories of Marxism and anarchism and “leftism” in general. I don’t believe these theories can be separated from the rest of the of the European intellectual tradition. It’s really just the same old song.¶ The process began much earlier. Newton, for example, “revolutionized” physics and the so-called natural sciences by reducing the physical universe to a linear mathematical equation. Descartes did the same thing with culture. John Locke did it with politics, and Adam Smith did it with economics. Each one of these “thinkers” took a piece of the spirituality of human existence and converted it into code, an abstraction. They picked up where Christianity ended: they “secularized” Christian religion, as the “scholars” like to say–and in doing so they made Europe more able and ready to act as an expansionist culture. Each of these intellectual revolutions served to abstract the European mentality even further, to remove the wonderful complexity and spirituality from the universe and replace it with a logical sequence: one, two, three. Answer!¶ This is what has come to be termed “efficiency” in the European mind. Whatever is mechanical is perfect; whatever seems to work at the moment–that is, proves the mechanical model to be the right one–is considered correct, even when it is clearly untrue. This is why “truth” changes so fast in the European mind; the answers which result from such a process are only stopgaps, only temporary, and must be continuously discarded in favor of new stopgaps which support the mechanical models and keep them (the models) alive.¶ Hegel and Marx were heirs to the thinking of Newton, Descartes, Locke and Smith. Hegel finished the process of secularizing theology–and that is put in his own terms–he secularized the religious thinking through which Europe understood the universe. Then Marx put Hegel’s philosophy in terms of “materialism,” which is to say that Marx despiritualized Hegel’s work altogether. Again, this is in Marx’ own terms. And this is now seen as the future revolutionary potential of Europe. Europeans may see this as revolutionary, but American Indians see it simply as still more of that same old European conflict between being and gaining. The intellectual roots of a new Marxist form of European imperialism lie in Marx’–and his followers’–links to the tradition of Newton, Hegel and the others.¶ Being is a spiritual proposition. Gaining is a material act. Traditionally, American Indians have always attempted to be the best people they could. Part of that spiritual process was and is to give away wealth, to discard wealth in order not to gain. Material gain is an indicator of false status among traditional people, while it is “proof that the system works” to Europeans. Clearly, there are two completely opposing views at issue here, and Marxism is very far over to the other side from the American Indian view. But let’s look at a major implication of this; it is not merely an intellectual debate.¶ The European materialist tradition of despiritualizing the universe is very similar to the mental process which goes into dehumanizing another person. And who seems most expert at dehumanizing other people? And why? Soldiers who have seen a lot of combat learn to do this to the enemy before going back into combat. Murderers do it before going out to commit murder. Nazi SS guards did it to concentration camp inmates. Cops do it. Corporation leaders do it to the workers they send into uranium mines and steel mills. Politicians do it to everyone in sight. And what the process has in common for each group doing the dehumanizing is that it makes it all right to kill and otherwise destroy other people. One of the Christian commandments says, “Thou shalt not kill,” at least not humans, so the trick is to mentally convert the victims into nonhumans. Then you can proclaim violation of your own commandment as a virtue.¶ In terms of the despiritualization of the universe, the mental process works so that it becomes virtuous to destroy the planet. Terms like progress and development are used as cover words here, the way victory and freedom are used to justify butchery in the dehumanization process. For example, a real-estate speculator may refer to “developing” a parcel of ground by opening a gravel quarry; development here means total, permanent destruction, with the earth itself removed. But European logic has gained a few tons of gravel with which more land can be “developed” through the construction of road beds. Ultimately, the whole universe is open–in the European view–to this sort of insanity.¶ Most important here, perhaps, is the fact that Europeans feel no sense of loss in all this. After all, their philosophers have despiritualized reality, so there is no satisfaction (for them) to be gained in simply observing the wonder of a mountain or a lake or a people in being. No, satisfaction is measured in terms of gaining material. So the mountain becomes gravel, and the lake becomes coolant for a factory, and the people are rounded up for processing through the indoctrination mills Europeans like to call schools.¶ But each new piece of that “progress” ups the ante out in the real world. Take fuel for the industrial machine as an example. Little more than two centuries ago, nearly everyone used wood–a replenishable, natural item–as fuel for the very human needs of cooking and staying warm. Along came the Industrial Revolution and coal became the dominant fuel, as production became the social imperative for Europe. Pollution began to become a problem in the cities, and the earth was ripped open to provide coal whereas wood had always simply been gathered or harvested at no great expense to the environment. Later, oil became the major fuel, as the technology of production was perfected through a series of scientific “revolutions.” Pollution increased dramatically, and nobody yet knows what the environmental costs of pumping all that oil out of the ground will really be in the long run. Now there’s an “energy crisis,” and uranium is becoming the dominant fuel.¶ Capitalists, at least, can be relied upon to develop uranium as fuel only at the rate which they can show a good profit. That’s their ethic, and maybe they will buy some time. Marxists, on the other hand, can be relied upon to develop uranium fuel as rapidly as possible simply because it’s the most “efficient” production fuel available. That’s their ethic, and I fail to see where it’s preferable. Like I said, Marxism is right smack in the middle of European tradition. It’s the same old song.¶ There’s a rule of thumb which can be applied here. You cannot judge the real nature of a European revolutionary doctrine on the basis of the changes it proposes to make within the European power structure and society. You can only judge it by the effects it will have on non-European peoples. This is because every revolution in European history has served to reinforce Europe’s tendencies and abilities to export destruction to other peoples, other cultures and the environment itself. I defy anyone to point out an example where this is not true.¶ So now we, as American Indian people, are asked to believe that a “new” European revolutionary doctrine such as Marxism will reverse the negative effects of European history on us. European power relations are to be adjusted once again, and that’s supposed to make things better for all of us. But what does this really mean?¶ Right now, today, we who live on the Pine Ridge Reservation are living in what white society has designated a “National Sacrifice Area.” What this means is that we have a lot of uranium deposits here, and white culture (not us) needs this uranium as energy production material. The cheapest, most efficient way for industry to extract and deal with the processing of this uranium is to dump the waste by-products right here at the digging sites. Right here where we live. This waste is radioactive and will make the entire region uninhabitable forever. This is considered by the industry, and by the white society that created this industry, to be an “acceptable” price to pay for energy resource development. Along the way they also plan to drain the water table under this part of South Dakota as part of the industrial process, so the region becomes doubly uninhabitable. The same sort of thing is happening down in the land of the Navajo and Hopi, up in the land of the Northern Cheyenne and Crow, and elsewhere. Thirty percent of the coal in the West and half of the uranium deposits in the United States have been found to lie under reservation land, so there is no way this can be called a minor issue.¶ We are resisting being turned into a National Sacrifice Area. We are resisting being turned into a national sacrifice people. The costs of this industrial process are not acceptable to us. It is genocide to dig uranium here and drain the water table–no more, no less.¶ Now let’s suppose that in our resistance to extermination we begin to seek allies (we have). Let’s suppose further that we were to take revolutionary Marxism at its word: that it intends nothing less than the complete overthrow of the European capitalists order which has presented this threat to our very existence. This would seem to be a natural alliance for American Indian people to enter into. After all, as the Marxists say, it is the capitalists who set us up to be a national sacrifice. This is true as far as it goes.¶ But, as I’ve tried to point out, this “truth” is very deceptive. Revolutionary Marxism is committed to even further perpetuation and perfection of the very industrial process which is destroying us all. It offers only to “redistribute” the results–the money, maybe–of this industrialization to a wider section of the population. It offers to take wealth from the capitalists and pass it around; but in order to do so, Marxism must maintain the industrial system. Once again, the power relations within European society will have to be altered, but once again the effects upon American Indian peoples here and non-Europeans elsewhere will remain the same. This is much the same as when power was redistributed from the church to private business during the so-called bourgeois revolution. European society changed a bit, at least superficially, but its conduct toward non-Europeans continued as before. You can see what the American Revolution of 1776 did for American Indians. It’s the same old song.¶ Revolutionary Marxism, like industrial society in other forms, seeks to “rationalize” all people in relation to industry–maximum industry, maximum production. It is a doctrine that despises the American Indian spiritual tradition, our cultures, our lifeways. Marx himself called us “precapitalists” and “primitive.” Precapitalist simply means that, in his view, we would eventually discover capitalism and become capitalists; we have always been economically retarded in Marxist terms. The only manner in which American Indian people could participate in a Marxist revolution would be to join the industrial system, to become factory workers, or “proletarians,” as Marx called them. The man was very clear about the fact that his revolution could only occur through the struggle of the proletariat, that the existence of a massive industrial system is a precondition of a successful Marxist society.¶ I think there’s a problem with language here. Christians, capitalists, Marxists. All of them have been revolutionary in their own minds, but none of them really means revolution. What they really mean is continuation. They do what they do in order that European culture can continue to exist and develop according to its needs. Like germs, European culture goes through occasional convulsions, even divisions within itself, in order to go on living and growing. This isn’t a revolution we’re talking about, but a means to continue what already exists. An amoeba is still an amoeba after it reproduces. But maybe comparing European culture to an amoeba isn’t really fair to the amoeba. Maybe cancer cells are a more accurate comparison because European culture has historically destroyed everything around it; and it will eventually destroy itself.¶ So, in order for us to really join forces with Marxism, we American Indians would have to accept the national sacrifice of our homeland; we would have to commit cultural suicide and become industrialized and Europeanized.¶ At this point, I’ve got to stop and ask myself whether I’m being too harsh. Marxism has something of a history. Does this history bear out my observations? I look to the process of industrialization in the Soviet Union since 1920 and I see that these Marxists have done what it took the English Industrial Revolution 300 years to do; and the Marxists did it in 60 years. I see that the territory of the USSR used to contain a number of tribal peoples and that they have been crushed to make way for the factories. The Soviets refer to this as “the National Question,” the question of whether the tribal peoples had the right to exist as peoples; and they decided the tribal peoples were an acceptable sacrifice to the industrial needs. I look to China and I see the same thing. I look to Vietnam and I see Marxists imposing an industrial order and rooting out the indigenous tribal mountain people.¶ I hear the leading Soviet scientist saying that when uranium is exhausted, then alternatives will be found. I see the Vietnamese taking over a nuclear power plant abandoned by the U.S. military. Have they dismantled and destroyed it? No, they are using it. I see China exploding nuclear bombs, developing uranium reactors, and preparing a space program in order to colonize and exploit the planets the same as the Europeans colonized and exploited this hemisphere. It’s the same old song, but maybe with a faster tempo this time.¶ The statement of the Soviet scientist is very interesting. Does he know what this alternative energy source will be? No, he simply has faith. Science will find a way. I hear revolutionary Marxists saying that the destruction of the environment, pollution, and radiation will all be controlled. And I see them act upon their words. Do they know how these things will be controlled? No, they simply have faith. Science will find a way. Industrialization is fine and necessary. How do they know this? Faith. Science will find a way. Faith of this sort has always been known in Europe as religion. Science has become the new European religion for both capitalists and Marxists; they are truly inseparable; they are part and parcel of the same culture. So, in both theory and practice, Marxism demands that non-European peoples give up their values, their traditions, their cultural existence altogether. We will all be industrialized science addicts in a Marxist society.¶ I do not believe that capitalism itself is really responsible for the situation in which American Indians have been declared a national sacrifice. No, it is the European tradition; European culture itself is responsible. Marxism is just the latest continuation of this tradition, not a solution to it. To ally with Marxism is to ally with the very same forces that declare us an acceptable cost.

#### Their totalizing representation of capitalism prevent resistance

**Gibson-Graham 96** – feminist professors (Julie and Katherine, The End of Capitalism, p 1-4)

Understanding capitalism has always been a project of the left, especially within the Marxian tradition. There, where knowledges of “capitalism” arguably originated, theory is accorded an explicit social role. From Marx to Lenin to the neo-Marxists of the post-World War II period, theorists have understood their work as contributing — whether proximately or distantly — to anticapitalist projects of political action. In this sense economic theory has related to politics as a subordinate and a servant: we understand the world in order to change it. Given the avowed servitude of left theory to left political action it is ironic (though not surprising) that understandings and images of capitalism can quite readily be viewed as contributing to a **crisis in left politics**. Indeed, and this is the argument we wish to make in this book, the project of understanding the beast has itself produced a beast, or even a bestiary; and the process of producing knowledge in service to politics has estranged rather than united understanding and action. Bringing these together again, or allowing them to touch in different ways, is one of our motivating aspirations. “Capitalism” occupies a special and privileged place in the language of social representation. References to “capitalist society” are a common­place of left and even mainstream social description, as are references — to the market, to the global economy, to postindustrial society — in which an unnamed capitalism is implicitly invoked as the defining and unifying moment of a complex economic and social formation. Just as the economic system in eastern Europe used confidently to be described as communist or socialist, so a general confidence in economic classification characterizes representations of an increasingly capitalist world system. But what might be seen as the grounds of this confidence, if we put aside notions of “reality” as the authentic origin of its representations? Why might it seem problematic to say that the United States is a Christian nation, or a heterosexual one, despite the widespread belief that Christianity and heterosexuality are dominant or majority practices in their respective domains, while at the same time it seems legitimate and indeed “accurate” to say that the US is a capitalist country?1 What is it about the former expressions, and their critical history, that makes them visible as “regulatory fictions,”2 ways of erasing or obscuring difference, while the latter is seen as accurate representation? Why, moreover, have embracing and holistic expressions for social struc­ture like patriarchy fallen into relative disuse among feminist theorists (see Pringle 1995; Barrett and Phillips 1992) while similar concep­tions of capitalism as a system or “structure of power” are still preva­lent and resilient? These sorts of questions, by virtue of their scarcity and scant claims to legitimacy, have provided us a motive for this book.3 The End of Capitalism (As We Knew It) problematizes "capitalism" as an economic and social descriptor. Scrutinizing what might be seen as throwaway uses of the term - passing references, for example, to the capitalist system or to global capitalism - as well as systematic and deliberate attempts to represent capitalism as a central and organizing feature of modern social experience, the book selectively traces the discursive origins of a widespread understanding: that capitalism is the hegemonic, or even the only, present form of economy and that it will continue to be so in the proximate future. It follows from this prevalent though not ubiquitous view that noncapitalist economic sites, if they exist at all, must inhabit the social margins; and, as a corollary, that deliberate attempts to develop noncapitalist economic practices and institutions must take place in the social interstices, in the realm of experiment, or in a visionary space of revolutionary social replacement. Representations of capitalism are a potent constituent of the anticapitalist imagination, providing images of what is to be resisted and changed as well as intimations of the strategies, techniques, and possibilities of changing it. For this reason, depictions of "capitalist hegemony" deserve a particularly skeptical reading. For in the vicinity of these representations, the very idea of a noncapitalist economy takes the shape of an unlikelihood or even an impossibility. It becomes difficult to entertain a vision of the prevalence and vitality of noncapitalist economic forms, or of daily or partial replacements of capitalism by noncapitalist economic practices, or of capitalist retreats and reversals. In this sense, "capitalist hegemony" operates not only as a constituent of, but also **as a brake upon, the anticapitalist imaginations**. What difference might it make to release that brake and allow an anticapitalist economic imaginary to develop unrestricted? If we were to dissolve the image that looms in the economic foreground, what shadowy economic forms might come forward? In these questions we can identify the broad outlines of our project: to discover or create a world of economic difference, and to populate that world with exotic creatures that become, upon inspection, quite local and familiar (not to mention familiar beings that are not what they seem). The discursive artifact we call "capitalist hegemony" is a complex effect of a wide variety of discursive and nondiscursive conditions. In this book we focus on the practices and preoccupations of discourse, tracing some of the different, even incompatible, representations of capitalism that can be collated within this fictive summary representation. These depictions have their origins in the diverse traditions of Marxism, classical and contemporary political economy, academic social science, modern historiography, popular economic and social thought, western philosophy and metaphysics, indeed, in an endless array of texts, traditions and infrastructures of meaning. In the chapters that follow, only a few of these are examined for the ways in which they have sustained a vision of capitalism as the dominant form of economy, or have contributed to the possibility or durability of such a vision. But the point should emerge none the less clearly: the virtually unquestioned dominance of capitalism can be seen as a complex product of a variety of discursive commitments, including but not limited to organicist social conceptions, heroic historical narratives, evolutionary scenarios of social development, and essentialist, phallocentric, or binary patterns of thinking. It is through these discursive figurings and alignments that capitalism is constituted as large, powerful, persistent, active, expansive, progressive, dynamic, transformative; embracing, penetrating, disciplining, colonizing, constraining; systemic, self-reproducing, rational, lawful, self-rectifying; organized and organizing, centered and centering; originating, creative, protean; victorious and ascendant; self- identical, self-expressive, full, definite, real, positive, and capable of conferring identity and meaning.

#### Indigenous epistemology is crucial to emancipation---Totalizing rejection is insufficient

**Laduke 83** [Winona, “preface: natural synthetic and back” Marxism and Native Americans, edited by Ward Churchill p v-vii

We can agree with Marxists that the point is not only .to understand the problem, but also to solve it. There are undoubtedly many routes to the answers. Throughout the United States people are moving into resistance to many of the more covert forms of synthetic oppression. The draft has met with massive rejection even before it could be fully implemented. A relatively broad anti-nuclear war movement has taken root across geographic, class, sex, and ethnic lines. Much the same can be said of a movement to oppose utilization of nuclear power in any form at all. A number of environmentalist groups are engaged in extending many of the anti-nuclear rationales to encompass much of the industrial process itself. Elsewhere, others have targeted issues of the most disenfranchised social strata—mostly within urban centers—as their focus.

The common denominator of all these is direct action, action aimed against the status-quo. If there is a unifying theme, it would seem to be a firm rejection of the status quo, of "business as usual.\*\* The synthetic order is thus being questioned and, in some areas, truly challenged. This is certainly to the good. But something more is needed. No movement or group of related movements can succeed in offsetting present circumstances merely through a shared rejection. Not only must they struggle against something, but they must also struggle toward something. Action alone can never provide the required answers. Only a unifying theory, a unifying vision of the alternatives can fulfill this task. Only such a vision can bind together the fragmentary streams of action and resistance currently at large in America into a single multi-faceted whole capable of transforming the synthetic reality of a death culture into the natural reality of a culture of life.

This need should come as no revelation. It seems well known within most sectors of the active resistance. The quest for a unifying vision has been going on for some time. By and large, it seems to have gravitated steadily towards one or another of the Marxist or neo-Marxist ideologies with the result that there is currently in print the widest array of Marxian literature in the United States since, perhaps, the 1930s. This is a logical enough development. Marxism, it must be said, offers a coherent and unifying system of critical analysis within which to "peg" a wide variety of lines of action. Further, it offers at least an implicit range of plausible options and alternatives to the status-quo. The details of a Marxist society may be forged in the struggle to overthrow the existing order.

The Marxian scenario is rather neat. It seems all but ready-made for applicaton to our current dilemma. Of course, it will require certain alterations, modifications intended to keep it ahead of the development of its opposition, and of those among its adherents as well, but such adjustment is not impossible. Habermas, Althusser, Marcuse, Gramsci, and others have demonstrated that. In effect, this is part of Marxism's neatness.

This book questions that very neatness. Without denying that Marxism is (or can be) a unifying system, it steps outside the Marxist paradigm to ask new questions. What is Marxism's understanding of the land? What is or will be the relationship of a Marxist society to the land? Is Marxist thought other than a part of the synthetic order which is at issue? If Marxism is now inadequate to dealing with such issues, can it be altered in such a way as to make it adequate? If it is to be altered in such ways, will the result remain Marxist, or will it become something else? Is Marxism as it is now structured, or could be structured, a part ofthe solution or a part of the problem? And finally, is it, or what is appropriate to North America?

These are not questions springing from the Marxist tradition. Nor do they come from any European or neo-European context. They are not the sort of questions posed by "First World" (capitalist) polemicists, by those of the "Second (socialist) World" or "Third (industrializing) World." Instead, they come from the realm of the remaining landbased peoples of the North American continent, the remaining representatives of the natural order which preceded the advent of synthetic reality. In some quarters, this has come to be called the "Fourth World;\*\* we prefer to term it the "Host World." In answering such questions, Marxism goes far in defining its true allegiance and place in the world. It begins to explain "what must be done" in overcoming the synthetic by returning it to the natural.

On this continent we have come from the natural to the synthetic. We must find our way back again. We must turn the common ground of our agony into the common ground of our vision. This book is an important step in such a process, not because it provides the necessary answers, but because it asks many of the right questions. Only through the asking of such questions can the answers emerge. They must be answers which include the land as well as the people, which perceive and project land and people as being one and the same, which understand that until alternatives are found which prevent the destruction of the land, the destruction of the people cannot be stayed: the movement back from the synthetic to the natural.

Within such a movement Marxism, or aspects of Marxism, may well have a role and function. What and how remains to be seen. What better direction to turn for clarification than to those who have no particular question as to their relationship to the land, those who have all along retained their affinity to the natural order rather than "progressing\*\* into the synthetic one? Let Marxism explain its utility to its hosts. Let it differentiate itself clearly from synthetic reality. And let the hosts for the first time take an active role in assisting in this process, denying what is false, supporting that which is true.

Such an interchange cannot help but assist in establishing a strategy, a vision through which to reclaim the natural order. We must all participate in the process of completing the cycle: natural to synthetic and back again.

We say the questions posed by this book come from the perspective of the North American Host World, the truly landbased peoples. As Kwame Turi has stated, "When you speak of liberation, true liberation, you are speaking of land. And when you speak of land in this hemisphere, you are speaking of American Indians.\*\* The questions, then, come specifically from the perspective of the Native American. The Host World, however, is not so confined. The questions asked in the text which follows could well have been posed by the tribal peoples of South or Central America, of Africa, the Kurds and others of the Middle East, the tribes of the Scandinavian arctic, the mountain peoples of Southeast Asia, the Inuit of Greenland, the Pacific Islanders, and many others across the planet. In responding to the American Indian critique, Marxism responds in some way to the questions of all these peoples. We have a common ground and it is not only that which lies beneath our feet. Rather, it lies within a shared understanding of the correctness of Simon Ortiz\* assessment of what America has become, and what it must become if we are to survive. The massacre of the Cheyenne people at Sand Creek in 1864 was not theirs alone; it was representative of the massacre of us all. Such a legacy must be turned into its opposite. We must "negate the negation" which is stained by blood that forever seeps into the land of Colorado and everywhere else the synthetic order has reigned. This is the vision, the dream which will allow us to free ourselves of the death culture.

#### alt fails and replicates the SQ

Brown 11—Regular Contributor to 'Seize the Time.' Member of the Revolutionary Anti-Imperialist Movement (Nick, Native American Liberation or Rights? A Critique of Perspectives on Native American Feminism, http://www.peopleofcolororganize.com/analysis/native-american-liberation-rights-critique-perspectives-native-american-feminism/)

The controversy over Indigenous feminism mirrors a larger one: the exact manner and degree to which any number of ‘progressive’ and ‘radical’ banners upheld by members of oppressor and exploiter nations relate to the struggles of the oppressed and exploited. While authors such as Jared Diamond are rather transparent in their ‘enlightened’ and ‘researched’ assuagement for to the current mode of productive (capitalist-imperialism and neo-colonialism), it has been books such as J. Sakai’s ‘Settlers: the Mythology of the White Proletariat’ (1989) and E. Tani and Kae Sera’s ‘False Nationalism, False Internationalism: ‘ (1985), as well as more contemporary literature (Morgan: 2010) that have done the most to shed much light how ‘progressive,’ ‘Marxist’ and even ‘national liberation’ ideas have served to either disempower or demobilized oppressed masses while keeping them locked inside the various layers of the colonial/neo-colonial framework. Such writers and their contemporaries suggest the struggles of oppressed masses must address all aspects of oppression in a thorough way in order to most effectively address the most pressing forms of oppression, often national oppression and exploitation under imperialism. In turn, they assert, it is only through effectively resolving the pressing form of oppression that sweeping programs to end all oppression can be fully carried out.¶ Thus far, most social analysis on Native American women deals with the effects on colonization on themselves, particularly regarding their status in their communities and Amerikan society at large; the harmful role of patriarchy has played in recent struggles by American Indians against colonization; specific health issues regarding native women; and carrying forward differing visions, some better than others, of Native liberation and women’s empowerment. (Mihesuah: Chapter 4, 5) (Jaimes p. 322-36) Recent scholarship expanding on ‘Settlers’ and ‘False Nationalism’ has brought into focus on how imperialism– the division between what authors such as Samir Amin and Arghiri Emmanual have described at the core and periphery– has imparted upon the populations of imperialist countries specific class consciousness which often becomes an ideological battering ram on the struggle for self-determination and liberation of oppressed and exploited peoples. (¶ It is intersection between these divisions that are of concern: contending visions of the past and future of Native women’s struggles, and the degree of influence of the existence of a large body of marginal exploiters on strains of thought amongst the oppressed and exploited. Feminism as a ‘white, middle class thing’ exists amongst assimilated Native women, as does feminism as a prerequisite for genuine decolonization of North America.¶ Devon Abbott Mihesuah’s, ‘Indigenous American Women: Decolonization, Empowerment and Activism,’ while getting many things right and exposing salient issues, is an example of feminism firmly rooted in the White, exploiter world.¶ The title itself is a misnomer. Decolonization is rarely discussed, though many of the effect of colonization are. In a sleight of the hand, she instead reduces ‘decolonization’ to two untenable extremes: “the complete return of traditions, which also mean that whites will disappear, bison will return, dead Natives will arise, and the tribes will no longer use any material goods or political, religious, social or economic ideas brought to the New World by foreigners,” or “tribes will become self-sufficient–decolonized tribal governments will make their own decisions without interference and will no longer depend on the US government for assistance (p. 167) Absent from serious discussion is land and how control and use of it is arranged. ‘Empowerment” is thus reduced to various ‘rights’ within the existing system and that alone. She devotes two chapters to issues of Native American women and White academia. (Chapter 3, 6) She avoids any serious discussion of Native pan-nationalism and with it the need to build independent institutions in opposition to imperialist states. She instead insists on defining Natives as a ‘race’ and musing over identity politics. (Chapter 8) Though Mihesuah rightly questions the intention and effect some White writers have had in portraying Native problems, her discourse again veers to the extreme of post-modern identity politics within the framework of White academia (Chapter 3, 6) Minuesuah admits colonization is the problem and US society is as much a prop to patriarchy even in their historic resistance movements (p. 164). Yet, she spends more time criticizing the resistance movements themselves and calling into question their more radical goals (land and self-determination) than analyzing or attacking the White colonizing society. (p. 162) Indeed, she seems rather comfortable inside academia despite her protests otherwise. Mihesuah gives certain meaning to the words of M. Annette Jaimes, who is quoted in the work, stating Native women ‘feminists,’ “have tended to be among the more assimilated of Indian women activists, generally accepting of the colonists ideology that indigenous nations are now legitimate sub-parts of the US geopolitical corpus rather than separate nations, that Indian people are now a minority of their own distinctive nations. Such Indian women activists are therefore usually more devoted to ‘civil rights’ than liberation per se.” (qtd. p. 162) Indeed, Mihesuah goes to extreme lengths to fit in with White academia. Though she does a good job at highlighting the effects of colonization of Native societies and women in particular (Chapter 6), she refuses to use the correct term that defines the historical experience shared by Natives: “genocide.” The omission is stark: it is a common understanding amongst politicized Natives, yet a taboo in much of White-sponsored academia. (2) Mihesuah even goes so far as to abbreviate quotes to mask the very conception of a historic and ongoing genocide against First Nations peoples. (3)¶ With its many flaws, the book does raise some salient points when placed in the correct context. Questions of how patriarchal expression hurt anti-colonization struggles are relevant and have been discussed by other Native women (Smith: 2005) and anti-imperialist writers alike. (Lee, Rover) However, these good points are lost in Mihesuah’s acceptance of dominant norms and values within the US. Mihesuah isn’t concerned with social justice broadly, at least in a serious way, or else she would do more to cast doubt on the legitimacy of US society generally. Instead, she seems to seeks for herself and other Native women a place inside it. Collective liberation of Native people’s thus is replaced by the individualist “taking responsibility for our own actions.” The feminism in “Indigenous American Women” is one that will dismantle what is left of Native identity and further incorporate Natives into various rungs of the multi-national imperialist core. For Natives genuinely concerned over lost of land, self-determination and independent identity, the ‘feminism’ proposed by Mihesuah is rightly viewed with suspicion and scorn. Mihesuah ‘feminism’ further marginalizes Natives as a distinct people with a distinct collective claim on the future. Mihesuah’s post-modernism, identity politics and tacit promotion of academia generally will result in little tangible direct gains for Native people as a whole, but will further their dependence on and eventual disintegration into imperialism.¶ Falling more firmly in the camp of sovereignty and liberation are authors such as M. Annette Jaimes. In ‘American Indian Women: At the Center of Indigenous Resistance in Contemporary North America,’ (1992) she argues the main form of oppression Native women need to fight is colonization. ‘Feminism,’ according to Jaimes, is among many oppressor-born ideologies which weaken Native sovereignty. Quoting another Native woman, Janet McCloud, Jaimes asserts:¶ “Many of these ‘progressive’ non-Indian ideas like ‘class struggle’ would at present time divert us into participating as ‘equals’ in our own colonization. Or, like ‘women’s liberation,’ would divide us among ourselves in such a way as to leave us colonized in the name of ‘gender equality.’… So, let me toss out a different sort of ‘progression to all you marxists and socialists and feminists out there. You join us in liberating our land and lives. Lose the privilege you acquire at our expense by occupying our land.”

### 2AC FW

#### The impact is error replication that only our framework can solve

Zimmerman 6—PhD. Teaches at Holy University (Mary, Being Nature’s Mind: Indigenous Ways of Knowing and Planetary Consciousness, http://www.earthspirituality.org/archive/zimmerman\_seminar.htm)

Since 1999, I have participated in the Language of Spirituality dialogues between Native Americans, scientists, and linguists, which are held in Albuquerque, NM, every summer. During one such dialogue, a number of the Native American participants told long, winding stories, seemingly unconnected to the topic at hand. Finally, one of the Anglo physicists lost his composure and begin criticizing the proceedings: “Let’s get beyond just telling stories,” he said, “and get down to a real discussion. Let’s really get into it and sort out what is good and what is bad about Western science and Native science.” What he had heard so far had not qualified for him as a “real discussion.” The response, from the Native Americans present, was not the direct, confrontive type of argument that he was seeking, but instead, more stories, even more long and winding, which then elicited another outburst from the impatient physicist, who felt that his earlier plea had been ignored.¶ What was happening here? It was a failure of communication at the meta-level between people with different models of what constitutes proper social behavior and the correct way to get one’s opinion across. The physicist, in being direct, critical, and confrontive, was breaking every rule of Native American social interaction. The Native Americans could not directly tell him that without also breaking their rules. Their way to show him that he was in the wrong and had something to learn was through indirect stories which he was expected to be able to “hear” and apply to himself. Their response of more stories, which to them was a highly refined, polite, and indeed, ethical response to his social insult, seemed to him to be insulting.¶ At the beginning of every Language of Spirituality dialogue, the moderator, Leroy Littlebear, tells us that in dialogue, we should set aside our tacit infrastructures, our currently held beliefs about reality, in order to listen deeply for whatever words, ideas, feelings, or perceptions surface in us during the experience. However, as the above story illustrates, becoming aware of and setting aside one’s own tacit infrastructure is easier said than done. In my studies of Native American thought and my friendships with Native American elders, scholars, and students, I have begun to discover how deep the cultural divide is between the Western European approach to life and the Native American one. The differences include one’s earliest childhood experiences, how one’s identity is born and grows, how one structures the world through language, how one experiences one’s body, how one experiences connection to other people, creatures, and the land, and how one decides to take or refrain from action, among other things. These differences reside very deeply inside our lived experience, and are usually not accessible to consciousness without concerted introspective effort, helped along with jolts of cross-cultural miscommunication.¶ I am beginning this article with an emphasis on the differences between the two cultures, not because I think the chasm unbridgeable, but because I think it should not be bridged too easily or superficially. Carl Jung once warned that Western people who take up Eastern spiritual practices run the danger, first, of doing those practices inauthentically, since they are not beginning with an Eastern psychic structure, and secondly, of using those practices to avoid the real psychological work they, as people with Western psyches, need to do to ever become ready for higher spiritual practice (ctd. by Kelly). I believe that the same warning applies to modern urban people who take up Native American practices. I am glad that there is growing interest in Native American thought because I believe it is a deep and subtle source of wisdom which the planet needs; however, it will serve no one to have Westerners appropriate Native ceremonies or practices and act them out while staying completely within Western ontological assumptions and Western psychological experiences. A more radical deconstruction of the Western mind is required in order for Europeans to finally begin to see into another way of being and other ways of knowing.¶ In this article I will explore how deep tacit infrastructures get created, how cultures train children in perception, and how a culture’s ontology, ethics, and epistemology is self-perpetuating. I begin by looking at George Lakoff’s analysis of the differences between conservative and liberal worldviews for two reasons: first, his work gives a good illustration of what I call the epistemological circle, how childrearing both grows out of and perpetuates certain egoic structures and ways of knowing. Second, since both the conservative and liberal worldviews which Lakoff delineates still share some underlying Western assumptions about the nature of reality, his work also serves to show that there is a deeper difference than many Westerners realize between even a liberal, ecological Western perspective and indigenous ones. I will then look at three descriptions of Native American ways of knowing and how they are connected to ethics and practices of childrearing. My goal is to help readers from any culture begin to become aware of how deeply embedded our cultural modes of perceiving are and how different they may be from those of other cultures. This type of self-reflexive awareness is necessary for true dialogue and can also be facilitated by dialogue. Even more importantly, I believe it is now crucial for members of the dominant Western culture to begin to see how current global environmental, social, and political problems have sprung from the Western tendency to think in terms of discrete units and how we have largely lost the ability to see connected, interwoven patterns of motion.¶ Conservative and Liberal Views of the Family¶ I recently attended a lecture by George Lakoff in which he explained his analysis of the different underlying moral systems of the conservatives and the liberals in America (as written about in his book, Moral Politics). He stated that both groups envision the nation as a family: the conservatives hold a strict father model of the family, whereas the liberals hold a nurturing parent model of the family. As he discussed, the differences in these underlying metaphors go a long way to explaining how each side can believe so strongly in the morality of their position though holding such different views on specific issues. The conservatives, however, according to Lakoff, are much more aware of the consistency of their worldview and thus put it forth as a self-consistent morality, whereas the various liberals and progressives are not as self-aware and fail to emphasize the underlying moral reasons behind their positions on issues. Lakoff’s work is to help the political left join the dialogue at the meta-level, more aware of their own underlying assumptions and the moral power of their position.¶ I am excited about Lakoff’s work for two reasons: first of all, I tend to agree with the political left and would like to see them articulating their own worldview with more moral integrity; but more importantly, I think it is extremely important now that many groups and peoples of the world learn to dialogue together at a meta-level. We need to become more aware of the tacit infrastructures from within which we speak. We need to also become aware of how deeply those unconscious assumptions have shaped us and continue to shape our ability or lack of ability to see the “other” and to take in the world in a new way.¶ Tacit infrastructures get translated into parenting practices, which then structure the psyches of the children, resulting in adults who excel in certain ways of knowing but have disabilities or dampened sensitivities for other ways of knowing. I call this connection between a culture’s tacit infrastructure, their childrearing practices, and the resulting sensitivities (or lack of sensitivities) “the epistemological circle,” and envision it as follows, where each part of the circle supports the others:¶ Thus, a culture’s ontology, or belief about the nature of the world, leads to a certain ethics, part of which includes how children are treated. How a child is treated influences what kind of egoic structure is built in the child’s psyche, which in turn influences how the child takes in the world (the sensitivities or ways of knowing available to that child). How the world is or is not taken in, what is or is not noticed or apprehended, then supports the reigning set of beliefs about the nature of the world. In this way, a culture reinforces and perpetuates its own perceptions of the nature of reality, much of it at an unconscious level.¶ **<Cont>** ¶ Those caveats having been mentioned, I think, and many of my Native teachers and colleagues agree, that bridge-building and dialogue now needs to begin, if done in a genuine way, with a real appreciation on the part of the Europeans for the gulf which they need to travel within themselves in order to be ready, at last, to see and hear the subtle knowledge, wisdom, and awareness which is held and practiced by the peoples indigenous to this land. This bridge-building is now being called for by the planet itself. (I would suggest that anyone who thinks that they have individually chosen to pursue a knowledge of indigenous ways for their own personal fulfillment is still thinking in limited Western egoic terms.) I see the dialogue between Native Americans and Europeans as part of a planetary shift, a move towards greater human self-reflexive awareness as a species and possibly towards integration of the various modes of consciousness developed by different cultures into a synergy we cannot yet imagine.¶ I do believe that the ways of knowing described above are human potentials which are accessible for those of other cultures. The deep spiritual and psychological growth work that has been done by many in the Western culture over the past few decades is the kind of reparenting which can restructure the psyche enough to allow for other ways of knowing to become possible. In fact, I see the whole cultural phenomenon of therapy as a planetary occurance, a human expression of our hunger for connection with the real, the kind of connection which we need in order to come back into balance with other planetary systems. It might make therapy more powerful to begin to see it in such an eco-centric rather than ego-centric light, as cosmological therapy. If our own healing and inner reconnection is understood as a planetary activity--one might even call it the self-healing of the planet--then we are already making the Gestalt shift to understanding the individual in a more connected way and to creating ceremonies of healing that would be helpful in reconnecting modern urban people to each other and the greater earth community.¶ Such cosmological therapy is not just about our own human needs, however; I believe it truly is called forth by a planet which is out of balance and which needs the recovered sensitivities of open, trusting humans in order to move forward. In particular, I think that the dominant Western culture needs to realize that the problems which have occurred under its sway will not easily be solved using our normal objective, analytical habits of thought. As Einstein said, you cannot solve a problem with the same mind which created it. Complexity theorists from both the scientific and sociological perspectives have pointed out that many Western attempts to solve complex problems, such as plans for managing ecosystems or well-intentioned development projects which try to bring more food or clean water to needy areas, create new problems because the designers of the projects do not have the ability to see all the factors involved or the system of interconnectedness (see Homeland Earth, by Edgar Morin, and the last chapters of How the Leopard Changed Its Spots, by Brian Goodwin). As Brian Swimme teaches, before taking more action, we need to become aware of how our minds have been shaped, by both evolution and culture, or the action we take will simply perpetuate the current state of affairs.¶ For those from the Western culture, this may mean questioning our assumption that management and control are what is needed as well as beginning the deconstructive and reconstructive psychological work necessary to open up to Gestaltic and relational ways of knowing. It may mean having the humility to realize that that there are other ways of knowing just as, and in many ways, more valid than Western science. Vine Deloria, Jr., reports that in 1919, a missionary interested in how the Sioux elders would respond to scientific ideas recorded that “the Western Sioux believed that each being, a rock for instance, is an actual community of persons with ample locomotion among themselves” (Deloria, Jr., 42). Furthermore, this idea was based on “the belief that not a few of their people actually had the ability to see into and through a rock, discerning its make-up, similarly as we look into a community or grove of trees” (42). The elders found that the ideas of physics and chemistry matched their view of things and they were open to the European’s talk of progress, yet they pronounced the scientific view inadequate: “Not bad or untrue, but inadequate to explain, among many other things, how man is to find and know a road along which he wishes and chooses to make this said progress unless the Great Spirit Manitoo by his spirit guides the mind of man, keeping human beings just and generous and hospitable” (43). This split between science and ethics, which the Sioux elders immediately grasped, has been disastrous to the Western world. As complexity theorist Edgar Morin emphasizes, knowledge is always circular; we now need the humility to see that our science is never in reality split off from values, and that our supposed objectivity is a way of seeing which colors what we see. From complexity theory, cognitive science, and postmodern thought, we are getting the message that mind and world are embedded and that we are in a participatory universe where how we know is just as important as what we know. Maybe those in the dominant culture can now begin to recognize the true subtlety of the indigenous awareness of how important the human role is in sustaining the harmony of the cosmos.¶ We live in an exciting time, where the interaction between different cultures has the potential to bring all of us into more consciousness about how we both structure and take in reality. We also live in a perilous time, a time which needs this new level of cultural self-awareness in order to survive. Thus the dialogue between cultures is crucial and it is especially important that the dominant culture begin to listen more humbly and respectfully to those cultures which still embody the relational ways of knowing which have atrophied in the West.

#### Resolved is to reduce by mental analysis - Random House 11

(http://dictionary.reference.com/browse/resolve)

#### \*\*\*Before the colon

Webster’s Guide to Grammar and Writing – 2k <http://ccc.commnet.edu/grammar/marks/colon.htm>

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on… If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

#### Should indicates desirability - OED 11

(http://oxforddictionaries.com/definition/should?region=us)

#### Topical version of the aff is monocultural absorption that can’t solve our offense

Hammersmith 7—PhD in Education from U South Africa (Jerome, CONVERGING INDIGENOUS AND WESTERN KNOWLEDGE SYSTEMS: IMPLICATIONS FOR TERTIARY EDUCATION, http://iportal.usask.ca/docs/Hammersmith/Hammersmith.pdf)

In this study Indigenous knowledge is treated as an integral aspect of the ontological theory held by Indigenous people. Knowing is relational and participatory. Through participation, Indigenous students come to understand knowledge as a means of strengthening ecological balance. Indigenous knowledge is gained from a way of living and being in the world; learning is understood as participation, and it is in this forum that human beings influence the manifestation of the physical reality. Indigenous epistemology is explored through engaging and participating in a process that is a reflection of Indigenous ways of building knowledge (Ermine 1995: 104-106). Recurring negative feedback in the relationships with the external knowledge systems brought to bear on Indigenous Nations and peoples, (relationships which have not always effectively addressed many of their special needs, languages, learning styles and cultures), have resulted in extensive marginalization of their knowledge systems. This has, in turn, contributed to the marginalization of cultural integrity. Some examples of this marginalization are identified in chapter three.¶ 1.5 COMPLIMENTARY DIVERSITY AND CREATIVE INTERCONNECTIVITY The study, using the Cree as an example, as in M. Battiste and J. Barman (1995: vii-xx), R. Barnhardt and O. Kawagley (1999: 1-13), W. Ermine (2004: 1-5), C. Odora-Hoppers (2002: iii-285), H.K. Trask (1999: 1-255), L. Tuhiwai Smith (1999: 1-208) and others argues that there is a need for enhancing efforts at identifying and fostering a functional complimentarity leading to creative interconnectivity - between the Indigenous knowledge systems rooted in the Indigenous First Nations and Metis cultures that inhabit Saskatchewan – and the modern versions of formal Western knowledge systems originally intended to serve the educational needs of all Saskatchewan communities. While these complex knowledge systems are functionally interdependent, they are currently often largely disconnected. In considering the cross-cultural knowledge systems in Saskatchewan, this study reviews observations made by the Federation of Saskatchewan Indians (FSI), the National Indian Brotherhood (NIB), the Assembly of First Nations (AFN), Indian and Northern Affairs Canada (INAC), R. Devrome (1991: 1- 165), C. Odora-Hoppers (2002: iii-285), M. Battiste & J. Barman (1995: v-328), W. Ermine (2004: 1-5) and others. It points out that attempts at ‘bridging’ between cultures often suffered, and continues to suffer, from a colonial ‘one-way bridge’ perception that assumes that change is required only in respect of Indigenous people. In Chapter two, the study refers to G. Esteva and M. Suri Prakash (1998: v-147) who describe multicultural education as an oxymoron. Often when attempting to include Indigenous content within Western knowledge systems curricula in Canada, educators have ignored the fact that such content is only meaningful within an Indigenous context and process (V. Deloria and D.R. Wildcat 2001: 79-84). ¶ The fact that in Saskatchewan and in the rest of Canada the natural and social sciences, the humanities and fine arts have all been presented and evaluated primarily from Western perspectives, content, context and process is identified in this study as a shortcoming. It limits the education provided to First Nations and Métis in Saskatchewan by restricting its holistic quality. This has been true from elementary through tertiary levels in Saskatchewan and Canadian educational institutions. Despite differences in degree and intensity, it remains true whether Federal, Provincial, First Nations' or Metis’ governance exercise educational jurisdiction. Similar to the observations made by OdoraHoppers (2002: vii-22) with respect to Indigenous education in Africa, education for all Indigenous Nations and people has not been attained. In fact, education for all has collapsed into ‘schooling for all’ – ‘the blind leading the blind for several decades!’ (Odora-Hoppers 2002: vii-22). As Odora-Hoppers observes with reference to Africa, this study, in referring to Saskatchewan and Canada, asserts that Indigenous Knowledge Systems (IKS) represent a national heritage and a national resource. Odora-Hoppers also states (2002: 2-4) that its subjugation and its continuing marginalization challenge us both individually and collectively at moral, ethical, pragmatical and philosophical levels. She continues (2002: 4-8) that at institutional levels, practises, philosophies and methodologies are still non-inclusive and embarrassingly Western-focused and Eurocentric. She argues (2002: 8-20) that these impact on the definition of what constitutes appropriate knowledge and especially what constitutes science. This study agrees with Odora-Hoppers, that in Saskatchewan and Canada, as in Africa and other Indigenous settings globally, IKS impels within us the need to undertake systematic reviews and the transformation of curricula in a manner that can bring to bear fulfillment of the core values embedded in the Canadian Constitution. The study also argues that adding Indigenous content to the Western contexts and processes, while continuing to ignore the need for Indigenous context and processes, cannot constitute innovative improvement. Consistent with the observations of Odora-Hoppers in Africa, IKS carries with it an indictment and a call to action to confront attitudes, choices, preferences and nomenclature in everything that Indigenous persons do as they strive to maintain indigeneity in a world in which there should be room around the banquet table for all (Odora-Hoppers 2002: 11-12).¶ In his paper, ‘Ethical Space – Transforming Relations,’ Ermine (2004: 3-4) observes that the ‘ethical space’ or the place of convergence of two societies with two worldviews can represent a location from which a meaningful dialogue can take place. This dialogue between communities can move them towards the negotiation of a new research order. Such an order can ethically engage different knowledge systems. (Ermine 2004: 2). Socio-economic indicators identifying serious shortcomings in Indigenous educational results constitute a credible cry for forging an enhanced, innovative process for Indigenous tertiary education in Saskatchewan.¶ <Cont>¶ Ermine’s paper points out that Poole (1972: 3-7) earlier suggested the idea of ‘ethical space’ in seeing that an ‘ethical space’ is formed when two different kinds of space created by different worldviews intersect each other. Ermine’s paper conceives this intersection taking shape when the Western world meets the Indigenous mind. He finds this intersection, where the two worlds meet, an interesting and significant location for theorizing appropriate research and development solutions. He says that the confluence of Indigenous and Western worlds and the encounter between two worldviews can theoretically represent a space of flux where nothing is yet formed or understood. Ermine’s paper continues that in abstract terms, the encounter of cultures at a space where no definitive rules exist to guide an interaction can appropriately represent an opportunity for understanding and the place for negotiation of intercultural activity. He points out that this will entail the examination of structures and systems in attempts to remove all vestiges of colonial and imperial forms of knowledge production in any research and development that contemplates crossing cultural borders. He concludes that the ‘ethical space’ or place of convergence of two societies with two worldviews can also represent a location from which meaningful dialogue between communities can take place, enabling a new research and development order that ethically engages different knowledge systems. He observes that these are knowledge systems embedded in communities characterised by distinct and different political, historical, linguistic, cultural, social and economic realities (Ermine 2004: 2).¶ According to Ermine, this space exists where there is refuge from the undercurrents that divide nations. For Indigenous peoples, the heart of destructive undercurrents exists in recurring viewpoints that portray only the Western narrative as the model of society. He refers to the story of the west as an embedded consciousness that transcends generations and institutions. (Ermine 2004: 2-3)¶ Western knowledge has constructed its own Indigenous Nations’ image and through Western society and its schools, that has influenced the self-image of younger Indigenous citizens, Ermine says. Western knowledge’s story of the Canadian West is what Saskatchewan Indigenous children are getting. The danger is that there is a mono-cultural point of view about how humans are supposed to be, and this does not create an optimal condition, he says. This is not God-given but indoctrinated into people. They were not born with unethical behaviour; the system constructed it (Ermine 2004: 3).¶ Ermine’s paper says that although there have been many good attempts by sincere people trying to build bridges, these undercurrents are powerful and keep washing away good intentions. He continues that when we have had breaches and ruptures in the past, it is because we have failed to look at the area in between our two worlds. It is in this ‘ethical space’ that we can understand one another's knowledge systems (Ermine 2004: 3).¶ Ermine (2004: 4) refers to the grand institution of Western learning as a place where students become entrapped in one worldview. He says that the West needs to detach from this worldview to see what it is doing by presenting a mono-cultural monopoly. ¶ He presents the Western and Indigenous knowledge systems as alternate forces such as natural versus artificial contexts, oral tradition versus written tradition, holistic versus a physical worldview and asks us to imagine the possibilities if society could learn from both (Ermine 2004: 3-4). ¶ Earlier, Ermine (2004: 1) had also identified a persistent form of divergence, an alienating tension, at times bordering on animosity, that tarnishes and hangs like a dark cloud over the precarious relationship between Indigenous Peoples and the Western world.¶ He states that misunderstanding and division had its genesis long ago and that ensuing relations has not alleviated the condition to any perceptible degree of comfort on either side (Ermine 2004: 4).¶ Ermine sees the schism as ‘continually reminding us of the anguished legacy of the Indigenous/West confluence festering in a convoluted entanglement between the two worlds.’ This is characterised by failure to arrive at a mutual and amiable meeting of minds (Ermine 2004: 4).¶ Ermine’s paper observes that this misunderstanding has very often resulted in violence and the urge to dominate or change the others’ existence to a more discernable form, more easily predictable, or fitted into modes of thought more familiar, more palatable. This is a global phenomenon, wherever worldviews/cultures have collided. The cultural tensions looming over the Indigenous/West relations, in their historical dimension, are particularly magnified on the contested ground of knowledge production and validation, in particular in its flagship enterprise of research (Ermine 2004: 4).¶ Again using Roger Poole (1972: 140-152) as a major reference, Ermine states that his own intent for ‘ethical space’ is to describe a space between the Indigenous and Western worlds; the separation betwixt cultures and worldviews. The space opens up by creating contrast, by purposefully dislocating and isolating two disparate knowledge systems and cultures as represented by the Indigenous and Western worlds. In turn, the space unifies the schism of understanding that contributes to the tension riddled enterprise of cross cultural research, development and other forms of interaction involving the two entities. Misunderstanding occurs because the encounter of two solitudes features disparate worldviews each formed and guided by distinct histories, languages, knowledge traditions, cultures, values, interests, and social, economic, and political realities. These differences are under the radar of most cross-cultural interaction Ermine 2004: 3). ¶ 1.8.2 Complementary diversity¶ The researcher’s initial interest was encouraged and his motivation for this study enhanced by work done by Godfrey and Monica Wilson (1945: 100-101), who, from observations on social change in Central Africa, pointed out that: social activities involve both broad uniformities and detailed diversities of culture. Neither uniformity nor diversity itself can provide any positive inducement to human beings to enter into or remain in relations with one another. It is complementary diversities of culture within broad uniformities that alone can give rise to social activities . . .¶ They further point out (1945: 100-101) that complementary diversity is the positive content of relations – people trade neither when their products are identical nor when the things they value are totally different, but when their products are different, yet valued by both. So also in the intellectual and emotional aspects it is the difference within a wider uniformity which makes men communicate with one another. A high degree of specialisation and variety is thus the basis for a large number of relations, i.e., for largeness of scale. ¶ Recognising that though diminished discredited and often, if taken seriously at all by Academia, selected portions of Indigenous knowledge systems are seen by this study as simply co-opted and modified to suit the goals of the Academy. However, among the Elders in many Indigenous communities, much Indigenous knowledge, ways of knowing and worldview remains intact and in practise. The study argues that there is a growing need to appreciate the contributions that Indigenous knowledge can make to contemporary understanding in areas such as environmental enhancement, resource and wildlife management, meteorology, biology and medicine, as well as in basic human behaviour and educational practises.¶ Wangoola (2000: 273), in describing the African multiversity, says that it differs from a university insofar as it recognises that the existence of alternative knowledges is important to human knowledge as a whole. Yet another important reason identified for establishing an African Multiversity, is that the problems facing humankind today cannot be resolved by either modern scientific knowledge alone, or by Indigenous knowledge alone. More durable solutions will be found in a new synergy between Indigenous knowledges and modern scientific knowledge. The need for a new synergy between these two is highlighted by the current acceptance that the problems we face today are such that none of the public sector (government), the private sector (business), and civil society alone has comprehensive and durable solutions. It is through imaginative collaboration among these three sectors that societies will be able to conceptualize and organize sustainable solutions.

#### Definitions = violence

Mignolo 6—Chaired Professor and Director, Center for Global Studies and the Humanities, at Duke University (Walter, Citizenship, Knowledge, and the Limits of Humanity, American Literary History 18.2, 312-331)

note - The expression "pensée unique" (French for "single thought") describes the claimed supremacy of neoliberalism as an ideology-thanks wiki!

When the idea of "citizenship" came into view—and was linked to the materialization and formation of the nation-state in secular north Europe—it enforced the formation of communities of birth instead of communities of faith. But at that time, the imperial and colonial differences were already in place, and both were recast in the new face of Western empires. The figure of the "citizen" presupposed an idea of the "human" that had already been formed during the Renaissance and was one of the constitutive elements of the colonial matrix of power. Henceforth, there was a close link between the concept of Man (standing for Human Being) and the idea of "humanities" as the major branch of higher learning both in European universities and in their branches in the colonies (the universities of Mexico and Peru were founded in the 1550s, Harvard in 1636).1 If man stood for human being (at the expense of women, non-Christians, people of color, and homosexuals), the humanities as high branch of learning was modeled on the concept and assumptions of the humanity which, at its turn, was modeled on the example of man. My goal in this article is, therefore, to explore the hidden connections between the figure of the citizen, the coloniality of being, and the coloniality of knowledge. I will describe the veiled connections as the logic of coloniality, and the surface that covers it I will describe as the rhetoric of modernity. The rhetoric of modernity is that of salvation, whereas the logic of coloniality is a logic of imperial oppression. They go hand in hand, and you cannot have modernity without coloniality; the unfinished project of modernity carries over its shoulders the unfinished project of coloniality. I will conclude by suggesting the need to decolonize "knowledge" and "being" and advocating that the (decolonial) "humanities" shall have a fundamental role to play in this process. Truly, "global citizenship" implies overcoming the imperial and colonial differences that have mapped and continue to map global racism and global patriarchy. Changing the law and public policies won't be of much help in this process. What is needed is that those who change the law and public policy [change] themselves. [End Page 312] The problem is how that may take place if we would like to avoid the missionary zeal for conversion; the liberal and neoliberal belief in the triumphal march of Western civilization and of market democracy; and the moral imperatives and forced behavior imposed by socialism. As I do not believe in a new abstract universal that will be good for the entire world, the question is how people can change their belief that the world today is like it is and that it will be only through the "honest" projects of Christians, liberals, and Marxist-socialists that the world could be better for all, and citizenship will be a benediction for all.¶ The changes I am thinking about are radical transformations in the naturalized assumptions of the world order. The naturalized assumptions I am thinking about are imperial–colonial, and they have shaped the world in which we live in the past five hundred years when Christianity and capitalism came together and created the conditions for the self-fashioned narrative of "modernity." Hence, the transformations I am thinking about require an epistemic decolonial shift. Not a "new," a "post," or a "neo," which are all changes within the same modern colonial epistemology, but a decolonial (and not either a "deconstruction"), which means a delinking from the rules of the game (e.g., the decolonization of the mind, in Ngugi Wa Th'iongo's vocabulary) in which deconstruction itself and all the "posts-" for sure are caught. Delinking doesn't mean to be "outside" of either modernity or Christian, Liberal, Capitalist, and Marxist hegemony but to disengage from the naturalized assumptions that make of these four macronarratives "une pensee unique," to use Ignacio Ramonet's expression.2 The decolonial shift begins by unveiling the imperial presuppositions that maintain a universal idea of humanity and of human being that serves as a model and point of arrival and by constantly underscoring the fact that oppressed and racialized subjects do not care and are not fighting for "human rights" (based on an imperial idea of humanity) but to regain the "human dignity" (based on a decolonial idea of humanity) that has and continues to be taken away from them by the imperial rhetoric of modernity (e.g., white, Eurocentered, heterosexual, and Christian/secular). The conditions for citizenship are still tied to a racialized hierarchy of human beings that depends on universal categories of thought created and enacted from the identitarian perspectives of European Christianity and by white males. In the Afro-Caribbean intellectual tradition—from C. L. R. James to Frantz Fanon, Sylvia Wynter, and Lewis Gordon—the very concepts of the human and humanity are constantly under fire.3 Would indeed a black person agree with the idea that what "we" all have in common is our "humanity" and that we are "all equal" in being "different"? I would suspect that the formula would rather be of the type advanced by the [End Page 313] Zapatistas: "[B]ecause we are all equal we have the right to be different."4 The universal idea of humanity, believe me, is not the same from the perspective of black history, Indian memories, or the memories of the population of Central Asia.¶ The humanities, as a branch of knowledge in the history of the university since the European Renaissance, have always been complicitous with imperial–colonial designs celebrating a universal idea of the human model. The moment has arrived to put the humanities at the service of decolonial projects in their ethical, political, and epistemic dimensions; to recast the reinscription of human dignity as a decolonial project in the hands of the damnes rather than given to them through managerial designs of NGOs and Human Rights Watch that seldom if ever are led by actors whose human dignity is at stake. Decolonial projects imply downsizing human rights to its real dimension: an ethical imperative internal to imperial abuses but not really a project that empowers racialized subjects and helps them to regain the human dignity that racism and imperial projects (from the right, the left, and the center) took away from them.

#### If we win the case, then our framework holds the best chance for solving environmental destruction and is key to policy-making ---attempting to abstract debate’s skill-set from the issues the 1ac has outlined relies on an extreme form of rationalism that makes extinction inevitable

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The Titanic is a story of technological hubris and decision-making disaster in the face of risk which surely derives some of its continuing fascination for us in the parallel it presents to our contemporary ecological situation. In the ecological parallel to the Titanic story, we have reached the stage in the narrative where we have received the iceberg warning, and have made the remarkable decision to double the engine speed to Full Speed Ahead and go below to get a good night’s rest. A change of course might be bad for business, we might have to slow down, lose time. Nothing, not even the ultimate risk of the death of nature, can be allowed to hold back the triumphant progress of the ship of rational fools.¶ But then not much about our behaviour in relation to the ecological crisis has been rational, if we are careful and critical about the meaning of that term. The failure of dominant national and international political institutions to meet the situation of ecological crisis could not be more clear, a course likely to ensure our demise even if the world were not overhung by the shadow of continuing warfare. The often-invoked term ‘sustainability’ tends to obscure the seriousness of the situation; clearly no culture which sets in motion massive processes of biospheric degradation which it has normalised, and which it cannot respond to or correct can hope to survive for very long. We hear of the failure and permanent endangerment of many of the world’s oldest and greatest ﬁsheries, the continuing destruction of its tropical forests and the loss of much of its agricultural land and up to half its species within the next thirty years. Although the long-term portent of such processes potentially disruptive to survival as deforestation, global warming and ocean degradation, is not yet fully grasped, and devastating forms of positive-feedback are a real possibility, a low priority is being accorded the attempt to deal with them. This is not a rational course, and if we are told it is, we need to look more carefully at what is meant by ‘rational’.¶ It is a common observation that the necessary social change which might begin to reduce this impact and begin the construction of a society capable of surviving has not been occurring. We are mostly going backwards in the key area of containing energy consumption, and are facing growing pollution of land, air and water, growing problems of the destruction of the forests, the ozone layer, global warming, acid rain, the disposal of toxic wastes, as well as the multiple crises of rationalist agriculture. Our failure to situate dominant forms of human society ecologically is matched by our failure to situate non-humans ethically, as the plight of non-human species continues to worsen. Rationalised intensive agriculture not only inﬂicts intolerable living conditions on animals, but increasingly requires massive slaughtering events to stem the disease outbreaks its conditions foster. On the wild side too, primate researchers speak of an ‘animal holocaust’: we hear of the massive displacement of orang-utans, the slaughter of African gorillas, ivory is once again on the world trade menu, and there is a movement to resume the full-scale slaughter of whales. If even the largest and most closely related animal species are not spared extinction in the wild, what ultimate hope is there for the rest of nature?¶ All metaphors have their limitations, but those limitations can often tell us something. The Titanic myth is liberal-democratic, maintaining a story of equality of consequences, of elite heroism and self-sacriﬁce, of millionaires and other men standing back while women and children were saved. But in the real ecological world on which we are passengers, unlike the Titanic, the millionaires don’t go down with the ship, and it’s certainly not women and children ﬁrst. So to understand fully the irrationality of the kind of decision-making that guides our collective course, we must look carefully at where the decisions come from and at the class composition of the passenger lists, at who will perish and who will thrive, and at who is in a position to make good decisions. Above all we need to look self-critically at why bad decisions are made, and under what dominant illusions. Such a scrutiny of the structure of current decision-making in relation to the global ecological crisis is far from reassuring.¶ If, as I argue in Chapters 1 and 2, a hubristic and sado-dispassionate form of economic and scientiﬁc reason is in charge that is exclusionary in focus and acts for a narrow range of interests, our ship has set a bad course, and we need to change our concepts and strategies of rationality. If, as I argue in Chapters 3 and 4, the major decision roles in most polities go to those groups who proﬁt most from the destructive processes that are threatening the biosphere, and who are least likely to be aware of and motivated to take corrective action to halt them, the conclusion must be that we have so far failed to ﬁnd a good captain – to devise ecologically rational forms of polity that are adequate to respond to the crisis and guide us safely home. And if, as I argue in Chapters 5 and 6, rational hubris is part of culture-wide blindspots associated with anthropocentrism that foster illusions of invincibility and hide our real danger, we should become sufﬁciently sceptical about the dominant directions of travel to oust the mad captain, get out the maps and begin to chart a new course. In doing the latter, we may be helped by some experienced counter-hegemonic piloting, which is the subject of Chapters 7–10, exploring some aspects of a partnership model for healing the dysfunctional ecological and ethical relationships we have created with nature.¶ Environmental culture and the crisis of reason The deterioration of the global ecological context of human life demands from our species a clear and adequate response, but we are seemingly immobilised, even though it is clear that at the technological level we already have the means to accomplish the changes needed to live sustainably on and with the earth. So the problem is not primarily about more knowledge or technology; it is about developing an environmental culture that values and fully acknowledges the non-human sphere and our dependency on it, and is able to make good decisions about how we live and impact on the non-human world. For the dominant global cultures of the west, the response to the crisis must either be about democratic cultural change of this kind or it must be about top-down solutions imposed on a supposedly recalcitrant citizenry, as in the extreme example of the EcoRepublic I discuss in Chapter 3.¶ I use the term ‘cultural’ here in several ways; ﬁrst to recognise some multiplicity in standpoints, situations and responses, and second, to mark a contrast with the fantasies of top-down strategies for ecological survival that seem to tempt many scientists and even some citizen environment groups. Since, as I argue in Chapter 3, such eco-authoritarian strategies are doomed over the longer term, (genuinely) democratic cultural change strategies are our best hope. The focus on culture marks a contrast with the kind of reverse ecological analysis, often originating in reductionist population biology, that reads the reductionism it adopts towards nonhuman species back into the human context and discounts the vital role of cultural difference, and by implication, projects of cultural and social change that can help us acknowledge our ecological embeddedness. It also marks a contrast with economic reductionist or determinist ways of addressing ecological issues, common both to Marxism and neo-liberalism, that focus on explanatory and change strategies exclusively or excessively in the economic ﬁeld. The distortions that have produced the crisis appear across a wide range of areas in the dominant culture and require correspondingly broad projects of change. I use the term ‘culture’ as a way to focus on how deep, wide and multi-levelled the cultural challenge must be to the systems that relate us both materially and in terms of attitude and ideology to the ecological world we all-too-unwittingly inhabit. In its fullest meaning, developing environmental culture involves a systematic resolution of the nature/culture and reason/nature dualisms that split mind from body, reason from emotion, across their many domains of cultural inﬂuence.¶ The ecological crisis requires from us a new kind of culture because a major factor in its development has been the rationalist culture and the associated human/nature dualism characteristic of the west. Human/nature dualism, as I argued in Feminism and the Mastery of Nature, is a system of ideas that takes a radically separated reason to be the essential characteristic of humans and situates human life outside and above an inferiorised and manipulable nature. Rationalism and human/nature dualism are linked through the narrative which maps the supremacy of reason onto human supremacy via the identiﬁcation of humanity with active mind and reason and of non-humans with passive, tradeable bodies. We should not mistake rationalism for reason – rather it is a cult of reason that elevates to extreme supremacy a particular narrow form of reason and correspondingly devalues the contrasted and reduced sphere of nature and embodiment. Feminist thinker Elizabeth Gross puts her ﬁnger on the basic denial mechanism involved in the irrationality of rationalist forms of reason when she writes that the crisis of reason ‘is a consequence of the historical privileging of the purely conceptual or mental over the corporeal; that is, it is a consequence of the inability of western knowledges to conceive their own processes of (material) production, processes that simultaneously rely on and disavow the role of the body’. 1 The ecological crisis can be thought of as involving a centric and self-enclosed form of reason that simultaneously relies on and disavows its material base, as ‘externality’, and a similar failure of the rationalised world it has made to acknowledge and to adapt itself adequately to its larger ‘body’, the material and ecological support base it draws on in the long-denied counter-sphere of ‘nature’.¶ Rationalism and human/nature dualism have helped create ideals of culture and human identity that promote human distance from, control of and ruthlessness towards the sphere of nature as the Other, while minimising non-human claims to the earth and to elements of mind, reason and ethical consideration. Its monological logic leads to denials of dependency on the Other in the name of an hyperbolised autonomy, and to relationships that cannot be sustained in real world contexts of radical dependency on the Other. That the Other is an independent being on whom one is dependent is the child’s ﬁrst and hardest lesson, even before the lesson that the nurturing Other must in turn be nurtured. It is a lesson that some children never properly learn, and neither do some cultures of denial. ¶ Rationalist culture has distorted many spheres of human life; its remaking is a major but essential cultural enterprise. The old reason-centred culture of the west which has allowed the ecological crisis to deepen to the current dangerous point may at one time have facilitated the dominant culture’s comparative advantage over and conquest of other more modest and ecologically-adapted cultures on this planet. This is speculation, but what is not speculation is that in an era when we are reaching the biophysical limits of the planet, this reason-centred culture has become a liability to survival. Its ‘success-making’ characteristics, including its ruthlessness in dealing with the sphere it counts as ‘nature’, have allowed it to dominate both non-human nature and other peoples and cultures. But these characteristics, and the resulting successes in commodifying the world (or producing ‘cargo’), are only too clearly related to our longer-term ecological and ethical failures. We must change this culture or face extinction. ¶ The ecological crisis we face then is both a crisis of the dominant culture and a crisis of reason, or rather, a crisis of the culture of reason or of what the dominant global culture has made of reason. Some might be tempted to suggest that reason is an experiment on the part of evolution, and that its hubris and inability to acknowledge its own dependency on the ecological order show that reason itself is ultimately a hazard to survival. But we would not need to deliver the sweeping and pessimistic judgement that reason itself is dysfunctional if we recognised reason as plural, and understood its political character as part of its social context. It is not reason itself that is the problem, I believe, but rather arrogant and insensitive forms of it that have evolved in the framework of rationalism and its dominant narrative of reason’s mastery of the opposing sphere of nature and disengagement from nature’s contaminating elements of emotion, attachment and embodiment. Increasingly these forms of reason treat the material and ecological world as dispensable. The revision of our concepts of rationality to make them more ecologically aware and accountable is one of the main themes of this book. Reason has been made a vehicle for domination and death; it can and must become a vehicle for liberation and life.¶ Culture versus techno-optimism: reason to the rescue? The role of the dominant narrative of reason in framing the crisis is rarely able to emerge clearly because it is so pervasive, as much taken for granted as part of the framework of our thought as the air we breathe. Familiar explanations of ecological failure are themselves framed in terms of that same cultural narrative, whose culmination we see in the global economic regimes that threaten the biosphere. Thus current environmental thinking tends to gives us a choice of naturalistic versus rationalistic explanations and nostrums. According to the naturalistic version of the dominant narrative, the blame for our plight should be allocated in the usual place, to the symbolically-female, nature side of the hyperseparated and warring pair, reason versus nature. It is fundamentally nature, perhaps as our ‘natural’ human selﬁshness or greed, or as our animality and blind instinct to breed, 2 which has led us astray ecologically. And it is reason intensiﬁed that will be our hero and saviour, in the form of more science, new technology, a still more unconstrained market, rational restraints on numbers and consumption, or all of these together. But while we remain trapped within this dominant narrative of heroic reason mastering blind nature there is little hope for us. For the narrative itself and its leading characters are a key part of the problem, leading us to reproduce continually the same elements of failure – including the arrogance and ecological blindness of the dominant culture – even while we seek desperately for solutions within it.¶ Reason in the form of scientiﬁc or technical ﬁx 3 also plays the hero in some alternative rationalistic and techno-optimist scenarios. Science will save us, provided we do not lose our nerve or our faith in techno-reason and our will to continue along our current path, however precarious it may seem. This is the scientiﬁc equivalent of saying that all will be well if the edicts of the market are applied with even more severity. It is less than rational because it does not take due account of the possibility of being wrong, as any fully rational position must. In another variation, it is reason in the form of the market economy and technology that will solve the problem itself, perhaps by new discoveries, perhaps by bringing about ‘natural capitalism’, which is set to save the day through voluntarily ‘dematerialising the economy’ and producing wonders of technological innovation such as the hypercar. 4 The idea of a more energy efﬁcient economy creating more employment with less materials is highly relevant to any improvement, and to ending overconsumption. But only a certain range of problems are touched by this ‘dematerialisation’ solution. ¶ The term ‘natural’ in ‘natural capitalism’ is meant to indicate both the movement of capitalism to less wasteful technology and its moving in that direction ‘naturally’, without political effort, which is carefully discounted by proponents of Natural Capitalism. But does it seem likely that global capitalism will take such a direction of its own volition when to date its unhampered movement has taken it in precisely the opposite direction, to shedding labour at the expense of increasing materials and energy throughput? The social forces that could or would make ‘natural capitalism’ take a benign direction of this kind when it is basically unaccountable remain unexplained; ‘natural capitalism’ is a deus ex machina. Increasing corporate embeddedness and responsibility is certainly not the way the rationality of capitalism is going; to assume that it is, that no political and democratic effort will be required to move it in a different direction, is either politically naive or culpably misleading. To the extent that he is ‘rational’, the corporate hero of the disembedded market locates his operation on a barge in cyberspace, searching for sufﬁciently ruthless or desperate localities that will minimise his costs, including allegiance, responsibilities, materials and wages. A prioritised and increasingly disembedded global market is rapidly stripping away any social or ecological embeddedness that has been achieved through centuries of democratic struggle in the national economies, using the relentless engine of global competition. To the extent that it negates the need for systematic action or deeper rethinking, relying on ‘natural’ capitalism to arrive and save us simply delays addressing the basic problems, which are not primarily technological but social, political and cultural-symbolic.¶ Capitalism is going green ‘naturally’, Lovins et al. suggest, because greater efﬁciency in materials and energy is in its own interests. But capitalism must surely be divided on this score, since such a reduction is not in the interests of materials and energy producers, a big proportion of the corporate cast and some of the most powerful. In Natural Capitalism, efﬁciency in energy and materials is presented as the whole answer when in fact it is only a portion of the answer. If we used a fraction of the resources we currently use to build hyper-efﬁcient solar-powered trawlers or bulldozers that continue to strip what is left in the oceans and forests, the biosphere could still be seriously damaged. More materials-efﬁcient technologies can be used to destroy nature more efﬁciently, especially where there is no deeper recognition of limits or of our dependency on healthy ecological systems. It can meet human needs with less, it is true, but it is not human need the rationalist economy deals with but effective market demand, which can always be increased. Greater materials efﬁ- ciency, as a technical ﬁx, can stretch ecological limits, but it is not a substitute for the cultural process of recognising those limits, nor will it necessarily contribute to that process. ‘Natural capitalism’ will deliver some useful innovations, but what ratiogenic monsters, Frankenstein species and other negative innovations will also be created through the system’s relentless drive to substitute speed and spatial expansion for reproduction time (as Teresa Brennan has so brilliantly explained), 5 and to replace naturally occurring entities by rationally engineered substitutes that are designed as market ‘equivalents’ but that have non-equivalent ecologically disruptive properties that do not register in the economic system?¶ In an alternative version of the techno-optimist fantasy more favourable to state intervention, it is administrative reason that will rescue us. A benign covey of neutral policy makers and economic experts will manipulate ‘economic instruments’ in the interests of our long-term survival, easing capitalism gently into a dematerialisation act through regulations and ‘best practice’ standards, while a passive, consenting citizenry waits patiently for this rational economic nobility to save the day. 6 Poll results showing strong and continuing public concern about the environment are cited to allay any fears about the potentially undemocratic character of this kind of solution. The same elite culture and developmentalist rationality that led us into the mess, it is assumed, will lead us right out again, without the need for any other substantial change. As in the imaginatively limited kind of science ﬁction that depicts a depressingly familiar range of social relationships in highly unfamiliar planetary settings, nothing outside technology itself is really envisaged as changing. The assumption that the political will can come out of nowhere to establish ecologically benign technology regimes by administrative ﬁat fails to consider that technology in the context of its larger culture, or to ask the key question: in what political and social circumstances could such solutions be stable and effective? 7¶ Technoﬁx solutions make no attempt to rethink human culture, dominant lifestyles and demands on nature, indeed they tend to assume that these are unchangeable. They aim rather to meet these demands more efﬁciently through smarter technology, deliberately bracketing political and cultural reﬂection and admissions of failure 8 . But we did not just stumble by some freak technological accident into the ecological mess we have made, and it will take more than a few bright boys and better toys to get us out of it. Our current debacle is the fruit of a human- and reason-centred culture that is at least a couple of millennia old, whose contrived blindness to ecological relationships is the fundamental condition underlying our destructive and insensitive technology and behaviour. To counter these factors, we need a deep and comprehensive restructuring of culture that rethinks and reworks human locations and relations to nature all the way down. Reason can certainly play a role in this rethinking, but it must be a fully self-critical form of reason that does not ﬂinch from examining its own role in the crisis.¶ Adding ecology: ecohumanities perspectives This book addresses two historic tasks that arise from the rationalist hyperseparation of human identity from nature: they can be summed up as the tasks of (re)situating humans in ecological terms and non-humans in ethi-cal terms. The ﬁrst is apparently the more urgent and self-evident, the task of prudence, the other is presented as optional, as supererogation, the inessential sphere of ethics. But this is a major error; the two tasks are interconnected, and cannot be addressed properly in isolation from each other. To the extent that we hyper-separate ourselves from nature and reduce it conceptually in order to justify domination, we not only lose the ability to empathise and to see the non-human sphere in ethical terms, but also get a false sense of our own character and location that includes an illusory sense of autonomy. The failure to see the non-human domain in the richer terms appropriate to ethics licences supposedly ‘purely instrumental’ relationships that distort our perceptions and enframings, impoverish our relations and make us insensitive to dependencies and interconnections – which are thus in turn a prudential hazard. When we take account of such standpoint considerations, we can see that our ethical failures and our prudential failures are closely and interactively linked, casting doubt on any attempt to polarise or treat as sharply discontinuous human and non-human interests and ethics.¶ One of the problems in standard ways of thinking about the crisis is precisely this rationalist divorce between male-coded rational prudence and female-coded ethics, as if they were separate and non-interacting spheres. This is one of the legacies of rationalism that resonates strongly in the contemporary organisation of life under global capitalism, increasingly monological and insulated from corrective feedback. Rationalist distortions appear especially clearly in the global economic system and its identiﬁcation of rationality with egoism, and in the dualism of reason and emotion in its many variants. The economic rationalist culture of contemporary capitalism draws on many of the classical rationalist narratives and dualisms of the past, such as reason/emotion dualism, nuanced to ﬁt new contexts and institutions such as the commodity form, which requires the splitting of use from respect. Reason/emotion dualism divorces prudence from ethics, codes the former as rational, and sees the opposing sphere of ethical and ecological concern as dispensable, mere subjective sentiment.¶ The divorce between prudence and ethics (reﬂecting also a ‘pure self’ versus ‘pure other’ split) has been especially strongly stressed for the nonhuman sphere in the person/property dualism of capitalism and the associated subject/object dualism of its knowledge systems, in science. These normalise instrumental or ‘purely prudential’ approaches that treat the non-human, with few exceptions, as property, exempt from ethical concern except of most marginal and precarious kinds. Tough monological stances towards nature based on the identiﬁcation of rationality with disengagement and egoism, as I argue in Chapters 1 and 2, are thus able to draw on historically-established cultures of reason/emotion dualism and the still-powerful traditional male-coding of reason in contrast to emotion in order to masquerade as rational.¶ Taking account of the role and history of human/nature dualism in dominant culture means then that change is not just a matter of adding to our stock of knowledge a ‘new’ area of scientiﬁc ecology, but is also a matter of changing culture by countering long-standing insensitivities and rationalist distortions in a wide range of areas, including knowledge itself. For reasons deriving from the subject/object knowledge structures I discuss in Chapter 2, science is usually seen as the appropriate place to locate ecological concern and discussion. To supplement scientiﬁc studies demonstrating global warming scenarios and scientiﬁc models indicating a potential for collapse of basic systems and services, many scientists appeal to methodological and decision-theory considerations of precaution and risk (the so-called ‘Precautionary Principle’). These principles have many problems. If, as Haller (2000) argues, such narrowly rational mathematical risk arguments are rather more ambiguous and less conclusive as logical reasons for changing course than they are often taken to be, this does not mean, contra Haller, that we have no other intellectual resources for decision and must rely on such bases for decision as pure emotion, intuition, tradition or simple self-interest. None of these will provide adequate guidance in the future we face, individually or collectively.¶ The ecological ‘humanities’ enable us to bring to bear a whole further range of considerations that are hardly ‘non-intellectual’, including arguments of a more historical, self-reﬂective and self-critical cast which consider the limitations and failures of correctiveness in dominant forms of rationality and the illusions of anthropocentric culture. These standpoint considerations are the basis for the arguments I advance here, and they are I think the sorts of considerations that inform the better kinds of social and personal decision-making. We should not be persuaded to think of decisions as the dilemmas of stripped-down actors in rational choice scenarios, prisoners of the ‘purely rational’, abstract constructs assumed to know nothing of the social forces and past trajectory which have produced their problems. Our capacity to gain insight from understanding our social context, to learn from self-critical perspectives on the past and to allow for our own limitations of vision, is still one of our best hopes for creative change and survival. This book investigates some standpoint sources of our ecological blindspots, including, in Chapters 5 and 6, the anthropocentric perspectives and culture that make us insensitive to our ecological place in the world. The centric analyses of anthropocentrism, I argue, unlike the many rationalist-inspired accounts given by philosophers, extend and illuminate the major counter-hegemonic critiques of our time and provide useful guidance for ecological activists.¶ The analysis of anthropocentrism presented in Chapters 5 and 6 draws on the analysis of centrism suggested by several liberation movements. It has major implications for activism, theory and philosophy, and supports a counter-hegemonic program in philosophical methodology, ethics and the philosophy of mind, which is discussed in Chapters 7 and 8. As outlined in Chapter 9, activists interested in countering human-centredness can also draw usefully on theorisations offered by other liberation movements of the concept of solidarity, for example through the cultivation of the ‘traitorous identity’. The Otherisation of nature bears on a key question of justice – the concern with obstacles to justice, especially forms of partiality and selfimposition that prevent us from giving others their due. 9 One important approach to justice suggested by the analysis of anthropocentrism is methodological, one of studying up rather than studying down, shifting the onus of proof from inclusion to exclusion and moving the ethical focus from the evaluated item and the dubious question of their ‘qualiﬁcations’ for ethical inclusion and attention (studying down) to the different and largely neglected question of the ethical stance of the human evaluator (studying up) and their own moral status. What requires critical philosophical engagement in the context of anthropocentric culture is self rather than other, the limits imposed by the human rather than the nature side of the ethical relationship, the ethical stance of closure rather than the ethical stance of openness.¶ In thinking about these issues I have drawn on many sources, most strongly on the work of feminist and ecofeminist philosophers and scholars. I found the partnership ethics suggested by Carolyn Merchant to be the model that most consistently matched my intuitions about what has gone wrong and about how we might remedy it. Thus in Chapter 6 I try to cast light on the prudence/ethics split via a dialogue between partners Ann and Bruce (A and B) that models the ideas about relationships many philosophers have thought suitable for humans and nature. I explore in later chapters, especially Chapters 8 and 10, the obvious remedies for Ann and Bruce’s dysfunctional partnership: namely, replace monological by dialogical relationships in order to set up the logical and cultural basis for negotiation. This means abandoning the tough hyper-rationalist stances that emphasise human superiority, reason, mastery and manipulation, human-centredness and instrumentalism. We do not have to approach the more-than-human world in these terms, and if there is a choice of frameworks, it would be less than rational to ignore or dismiss others more suitable for our context of ecological crisis. In our current context then, it is rational to try to replace the monological, hierarchical and mechanistic models that have characterised our dysfunctional partnership with nature by more mutual, communicative and responsive ones that could put that partnership on a better basis.¶ The formal project of adding ecology and nature to the annals and dialogues of western philosophy has only just begun, but is fraught with special difﬁculty because of its rationalist bias and background. Modern philosophy has tended to sanction the tough stance of minimising recognition of the non-human world that has been identiﬁed with science and rationality, (for example this is one way the Principle of Parsimony has been interpreted). That ‘sceptical’ temperament coincides neatly with the thrust of capitalism to maximise the class of other beings that are available to be treated without ethical constraint as resources or commodities. We philosophise from a time which shows all around us the disastrous effects of the desensitisation to nature that is part of the reductive narrative and the dominant human-centred rationality. Not only is it rationally possible to choose a richer and more generous framework, it is in the present context of ecological destruction essential to do so – in the interests of ethics, prudence AND reason.

#### There are no objective rules to the game---dissent against framework is crucial for effective democratic politics

Harvey 12—School of Oriental and African Studies (Kathryn, Democratic Agonism: Conflict and Contestation in Divided Societies, http://www.e-ir.info/2012/10/20/democratic-agonism-conflict-and-contestation-in-divided-societies/)

Introduction¶ The last twenty years have seen an unprecedented attempt to revitalise democracy. Populist anxieties, along with the dominance of corporate and media elites, the lack of real political alternatives, the limitations of most models of democratic representation and the political distortions produced by vast inequalities in wealth all point to an urgent need to rethink democracy (Newman, 2008: 228). Democratic theory is now rich in trends and models, offering different ways of reading what a democratic order should entail. The divergences within and between these theories tend to be based on a constitutive tension within democracy itself, and can be said to reflect the debate between the modernist and post-modernist political discourses. The antagonism is embodied in the articulation of democracy as a type of political regime with distinct institutions, and as a form of politics which embodies its own indeterminacy, which is contingent on and open to new and unpredictable articulations. The latter of these perspectives is articulated by the post-modernist thinkers Chantal Mouffe and William Connolly, and can be said to constitute what is variously referred to as “democratic agonism”, “agonistic democracy” and “political agonism”. These terms will be used interchangeably. The theory of political agonism analyses the structures of opposition that characterise various forms of political relations, particularly those that are conceived as definitive of democracy (Acampora, 2009: 3). Given the contemporary neoliberal hegemony and the increasingly authoritarian tendencies neoliberalism has displayed in its mature form, it is unsurprising that philosophy as a discipline has recently concerned itself with reformulating what true democracy might mean, attempting to redefine the acceptable boundaries of our day-to-day democratic discourse. Theories of democratic agonism offer a novel vision of democracy, one in which the rules of democracy are always ‘open to question, disagreement, contestation, deliberation, negotiation and change over time’. It must not be forgotten that politics ‘is the type of game in which the framework – the rules of the game – can come up for deliberation and amendment in the course of the game’ (Tully, 1999: 170).¶ We must consider democratic agonism both in terms of an analytical framework for understanding the nature of modern democratic political relations, and as an actual form of political organisation that its adherents advocate. Whilst there has been a substantial amount of literature written about political agonism as a theory, there is surprisingly little which attempts to apply these theoretical assumptions to empirical case studies. This lack of research may have important consequences: ‘while the attempt to reformulate democracy may, as is often the case with political philosophy, come across as conjectural, hypothetical or even utopian, it is only by situating theory within a solid study that affords the possibility for a radical shift of democratic ideas in real political circumstances’ (Weeks, 2012). The questions under study in this paper are vividly illustrated in the quandary that constitutes Turkish politics. The politics of reconciliation in divided societies brings into relief the limits and possibilities of democracy, both as institution and ethos. The more diverse the social conditions, the more difficult it is to develop a sustainable framework for democracy. Divided societies provide a hard case in terms of which to consider the explanatory and normative power of contemporary theories of democracy (Schaap, 2006: 256). Yet at the same time, the unpredictability and radicalism that characterise politics in Turkey offer a unique opportunity to reformulate democracy in theory and in practice. Dogmatic political theory, as dominated by rationalism and individualism, is completely unable to help us understand what is happening. The diverse and uprooted nature of postmodern society means we must adapt democratic theory to reflect and encompass such diversity. It is in this context that democratic agonism proves most suitable.¶ As way of framing this debate, I will break this paper into two main sections. The first will establish a theoretical framework. To do this, we must firstly criticise both liberal rationalism and deliberative democracy. It is by examining the shortfalls of these ideologies that we will be able to find the rationale for advancing democratic agonism as the most apposite and necessary theory of democracy, not just within divided societies, but more broadly too. In order to define and characterise political agonism, we must first look to a Foucaultian analysis, followed by an exploration of the work of William Connolly and Chantal Mouffe, focusing particularly on Mouffe’s theory of “agonistic pluralism”. The second section of the paper will attempt to apply the theoretical assumptions to the case of Turkey, essentially asking whether this theory is a useful analytical framework for understanding modern, democratic political relations, opportunities and challenges in Turkish politics. Exploring a variety of political issues and tensions in Turkey will show the inadequacy of deliberative democracy whilst strengthening the case for agonistic pluralism.¶ Theoretical Framework¶ Against Liberal Rationalism¶ Political liberals make the claim that in order to secure wide agreement on minimal political norms and institutions, citizens must bracket their particular social, moral and religious beliefs when deliberating upon ‘constitutional essentials’, or upon basic political principles and structures; as Rawls writes, ‘faced with the fact of reasonable pluralism, a liberal view removed from the political agenda the most divisive issues, serious contention about which must undermine the bases of social cooperation’ (quoted in Deveaux, 1999: 2). Liberals have been criticised for suggesting that citizens should bracket their views when discussing political norms, for their effort to keep morally and politically divisive topics off the political agenda, and for assuming that democratic politics should seek to minimise disagreements in the first place. A significant part of this criticism concerns the actual substance of politics itself; a common theme which unites more novel theories of democracy is the turn away from the routines, institutions, conditions, explanations and theories of politics (central concerns of liberal rationalism) to the activity or game of politics itself. In fact, this confrontation of the activity of politics itself seems to be a part of a general re-orientation in Western thinking in the 20th century (Tully, 2006: 162). Although their theories differ vastly, Jurgen Habermas and Chantal Mouffe both directly criticise liberal rationalism. As Ilan Kapoor explains, both contend that ‘it is not enough to have the outward trimmings and institutions of liberal democracy (elections, parliaments, rule of law and so on); we also need to ensure the quality and inclusiveness of democratic processes in the multiple spheres of social life and within all public institutions’ (2002: 459). Thus, although they do so from different ontological standpoints, both theorists view liberal democratic theory as inadequate, and wish to deepen or extend democracy. They claim that a critical conception of politics centred on pluralism offers a better framework for the expression and communication of citizens’ differences than dominant liberal models of politics.¶ ‘Deliberative Democracy’?¶ The debate between Mouffe and Habermas can be seen as an “allegory of the modern/postmodern condition”, with Habermas defending reason, legitimacy, justice and universality, and Mouffe defending antagonism, pluralism and contingency (Kapoor, 2002: 460). Whilst Habermas’ ‘deliberative democracy’ is not a central concern of this paper, the intensity of the debate between Mouffe and Habermas often produces a symbiotic relationship between the modern and postmodern visions. It is therefore well worth examining Habermas’ alternative model. Deliberative democracy has been particularly attractive for those attempting to analyse democracy in divided societies, and thus we must confront and challenge its major assumptions, rejecting some aspects of the theory whilst accepting others. Habermas’ vision relies on ‘reasoned and inclusive public deliberation that is geared to reaching consensual decisions. His arguments foreground concerns about legitimacy and (universal) justice, concerns that he believes are ignored by poststructuralists at their peril’ (Kapoor, 2002: 460). Thus, the central claim of deliberative democracy is that collective decisions are more legitimate to the extent that they are the outcome of public reasoning among free and equal persons. Opinions and preferences are formed through political interaction and are transformed through the course of public deliberation. Deliberative democracy is therefore consensus orientated; consensual decisions are reached only by the “force of the better argument”, so that, at the end of the deliberative process, all concerned are convinced by the decisions reached and accept them as reasonable (Kapoor, 2002: 462).¶ There is much in deliberative democracy that we would want to hold on to, especially its emphasis on the transformative potential of democratic politics on citizens’ preferences, as well as on the importance of reconciliation in divided societies. The theoretical assumptions of deliberative democracy are not necessarily wrong, but rather incomplete. What democratic agonists most often take issue with is the extent to which deliberative democrats tend to take for granted the commonality required for democracy. As Andrew Schaap explains, ‘what is common in metaphors such as “settling accounts”, “healing nations” and “restoring community” that are often invoked in reconciliation talk is a presumption of unity as a social good’ (2006: 258). In their attempt to justify the collectively binding decisions under which we are expected to live, deliberative democrats overlook a fundamental aspect of modern life; namely, the deep disagreement on a multidimensional range of issues that characterises modern societies (Glover, 2012: 87). The post-political vision of deliberative democrats is profoundly mistaken, and their attempt to go ‘beyond hegemony’, ‘beyond sovereignty’ and ‘beyond antagonism’ is in fact at the origin of many of the problems that democratic institutions are currently facing. This blindness to antagonism and idealised view of human sociability is not new. Underlying modern democratic political thinking is the idea that violence and hostility are archaic phenomena, ‘to be eliminated thanks to the progress of exchange and the establishment of a transparent communication among rational participations’ (Mouffe, 2005: 3). Yet viewing consensus and reconciliation as fundamental aims of democracy is both conceptually mistaken and fraught with political danger; it is based on flawed premises and those who share such a vision are bound to miss the real task facing democratic politics.¶ Moreover, because deliberative democracy presupposes commonality in terms of an anticipated moral consensus rather than recognising commonality as a ‘contingent outcome of political interaction’, it tends to neglect the ‘political nature of its own exclusions’ (Schaap, 2006; 263). As Chantal Mouffe critically questions, ‘there is much talk today of “dialogue” and “deliberation” but what is the meaning of such words in the political field, if no real choice is at hand and if the participants in the discussion are not able to decide between clearly differentiated alternatives’ (Mouffe, 2005; 3)? Consensualists fail to appreciate that liberal democracy is itself a political regime, and will thus reflect a certain epistemological discourse. It is a political mistake to model democracy on the ideal of an unconstrained deliberation between free and equal citizens because the anticipated moral consensus in terms of which conflict is made meaningful is always politically constituted and bound in relations of power (Schaap, 2006; 262). Deciding who and what values are excluded and included in politics is itself a political decision. These criticisms will be expanded upon when detailing the characteristics of democratic agonism.¶ Ultimately, deliberative democracy falls short because it is unable to fully distance itself from the liberal discourse. Especially in divided societies, where power struggles are definitive of daily politics, we have good reason to be sceptical of consensus and dialogue-orientated models of democracy. Processes of reconciliation will never be democratically neutral, and it is for this reason that we must go beyond the deliberative model to a deeper and more critical understanding of democracy.¶ Epistemological Framework: Post-modernist, Post-structuralist & Anti-foundationalist¶ Democratic agonism, as articulated by Mouffe and Connolly, must be understood through the metanarrative of postmodernism. Following from Habermas, many believe that for democracy to be resurrected, it has to be based on the firmly modern grounds of reason, rationality and universalism, grounds which postmodern theory, in its ‘nihilism’, jeopardises. However, in line with Mouffe and Connolly, I will argue that whilst postmodernism unsettles the epistemological foundations upon which it is usually conceived, it allows, in doing so, for a radical rethinking of democracy (Newman, 2008: 230).¶ Modern democracies are essentially organised around the ideals of equality and liberty. A commitment to the upholding of these values is what distinguishes democracy both in theory and in practice. Yet, in the footsteps of Nietzsche and Foucault, what postmodern thinkers challenge us to ask is why these values in particular should be held in such great esteem; what is the origin and meaning of our values? We must acknowledge that the activity of politics involves, and to some extent just is, about these very foundations (Acampora, 2009: 4). In this vein, Richard Rorty encouraged us to ‘dispense with the great metaphysical and post-metaphysical theories associated with different forms of human organisation and value spheres’ and to ‘abandon the attempts to discover large-scale underlying processes or conditions of possibility that determine our thought and action behind our back’ (Tully, 1999: 163). Agonistic democrats thus adopt an anti-foundationalism in their evaluation of the ideals of equality and liberty. Whilst not denying that democracy needs to be based on such ideals, they push us to question who defines what is meant by ‘equality’ and ‘liberty’, and for what purpose. By accepting that such terms are bound by power relations, and will therefore be social constructs that reflect hegemonic articulations, we are forced to reconsider the modernist project of grounding human values. As James Tully aptly summarises, ‘At any one time, some constituents are held firm and provide the ground for questioning others, but which elements constitute the shared “background” sufficient for politics to emerge and which constitute the disputed “foreground” vary. There is not a distinction between the two that stands outside the game, beyond question for all time’ (1999: 170). The boundary drawn around the values constitutive of democracy can and should be contested.¶ To illuminate some of these points, it is fitting to analyse the work of the great postmodern thinker Michel Foucault. For Foucault, politics is the theatre of war and battle, tactics and strategies. Politics, he stated, simply is ‘war carried out by other means’ (2003: 15). Foucault prompts a recognition of the benefits of agonistic interaction, stimulating politics such that our struggles (rather than their imposed absence) become our defining characteristic. For him, the human condition is to exist within a system of power, and thus it must be ‘the human potential to incessantly resist its reach, relocate its boundaries, and challenge its authority’ (Thiele, 1990: 918-921). He argues that the ‘games’ or practices in which we are participants are ‘not closed by a frontier’; the rules of the game will always be open for questioning. Yet, the prevailing modern theories of politics (modern ‘humanism’) disregard this feature, universalise a certain state of play, and so obscure rather than illuminate how we constitute and are constituted by the games and practices in which we think and act. Foucault explains, ‘What I am afraid about humanism is that it presents a certain form of our ethics as a universal model for any kind of freedom’ (1988, quoted in Tully 1999: 166). Thus, Foucault advances his postmodern project through an explicitly anti-humanist agenda. Human nature, and thus our discourses and practices, is an expression of contingent histories and practices. In other words, if we are all products of modern power, as Foucault believes, then our institutions and discourses will be expressive of that power, and therefore the modernist search for epistemological ‘foundations’ is unhelpful, as such foundations will themselves be culturally and socially contingent. It is upon this anti-foundationalist and postmodernist discourse that agonistic democracy is based.¶ Characterising Democratic Agonism: William Connolly’s ‘Ethos of Pluralisation’¶ Variants of agonistic democracy range from conservative republican doctrines to left-leaning accounts of republican citizenship sensitive to the realities of pluralism and postmodern accounts of the relevance of identity and difference to politics (Deveaux, 1999: 3). William Connolly can be said to fit into the latter of these categories; his agonistic model of democracy gestures towards a more inclusive, pluralistic politics. He insists that ‘one significant way to support human dignity is to cultivate agonistic respect between interlocking and contending constituencies’ (quoted in Deveaux, 1999: 13). A key characteristic of Connolly’s ‘Ethos of Pluralisation’ is the idea that we must “pluralise pluralism”. The task of democracy becomes to embrace and welcome difference, and to expand the register by which claims on behalf of difference can be voiced. Agonism, is an attempt to ‘“pluralise” modern pluralism, and bring such difference to the forefront of a radically engaged and contentious democratic discourse’ (Glover, 2012: 88). When this has occurred, the tension between identity and difference will be continually worked through and negotiated, yet final reconciliation is never guaranteed or even desired (Newman, 2008: 230).¶ We find in Connolly’s work a similar branch of postmodernism and anti-foundationalism as advanced by Foucault and Nietzsche. He writes; ‘Deconstructionists show how every social construction of the self, truth, reason or morality, endowed by philosophy with a coherent unity and invested with a privileged epistemic status, is actually composed of an arbitrary constellation of elements held together by powers and metaphors which are not inherently rational’ (1993: 231). He thus agrees that the modernist search for rational foundations which make up human nature is inherently flawed, as these unities have a constructed character and an epistemic privilege. Applying this strain of thought to radical democracy, Connolly impels a more thorough democratic politics. He argues that ‘When democratic politics is robust, when it operates to disturb the naturalisation of settled conventions, when it exposes settled identities to some of the contestable contingencies that constitute them, then one is in a more favourable position to reconsider some of the demands built into those conventions and identities’ (quoted in Deveaux, 1999: 13-14). Thus, for Connolly, the very indeterminacy of democracy’s foundations must be uncovered and incorporated into its institutions and practices; ‘Spaces for difference are to be established through the play of political contestation’ (Connolly, quoted in Deveaux, 1999: 13). The ‘building stones’ that are part of democracy but which are buried under notions of identity, consensus, legitimacy and the common good, must be unearthed through a post-structuralist approach. As Saul Newman summarises, Connolly’s account is illuminating as it uncovers the need to eschew the essential foundations of democracy, and ‘open itself to contingency, indeterminacy and, above all, difference’ (2008: 231).¶ Characterising Democratic Agonism: Chantal Mouffe’s ‘Agonistic Pluralism’¶ Whilst a variety of different thinkers have advanced diverse articulations of agonistic democracy, Chantal Mouffe’s ‘agonistic pluralism’ is perhaps the most influential postmodern attempt to explicitly name a radical political project. She also has urged democratic theorists not to deny the role of antagonism and passion in politics, stressing ‘the importance of fostering “agonistic pluralism” within a “shared symbolic space”, where the latter constitutes the boundaries of a community, but must also make room for the passionate expression of differences and disagreements between citizens, thus furnishing the conditions for a deep and meaningful pluralism’ (Howarth, 2008: 177). For Mouffe, radical democracy demands that we acknowledge difference, and the challenge is instituting a democratic regime that allows for the expression of social plurality. As she summarises; ‘the task for democratic theorists and politicians should be to envisage the creation of a vibrant “agonistic” public sphere of contestation where different hegemonic political projects can be confronted’ (2005: 3). We find Foucaultian aspects to her analysis, in that she acknowledges ‘the contingent character of the hegemonic politico-economic articulations which determine the specific configuration of a society at a given moment. They are precarious and pragmatic constructions which can be disarticulated and transformed’ (Mouffe, 2005: 33). Thus she too is suspicious of attempts to determine in advance what is to count as legitimate political action because this too often becomes a way of ‘co-opting radical challenges to the dominant interests within a society’. For her, public reasoning is always reasoning within a particular tradition or discourse, and therefore in any existing democracy, ‘the terms in which an anticipated moral consensus among free and equal persons is represented will always be based on a contingent and provisional hegemony of the prevailing tradition within which these terms are conceived’ (Schaap, 2006: 257-262). Expanding on this, there are a number of elements to Mouffe’s vision that require our attention.¶ Underlying Mouffe’s theory of agonistic democracy is a Schmittian account of ‘the political’, which she contrasts to ordinary ‘politics’. Here, the political refers to ‘the dimension of antagonism’ taken to be constitutive of human societies and that is inherent in human relations’ (Mouffe, 2005: 9). As such, the political refers to an extraordinary moment – the potential resort to violence against an enemy – that conditions ordinary politics (Schaap, 2006: 268). In contrast, Mouffe takes ordinary ‘politics’ to mean ‘the set of practices and institutions through which an order is created, organising human coexistence in the context of conflictuality provided by the political’ (Mouffe, 2005: 9). These practices, discourses and institutions will always be potentially conflictual because they are affected by the dimension of ‘the political’. Moreover, the political can never be eradicated because it can derive its energy from the most varied human endeavours: every moral, religious, economy, ethical or other antithesis can transform itself into a political one. Politics, then, should be about ‘acknowledging the dimension of the political’. The question is not how to arrive at a consensus without exclusion – as deliberative theorists believe – since this would imply the eradication of the political. Rather, politics aims at the ‘creation of unity in a context of conflict and diversity; it is always concerned with the creation of an “us” by the determination of a “them”’ (Mouffe, 2000: 15).¶ For Mouffe then, politics is always about the constitution of a ‘we’ and this ‘we’ is always articulated in contrast to a ‘them’. The criteria of the political is the friend/enemy distinction, and the novelty of democratic politics is not the overcoming of this us/them opposition – which is an impossibility – but the different ways in which it is established (Mouffe, 2000: 15). Thus the question is not how to reach a ‘rational’, fully inclusive, consensus, without any exclusion. Rather, we must allow for the we/they distinction to be articulated in a variety of ways. As Mouffe writes:¶ ‘Every order is political and based on some form of exclusion. There are always other possibilities that have been repressed and that can be reactivated. The articulatory practices through which a certain order is established and the meaning of social institutions is fixed are “hegemonic practices”. Every hegemonic order is susceptible of being challenged by counter-hegemonic practices, i.e. practices which will attempt to disarticulate the existing order so as to install another form of hegemony’ (2005: 18).¶ What is thought to be the ‘natural order’ of a society is in fact the result of ‘sedimented practices’; in line with Foucault, it is never the manifestation of a deeper objectivity exterior to the practices that bring it into being (Mouffe, 2005: 18). The we/they distinction can always become the locus of an antagonism, and thus to take account of the political as the ever-present possibility of antagonism means we must come to terms with the lack of a final ground and acknowledge the dimension of undecidability which pervades every order. It requires ‘recognising the hegemonic nature of every kind of social order and the fact that every society is the product of a series of practices attempting to establish order in a context of contingency’ (Mouffe, 2005: 17). Therefore, a crucial element of Mouffe’s theory is that we must accept the ever-present possibility of antagonism in social relations. The political, defined as this we/they distinction, is an intrinsic part of our ontological condition.¶ From the point of view of ‘agonistic pluralism’, the aim of democratic politics is to construct the ‘them’ in such a way that it is no longer perceived as an enemy to be destroyed, but an ‘adversary’, i.e. somebody whose ideas we combat but whose right to defend those ideas we do not put into question (Mouffe, 2000: 15). When democratic politics transform “antagonistic” relations between “enemies” into “agonistic” relations between “adversaries”, we have “agonistic pluralism” (Kapoor, 2002: 465). It must therefore be the aim of democratic politics to transform antagonism into agonism; far from jeopardising democracy, agonistic confrontation is in fact its very condition of existence. Alternative passions must not be eliminated from the public sphere in order to achieve a rational consensus, but rather we must mobilise those passions towards democratic confrontation (Mouffe, 2000: 16). By transforming conflict into agonism, this antagonistic dimension can be given a form of expression that will not destroy the political association. Rather, agonism will establish a common bond so that parties in conflict will not treat their opponents as enemies to be eradicated, whose demands are illegitimate. What is fundamental here is that those in conflict have a common symbolic ground and recognise the legitimacy of their opponents, even though there is no rational solution to their conflict.¶ Actors in this context may conflict with one another but they must also view themselves as ‘belonging to the same political association, as sharing a common symbolic space within which the conflict takes place’ (Mouffe, quoted in Howarth, 2008: 178). Citizens are imbued with an agonistic ethos; they abide by the democratic rules and procedures that underpin this common symbolic space, and hold a consensus on the institutions constitutive of democracy and on the ethico-political values informing the political association. However, this consensus must be accompanied by conflict and dissent concerning the interpretation of this shared set of ethico-political principles. Citizens must struggle to impose different interpretations of equality and freedom within an overall allegiance to the principles and institutions of liberal democracy (Howarth, 2008: 178). As Mouffe herself explains, ‘what is at stake in the agonistic struggle is the very configuration of power relations around which a given society is structured: it is a struggle between opposing hegemonic projects which can never be reconciled rationally’ (2000: 21)¶ It is for these reasons that Mouffe believes Habermas’ vision of deliberative democracy falls short. As she explains, ‘the ideal of a pluralist democracy cannot be to reach a rational consensus in the public sphere. Such a consensus cannot exist. We have to accept that every consensus exists as a temporary result of a provisional hegemony, as a stabilisation of power, and that it always entails some form of exclusion’ (2000: 17). Theorists who wish to eliminate passions from politics are showing their lack of understanding of the dynamics of the political. Rather than suggesting that power could be dissolved through rational debate, and trying to disguise power relations under the veil of rationality or morality, an agonistic approach ‘acknowledges the real nature of its frontiers and the forms of exclusion that they entail’ (Mouffe, 2000: 17). Mouffe’s vision of agonistic pluralism calls, in short, for a plurality of passionate subjects to exercise voice, make demands and be heard, within a shared symbolic order. However, this shared symbolic order is not fixed; it can be interpreted in a number of different ways. It is by bringing the political back into politics that Mouffe envisages this happening, through which “antagonism” will be transformed into “agonism”, “enemies” into “adversaries”.¶ Mouffe warns of the dangers that accompany the refusal to acknowledge and embrace a vibrant clash of democratic political positions. She believes that if agonism is not accepted, and democracy continues to be envisaged in terms of consensus and reconciliation, there is the danger that this democratic confrontation will be replaced by a confrontation among other forms of collective identitification. The result can be the ‘crystallisation of collective passions around issues which cannot be managed by the democratic process and an explosion of antagonisms that can tear up the very basis of civility’ (Mouffe, 2000: 16). In particular, Mouffe believes that too much emphasis on consensus and the refusal of confrontation will lead to the rise of identity politics and far-right extremism. In sum, refusing to accept the inherent antagonism in politics, and attempting to overlook these conflicts in favour of rational consensus is dangerous both in theory and in practice. Such a refusal can in fact exacerbate antagonisms and destroy the ‘common symbolic space’ necessary for healthy democratic engagement.

## 1AR

#### Doesn’t link to decentralized renewables

Mills 6--Submitted in partial satisfaction of the requirements for the degree of Master of Science In the Energy and Resources Group of the University of California, Berkeley (Andrew, Wind Energy in Indian Country: Turning to Wind for the Seventh Generation, rael.berkeley.edu/sites/default/files/very-old-site/Mills-2006-Wind\_Energy\_in\_Indian\_Country.pdf)

This analysis of the potential for wind energy in Indian Country is limited to a specific form of wind projects and a limited set of criteria. The type of wind projects of interest fall into a subset of energy development whereby utility-scale wind farms are built for the purpose of exporting electricity from tribal lands to other regions. Energy development, as used in this context, is a particular development pathway in which a tribe chooses to develop and export energy resources for the purpose of economic development. ¶ The ability of a tribe to develop wind energy projects for the purpose of exporting electricity greatly depends on the quality of the wind resource, the cost of constructing a wind farm on land with high wind potential, and the cost of connecting the wind farm to the electricity grid. These factors are the primary determinates of wind projects and must be evaluated in detail. The purpose of the feasibility study for NTUA was to examine exactly those sorts of questions. This project on the other hand has a different set of objectives and questions as described in the introduction. It should not be confused with a detailed feasibility study. ¶ Similarly, this project does not include analysis of distributed generation projects that many tribes have initiated. For instance, NTUA has a multi-decade, ongoing electrification project that uses renewable energy to provide electricity to homes far from the grid. Other tribes have installed sub-utility scale wind turbines to reduce electricity bills and to demonstrate renewable energy technologies. These projects are very important for the tribes and can contribute to economic development, but their impacts and characteristics are distinct from an energy development pathway described above (see LaDuke 2004 for an overview of past projects) .

#### votes aff

Awehali 6—independent journalist. has received awards from the Society of Professional Journalists and Project Censored. He is a tribal member of the Cherokee Nation of Oklahoma (Brian, Who Will Profit from Native Energy?, http://www.projectcensored.org/top-stories/articles/25-who-will-profit-from-native-energy/)

The questions to be answered now are: what sort of energy will Indian lands produce, who will make that decision, and who will end up benefiting from the production? According to Theresa Rosier, Counselor to the Assistant Secretary for Indian Affairs, “increased energy development in Indian and Alaska Native communities could help the Nation have more reliable homegrown energy supplies.” This, she says, is “consistent with the President’s National Energy Policy to secure America’s energy future.” Rosier’s statement conveys quite a lot about how the government and the energy sector intend to market the growing shift away from dependence on foreign energy. The idea that “America’s energy future” should be linked to having “more reliable homegrown energy supplies” can be found in native energy-specific legislation that has already passed into law. What this line of thinking fails to take into account is that Native America is not the same as US America. The domestic “supplies” in question belong to sovereign nations, not to the United States or its energy sector. So far, government plans to deregulate and step up the development of domestic (native) energy resources is being spun as a way to produce clean, efficient energy while helping Native Americans gain greater economic and tribal sovereignty. Critics charge, however, that large energy companies are simply looking to establish lucrative partnerships with tribal corporations, which are largely free of regulation and federal oversight. For example, in 2003, the Rosebud Sioux of South Dakota, in partnership with NativeEnergy, LLC, completed the first large-scale native-owned wind turbine in history. The project was billed as a way to bring renewable energy–related jobs and training opportunities to the citizens of this sovereign nation, who are among the poorest in all of North America. NativeEnergy’s President and CEO Tom Boucher, an energy industry vet, financed the Rosebud Sioux project by selling “flexible emissions standards” created by the Kyoto Protocol. These are the tax-deductible pollution credits from ecologically responsible companies (or in this case, Native American tribes), which can then be sold to polluters wishing to “offset” their carbon dioxide generation without actually reducing their emissions. Since the Rosebud test case proved successful, NativeEnergy moved forward with plans to develop a larger “distributed wind project,” located on eight different reservations. NativeEnergy also became a majority Indian-owned company in August 2005, when the pro-development Intertribal Council on Utility Policy (COUP) purchased a majority stake in the company on behalf of its member tribes. The COUP-NativeEnergy purchase just happened to coincide with the passage of the 2005 Energy Policy Act. The act contains a number of native energy–specific provisions in its Title V, many of which set alarming precedents. Most outrageously, it gave the US government the power to grant rights of way through Indian lands without permission from the tribes—if deemed to be in the strategic interests of an energy-related project. Under the guise of “promoting tribal sovereignty,” the act also released the federal government from liability with regard to resource development, shifting responsibility for environmental review and regulation from the federal to tribal governments. Also, according to the Indigenous Environmental Network, the act “rolls back the protections of…critical pieces of legislation that grassroots indigenous peoples utilize to protect our sacred sites.” Some critics have derided the 2005 act as a fire sale on Indian energy, characterizing various incentives as a broad collection of subsidies (federal handouts) for US energy companies. America’s native peoples may attain a modicum of energy independence and tribal sovereignty through the development of wind, solar, and other renewable energy infrastructure on their lands. But, according to Brian Awehali, it won’t come from getting into bed with, and becoming indebted to, the very industry currently driving the planet to its doom.

# Aff v Georgetown

## 1AC

#### The “Restriction on Alienation” is a foundational principle of Federal Indian Law – it’s backed by Congressional statute, codified in the U.S. Code, and prohibits transfer or lease of title by any Native person

Washburn ’10 – Practicing Attorney in Trust and Property Law

Sarah Washburn, Washington Law Review, vol. 85:603, DISTINGUISHING CARCIERI v. SALAZAR: WHY THE¶ SUPREME COURT GOT IT WRONG AND HOW¶ CONGRESS AND COURTS SHOULD RESPOND TO¶ PRESERVE TRIBAL AND FEDERAL INTERESTS IN THE¶ IRA’S TRUST-LAND PROVISIONS

http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/475/Washburn%20-%20Distinguishing%20Carcieri%20v%20Salazar.pdf?sequence=1

52. See generally COHEN, supra note 15, § 5.02[4] (describing federal power over Indian¶ property). Restriction on alienation of Indian property is a theme present from historical times to¶ today. As early as 1790, Congress exercised its exclusive power over Indian affairs, derived from¶ the Indian Commerce Clause, when it passed the Trade and Intercourse Act banning the transfer of¶ Indian title to any state or person unless made by a treaty under federal authority. See Act of July¶ 22, 1790, ch. 33, § 4, 1 Stat. 137, 138 (“And be it enacted and declared, That no sale of lands made¶ by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any¶ person or persons, or to any state . . . unless the same shall be made and duly executed at some¶ public treaty, held under the authority of the United States.”). This restriction is currently codified in the United States Code in nearly identical form: “No purchase, grant, lease, or other conveyance of¶ lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any¶ validity in law or equity, unless the same be made by treaty or convention entered into pursuant to¶ the Constitution.” 25 U.S.C. § 177 (2006).

#### Inequitable energy arrangements create cycles of structural violence on Native lands---colonialism’s inevitable without the development of renewable energy

Gough 9—Intertribal Council On Utility Policy; paper submitted by Honor the Earth, the Intertribal Council on Utility Policy, the Indigenous Environmental Network, and the International Indian Treaty Council (Bob, Energy Justice in Native America, A Policy Paper for Consideration by the Obama Administration and the 111th Congress, www.mynewsletterbuilder.com/email/newsletter/1409857447)

A just nation-to-nation relationship means breaking the cycle of asking Native America to choose between economic development and preservation of its cultures and lands; renewable energy and efficiency improvements provide opportunity to do both simultaneously. A green, carbon-reduced energy policy has major national and international human rights, environmental and financial consequences, and we believe that this administration can provide groundbreaking leadership on this policy. The reality is that the most efficient, green economy will need the vast wind and solar resources that lie on Native American lands. This provides the foundation of not only a green low carbon economy but also catalyzes development of tremendous human and economic potential in the poorest community in the United States- Native America. ¶ HISTORY OF EXPLOITATION AND ENERGY INJUSTICE¶ The history of resource exploitation, including conventional energy resources, in Indian Country has most recently been highlighted by the Cobell lawsuit against the Department of the Interior on behalf of individual Indian land owners, which requires both accountability of the federal trustees and a just settlement for the Indian plaintiffs. The programmatic exploitation of conventional energy resources has run an equally long and often deadly course in Indian Country, with a distinctly colonial flavor where tribes have supplied access to abundant natural resources under trust protection at rock bottom prices in sweetheart deals promoted by the federal government, yet often go un-served or underserved by the benefits of such development. Even the most recent federal energy legislation and incentives are still designed to encourage the development of tribal resources by outside corporate interests without ownership or equity participation of the host tribes. ¶ The toxic legacy left by fossil fuel and uranium development on tribal lands remains today and will persist for generations, even without additional development. Mines and electrical generation facilities have had devastating health and cultural impacts in Indian country at all stages of the energy cycle- cancer from radioactive mining waste to respiratory illness caused by coal-fired power plant and oil refinery air emissions on and near Native lands. Native communities have been targeted in all proposals for long-term nuclear waste storage. ¶ Compensation for uranium miners and their families has not been fulfilled from the last nuclear era, and every tribal government with uranium resources has opposed new uranium mining developments, including in the Grand Canyon, as an immoral and untenable burden for Native American communities. In addition, energy-related deforestation has serious climate change and human rights impacts for Indigenous communities globally. Approximately 20% of climate change-inducing emissions come from deforestation and land use, often from unsustainable energy projects, biofuel (agrofuel) and other monocrop development fueled by a need to satisfy tremendous foreign and World Bank debt obligations. On an international level, the US has yet to sign onto the United Nations Declaration of the Rights of Indigenous Peoples, we believe signing onto this important agreement is an essential early step in the context of the administration’s dealings with Native America. ¶ When considering energy and climate change policy, it is important that the White House and federal agencies consider the history of energy and mineral exploitation and tribes, and the potential to create a dramatic change with innovative policies. Too often tribes are presented with a false choice: either develop polluting energy resources or remain in dire poverty. Economic development need not come at the cost of maintaining cultural identity and thriving ecosystems. Providing incentives to develop further fossil fuels and uranium in Indian country will only continue the pattern of ignoring the well-being of tribes and Alaska Native villages in favor of short-sighted proposals that exploit the vulnerabilities of poor, politically isolated communities. ¶ ‘Clean coal’ is an oxymoron; mining coal is never ‘clean,’ coal plant emissions add to climate change impacts, carbon capture and sequestration technology is unproven financially and technically. Coal expansion on and near Native lands should not be incentivized by the administration.¶ Nuclear power is not a solution to climate change: from mining to nuclear waste, the nuclear cycle is far from carbon neutral and disproportionately impacts Native communities. Nuclear power is also economically unfeasible, and will not address climate change at the speed required to mitigate the devastation ahead. ¶ Oil drilling in sensitive Arctic regions, including the off shore Outer Continental Shelf areas of the Beaufort and Chukchi Seas, threatens Alaska Natives’ way of life, and perpetuates the nation’s addiction to oil and GHG emissions. It is of utmost importance to institute a federal time-out on the proposed offshore development within the Outer Continental Shelf areas in Alaska. It has not been proven whether or not cleaning up spills in broken ice conditions is possible, the implications to subsistence ways of life and human health of coastal communities have not been reviewed extensively and impacts to Polar Bears and other threatened and endangered Arctic marine species have not been studied.¶ Importing 80% of the Alberta Canada tar/oil sands crude oil to feed US energy needs encourages unprecedented ecological destruction in Canadian Native communities and the use of a fuel far more carbon intensive than conventional oil. This tar sands expansion has been called the tip of the nonconventional fuels iceberg. This iceberg includes oil shale, liquid coal, ultra-heavy oils and ultra-deep off shore deposits. Extraction of these bottom-of-the-barrel fuels, emits higher levels of greenhouse gases and creates ecological devastation.¶ Unchecked expansion of biofuels (agrofuels) production and agricultural monocrops threaten biodiversity and food security and contribute to climate change and the destruction of rainforests, impacting Indigenous communities worldwide. ¶ Impacts of climate change are greatest in Native communities because of the close cultural relationship with the land and subsistence farming, hunting and fishing. In Alaska, the entire Indigenous village of Shishmaref will need to relocate (at a cost of $180 million) because rising temperatures have caused ice to melt and rapid erosion of the shoreline. Shishmaref is one of some 180 villages that will either move, at an estimated cost of $1.5 million per household or be lost. All of these burdens fall on tax payers, although one Alaskan Native Village- Kivalina has sued 14 oil companies for the damages.¶ Our Native organizations and the communities and tribes we serve believe the Obama Administration should request the new Congress and direct the departments of interior, energy and treasury to review all energy subsidies that go to coal, gas, oil and nuclear industries which have climate or toxic waste impacts on Native communities and to redirect the billions in subsidies to actualize clean sustainable energy development in Native America. Subsidies for the nuclear, coal, gas and oil industry should be rapidly phased out with a proportional ramp up of subsidies for renewable technologies and locally administered conservation/efficiency improvements. ¶ In particular, we believe that any climate change legislation should not allocate funds for nuclear or clean coal technologies, and proposals to provide liability guarantees to nuclear plants, and capitalize research on uranium in situ mining practices must be eliminated. ¶ NATIVE AMERICA: IN NEED OF GREEN ECONOMIC DEVELOPMENT¶ Ironically, whiles some Native Nations and their reservation communities have borne the brunt of destructive energy development that has reaped massive profits for some, they are the poorest in the country, with high unemployment rates and inadequate housing.¶ The unemployment rate on Indian reservations is more than twice the national rate.¶ The median age in Indian Country is about 18 years, with a young and rapidly growing population in need of both jobs and housing. ¶ The poverty rate for Native Americans is 26%; more than twice the national average.¶ More than 11% of Indian homes do not have complete plumbing. About 14% of reservation households are without electricity, 10 times the national rate. ¶ In rural Alaska where Alaska Natives predominately reside, 33% of the homes lack modern water and sanitation facilities. ¶ Energy distribution systems on rural reservations are extremely vulnerable to extended power outages during winter storms threatening the lives of reservation residents. ¶ Reservation communities are at a statistically greater risk from extreme weather related mortality nationwide, especially from cold, heat and drought associated with a rapidly changing climate. ¶ Reservations are waiting on more than 200,000 needed new houses. ¶ About 1/3 of reservation homes are trailers, generally with completely inadequate weatherization.¶ Inefficient homes are a financial liability, leaving owners vulnerable to energy price volatility.¶ Fuel assistance programs provide millions of dollars of assistance to tribal communities. While necessary in the short term, they do nothing to address the cycle of fuel poverty due to leaky inefficient homes, and the need for a localized fuel economy. ¶ Internationally, the present levels of deforestation and climate-related disasters are creating huge populations of environmental refugees. It is anticipated that within 20 years, we will be spending some 20% of world GDP on climate change related mitigation and disasters.¶ Unemployment rates, poverty and the need for efficiency improvements and renewable energy provide an ideal opportunity on tribal reservations and Alaska Native villages for maximizing the impact of a green jobs initiative. Local jobs weatherizing buildings, constructing, installing and maintaining renewable energy technology could be created. This has huge financial implications for rural economies, and for the overall US economy. ¶ The Obama Administrations’ economic stimulus plans that incorporates a green economy and green jobs portfolio must include provisions for access of these resources by our Native Nations, our tribal education and training institutions and Native organizations and communities. ¶ GREEN ECONOMIES IN NATIVE COMMUNITIES: MASSIVE POTENTIAL, MAXIMUM IMPACT¶ Providing clean renewable energy development and reversing the trend from exploitation toward energy justice should be top priority in administration energy decisions. Tribes must be provided federal support to own and operate a new crop of renewable electricity generating infrastructure providing the dual benefits of low carbon power and green economic development where it is needed most. Tribes should be targeted with efficiency programs to reduce consumption of fossil fuels for heating and cooling and creating local jobs weatherizing and retrofitting buildings, helping reduce the tremendous amount of money that exits communities to import energy. ¶ Tribal lands have an estimated 535 Billion kWh/year of wind power generation potential.¶ Tribal lands have an estimated 17,000 Billion kWh/year of solar electricity generation potential, about 4.5 times total US annual generation. ¶ Investing in renewable energy creates more jobs per dollar invested than fossil fuel energy.¶ Efficiency creates 21.5 jobs for every $1 million invested. ¶ The costs of fuel for wind and solar power can be projected into the future, providing a unique opportunity for stabilizing an energy intensive economy.

#### Environmental destruction of Native lands is inevitable without control of title to land

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Currently, federal Indian environmental policy relies on the annulment of treaties that were made in sacred trust between American Indian tribes and the United States government. In the years since signing these agreements, non-Indians have used racial discrimination against Indian tribes to justify their maltreatment and dispossession of Indian land. This injustice became institutionalized over time by unilateral decisions made by the United States Congress and President, and was further supported by numerous Supreme Court decisions. Court rulings that allowed for the abrogation of treaties at the discretion of the United States Congress are perhaps the most egregious of these injustices. One of the most pernicious outcomes of these decisions by the Court and Congress has been to sever full tribal relationships with their land, a central component of the negotiated treaties. This set of broken relationships is at the bottom of an unsustainable and unlivable land management system that has occurred on a number of Indian reservations.¶ The premise of this Article is that the environmental policy of the United States government, because it exerts control over Indian nations' natural resources in violation of specific treaties, is inherently violent. We define violence in this case as a breach of the reciprocal relationship established between Indian tribes and the federal government through treaties. To demonstrate our premise, we first conceptualize and configure the concept of violence as it applies to environmental Indian policy. Second, the violence of broken treaties to gain Indian resources is not a new phenomenon as we demonstrate in an analysis of the Medicine Lodge Treaty, the subsequent Jerome Agreement, and the Lone Wolf v. Hitchcock Supreme Court case that officially instituted congressional plenary power over all Indian nations. n1 Third, we demonstrate how environmental policy operates under visions of racial and ethnic superiority in order to continue colonial control of Indian resources. This vision of racial and ethnic superiority was institutionalized by Supreme Court precedence, and continues to put the control of Indian resources in non-Indian hands. [\*225] Finally, we suggest that current environmental policy has not only committed violence against tribes but also against the earth through exploitation of reservations. The way to end such violence and exploitation of Indian people and the earth is to retract plenary power over environmental policy and exploitation, acknowledge treaty relationships as sacred sovereign-to-sovereign promises, and place tribal lands back in tribal hands.¶ I¶ ¶ A Concept of Violence¶ ¶ To draw out the violence embedded in broken treaties we first describe mainstream understandings of violence in the modern era. Such understandings of violence are typically blind to the violence committed by government institutions acting in the name of rationality, progress, or material benefit for the state. Second, we argue that the hierarchical relations, which replaced the reciprocal treaty relations, are inherently violent because they force one party into the role of a ward with compromised agency.¶ The modern understanding of violence, as found in social contract theory and the Post-Westphalian state, is particularly important in the case of American Indian law and policy. Since early discussion of the subject by Greek scholars, in order for an action to be considered violent it must be an illegitimate, irrational behavior of a minority of individuals in society. n2 During the casting of modernity, this became an axiom of the social contract. One purpose of the social contract was to keep violence at a minimum so that people could be free to live their lives without the risk of violence that was thought to exist outside formal social organization. n3 To enter the social contract is to gain civility and the ability to have real property. n4 "What man [sic] loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses." n5 Thus, the social [\*226] contract provides the civility of imposed limits on violent human appetites while providing a system where the possession of real property is possible. Outside the social contract there is no such thing as "private property" to social contract theorists, merely the ability to temporarily use a resource. This is important because, as we discuss below, the doctrine of discovery allotted private property rights to "discoverers." Indian tribes possessed only use rights because they were seen to be outside the social contract, residing in a state of nature. n6¶ Outside the social contract and within the anarchic state of nature, violence is an expected behavior. For this reason, sacrificing some portion of individual liberty to a sovereign who would keep order was a rational decision. n7 Thus, violence within modernity is usually conceived of as the erratic behavior of criminals and has not typically been conceived of as a social continuity perpetrated by rational and civil modernity itself. By definition, the state becomes a protector from violence, not the perpetrator of violence; and, violence that the state does commit is veiled in legitimacy.¶ Legitimacy of the state's use of violence was articulated by foundational sociologists such as Durkheim and Comte who suggest that the state was the source of modern and moral authority. n8 Like all political institutions, the state "is a relation of men dominating men," but this domination serves as a "monopoly of legitimate use of physical force within a given territory." n9 Since the state is the source of legitimacy its actions are not recognized as violent. Or, if they are seen as violent, the violence is not seen as problematic as it furthers the goals of a social contract and modern progress. This concept is also reflected in the roots of Hegel's Philosophy of Right, where the state is the ideological foundation of a good and developing society, an idea Marx would later dismiss. n10¶ [\*227] The state's monopoly of the legitimate use of force was the justification for the violence used against American Indians in the establishment and maintenance of the United States. Taking and controlling tribal land was seen as a necessary step in the progress of the state. We reject this thinking, and argue that the state can be an agent of illegitimate force. This is central to our theory of violence because the lens of institutional legitimacy has so far kept the operation of federal Indian environmental policy from foundational criticism. One reason for this is that the same agent (the United States federal government) in the form of the Supreme Court and Congress has been allowed to both rule in its own interest and then sanction that ruling - a clear violation of even mainstream pluralist political theory. n11 In other words, in relying on the agent of violence to define legitimate fiduciary responsibility for the tribes, the Court and Congress are empowered to promote their own interest. In this case, the separation of powers is irrelevant because the interest of the federal government as a whole is uniformly found in the control of tribal land wealth.¶ While the definition of violence has been subject to minimal debate or analysis as a concept, it has an assumed meaning in social science that generally includes physical injury with malicious intent. In this definition of violence, the focus is on the intent of the agent to cause harm. Attempting to define actions as violent from the agent's perspective, here the federal government, becomes very difficult. Melissa Burchard recognized this complexity of violence and discusses the concept in the case of non-stranger rape. n12 An especially appropriate example given by Burchard is the case of non-stranger rape where the rapist often says he did not "mean to do it." n13 As a result, prosecutors have been reluctant to vigorously pursue prosecutions when the perpetrator of the crime suggested no malicious intent. n14 Thus we are left relying on the agent of violence to define (or not) their own violent act. In the case of federal Indian environmental policy, it is unlikely that branches of government acting in collusion will recognize their own violent acts or seek to prosecute them.¶ [\*228] This point becomes even more poignant when dealing with an institution or government whose actual intentions could be numerous and complicated to identify. Further, intention and interest may be hidden in the modern rational decision-making process which can promote violence. Through the focus on means-end logic, violence may be justified, considered natural, or simply overlooked as a necessary step in modern "progress." However, the role of this rationality in state-sponsored violence has been ignored "because the social sciences still largely retain the etiological myth - the belief in an emergence from a pre-social barbarity into a civilized and rational society." n15 Consequently, modern institutions are rarely challenged as the root of systemic violence.¶ Intent to cause harm is often obfuscated by the casting of some social groups outside of the social contract as non-rational, primitive, and thus incapable of agency. Ecofeminists specifically point out that social groups associated with the state of nature are tied to a state versus society justification of domination. As a result, they are compelled to conform to the idea of European civilization. Ecofeminist scholars further suggest that the control of tribes and the earth by a dominant society are a related enterprise. n16 This domination is justified by the rhetoric of paternalism. However, the true goal is to produce material wealth and power at the expense of those protected. Thus, the efforts to assimilate American Indians into civilized people disguised the primary goal of taking American Indian land and resources and using them to benefit non-Indians. In fact, the rhetoric of civilizing the "savage" was a consistent element in contemporary American Indian history, including the Allotment era beginning in 1887. During Allotment, tribes were divested of reservation with the promise that agriculture and a change in lifestyle would ultimately lead to a better life. n17 Similarly during the "termination" period starting in 1945, some sovereign tribal governments were terminated with the implication that American Indians would benefit from becoming full-fledged members of the dominant society if their official tribal affiliations were dissolved. n18 [\*229] Allotment and termination were not viewed as violent since the rhetoric of the federal government was of aid, not malicious intent. Since mainstream notions of violence do not accurately describe this violence experienced by American Indian tribes, our notion of violence itself must be reformed.¶ Therefore, the notion of violence employed here is the violence that begins in the minds of men and women about "others," specifically those perceived to be outside of the social contract. Violence is, first and foremost, a breach of expectations inherent in a relationship. According to Burchard,¶ ¶ Harm is not only a matter of what damage, physical or otherwise, has been done, however. It is also, when taken in the context of determining whether violence has been done, an evaluative concept which implies that some legitimate expectation about what ought to have been done has been breached. That is, part of the understanding of what actions will be named violence depends on the understanding of the relationships involved in the given context. n19¶ ¶ The focus has now shifted from the subjective intent of the agent and all of its associated problems to the relationship established between the involved parties. Understanding what constitutes violent action is recognizing the expectations inherent in that relationship. Breaching these expectations is the core of understanding whether harm has occurred. n20¶ Harm occurs at the point in a relationship where there is an expectation of an equal relationship, but one of the parties unilaterally assumes a superior position. The essence of this harm is not just that one party has more power, but that one entity changes an established or assumed reciprocal relationship with another party for their own gain. Political realists have observed this phenomenon at least since the time of Thucydides, but typically assert that it is part of an unchanging human nature. Normalizing violence in this way takes an expectation for circular (non-hierarchical, interdependent, and balanced) relations out of the frame of reference and the foundation of violence goes unchallenged.¶ [\*230] When groups of people interact with each other, we assume that no group of people will view themselves as justifiably inferior to the other, regardless of relative capabilities. Therefore, on the personal level, even though strangers on the subway or in the alleyway do not have an established reciprocal relationship, this minimal expectation of reciprocity is presumed. When this reciprocity is formalized into sacred treaties, breaking this relationship has even more severe consequences because defenses against exploitation may be relaxed. It is assumed that actions by one party in a circular relationship occur with the consent of the other parties. Thus, non-coercive and non-retributive consent is a minimum requirement to change the expectations of a reciprocal relationship between equals. If consent is not obtained, the unilateral action by one side without consent of the other destroys the equality and replaces circularity with hierarchy within the relationship. This hierarchy results in harm, which then constitutes violence.¶ The establishment of a hierarchical structure is one of the most damaging elements of violence. The power accumulated in hierarchy facilitates the ability of abusers to keep the abused under their reign. This accumulation of power then compromises the potential for resistance. American Indians did not consent to the new hierarchical relationships that replaced the sacred treaty relationships. The United States government unilaterally imposed this hierarchy by threat of force justified by the United States Congress and the Supreme Court.¶ With the original duties and relationships between the federal government and tribes discarded, the federal government was able to exercise plenary control over native land bases for their own gain. This has meant extracting vast surplus value through wanton natural resource extraction from tribal land bases.¶ Two acts of violence are committed when the United States government breaches a treaty with Indian nations that reserve an area for tribal control. The first relationship broken is that between the two peoples, Indian tribes and the United States government who have formed a sacred bond. The second relationship broken is the human/nature relationship between Indian tribes and the land. Important to our understanding of environmental policy, the agents in this relationship (and thus our theory) can include non-humans such as animals, plants, rocks, streams, and mountains. Different societies ascribe agency to [\*231] differing entities. For many American Indian tribes, the earth itself was a consistent, active and powerful agent with whom many tribes instituted reciprocal affiliation. While treaties do not spell out how tribes should think of nature, forcing a utilitarian use of nature where a different relationship previously existed is another violent dimension of broken treaties. This can be restored with minimal effort by simply following the agreements that were made.¶ Under the prevailing conception, Western ontologies and epistemologies have not recognized the breach of sacred treaty relationships as a violent action. However, with a new understanding of violence, environmental policy in Indian Country can be recognized for the dysfunction that it continues to serve. We can better understand this conception of violence by profiling a Kiowa experience that was later applied to all federal-tribal relationships.¶ II¶ ¶ Twenty-Five Years Reserved: The Treaty of Medicine Lodge is Allotted¶ ¶ In 1867, the Kiowa and Comanche Nations and the United States government negotiated a treaty at Medicine Lodge Creek, Kansas. Article One reads:¶ ¶ From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. n21¶ ¶ The 1867 Medicine Lodge peace treaty was forged to end potentially protracted fighting that could have severely damaged both sides. For the United States government, talks were needed to strike a deal with the Kiowas and Comanches so they would not attack the railroad or wagon trains crossing through their territory on the way west. For the Kiowa and Comanche, negotiations for a cessation of fighting were meant to ensure the protection of tribal land from further incursions by non-Indians. In negotiating an agreement, both sides also approved a framework for further agreements. This framework, usually referred [\*232] to as the "Indian Consent Rule," stated that the federal government would have to gather the signed consent from three-quarters of the adult males in the tribe before any other land cessions were made. This was an attempt by tribal leaders to avert the loss of any additional tribal land and/or rights to the federal government. The Indian consent requirement was placed in the Treaty "to specifically reassure those Indians who wanted a federal guarantee of their future, undisturbed use and occupancy of their reserved lands." n22¶ Thus, "in exchange for certain land cessions, the federal government explicitly promised the Kiowas that no additional land cessions would be made without their consent." n23 At Medicine Lodge Creek, the Kiowa ceded original tribal lands that spanned from South Dakota to large portions of western Oklahoma in exchange for more than two million acres in present day southwestern Oklahoma. n24 The Agreement is explicit about the extent of control the respective tribes had over this land.¶ ¶ The United States now solemnly agrees that no person except those herein authorized so to do and except such offers, agents and employees of the government as may be authorized to enter upon said Indian reservation in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians. n25¶ ¶ Thus the Medicine Lodge Treaty provides a legal agreement for the permanent residence, use and benefit of a reservation explicitly for the Kiowa and Comanche people. Yet despite the explicit language in the original treaty, the Kiowa reservation no longer exists. Kiowa land holdings are now a "checkerboard" arrangement of personal property (not tribal) and trust land. Tribal members personally retain 1200 acres of discontinuous land and an interest in about 3000 acres of trust land. n26 This represents a loss of 99.7% of the land originally reserved in the Treaty. Some scholars argue this should be considered an act of genocide due [\*233] to the attempt to destroy the land base of land-based peoples. n27 Part of this act was the necessary hierarchical relationship and exercise of power to enact these genocidal policies. Moreover, such policies would not have been considered had the original reciprocal duties been honored and genuinely respected.¶ The loss of permanently reserved land occurred for many tribes through "allotment" via the General Allotment Act of 1887. Allotment was a policy to reduce tribal holdings and end tribalism by taking tribal reserved land and allotting it to tribal individuals to be used for farming. Non-Indians advocated the Act under the guise of "civilizing" Indian people by dispossessing tribal land and privatizing it for individual farming. However, it was also done at a time when the federal government was under pressure to release more land to settlers. The "surplus" land left from allotments to tribal members was consequently sold off to non-Indian settlers for less than $ 2.00 an acre. During this period, tribal people lost over 80% of their reserved land (which was already an enormous reduction from previously ceded land). n28 Before Congress ended the policy of allotment, many individuals' allotments were sold to non-Indians, making tribal holdings a "checkerboard" of ownership.¶ For the Kiowa and Comanche, allotment was implemented through the Jerome Agreement of 1892. "Agreement," however, is a contested term in this case because the "Indian consent rule" of the Medicine Lodge Treaty had been broken. It was broken by David Jerome and Warren Sayre, Federal Indian Commissioners, who told the Kiowas, Comanches and Kiowa-Apache that if they did not allot their land, the President would do it by force as had been done to other tribes. The Kiowa protested, but the federal officials forced the matter and left with 456 tribal signatures. n29 The most current census of that time showed that there were 725 adult males on the reservation. In order to be in accordance [\*234] with the Medicine Lodge Treaty, Article 12, the federal government needed 543 signatures. n30¶ According to our definition of violence, abrogation of the Medicine Lodge Treaty was an act of violence against the tribes as it abrogated the reciprocal relationship between two sovereigns. Clearly, placing the Kiowa, Kiowa-Apache and Comanche Indians under a hierarchical relationship forced them to subordinate their rights of self-determination and forfeit their ability to determine policy on tribal land. However, this violence was consequently legitimated by the Supreme Court holding in Lone Wolf v. Hitchcock.¶ III¶ ¶ The Violent Institution of Lone Wolf v. Hitchcock¶ ¶ Kiowa Chief Lone Wolf appealed the Jerome Allotment to the Supreme Court, citing the fact that the Agreement failed to get a super-majority from the tribe, thus breaking the Medicine Lodge Treaty. The Kiowa chief lost the case, and the Lone Wolf v. Hitchcock Court ruled that the United States Congress could abrogate this agreement and all treaties as it saw fit. n31 This decision affirmed congressional plenary, or nearly unrestricted, power and gave Congress the ability to make final decisions regarding American Indian lands and welfare. n32 In this decision, Congress is assumed to act as fiduciary to the tribes as a parent acts in the interest of a child; this is the trust doctrine and continues to be a foundation for justification of plenary power today. n33¶ The Court and Congress never denied that, if the Jerome Agreement was ratified, it would break the Medicine Lodge Treaty. In fact, the Secretary of the Interior testified to Congress that the treaty had not been fulfilled. n34 Thus, the issue in the Lone Wolf decision was not whether the treaty was indeed broken - it was - but whether the United States was bound by the relationships of the Medicine Lodge documents and others like it. n35¶ [\*235] Perhaps the key to understanding the scope of this violence is to understand what the federal government and the tribes expected out of the treaty relationship. The tribes expected that the treaties had a universal, spiritual, and teleological import. For tribes, treaty making was often viewed as a sacred trust. Treaties were bonds that had utility and were also bonds that held the promise of multicultural unity and connection. Treaties were a way to bring peace and were seen in a larger context than simply the absence of physical violence, because the treaty parties would become joined in trust. "First and foremost with Indians of the Classical Era (and even today) a treaty is a sacred text. It fulfills a divine command for all the peoples of the world to unite as one." n36¶ The views of Indians towards treaties is further explained by a scholar quoting an Indian superintendent, "'in the making of treaties'... 'no people are more open, explicit, and direct.' This was because, according to American Indian traditions of law and peace, treaties created a sacred relationship of trust between two peoples." n37 The relationship forged in treaties could not be more evident. Treaties connected Indian people with the settler people "literally as relatives." n38¶ The federal government, on the other hand, expected more of a business deal than a brotherhood. The federal government apparently saw treaties as a means to an end and an instrumental decision to conclude a conflict and gain resources. This commitment only had rational appeal so long as the agreement was in the government's favor. In 1871, just four years after the Medicine Lodge Treaty, the settler government found themselves in a position of enough power and political will to end treaty-making with the tribes for good. Apparently the convenience had worn off, even if the sacred trust had not.¶ The settler government, instead of respecting the specific circular relationships set up in treaties, would come to generalize its hierarchical relationship over Indian peoples through a universal Indian policy, largely based on plenary power. "As long as we emphasize the generalities, we do violence to the rights of Indians [\*236] as they are articulated specifically in the history of the tribe with the federal government." n39 One such generalization is the decision of the Lone Wolf Court.¶ Had the Court reversed Allotment and upheld the relationships of treaties in federal Indian law, it would have had to also remand the purchases made by over 150,000 non-Indian settlers who had bought homesteads at a $ 1.75 per acre. n40 All of these factors were nearly immovably in place despite the fact that the United States very often promised reservation lands would be available for the sole use by the tribes, "as long as the grass is green and the rivers flow." n41¶ Not only did the Lone Wolf Court decide that Congress did not have to abide by its promises in the Medicine Lodge Treaty, but it released itself from all treaties with Indian people.¶ ¶ The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith towards the Indians. n42¶ ¶ It should be noted that plenary power and the power to abrogate, as it is referred to in the ruling, did not always exist in the form that it does now. To proclaim so denies the reasoning for which the federal government was forced to negotiate treaties with the tribes in the first place. Also, the Court's apparent presumption that abrogation and plenary power would be administered with the best interests of the tribes in mind is not a point that has been fully supported by congressional policy. Yet, the Court famously admits, "We must presume that Congress acted in perfect good faith in the dealings with the Indians of which [\*237] complaint is made, and that the legislative branch of the government exercised its best judgment in the premises." n43 With this understanding of the trust, Congress is said to know the interests of the tribes more than the tribes themselves and the abrogation of treaties would be made to benefit them. Under this new relationship, control of the structure of Indian life and resources were placed within the plenary control of Congress. "Furthermore, Congress was judicially authorized to take Indian lands incident to its exercise of guardianship power over the Indian peoples. The Court's action unleashed the federal government's forced Indian assimilation program that was aimed at the systematic dismantling of traditional tribal governance and cultural systems." n44 These colonial inscriptions and the violence inherent in them are the basis for contemporary environmental policy on tribal lands.¶ IV¶ ¶ Colonialism, the Doctrine of Discovery, and Environmental Policy¶ ¶ "The history of man's effort to subjugate nature is also the history of man's subjugation by man." n45 Control of Indian people by controlling Indian land is a poignant example.¶ Given colonial visions of the European superiority in ideas of religion, government, culture and control of the environment, Indian nations were not permitted to have the same control of resources as Europeans. Instead, Indian title was a compromised version of land and resource control that only implied use and occupancy, not mastery of land and resources that the Europeans assigned themselves. Western ideas of title included fee simple property that could be sold. In contrast, "aboriginal title" did not allow similar transfer/sale privilege. n46¶ Aboriginal title was not determined by examining the governance systems in place - which were complex and largely well-organized in egalitarian and peaceful means n47 - but through race. [\*238] This is evident in the Supreme Court's decision in United States v. Sandoval. In Sandoval, Pueblo tribes differed from other Indian nations in that they owned their land in fee title since the time of Spanish contact in New Mexico. n48 Despite this undisputed title, the Supreme Court ruled that Congress could still impose control over the reservation simply because the people were Indian.¶ ¶ The people of the pueblos, although sedentary rather than nomadic in their inclinations, and disposed to peace and industry, are nevertheless Indians in race, customs, and domestic government. Always living in separate and isolated communities, adhering to primitive modes of life, largely influenced by superstition and [fetishism], and chiefly governed according to the crude customs inherited from their ancestors, they are essentially a simple, uninformed and inferior people. n49¶ ¶ As the Court proclaims, application of the federal trust, plenary power and federal control of environmental policy is based on notions of an inferior race. This theory allows for the perpetuation of an institutionalized, hierarchical relationship where non-Indians control Indian land and may perpetuate violence "in good faith."¶ Further reinforcing European notions of racial difference was the divergent relationships Indian peoples and Anglos had with nature. n50 Anglo conceptions typically viewed nature as an opportunity for material wealth based on the control of nature. n51 This utilitarian relationship to the natural world promoted vast conversions of natural resources into usable commodities and industries. n52 These industries were then transformed into increased industrial and military capacity used to further expansion and to acquire more resources. n53¶ In contrast, many tribal epistemologies did not recognize the ability to own or master an animate nature. n54 Viewing nature as alive restricts the uses of natural resources and severely restricts [\*239] commodification and industry as a matter of respect. n55 Conversely, viewing nature as inanimate, as did Anglos, allows for maximum exploitation. n56 Some scholars see this type of world-view as a foundation for imperialism because societies that extract the most short-term energy from natural resources gain dominant social positions and power over those who temper their exploitation. n57¶ A. The Doctrine of Discovery¶ ¶ ¶ The English colonists came up with two justifications for taking the Native Americans' lands. First, they argued that colonists would civilize the Indians and 'cover their naked miserie, with civill use of foode and cloathing.' In royal charters given to the companies organizing the colonization, mention was always made of the obligation to bring Christianity to the 'savages.' The other part of the rationale was that Europeans could put the land to a 'higher use,' making it more productive by intensive cultivation and by bringing in livestock. In 1625, Samuel Purchas argued that God did not intend for the land to remain as 'that unmanned wild Countrey, which [the savages] range rather than inhabite.' n58¶ ¶ From the very beginning, Europeans sought to control the ontology of nature by imposing western norms of separating nature from society. Groups with a communal and cohesive relationship with nature were seen as outside of the social contract and were marginalized as irrational. As such, "savage as the wolf" and "noble savage" constructions were used to imagine American Indian people as inferior. n59 These characterizations become the underlying justifications for domination of people portrayed as "unfortunate children of nature" n60 who need to be controlled, managed and dominated like nature itself under the rubric of Enlightenment civilization. The first version of colonial jurisprudence [\*240] to utilize this characterization in the United States was the method of dividing resources for use via title, as understood by discovery tenets.¶ The discovery doctrine gained further legitimacy in United States law through its application by Chief Justice Marshall. According to Marshall this doctrine leads to a natural assumption about 'use' versus 'title' property. He elaborates the point in Johnson v. McIntosh. n61¶ ¶ They [American indigenous people] were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it. n62¶ ¶ Federal trust, in light of its discovery legacy, is a legal tool whose primary use is to compromise the title and claims held by tribes. Moreover, the federal trust is a colonial instrument used from the beginning to divest the natural resources from American Indians. This justification by differences in race and ethnicity places aboriginal people outside of the social contract. If they are placed outside of the social contract, the original, established agreements with the tribes could be broken on the grounds of paternalism. However, the use of the discovery doctrine to legitimize the violence done to American Indians through this unilateral paternalism, even if hidden during treaty making, cannot disguise the harm done to American Indians who were forcefully removed from their lands and denied their traditional relationship with nature.¶ B. Environmental Policy as Colonial Legacy¶ ¶ Federal-tribal environmental land management on reservations reflects the foundational violence committed through colonial-based plenary power. American Indian leaders, scholars and policy experts agree that these environmental policies have been a disaster. n63 We contend that the harm done can be traced to the [\*241] forced change in American Indian use relationships with nature that had been protected by treaties. Thus, while tribes and individual American Indian citizens often retain traditional values for relating to nature, they are not allowed to incorporate them into the federal environmental laws that govern policy on tribal lands. As a result, Indian environmental policy, as dictated by various federal environmental laws, places major decisions about resource use and management in the hands of the federal government through application of the trust doctrine and the "good faith" which it is supposed to embody.¶ One function the federal trust affords the federal government, usually the Department of the Interior, is the ability to approve leases for uranium mines, coal mines, timber harvests and other extractive industries. The trust doctrine has had a damaging effect on tribal sovereignty as well as environmental quality. Tribes have been forced to lease out territory for the mining of radioactive material used in civilian and military nuclear facilities. n64 Such operations usually destroy an area in perpetuity and are often abandoned without being cleaned up. n65 "Tribal self-determination requires the ending of the colonial relationship facilitated by the energy companies and the government... ." n66 The federal trust responsibility is used in an abusive fashion to exploit the resources of American Indian people without paying the social costs of doing so. n67 The leases are producing revenue for the tribes, but at a rate far below their market value. n68 Thus, [\*242] the tribes are not only denied the right to stop exploitation and treatment of nature in a way counter to their beliefs, they are also cheated out of their share of the profits when resources are extracted.¶ "The government has long discovered since, that by keeping Indian resources pooled in reservation areas under trust, it is able to channel the resources at very low rates to preferred corporations, using the tribal council apparatus it established in 1934 as a medium for leasing purposes." n69 The 1934 Indian Reorganization Act instituted liberal democracies on reservations which are referred to as puppet tribal councils. These puppet councils, working within the hierarchy of the Bureau of Indian Affairs (BIA), operate under special interest politics, as opposed to the traditional egalitarian and often consensual governments that tribes previously employed. n70¶ This misuse of nature was strictly prohibited by American Indian ideas and theological restraints that provided an American Indian worldview about a living and sentient nature. Unfortunately, this ended with tribal displacement and rule by non-Indians. The Indian worldview insisted on non-violence and a reciprocal relationship with nature. Moreover, human beings are encouraged to develop their personal capabilities "but only in ways which do not infringe on other elements - called 'relations,' in the fullest dialectical sense of the word - of nature." n71 In addition, the reason that American Indian tribes were able to live sustainably for thousands of years was precisely because of these restraints on what human changes could be made to the natural world. n72 For example, engineering was allowed so long as no permanent changes were made to the earth. n73 Agriculture was a traditional mainstay for some tribes, but it typically could not displace other non-domesticated vegetation or wildlife. n74¶ [\*243] After the displacement of Indians from ancestral lands and the forced severance of traditional Indian uses of nature through broken treaties, extractive resource development became a norm on many reservations. n75 A first step in ending these corrosive environmental practices is to recognize the violence inherent in the destruction of the traditional American Indian connections to their land and the harm perpetuated by plenary land management.¶ One example of federal land management practices violating traditional values and leading to environmental destruction has been unsustainable logging and clear-cutting found on many reservations. Tribes experiencing this problem include the Lummis in Washington, the Umatillas in Oregon, the Western Shoshone in Nevada, the Nez-Perce in Idaho, the Chippewa in Minnesota, the Anishinaabeg in Minnesota, the Menomonee in Wisconsin, and the Navajo Nation in Arizona/New Mexico. n76 In contrast, some tribes such as the White Mountain Apache, Colville, and Grand Portage Ojibwe seem to have faired better in setting more sustained yields. n77 Also, tribes which were subject to congressional termination, a policy which ordered the full integration of Indian people into mainstream society by unilaterally terminating the legal existence of some tribes, had little choice but to watch their forests be clear-cut. n78¶ Perhaps the most well known and egregious federal Indian environmental policy was to encourage uranium mining on reservations. Uranium mining on reservations occurred at a fevered pitch during the Cold War and fueled much of the United States' nuclear arsenal and nuclear power plants. n79 The results of these operations are well documented and have been catastrophic to American Indian health, culture, and ecosystem integrity. n80¶ [\*244] We argue that the mismanagement of tribal lands must not be viewed as random acts of malfeasance, but rather they should be seen as directly attributable to the violence of the broken circular relationship which would have prevented these disasters. When the violence of these broken expectations is recognized, we can begin to address the harm done by allowing more holistic solutions to emerge through the restoration of positive, nonviolent relationships.¶ C. Hope for Non-violent Solutions¶ ¶ Some isolated, but positive steps have already begun. First, some federal land management practices and theories are moving away from extraction and toward preservation through ecosystem management. n81 Also, tribes are gaining more local control through the Environmental Protection Agency. n82 Next, pressure groups and electoral strategies employed by Indian nations may expand tribal influence even more. Finally, the area with the most hope is the powerful history of the American Indian people that can be used to rally support from American Indians and non-Indians as they seek to apply traditional approaches to land management.¶ There has been an emboldened, but not yet universal, change in federal land management. This signals a move away from extractive industries and more toward conservation. At the same time, ecosystem science has begun to come of age, and the application of ecosystem management--seeing all parts of an ecosystem as important and connected--is gaining more adherents and application in contemporary federal environmental policy. n83 Land managers such as foresters, biologists, and social scientists are beginning to reaffirm some components of traditional land management through the respect of predators, habitat conservation, and balance in the natural world. n84 This is an opportunity for administrative officials to personally deny the colonial vision [\*245] and reinstate a reciprocal operating relationship at an agency level as they devise environmental policy with tribes. Honoring the expertise of tribal holism could be recognized at the bureaucratic level as a way for agencies to re-embrace the original circular relationships that were broken. In this way, public administration officials of many levels could initiate programs that embrace the spirit of circular relationships with tribes as a way to begin dissolving the illegitimate hierarchy. This would be both useful and symbolic. Tribal expertise could inform federal bureaucrats about ecosystem management for federal public lands, while these agencies could then recognize that same expertise as a reason to leave tribal land management to the tribes. As an example, the Nez Perce have taken charge of the wolf reintroduction in Idaho because the state refused to do so. As a result, the Nez Perce and the United States Fish and Wildlife Service have used this opportunity to put traditional relationships and values in practice to inform a contemporary need, and it is "one of the most successful wildlife recovery efforts ever." n85¶ Tribes are also gaining some increased control of their environmental policy as the Environmental Protection Agency (EPA) modifies its working relationships with tribes. In programs such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, tribes may be designated by the EPA to receive Treatment As States (TAS) and administer their own standards. n86 Under the current TAS amendments, tribes may even assert control over land outside their reservation if the activities will affect the reservation in a "serious and substantial" way. n87 This kind of power is unprecedented in Indian environmental policy. However, it is up to the EPA to designate the tribes with this control, and these provisions do nothing to counter plenary power that could overturn the provisions at any time. n88¶ Tribes are also gaining political power as their revenues increase through gaming and other means. They have been investing these revenues in lobbying members of the United States [\*246] Senate. n89 Tribes are also entering competitive American politics with much more vigor than in the past. n90 For example, in the 2000 election, tribal efforts were recognized as the swing vote that deposed Senator Slade Gorton in Washington. n91 Also, some tribes are investing financial resources and awards to reestablish title to original tribal lands. n92 While these efforts do not directly address the violence inherent in hierarchical relationships with the federal government, they do have the potential to reduce the violent environmental policies rampant in the current system.¶ Finally, and most importantly, hope lies in the history and legacy of the tribes themselves. One helpful question that could provide environmental improvement is "how did the people who lived in this area before relate to and use the rivers, the trees, the grass, the mountains?" While the ability to implement the answer is blocked by plenary power, the solution it offers may help in the local areas where tribes are increasing decision-making ability for land use (such as the TAS). Academic research about this topic is rife with support that many American Indian ancestors related to nature through "cyclical thinking and reciprocal relations with the earth." n93 This research seems to universally agree that tribal institutional worldviews and values encompass "respect." n94¶ [\*247] Illuminating traditional values and demonstrating how this value system can work in contemporary times focuses on the nexus between the past and the future for tribes. This respect specifically means a universal notion of community where "human-to-human relationships are similar to human-to-animal and human-to-plant relationships." n95 Additionally, respect means an acknowledgment that all things are connected; that "past human generations left us a legacy, and we have a duty to pass that legacy on to our great-grandchildren and beyond, as far as to the seventh generation." n96 Further, there must be humility for the oceanic depth and complexity and power of nature. n97 However, current holistic implementation of these values and the full realization of any of the above improvements are fully contingent upon the violently imposed plenary power of the United States federal government.¶ Consequently, fundamental changes are needed at the level of the federal government. First, the federal government should recognize that the treaties made with indigenous peoples are sacred texts (similar to the Constitution or the Bill of Rights) and use them as the basis for future deliberations. Second, the trust doctrine should be abandoned as a guardian/ward hierarchy and replaced with a commitment to a reciprocal relationship with tribes. This should mirror the original multicultural unity between Indian nations and non-Indians found in the original treaty-making context. Third, Congress should revoke plenary power. Society must recognize that Congress does not act in the best interest of Indian nations nor do they provide a system of checks and balances considering tribal input. Only through these kinds of fundamental changes can tribal environmental integrity hope to be fully restored.¶ Further, at the tribal level, consensus decision-making, which was an important part of a holistic approach to the environment, has been replaced with majoritarian rule. Since consensus decision [\*248] making may be difficult to reinstate (maybe currently impossible), well-defined tribal protections for traditional values are worthy of consideration. Traditional values based on inviolable grounds and protected from changes in political mood could be a proxy for the original social beliefs.¶ What would basing traditional values on inviolable grounds mean? Requirements would include an upper limit on consumption, no high grading of renewable resources, and rejection of pure private property institutions for land management. n98 These requirements would remove most extractive industry from reservation lands. When resources are removed from the market, much higher prices would be demanded for those resources and those prices would more closely resemble the resources' real value in the ecosystem. In addition, common property regimes could be strengthened so that new developments would have to meet strict rules limiting impact on animal and plant communities. Finally, corporate interests would have to meet strict demands for business practices, in this case, demands dictated by local tribal decision-makers.¶ These suggestions do not mean that tribes would automatically become "green." It is likely that many tribes would increase exploitive practices. However, it is the assumption of this Article that violence begets violence. By replacing violent relationships between governments with respect for others, tribal customs can more easily find their way into environmental decision-making. Thus, stemming one source of violence may also stem other sources of violence, including environmental degradation. Creating relationships of harmony means that all the connections in our world are at peace. Making environmental policy more peaceful would be one step on the road to harmony.¶ Contemporary tribal environmental policy can and should embrace these values; more than that, the global community should be open to also adopting these values. Traditional values can be used for global environmental governance. Using traditional values as a model for post-modern development would put tribal elders, storytellers, and healers at the vanguard of global consulting. With ever growing emphasis on sustainable development, biodiversity protection, habitat preservation and other issues, the [\*249] global community should take a second look at the values that tribal people have to offer for a livable planet.¶ Conclusion¶ ¶ Contemporary environmental policy on reservations is authorized by congressional plenary power and removes final control of the resources from the people to whom they were promised. This forces a separation of the tribe from the land and the relationships that tribal customs anticipate. Moreover, environmental policy dictated by a federal government that controls Indian land in spite of prior treaty relationships extends a colonial violence into contemporary federal Indian law and policy. This violent political relationship is convenient to extractive industry and conducive to abuse of Indian land. Consequently, both earth and tribes have suffered. We argue that control of the resource base should be returned to the expectation set forth in the original treaties. This would allow for the possibility of more sustainable tribal values to enter contemporary settings while restoring the sacred trust of these government-to-government arrangements. We do not expect this transition to be easy; however, we do expect the outcome to be much better than the current, violent environmental policy system.¶ In addition, the earth itself is not unscathed in this drama. Ancient tribal traditions quite often were based in theological respect for living earth, harmony with others, and equitable power arrangements. n99 In raiding the lives of American Indians, the possibility of green theological foundations for contemporary tribal governance has been seriously compromised. The abrogation of treaties and creation of institutions like the Indian Reorganization Act structured Indian life away from sustainable uses of nature. This changed longstanding relationships that proved to be generally healthy for all inhabitants as well as the land. Modern, western visions of people and nature, as shown in this Article, have largely been based in conquest, which cannot be sustained. n100¶ Violence done between people and to nature becomes an existential problem as the effects of these actions come full circle. Studies in global environmental politics regularly note that dominant [\*250] relationships with nature are fundamentally unsustainable and will ultimately mean terrific devastation that is a threat to global human survival. n101 Stemming this threat requires the very same changes needed in American Indian federal environmental policy - an end to institutionalized collective violence between groups of people and nature which is responsible for this mosaic of destruction.

#### U.S. trustee-ship of native title extinguishes the possibility of native control of property – studies conclusively demonstrate that tribal economies improve in direct proportion to their degree of economic control. Triggers undercapitalization and investment uncertainty.

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Beyond Reparations: An American Indian Theory of Justice, WILLIAM BRADFORD, Chiricahua Apache and Associate Professor of Law, Indiana University School of Law, OHIO STATE LAW JOURNAL, VOLUME 66, NUMBER 1, 2005, Lexis Law Reviews

Although Indian tribes are separate sovereigns in retention of all rights and powers not explicitly ceded to the U.S. by treaty, n196 or abrogated by explicit legislative intent, n197 U.S. Indian policy has been generally hostile to the right of Indian tribes to self-govern as politically distinct communities. n198 If the theme of the nineteenth century was eradication of Indians and the seizure of their land, the motif of the twentieth century was the destruction by law of tribal sovereignty. With the passage of the IRA, Indian tribes, traditionally hyperdemocratic and consensus-driven institutions, n199 were reconstituted and subjected to the veto power of the Secretary of the Interior; n200 subsequent legislative and judicial action [\*39] has stripped Indian tribes of control over their form, property, and powers. n201 Relations with post-IRA Indian tribes, rather than proceed as if between mutual sovereigns, are conducted largely through a welter of executive agencies. n202 As a result, the terms and conditions of Indian existence are frequently dictated by Washington, rather than debated on the reservations. n203 Federal agencies to which Congress delegates power smother tribes under a blanket of regulation n204 that, although it provides the means of subsistence, suppresses traditional modes of social control and value allocation, and the Secretary of the Interior looms large over every aspect of tribal life. n205 A dawning recognition that Indians are entitled to self-govern has spurred calls to end the fundamental asymmetry of U.S.-Indian relations. Nevertheless, decades after introduction of the federal policy of "Indian Self- Determination," n206 tribes remain politically subordinate to, and thus economically dependent upon, the U.S. n207[\*40]¶ \*\*\*Footnote 207 Begins\*\*\*¶ 207 Empirical evidence suggests that, for Indian tribes, political domination produces economic dependence. See ANDERSON, supra note 198, at 245 ("Economy follows sovereignty in Indian Country . . . The most striking characteristic of . . . successful tribes . . . is that they have aggressively made the tribe itself the effective decision maker . . . ."). Nonetheless, economics and politics exert reciprocal influence, and economic dependence precludes the free exercise of Indian sovereignty. See John C. Mohawk, Indian Economic Development: An Evolving Concept of Sovereignty, 39 BUFF. L. REV. 495, 499 (1991) ("Indian economic development may be less about creating wealth than it is about creating the conditions for political power . . . .").¶ \*\*\*Footnote 207 Ends\*\*\*¶ c. Ethnodevelopmental Suppression¶ Despite significant resource endowments, n208 many Indian tribes n209 remain ensnared in a web of economic dependence, n210 institutionalized domination, n211 [\*41] geographic dislocation, and gross undercapitalization.. n212 Although the non-legal obstacles to Indian economic independence, the first and foremost goal of tribal governments, n213 are very real, the constraints imposed by federal Indian law are even more formidable. To wit, the U.S. holds trust title to Indian lands and resources, n214 and Indians cannot sell, lease, or borrow against their property without the express approval of the Secretary of the Interior. n215 As the very question of secretarial approval introduces political uncertainty, n216 trust-based [\*42] land-tenure constraints diminish the relative output-values of land-intensive enterprises such as agriculture, ranching, and resource development. n217 Moreover, U.S. management of Indian resources grants the U.S. paternalistic control over Indian economic destiny. n218 Although the U.S. is under a moral obligation to husband Indian resources, diligently advance Indian land claims against the States, secure adequate funding for Indian social services, n219 and enhance the economic well-being of Indian people, n220 federal agencies have withheld basic subsistence, n221 mismanaged tribal resources, n222 and violated the animating [\*43] principles of the trust with near-impunity. ¶ \*\*\*Footnote 222 Begins\*\*\*¶ n222 The paternalistic policies of a non-Indian majority, violative of the moral and legal imperatives arising under the trust doctrine, add the insult of impoverishment to the injury of expropriation: the BIA arranges Indian leases, and collects their royalties and usufructuary benefits for their "protection." See Atkinson, supra note 44, at 404-05, 408. Moreover, because all tribal land is held in trust, leases of more than one year are prohibited without permission of the Secretary of the Interior, and funds generated from such leases cannot be used to purchase land. U.S. mismanagement of Indian resources is of epic proportions. See, e.g., S. Rep. No. 101-216, at 105-29, 140 (1989) (documenting a century of theft of Indian oil and gas). In the most recent case, a federal court, finding the U.S. in breach of a common law fiduciary obligation due to its "long and sorry history" of gross mismanagement of over $ 500 million in 300,000 individual Indian Money Accounts, retained jurisdiction to enforce an accounting but stopped short of ordering further remedies unauthorized by statute. Cobell, 91 F. Supp. 2d at 7. Although the Secretary of the Interior concedes the issue of gross federal mismanagement, the means proposed as the most cost-effective to make an accounting-statistical sampling-would cost Indian claimants at least $ 70 million: whether relief will ever be afforded is uncertain, although the court maintains jurisdiction and defendants are currently required to file reports as to trust reform activities. Id.; see also Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation v. Norton, 211 F. Supp. 2d 157, 158, 160 (D.D.C. 2002) (finding that the case at bar presented the same questions of law and fact as Cobell, and refusing to refer the case at bar, and other related tribal cases, to the Calendar Committee). ¶ \*\*\*Footnote 222 Ends\*\*\*¶ Only in very recent years has the trust doctrine charged the U.S. with judicially enforceable obligations apart from those incorporated in specific treaties, statutes, or executive orders. n223 Although the protective dimensions of the trust doctrine have broadened, n224 aggrieved Indian beneficiaries still lack effective legal recourse for its breach. n225

#### Centralization of renewable energy distribution under corporate control is inevitable absent moves towards decentralized installations

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Why Big Solar is a Colossally Bad Idea (10 Reasons Decentralized Solar is Much Better), Clean Technica,

April 27, 2011 By Aaron Fown, http://cleantechnica.com/2011/04/27/why-big-solar-is-a-colossally-bad-idea-10-reasons-decentralized-solar-is-much-better/

Of late there has been much talk about moving towards a solar energy future. This is a positive development (albeit one that is almost too late) and has been driven, no doubt, by recent studies that have shown that solar and wind power are now amongst the cheapest forms of power generation, several critical breakthroughs in related fields, and big moves by some major players. However, it seems that a lot of money is being thrown at a particular type of solar power plant; massive centralized solar plants. It is my opinion that this is a massive mistake.¶ We have an opportunity to build a new power system to replace our failing grid with something more resilient, more efficient and more egalitarian, and if we don’t take this opportunity we will be stuck with mild changes to the old system. I feel that big solar is actually a real threat to our future, or at least our best possible future, and we need to focus a bit on it now before the form of our electrical system is set in stone.¶ In fairness, centralized solar does have a few benefits, so let’s start with them before I explain why a decentralized system would be a much better choice.¶ 1. A centralized solar plant requires fewer engineers and workers to build and maintain the solar power collectors than a distributed system, on a per megawatt basis. This means there is less up front cost, and you employ fewer people. I guess that might help the stock price, since Wall St. tends to invest against employing people.¶ 2. A large solar installation, or better, many of them spread across many states, provides a consistent money stream for the plant owner, especially after the upfront cost of the plant is paid off.¶ 3. A large solar installation can take the place of a coal or nuclear plant, providing energy without the many downsides of the older technologies.¶ Notice anything about these benefits? The first two are primarily beneficial to the plant operator, and not to the community that the solar plant is in.¶ 1. A decentralized solar collection scheme is far more energy efficient than a centralized one. More than 30% of our electricity is lost in transmission in our current system, and a centralized solar plant is no different than the current system in this way. A decentralized system can supply power to where it is needed directly most of the time, only using the grid to offload surplus power.¶ 2. A decentralized solar strategy will employ far more people per megawatt than a centralized one, employing small businesses and technicians to maintain and install systems wherever they are needed. We really need jobs right now, so this should be a big selling point.¶ 3. A decentralized solar system will be far more resilient to natural disasters, as there will be no single points of failure that can bring down the whole grid, as there is with centralized power generation. Do you remember the blackout of 2003? A bad solar storm could be far worse.¶ 4. A decentralized solar system utilizes unused space on rooftops and in yards to generate power, whereas a centralized system, requires the development of new land destroying habitats while generating no more power. Indeed, given the amount of unused roof space in the US, you could completely solve our energy issues by covering only a small fraction of it with solar collectors. Add solar collectors built into roads and pathways, and we have all of the space we need to solve the energy crisis for good without clearing any more land.¶ 5. A decentralized solar strategy gives power to the people, in more ways than one. Since the people are generating electricity, they are also generating capital continuously in the form of free electrons. The result is that the community is made richer across the board, by producing a useful, valuable commodity directly under the control of middle and lower class people.¶ 6. A decentralized solar strategy provides market space for lots of technologies to compete directly, without the generally anti-competitive nature of big monolithic construction contracts crowding out the small players. In the short run, this will provide more opportunities for small businesses to grow. In the long run, this enriched competition will produce a more efficient and refined product.¶ 7. Rooftop systems shade the structure underneath, cutting energy usage in the summer months. This is an additional energy savings above and beyond the major issue of transmission losses.¶ 8. A decentralized solar collection strategy preserves a place for things such as solar water heaters, which are a much more efficient way to heat water than generating power miles away, losing a significant portion of it by shoving it through wires, and then heating more wires to heat water. The difference in efficiency for this one task is enormous.¶ 9. A decentralized solar strategy doesn’t require huge governmental loan guarantees to get off the ground. It doesn’t require government help at all, though it would be nice if local governments would get out of the way and let people set up these systems without bureaucratic hassles or ridiculous energy buy back schemes. If the government gets involved, it could be in the form of rebates or tax abatements, which are proven to be a more effective way of distributing public funds into the economy than big monolithic projects. Or it could be in the form of innovative projects that use the acres of rooftops on civic structures to generate power instead of just more heat. Even if you are utterly skeptical of governmental action, you could just think of it as a handy way of reducing the hot air coming out of your local legislative bodies, while finally putting them to some useful work.¶ 10. This one is often missed: the secondary costs of a centralized power system, like beefed up transmission lines, large ugly transformer stations, and so on are rarely calculated into the cost of concentrating lots of megawatts in one place, but all of those expensive accessories are going to have to be paid for somehow.¶ What about wind? Well, it turns out that wind generators work best when they are spaced out generously, and so the laws of physics are already working against a whole lot of centralization. Many of the early attempts at a highly centralized wind generator were a failure because the closely packed mills created turbulence that reduced efficiency and in some cases caused damage. The closest things out there are some very successful county projects, but in those cases people in rural areas rent out a parcel of their own land for the windmill to be erected on. It works, it’s easy money, and it’s out of the bag. You should assume that everything I am arguing for here can work just fine with all of the wind power we can muster.

#### Localized wind and solar offer an opportunity to move beyond exploitative models of development that crush Indigenous culture and have resulted in the systematic extermination of Native Americans

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In her work with the indigenous movement in Ecuador, Catherine Walsh speaks of the movement’s building of local alternatives as ‘the resignifying in meaning and practice of ‘development’ (Walsh, 2002: 7). Development, with its long history of top-down, state-driven, regulatory, and often export- and expert-oriented goals, is being increasingly challenged by indigenous social movements in the Americas seeking to decentralize and gain local control over various aspects of governance, economic growth, cultural projects, and natural resources. Not completely unlike the Ecuadorian Pachakutik movement Walsh describes, the movement for ‘environmental justice’ in indigenous communities in the US is experimenting with alternative strategies to restructure the production of power to advance democracy and sovereignty for indigenous communities. This essay addresses the possible resignification of development being produced by the practices and discourses of a particular indigenous movement in the US, which addresses controversies over natural resource management on reservation lands. In particular, I consider the emergence of renewable energy projects within the movement as new modes of economic, ecological, and cultural development, countering the history of biopolitical regimes of natural resource extraction, which have marked indigenous experience in North America since Contact. I argue that these emerging technologies not only resist but also propose alternatives to the dominant models of energy production in the US.¶ Background¶ The Indian Self-Determination and Education Act of 1975 enabled American Indian tribes for the first time to self-determine their own resource policies and regulatory agencies, overseeing tribal programs, services, and development projects. In 1988, the Indian Gaming Regulatory Act opened the way for the development of casinos on reservations as a new mode of tribal economic development, and today 34% of all federally recognized tribes run full-scale (class III) casino gambling, although only a minute fraction of these represents the soaring economic success of places like the Foxwoods Casino and Resort on the Mashantucket Pequot reservation. These and other approaches to economic development ^ especially natural resource extraction and casino gaming ^ have become issues of intense debate among scholars and activists (LaDuke, 1999; Gedicks, 2001; Blaser et al., 2004; Cattelino, 2004; Hosmer and O’Neill, 2004), as well as among tribal governments, federal agencies, and within the general population. In the cacophony of competing moral claims and recommended approaches elicited by these various controversies, the voices with alternative proposals are sometimes lost. Against these two dominant approaches, there is another trend in tribal economic development beginning to emerge, connected to the indigenous environmental justice movement (IEJM) in North America and critical of neo-liberal development models. Drawing upon an historical conflict over resource extraction on reservation lands (see Figure 1), this movement is turning towards what David Korten has called an ‘emergent alternative wisdom’ of development practice (Korten, 2005).¶ This trend, embedded in a broader network of environmental justice projects in Native America, is a move towards renewable energy technologies on reservations: wind power and solar power in particular. While these projects engage wider energy markets, global discourses on climate change and the ‘end of oil’, and funds from federal agencies, they also embody an alternative knowledge grounded in an historical, indigenous social movement in which economic justice for indigenous peoples is intimately intermeshed with questions of ecological wellness and cultural preservation. As such, wind and solar technologies are being presented and implemented as alternative approaches to dominant practices of economic development and carry with them a history of centuries of struggle, as well as the hope for a better future.¶ These emerging practices of a social movement-driven development agenda draw our attention to the cultural politics, meanings, histories, and conceptual contributions posited by unconventional development projects. As part of an emerging movement in support of localized wind and solar energy production on tribal lands, these projects are responses to the biopolitical operations of 20th century development projects. They respond to a long history of removal, regulation, knowledge production, and life-propagating techniques administered on reservation-based peoples. The movement itself addresses controversies in a way that interweaves the economic, the ecological, the cultural, and the embodied aspects of being and being well in the world; as a member of the Indigenous Environmental Network (IEN) said to me:¶ The movement is really about health and people dying … people can’t have an enjoyable life anymore. The work of the movement is never about the power plant itself, but about how all the EJ (environmental justice) issues come together and link up to affect people’s lives … its about having a good life (B Shimek, 2004, personal communication).¶ Such an analysis resonates with Arturo Escobar’s emphasis on a framework of a ‘political ecology of difference’ and the need to consider ‘cultural distribution’ conflicts in studies or other engagements with natural resource issues (Escobar (2006) Introduction). Concerns of ‘cultural distribution’ have become crucial work for the IEJM as it seeks to resignify development as ‘environmental justice’ in the context of a particular history of illness and disease, environmental contamination, poverty, and place-based worldviews. I argue that the way in which the IEJM has coalesced around these alternative development projects suggests that these projects are ‘technologies of resistance’ (Hess, 1995) to dominant forms of economic development, but also ^ and perhaps more significantly ^ imaginative technologies of existence, mediating a particular discourse of natural resource controversies, including values of a ‘good life’. As such, renewable energy technologies are resignifying the politics of ‘sustainability’ through the movement’s concept of ‘environmental justice’, which cuts across reductive interpretations of economy, ecology, and culture.¶ Development as a biopolitical operation¶ In analysing development as a biopolitical operation, I follow other feminist scholars and development critics who have considered the biopolitical effects of particular development discourses on women’s bodies and movements (Harcourt, 2005) and labour and corporations (Charkiewicz, 2005). As they argue, the post World War II model of development as a project driven by Western states to modernize other ‘emerging’ states and bring them into a geopolitical sphere of economic control is, at its base, an exertion of biopower on particular (gendered, raced, labouring) bodies. Michel Foucault described biopower as the power of the state ‘to make live and let die’, in contrast to the disciplinary power of monarchical states, which exerted a sovereign’s power ‘to make die and let live’ (Foucault, 2003). In other words, the king controlled his subjects by the threat (and occasional enactment) of killing some and letting others live, in order to maintain control, whereas the modern state makes less of a spectacle out of individual killings and exerts its force over populations instead, managing the species through techniques of regulating birth, mortality, biological disabilities, and the effects of the environment. The significant shift to a regime of biopower is the new target of control: the population. When viewed as a biopolitical operation, development programs of the post-war model (which has lingered and reproduced itself in various forms on into the 21st century) are revealed as schemes to control populations ^ in particular, ‘Third World’ populations defined by the West as political problems and scientific problems, as well as economic opportunities.¶ A similar history runs through Native America, as this ‘Fourth World’ population was a target of regulation, management, and biological speculation from the moment of Contact, over 500 years ago. Indigenous populations worldwide have experienced the effects of biopower, especially in terms of the management and extraction of natural resources (including bodies and, more recently, genetic information), but in the Americas the situation is geo-historically particular, given the sweeping catastrophe of disease, decimating what some have estimated to be 95 per cent of the pre-Contact population. Another particularity of the North American situation is that, over the long history of occupation since 1492, tribal populations have been alternately exterminated, removed, recombined, relocated, and politically reorganized by state institutions, often under the guise of care and patrimony. In the 19th and early 20th centuries, tribes as populations were regulated and made to live through land enclosures, creating spatial patterns of security, on frontier lands considered undesirable to European colonists. This desirability was, however, based on the visible alone; the resources that laid beneath the surface of the often barren, dry reservations would emerge in the 20th century as some of the most coveted commodities on earth (Figure 2).¶ In sum, thinking of the history of development as a biopolitical operation to manage the life of populations of indigenous peoples in the Americas allows us to see the regulatory operations of the state, sometimes glossed as integrationist policies, as has been the trend in Latin America with the history of indigenismo (Sawyer, 2004), and sometimes framed as patrimony and treaty responsibility, as in the United States, with the ‘Indian New Deal’ in the 1930s (Collier, 1938). Moreover, it provides a way of understanding the history of state-driven development models as regimes of controlling, regulating, and organizing particular bodies and environments ^ the antithesis of the liberal, humanitarian projects these regimes have often claimed to be. Finally, as I move to discuss the IEJM and the emergence of wind and solar power projects on reservations, these technologies of resistance and existence can be thought of as counter-projects to the biopower of 20th century models of development, which have exacted significant ecological and cultural costs from tribes, in service of a reductive, disembedded view of economic growth.¶ Emergence of wind and solar power projects in the IEJM¶ In 2003, the first utility scale, indigenous-owned and operated wind turbine in the US was installed on the Rosebud Sicangu Lakota reservation in South Dakota. The project took eight years of organizing, fundraising, and coordinating among the tribal government, the Intertribal Council on Utility Policy (ICOUP), the Department of Energy, local activists and indigenous non-governmental organization Honour the Earth (HTE). Rising to 190ft tall, the 750kW, Danish-manufactured wind turbine was installed with ceremony and great expectation as the first of many to come. As the closest structures to the turbine site, the Rosebud casino and its adjacent hotel will consume the wind’s power until new lines are constructed to carry it deeper into the reservation to individual homes. The turbine at Rosebud was installed as the first among several emerging wind energy projects on Native American reservations from the Dakotas to Montana and Colorado. Bob Gough of ICOUP explains that this technology is being used to promote a wider campaign for renewable energy on other reservations:¶ This turbine could have been simply a stand-alone project and the tribe would have been pleased enough. This is really a show horse. It’s there at the casino to get high visibility ^ we’re going to have information kiosks to teach people about it. But this project was also designed to take us through all the steps we need to learn to build more of these. There’s a lot more than just putting up a wind turbine and connecting a few wires. With wind turbines you’re connecting into the North American electricity grid, the largest machine in the world, which involves a lot of rules and policies.We’ve used this as an opportunity to learn how to do this on a larger scale, and we are sharing that with any of the other tribes that are interested (Tidwell, 2003: 3).¶ Situated within the broader IEJM in North America, these projects mark a shift towards wind energy activism within the movement, which traces its own history of resistance to the recent action of the 1960s and 1970s, but more deeply to the resistance that has always been a part of the colonial experience of being occupied and ‘developed’. The Rosebud turbine is a community based development project imagined and executed by local and regional activists and engineers, but funded by a combination of national foundations and federal agencies, including the Environmental Protection Agency, the Department of Energy, Department of Interior and US Department of Agriculture, making for complex and contradictory alliances between tribes and the state. The project is also situated within the context of environmental and political debates on energy development around the state of South Dakota, where plans are underway to develop 2000 MW of coal-fired power by the end of 2010 (LaDuke, 2004). The wind turbine is moving to centre stage as a potential solution to many of movement’s primary concerns: climate and ecological change, natural resource conflicts, cultural preservation, globalization, and tribal sovereignty.¶ Twenty years earlier and1100 miles south, Hopi engineers, activists, and tribal leaders began to install solar photovoltaic panels on rooftops of residential homes, bringing electricity to families who had been living off the grid, without electricity Projects on the Hopi and Navajo reservations have proliferated over the past two decades, with the Hopi solar business NativeSun and engineer Debby Tewa leading the way. In recent years, these projects have connected with the emerging wind power projects in the Plains region, through the work of the national Native NGOs, HTE, and the IEN, and have become central to these groups’ common visions and overlapping strategies of environmental justice and sustainable development on tribal lands. In the last two years, these two national networks have collaborated with grassroots environmental and cultural protection organizations to install additional technologies on Newe Segobia, or Western Shoshone territory, on the Pine Ridge Lakota reservation, and on the Navajo reservation. These installations have become intermeshed with ongoing indigenous environmental justice campaigns focused on conflicts centring primarily on aspects of energy production, such as the recent conflicts over the proposed mining of the sacred Zuni Salt Lake; the proposed federal nuclear waste storage sites on the Skull Valley Goshute reservation and at Yucca Mountain, Nevada; and uranium mining on the Navajo and Hopi reservations. In several of these cases, the environmental justice activists are challenging tribal governments’ contracts with regional utilities and/or federal agencies. Without a long digression into the history and politics of natural resource use and development on reservation lands, suffice to say it is not always but is often a site of intense internal debate and conflict for tribes themselves.¶ The significance of the relatively recent emergence of wind and solar technologies as tribal development projects is that tribes are increasingly connecting into this network of renewable energy activism as a means of economic growth, ecological protection, and cultural preservation. Seemingly an oxymoron ^ to preserve ‘tradition’ with the use of high-tech machines ^ advocates of wind and solar power emphasize that cultural preservation is itself about flexible practices, change, and honouring worldviews in which the modernist distinction between nature and culture is nonsensical. In other words, when some of the most important cultural resources are the land itself (i.e., mountains for ceremonies, waters for fishing, soils for growing indigenous foods), to protect nature is also to protect culture. As Bruno Latour has also argued, this natures-cultures epistemology is also ontology ^ a different way of knowing, inhabiting and engaging the world (Latour, 1993, 2005). Wind turbines and solar photovoltaic panels are articulating with this worldview, and at the same time articulating with many tribes’ desires to move beyond fossil fuel extraction as a primary means of economic development, and towards natural resource practices that are more ‘sustainable’. The wind and the sun introduce new elements of common property to be harnessed for alternative development projects and increased decentralization and ownership over the means of power production.¶ Technologies of existence¶ This recent emergence of renewable energy technologies on reservations inspires analysis of natural resource conflicts to move beyond models of resistance in understanding controversies and social struggles over resource management and energy production to seeing the ways in which concepts such as ‘sustainability’ are being resignified through the introduction of what I argue are imaginative technologies of existence. I stress existence over resistance not to obscure the contestations of federal, tribal, and utility consortium proposals for natural resource development, which have been importantly detailed elsewhere (Gedicks, 2001), but to emphasize the creative, imaginative work of the movement in envisioning and enacting alternative ways for tribes to self-sustain and grow healthy economies, ecologies, cultures, and bodies in an integrated manner. There are other technologies of existence engaging particular, situated natural resource conflicts within the movement: recovery of customary foods and harvesting practices, coalition-building around water rights and resources, restoration of salmon and sturgeon populations, and projects involving information and film media as a means of preserving and producing the ‘natural’ resource of culture itself. This constellation of resources ^ energy, food, water, and culture ^ are of central concern to the IEJM and creating sustainable methods of generating each advances the ‘good life’ towards which the movement’s work strives. ¶ In this sense, wind and solar projects on reservations are not technologies of existence to ‘make live’ in the biopolitical sense of a population’s ensured biological survival and micro-practices of regulation, but technologies that articulate with desire, history, localization, imagination, and being in a way in which the meaning of ‘existence’ exceeds a definition of continued biological survival or reproduction. These technologies are about a particular quality of existence that speaks to the late Latin root of the word, existentia, which comes from the earlier Latin exsistere, meaning ‘come into being,’ itself a combination of ex ‘out’ þ sistere ‘take a stand’ (O.A.D., 2001). Thus, when ‘existence’ recovers the notions of coming into being, externality, and taking a stand, what it means to live and to grow is inherently active and perhaps even risky. Sustainability, then, in the context of the IEJM, is a bold existence and set of practices informed by a particular history of struggle and oriented towards a future of well-being, in which the economic, the ecological, and the cultural are interdependent and mutually constitutive.¶ The movement’s concept of ‘environmental justice’conveys such a non-reductive understanding of sustainability as a certain quality of existence. The concept proliferates and circulates through the geographically dispersed installations of wind turbines and solar panels (among the other technologies of existence) and is reinforced at national and transnational gatherings of HTE and the IEN. As an enunciation of sustainability, ‘environmental justice’ recalls specific cases of contamination on indigenous lands, articulates with broader environmental and anti-racist movements worldwide, and critiques dominant approaches to development by posing concrete alternatives. This is a critical, alternative knowledge being produced through the networked practices of a specific social movement. It is not the sustainability of the ‘triple bottom line’ in neo-liberal theory that self-congratulates its attention not only to capital but also to pre-figured notions of the environment and society; though it is also not a romanticized ‘traditional’ wisdom of indigenous people, endowed with some sort of essentialist knowledge and protective role for the natural world. It is, instead, a sophisticated hybrid concept ^ in which knowledges of wider energy and trade markets, science and engineering, local resource management issues, global processes of climate change and wars for oil, and the relational knowing that comes with enacted attachments to place, converge to inform and generate a call for ‘environmental justice,’ implemented through specific material technologies.

#### Removing federal control of individual native title is necessary to restore tribal control over renewable development – federal control of native energy development locks in centralized private development which works against self-determination

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Kathleen, CHANGE IS IN THE WIND: SELF-DETERMINATION AND WIND POWER THROUGH TRIBAL ENERGY RESOURCE AGREEMENTS, http://www.tribesandclimatechange.org/docs/tribes\_24.pdf)

In addition, changes to the legislation’s trust provisions can allow the provisions to better foster self-determination. The provision related to the trust obligation with respect to physical assets allows federal assertion of control at the expense of tribal self-determination.274 This provision should be removed or revised in order to clarify that the Indian Energy Act does not authorize such control. The provision related to the trust obligation toward individual Indians and tribes should also be revised, to direct that it should be interpreted to require federal protection and encouragement of self-determination.¶ As the foregoing discussion indicates, the concerns expressed about the government abdicating its trust obligation 276 are unwarranted—the government has more of a tendency to use the trust doctrine to retain control over tribal resource development. TERA advocates who emphasize that TERAs are voluntary recognize the importance of focusing more on the opportunity for self-determined resource development than on the security afforded by the federal trust obligation. 277 Thus, the provision limiting federal liability does not require revision, 278 for two main reasons.¶ One reason revision is not needed is that the Indian Energy Act’s explicit recognition of the trust responsibility offers assurance that this responsibility remains intact. 279 The Act can be compared with the Indian Mineral Development Act of 1982. 280 Professor Judith V. Royster asserts that in that Act, Congress intended to sustain the trust responsibility despite the inclusion of a similar limitation on federal liability. 281 Though Professor Royster expresses some reservations based on differences between the Indian Mineral Development Act and the Indian Energy Act, she ultimately concludes that the concerns about the trust responsibility are unfounded. 282¶ Another reason the limitation on federal liability does not need to be changed is that tribes must be willing to take responsibility when assuming control over resource development. The TERA framework envisions a process in which the Secretary no longer approves specific development agreements. 283 It is sensible not to require that the federal government be liable for damages related to such agreements. 284 More importantly, it is in tribes’ own interests to accept the risks attendant to developing their resources. 285 Freedom from government control necessarily entails forgoing some federal protection. 286 The Indian Energy Act includes several provisions to build tribal capacity to take on development projects. 287 Tribes must evaluate when their capacity enables them to use a TERA to take control over resource development. They have the ability to opt in or remain under the preexisting framework for development, with federal approval and greater federal oversight and responsibility. 288 When they do take control, they should embrace the attendant risks, because “sovereignty without such risks is a contradiction in terms.” 289¶ A fourth change that should be made to the TERA structure is that it should be reworked to encourage direct tribal participation in development projects. Though the Indian Energy Act’s asserted aim is to allow tribes to take control of development on their lands, in reality the TERA legislation is geared more toward having tribes take over the regulatory role of the federal government, while private development is still the most likely medium through which resource development will take place. 290 Because research has suggested that economic development is more successful when tribes are actively involved, 291 this model should be rethought. In part, rethinking the tribe-as-regulator model will involve considering whether the TERA framework works to enable truly self-determined resource development by tribes. The framework has been called a “guarded effort” to allow tribes to determine the course of resource development on their lands. 292 But a guarded effort may not be enough to foster real self-determination.¶ In fact, the TERA legislation and regulations specify in great detail the provisions that a tribe’s TERA and its subsequent development agreements must contain. 293 This high level of federal regulation appears logically inconsistent with real tribal control over economic and resource development. 294 The issue at the heart of self-determination is tribes’ right to make their own laws and govern themselves. 295 When the federal government dictates the terms under which tribes can take control over resource development, this right remains unfulfilled. ¶ As noted previously, much of the concern over TERAs for natural resource development arose in the context of mineral resources, because of the high potential for adverse impacts resulting from their development. 296 But because wind power does not share this potential, 297 it can provide an opening for a less rigid structure than the present TERA framework allows. Given the imperative to develop wind power, now may be the perfect time to consider this possibility.¶

#### Native peoples should hold the actual title to their land – current Federal Indian Law in effect extinguishes title and therefore commodity and exchange value through the exercise of its sovereign authority over Indian Country

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Besides overlooking this essential distinction in the nature of aboriginal compared to fee simple title, the Cayuga court also failed to grasp the significance of the parallel enforcement regimes: as to aboriginal title and title held by a sovereign, there is no statute of limitations or other time bar that can operate to bar an action for the land's recovery, but as to fee simple title, there is. In the former, there is the idea that a right that is not burdened by time bars, can never be lost (unless of course in the case of aboriginal title, only with the federal government's permission). That a right holder may assert a claim based upon that right at any time should preclude a defense of innocent or reasonable reliance on the appearance of title by one who must respond to the right holder's claim. In the latter regime, there is a burden on the right holder to act within a prescribed period of time. The idea is that at some point the right may be lost, and largely by the passage of time. That is also the theory of laches, though a showing of some negligence to assert the right and harm to the other also is demanded by equity. The policy in the former is to preserve the right above all, because of the importance of that right or other large policy. In the latter, other specific societal ends such as security of title, judicial economy, and the productive use of land are said to justify barring the assertion of an ancient claim based upon a right. Thus, to deny ejectment and its call for specific legal relief is the same as applying a statute of limitations, which cannot be done against one who is exempt. Denying ejectment also permits alienation of property which federal policy has made inalienable in order to ensure to its holders possession in perpetuity. By the infirmity of inalienability, federal law is protecting the right of [\*295] possession, not its exchange or commodity value. n256 The prohibition is against alienation, not alienation without compensation. n257 ¶ \*\*\*footnote begins\*\*\*¶ n257. See Heckman v. United States, 224 U.S. 413 (1912); South Carolina v. Catawba Indian Tribe, Inc., 476 U.S. 498 (1985). There, a federal law authorized the disposal of tribal assets and terminated federal responsibility for the tribe and its members and it also provided that state laws would apply to members of the tribe in the same manner that such laws applied to non-Indians. Id. at 504. In 1980, the tribe filed an action for possession of a 225 square mile tract. Id. at 505. The state defended on the ground that the claim was barred by the state statute of limitations. Id. The Supreme Court ruled that the action was barred because the act removed the special federal services and statutory protections for Indians. Id. at 510-11. The court said, ¶ We have long recognized that, when Congress removes restraints on alienation by Indians, state laws are fully applicable to subsequent claim... . These principles reflect an understanding that congressional action to remove restraints on alienation and other federal protections represents a fundamental change in federal policy with respect to the Indians who are the subject of the particular legislation.¶ Id. at 508-09. See also Cass County v. Leech Lake Band of Chippewa Indians, 524 U.S. 103 (1998) (deciding once lands held by Indians are freed by Congress of the burden of inalienability, it loses federal protection, such as from state taxation); Lummi Indian Tribe v. Whatcom County, 5 F.3d 1355 (9th Cir. 1993); relying on County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation, 502 U.S. 251 (1992). ¶ \*\*\*footnote ends\*\*\* ¶ It was the intent of Congress that for their sustenance and as a fitting aid to their progress, Indian Tribes should be secure in their possession and should actually hold and enjoy the lands. n258 Because aboriginal title gives only a right of possession and is incapable of alienation, denial of ejectment operates to extinguish the title as effectively as an act by the sovereign. At the same time, recognizing rights in grantees under ancient, illegal conveyances, largely on the basis of the passage of time, vests in these wrongful possessors a better title, fully alienable, in fee simple.

#### Restoration of aboriginal title is a precondition for true Sovereignty – conferring title back to natives & recognition of native property rights elevates their power within the legal-economic system which creates the foundation required for the preservation of native culture via a strong system of property rights – more important than withholding title for ecological protection or other paternalistic motives

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VII. Conclusion

"Property" both confers and was born of power. It bestows on an owner a form of sovereignty over others, because the sovereign state [\*300] stands behind the owner's assertion of right. Individual property rights thus depend on state power and when the state recognizes and enforces one person's property right, it simultaneously denies property rights in others. A property owner's security as to particular things thus comes at the expense of others being vulnerable to the owner's control over those things. "Ownership, therefore, is power over persons, not merely things." n279 Conversely, where the state does not back ownership, there can be no property or individual sovereignty. Individual sovereignty both assures and rests upon self-determination, a human right and also a political one. n280 Self-government is a vital political aspect of the right of self-determination. n281

The sovereignty of indigenous peoples as it rests upon aboriginal title, though, is not a true sovereignty, because the federal government holds the power to extinguish that title. But would the government move to do so in the case of the Cayuga, the Seneca, and the Miami where specific relief in ancient ejectment claims cannot fairly be denied? An honest assessment of the historical circumstances upon which indigenous peoples came to be dispossessed (as the High Court in Australia in particular has done) demands that the government not do so. Instead, any deprivation of that possession, even ancient ones, must be limited to a discussion of restoring indigenous peoples to their lands.

[\*301] As land is restored to indigenous peoples and title is confirmed in these claimants, is it to be restored with the same burdens and limitations that in modern life affect non-aboriginal title? In some places, the land sought and restored are in areas thought by some to be ecologically sensitive, fragile. n282 But this concern cannot be grounds for refusing to restore aboriginal lands. Tribal lands may be subject to some state land use regulations, n283 yet importantly, because aboriginal title's defining characteristic is the right of possession, in perpetuity, it provides the foundation for the preservation of the distinct culture on which that title is founded. But, if the specific relief of ejectment is to be denied, despite a compelling case under law for it, the only just and principled substitutionary relief for these ancient claims is substitute aboriginal land. That is to say, land denominated sovereign and free from the burdens of state.

#### The United States Federal Government should end restrictions on alienation for tribal solar and wind power.

#### No escalation or miscalc

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To be fair to Miller, I do think he is getting at something that has changed over time during the post-Cold War era. First, the threat environment does seem higher now than twenty years ago, as the Soviet Union was about to collapse. China is more economically powerful, Russia is more revanchist, North, Korea, Pakistan and India have nuclear weapons, the barriers to entry for non-state actors to wreak havoc has gone up. The likelihood of a conventional great power war is lower, but the likelihood of a serious attack on American soil seems higher than in late 1991. So in terms of trend, it does feel like the world is less safe. ¶ What's also changed, however, is the tight coupling of the Cold War security environment (ironically, just as the security environment has become more loosely coupled, the global political economy has become more tightly coupled). Because the U.S. and U.S.S.R. were such implacable adversaries and because they knew it, the possibility of a small dispute -- Berlin, Cuba, a downed Korean airliner -- escalating very quickly was ever-present. The possibility of an accident triggering all-out nuclear war was also higher than was realized at the time. The current threat environment is more loosely interconnected, in that a small conflict seems less likely to immediately ramp up into another Cuban Missile Crisis. Indeed, the events of the past year support that point. Saudi Arabia essentially invaded Bahrain, and Iran did.... very little about it. The United States deployed special forces into the heart of Pakistan's military complex. The aftermath of that is undeniably uglier, but it's not we-are-at-DEFCON-ONE kind of ugly. Miller might be more accurate in saying that there is a greater chance of a security dust-up in today's complex threat environment, but there's a much lower likelihood of those dust-ups spiraling out of control. ¶ In Miller's calculations, it seems that any country with a nuclear weapon constitutes an equal level of threat. But that's dubious on multiple grounds. First, none of the emerging nuclear states have anywhere close to a second-strike capability. If they were to use their nukes against the United States, I think they know that there's an excellent chance that they don't survive the counterstrike. Second, the counter Miller provides is that these authoritarian leaders are extra-super-crazy. I'm not going to defend either the Ayatollah Ali Khamenei or Kim the Younger, but are these leaders more crazy than either Mao or Stalin or Kim Jong Il? Those are three of the worst leaders in history -- and none of them came close to using nuclear weapons. Finally, the Pakistan case is instructive -- even after getting nukes, and even after getting very cozy with radical terrorist groups, that country has refrained from escalating hostilities with India to the point of another general war. ¶ As for the non-state threats, they are disturbing, but I'd posit that on this front the United States really is safer now than it was a decade ago. The only organization capable of launching a coordinated terrorist strike against the United States is now a husk of its former self. Indeed, I'd wager that Miller's emotions, or his memory of 9/11, are getting in the way of dispassionate analysis. ¶ In essence, Miller conflates the number of possible threats with a greater magnitude of threats. I agree that there are more independent threats to the United States out there at present, but combined, they don't stack up to the Soviet threat. To put it another way, I prefer avoiding a swarm of mosquitoes to one really ravenous bear. ¶ In related exaggerated threat analysis, Matthew Kroenig argues in Foreign Affairs that an airstrike on Iran might be the best of a bad set of options in dealing with Iran. This has set poor Stephen Walt around the bend in response, as op-eds advocating an attack on Iran are wont to do. ¶ I've generally found both sides of the "attack Iran" debate to be equally dyspeptic, but in this case I do find Kroenig's logic to be a bit odd. Here's his arguments for why a nuclear Iran is bad and containment is more problematic than a military attack: ¶ [to be clear – Kroenig’s excerpt begins]¶ Some states in the region are doubting U.S. resolve to stop the program and are shifting their allegiances to Tehran. Others have begun to discuss launching their own nuclear initiatives to counter a possible Iranian bomb. For those nations and the United States itself, the threat will only continue to grow as Tehran moves closer to its goal. A nuclear-armed Iran would immediately limit U.S. freedom of action in the Middle East. With atomic power behind it, Iran could threaten any U.S. political or military initiative in the Middle East with nuclear war, forcing Washington to think twice before acting in the region. Iran’s regional rivals, such as Saudi Arabia, would likely decide to acquire their own nuclear arsenals, sparking an arms race. To constrain its geopolitical rivals, Iran could choose to spur proliferation by transferring nuclear technology to its allies -- other countries and terrorist groups alike. Having the bomb would give Iran greater cover for conventional aggression and coercive diplomacy, and the battles between its terrorist proxies and Israel, for example, could escalate. And Iran and Israel lack nearly all the safeguards that helped the United States and the Soviet Union avoid a nuclear exchange during the Cold War -- secure second-strike capabilities, clear lines of communication, long flight times for ballistic missiles from one country to the other, and experience managing nuclear arsenals. To be sure, a nuclear-armed Iran would not intentionally launch a suicidal nuclear war. But the volatile nuclear balance between Iran and Israel could easily spiral out of control as a crisis unfolds, resulting in a nuclear exchange between the two countries that could draw the United States in, as well.¶ These security threats would require Washington to contain Tehran. Yet deterrence would come at a heavy price. To keep the Iranian threat at bay, the United States would need to deploy naval and ground units and potentially nuclear weapons across the Middle East, keeping a large force in the area for decades to come. Alongside those troops, the United States would have to permanently deploy significant intelligence assets to monitor any attempts by Iran to transfer its nuclear technology. And it would also need to devote perhaps billions of dollars to improving its allies’ capability to defend themselves. This might include helping Israel construct submarine-launched ballistic missiles and hardened ballistic missile silos to ensure that it can maintain a secure second-strike capability. Most of all, to make containment credible, the United States would need to extend its nuclear umbrella to its partners in the region, pledging to defend them with military force should Iran launch an attack (emphasis added).¶ [Kroenig’s excerpt ends]¶ OK, first, exactly who is bandwagoning with Iran? Seriously, who? Kroenig provides no evidence, and I'm scratching my head to think of any data points. The SCAF regime in Egypt has been a bit more friendly, but Turkey's distancing is far more significant and debilitating for Tehran's grand strategy. Iran's sole Arab ally is in serious trouble, and its own economy is faltering badly. The notion that time is on Iran 's side seems badly off. ¶ Second, Kroenig presume that a nuclear Iran would be more aggressive in the region and more likely to have a nuclear exchange with Iran. I will again point to India/Pakistan. Despite similar religious divides, and despite the presence of pliable non-state actors, those two countries have successfully kept a nuclear peace. Kroenig might have an argument that Israel/Iran is different, but it's not in this essay. Indeed, the bolded section contradicts Kroenig's own argument -- if Iran is not prepared to use its nuclear weapons, it seems unlikely that it will escalate crises to the point where its bluff is called. If Kroenig's own scholarship suggests that America's nuclear superiority would still be an effective deterrent, then I'm not sure why he portrays the Iran threat in such menacing terms.

#### Multiple factors check war

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Whereas in years past, when nations allied with their neighbors in ephemeral bonds of convenience, today’s global politics are tempered by permanent international organizations, regional military alliances, and formal economic partnerships. Thanks in large part to the prevalence of liberal democracies, these groups are able to moderate international disputes and provide forums for nations to air grievances, assuage security concerns, and negotiate settlements—thereby making war a distant (and distasteful) option. As a result, China (and any other global power) has much to lose by flouting international opinion, as evidenced by its advocacy of the recent Syrian uprising, which has drawn widespread condemnation.¶ In addition to geopolitical and diplomacy issues, globalization continues to transform the world. This interdependence has blurred the lines between economic security and physical security. Increasingly, great-power interests demand cooperation rather than conflict. To that end, maritime nations such as the United States and China desire open sea lines of communication and protected trade routes, a common security challenge that could bring these powers together, rather than drive them apart (witness China’s response to the issue of piracy in its backyard). Facing these security tasks cooperatively is both mutually advantageous and common sense.¶ Democratic Peace Theory—championed by Thomas Paine and international relations theorists such as New York Times columnist Thomas Friedman—presumes that great-power war will likely occur between a democratic and non-democratic state. However, as information flows freely and people find outlets for and access to new ideas, authoritarian leaders will find it harder to cultivate popular support for total war—an argument advanced by philosopher Immanuel Kant in his 1795 essay “Perpetual Peace.”¶ Consider, for example, China’s unceasing attempts to control Internet access. The 2011 Arab Spring demonstrated that organized opposition to unpopular despotic rule has begun to reshape the political order, a change galvanized largely by social media. Moreover, few would argue that China today is not socially more liberal, economically more capitalistic, and governmentally more inclusive than during Mao Tse-tung’s regime. As these trends continue, nations will find large-scale conflict increasingly disagreeable.¶ In terms of the military, ongoing fiscal constraints and socio-economic problems likely will marginalize defense issues. All the more reason why great powers will find it mutually beneficial to work together to find solutions to common security problems, such as countering drug smuggling, piracy, climate change, human trafficking, and terrorism—missions that Admiral Robert F. Willard, former Commander, U.S. Pacific Command, called “deterrence and reassurance.”¶ As the Cold War demonstrated, nuclear weapons are a formidable deterrent against unlimited war. They make conflict irrational; in other words, the concept of mutually assured destruction—however unpalatable—actually had a stabilizing effect on both national behaviors and nuclear policies for decades. These tools thus render great-power war infinitely less likely by guaranteeing catastrophic results for both sides. As Bob Dylan warned, “When you ain’t got nothing, you ain’t got nothing to lose.”¶ Great-power war is not an end in itself, but rather a way for nations to achieve their strategic aims. In the current security environment, such a war is equal parts costly, counterproductive, archaic, and improbable.

## 2AC

### 2AC Case

#### Their impact is hype

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Last August, the Republican presidential contender Mitt Romney performed what has become a quadrennial rite of passage in American presidential politics: he delivered a speech to the annual convention of the Veterans of Foreign Wars. His message was rooted in another grand American tradition: hyping foreign threats to the United States. It is “wishful thinking,” Romney declared, “that the world is becoming a safer place. The opposite is true. Consider simply the jihadists, a near-nuclear Iran, a turbulent Middle East, an unstable Pakistan, a delusional North Korea, an assertive Russia, and an emerging global power called China. No, the world is not becoming safer.”¶ Not long after, U.S. Secretary of Defense Leon Panetta echoed Romney’s statement. In a lecture last October, Panetta warned of threats arising “from terrorism to nuclear proliferation; from rogue states to cyber attacks; from revolutions in the Middle East, to economic crisis in Europe, to the rise of new powers such as China and India. All of these changes represent security, geopolitical, economic, and demographic shifts in the international order that make the world more unpredictable, more volatile and, yes, more dangerous.” General Martin Dempsey, chairman of the Joint Chiefs of Staff, concurred in a recent speech, arguing that “the number and kinds of threats we face have increased significantly.” And U.S. Secretary of State Hillary Clinton reinforced the point by claiming that America resides today in a “very complex, dangerous world.”¶ Within the foreign policy elite, there exists a pervasive belief that the post–Cold War world is a treacherous place, full of great uncertainty and grave risks. A 2009 survey conducted by the Pew Research Center for the People and the Press found that 69 percent of members of the Council on Foreign Relations believed that for the United States at that moment, the world was either as dangerous as or more dangerous than it was during the Cold War. Similarly, in 2008, the Center for American Progress surveyed more than 100 foreign policy experts and found that 70 percent of them believed that the world was becoming more dangerous. Perhaps more than any other idea, this belief shapes debates on U.S. foreign policy and frames the public’s understanding of international affairs. ¶ There is just one problem. It is simply wrong. The world that the United States inhabits today is a remarkably safe and secure place. It is a world with fewer violent conflicts and greater political freedom than at virtually any other point in human history. All over the world, people enjoy longer life expectancy and greater economic opportunity than ever before. The United States faces no plausible existential threats, no great-power rival, and no near-term competition for the role of global hegemon. The U.S. military is the world’s most powerful, and even in the middle of a sustained downturn, the U.S. economy remains among one of the world’s most vibrant and adaptive. Although the United States faces a host of international challenges, they pose little risk to the overwhelming majority of American citizens and can be managed with existing diplomatic, economic, and, to a much lesser extent, military tools. ¶ This reality is barely reflected in U.S. national security strategy or in American foreign policy debates. President Barack Obama’s most recent National Security Strategy aspires to “a world in which America is stronger, more secure, and is able to overcome our challenges while appealing to the aspirations of people around the world.” Yet that is basically the world that exists today. The United States is the world’s most powerful nation, unchallenged and secure. But the country’s political and policy elite seems unwilling to recognize this fact, much less integrate it into foreign policy and national security decision-making.¶ The disparity between foreign threats and domestic threat-mongering results from a confluence of factors. The most obvious and important is electoral politics. Hyping dangers serves the interests of both political parties. For Republicans, who have long benefited from attacking Democrats for their alleged weakness in the face of foreign threats, there is little incentive to tone down the rhetoric; the notion of a dangerous world plays to perhaps their greatest political advantage. For Democrats, who are fearful of being cast as feckless, acting and sounding tough is a shield against GOP attacks and an insurance policy in case a challenge to the United States materializes into a genuine threat. Warnings about a dangerous world also benefit powerful bureaucratic interests. The specter of looming dangers sustains and justifies the massive budgets of the military and the intelligence agencies, along with the national security infrastructure that exists outside government -- defense contractors, lobbying groups, think tanks, and academic departments. ¶ There is also a pernicious feedback loop at work. Because of the chronic exaggeration of the threats facing the United States, Washington overemphasizes military approaches to problems (including many that could best be solved by nonmilitary means). The militarization of foreign policy leads, in turn, to further dark warnings about the potentially harmful effects of any effort to rebalance U.S. national security spending or trim the massive military budget -- warnings that are inevitably bolstered by more threat exaggeration. Last fall, General Norton Schwartz, the U.S. Air Force chief of staff, said that defense cuts that would return military spending to its 2007 level would undermine the military’s “ability to protect the nation” and could create “dire consequences.” Along the same lines, Panetta warned that the same reductions would “invite aggression” from enemies. These are a puzzling statements given that the U.S. defense budget is larger than the next 14 countries’ defense budgets combined and that the United States still maintains weapons systems designed to fight an enemy that disappeared 20 years ago.¶ Of course, threat inflation is not new. During the Cold War, although the United States faced genuine existential threats, American political leaders nevertheless hyped smaller threats or conflated them with larger ones. Today, there are no dangers to the United States remotely resembling those of the Cold War era, yet policymakers routinely talk in the alarmist terms once used to describe superpower conflict. Indeed, the mindset of the United States in the post-9/11 world was best (albeit crudely) captured by former Vice President Dick Cheney. While in office, Cheney promoted the idea that the United States must prepare for even the most remote threat as though it were certain to occur. The journalist Ron Suskind termed this belief “the one percent doctrine,” a reference to what Cheney called the “one percent chance that Pakistani scientists are helping al Qaeda build or develop a nuclear weapon.” According to Suskind, Cheney insisted that the United States must treat such a remote potential threat “as a certainty in terms of our response.” ¶ Such hair-trigger responsiveness is rarely replicated outside the realm of national security, even when the government confronts problems that cause Americans far more harm than any foreign threat. According to an analysis by the budget expert Linda Bilmes and the economist Joseph Stiglitz, in the ten years since 9/11, the combined direct and indirect costs of the U.S. response to the murder of almost 3,000 of its citizens have totaled more than $3 trillion. A study by the Urban Institute, a nonpartisan think tank, estimated that during an overlapping period, from 2000 to 2006, 137,000 Americans died prematurely because they lacked health insurance. Although the federal government maintains robust health insurance programs for older and poor Americans, its response to a national crisis in health care during that time paled in comparison to its response to the far less deadly terrorist attacks.¶ Rather than Cheney’s one percent doctrine, what the United States actually needs is a 99 percent doctrine: a national security strategy based on the fact that the United States is a safe and well-protected country and grounded in the reality that the opportunities for furthering U.S. interests far exceed the threats to them. Fully comprehending the world as it is today is the best way to keep the United States secure and resistant to the overreactions that have defined its foreign policy for far too long.¶ BETTER THAN EVER¶ The United States, along with the rest of the world, currently faces a period of economic and political uncertainty. But consider four long-term global trends that underscore just how misguided the constant fear-mongering in U.S. politics is: the falling prevalence of violent conflict, the declining incidence of terrorism, the spread of political freedom and prosperity, and the global improvement in public health. In 1992, there were 53 armed conflicts raging in 39 countries around the world; in 2010, there were 30 armed conflicts in 25 countries. Of the latter, only four have resulted in at least 1,000 battle-related deaths and can therefore be classified as wars, according to the Uppsala Conflict Data Program: the conflicts in Afghanistan, Iraq, Pakistan, and Somalia, two of which were started by the United States. ¶ Today, wars tend to be low-intensity conflicts that, on average, kill about 90 percent fewer people than did violent struggles in the 1950s. Indeed, the first decade of this century witnessed fewer deaths from war than any decade in the last century. Meanwhile, the world’s great powers have not fought a direct conflict in more than 60 years -- “the longest period of major power peace in centuries,” as the Human Security Report Project puts it. Nor is there much reason for the United States to fear such a war in the near future: no state currently has the capabilities or the inclination to confront the United States militarily. ¶ Much of the fear that suffuses U.S. foreign policy stems from the trauma of 9/11. Yet although the tactic of terrorism remains a scourge in localized conflicts, between 2006 and 2010, the total number of terrorist attacks declined by almost 20 percent, and the number of deaths caused by terrorism fell by 35 percent, according to the U.S. State Department. In 2010, more than three-quarters of all victims of terrorism -- meaning deliberate, politically motivated violence by nonstate groups against noncombatant targets -- were injured or killed in the war zones of Afghanistan, Iraq, Pakistan, and Somalia. Of the 13,186 people killed by terrorist attacks in 2010, only 15, or 0.1 percent, were U.S. citizens. In most places today -- and especially in the United States -- the chances of dying from a terrorist attack or in a military conflict have fallen almost to zero.¶ As violence and war have abated, freedom and democratic governance have made great gains. According to Freedom House, there were 69 electoral democracies at the end of the Cold War; today, there are 117. And during that time, the number of autocracies declined from 62 to 48. To be sure, in the process of democratizing, states with weak political institutions can be more prone to near-term instability, civil wars, and interstate conflict. Nevertheless, over time, democracies tend to have healthier and better-educated citizens, almost never go to war with other democracies, and are less likely to fight nondemocracies.¶ Economic bonds among states are also accelerating, even in the face of a sustained global economic downturn. Today, 153 countries belong to the World Trade Organization and are bound by its dispute-resolution mechanisms. Thanks to lowered trade barriers, exports now make up more than 30 percent of gross world product, a proportion that has tripled in the past 40 years. The United States has seen its exports to the world’s fastest-growing economies increase by approximately 500 percent over the past decade. Currency flows have exploded as well, with $4 trillion moving around the world in foreign exchange markets every day. Remittances, an essential instrument for reducing poverty in developing countries, have more than tripled in the past decade, to more than $440 billion each year. Partly as a result of these trends, poverty is on the decline: in 1981, half the people living in the developing world survived on less than $1.25 a day; today, that figure is about one-sixth. Like democratization, economic development occasionally brings with it significant costs. In particular, economic liberalization can strain the social safety net that supports a society’s most vulnerable populations and can exacerbate inequalities. Still, from the perspective of the United States, increasing economic interdependence is a net positive because trade and foreign direct investment between countries generally correlate with long-term economic growth and a reduced likelihood of war. ¶ A final trend contributing to the relative security of the United States is the improvement in global health and well-being. People in virtually all countries, and certainly in the United States, are living longer and healthier lives. In 2010, the number of people who died from AIDS-related causes declined for the third year in a row. Tuberculosis rates continue to fall, as do the rates of polio and malaria. Child mortality has plummeted worldwide, thanks in part to expanded access to health care, sanitation, and vaccines. In 1970, the global child mortality rate (deaths of children under five per 1,000) was 141; in 2010, it was 57. In 1970, global average life expectancy was 59, and U.S. life expectancy was 70. Today, the global figure is just under 70, and the U.S. figure is 79. These vast improvements in health and well-being contribute to the global trend toward security and safety because countries with poor human development are more war-prone.¶ PHANTOM MENACE¶ None of this is meant to suggest that the United States faces no major challenges today. Rather, the point is that the problems confronting the country are manageable and pose minimal risks to the lives of the overwhelming majority of Americans. None of them -- separately or in combination -- justifies the alarmist rhetoric of policymakers and politicians or should lead to the conclusion that Americans live in a dangerous world.¶ Take terrorism. Since 9/11, no security threat has been hyped more. Considering the horrors of that day, that is not surprising. But the result has been a level of fear that is completely out of proportion to both the capabilities of terrorist organizations and the United States’ vulnerability. On 9/11, al Qaeda got tragically lucky. Since then, the United States has been preparing for the one percent chance (and likely even less) that it might get lucky again. But al Qaeda lost its safe haven after the U.S.-led invasion of Afghanistan in 2001, and further military, diplomatic, intelligence, and law enforcement efforts have decimated the organization, which has essentially lost whatever ability it once had to seriously threaten the United States. ¶ According to U.S. officials, al Qaeda’s leadership has been reduced to two top lieutenants: Ayman al-Zawahiri and his second-in-command, Abu Yahya al-Libi. Panetta has even said that the defeat of al Qaeda is “within reach.” The near collapse of the original al Qaeda organization is one reason why, in the decade since 9/11, the U.S. homeland has not suffered any large-scale terrorist assaults. All subsequent attempts have failed or been thwarted, owing in part to the incompetence of their perpetrators. Although there are undoubtedly still some terrorists who wish to kill Americans, their dreams will likely continue to be frustrated by their own limitations and by the intelligence and law enforcement agencies of the United States and its allies.¶ As the threat from transnational terrorist groups dwindles, the United States also faces few risks from other states. China is the most obvious potential rival to the United States, and there is little doubt that China’s rise will pose a challenge to U.S. economic interests. Moreover, there is an unresolved debate among Chinese political and military leaders about China’s proper global role, and the lack of transparency from China’s senior leadership about its long-term foreign policy objectives is a cause for concern. However, the present security threat to the U.S. mainland is practically nonexistent and will remain so. Even as China tries to modernize its military, its defense spending is still approximately one-ninth that of the United States. In 2012, the Pentagon will spend roughly as much on military research and development alone as China will spend on its entire military. ¶ While China clumsily flexes its muscles in the Far East by threatening to deny access to disputed maritime resources, a recent Pentagon report noted that China’s military ambitions remain dominated by “regional contingencies” and that the People’s Liberation Army has made little progress in developing capabilities that “extend global reach or power projection.” In the coming years, China will enlarge its regional role, but this growth will only threaten U.S. interests if Washington attempts to dominate East Asia and fails to consider China’s legitimate regional interests. It is true that China’s neighbors sometimes fear that China will not resolve its disputes peacefully, but this has compelled Asian countries to cooperate with the United States, maintaining bilateral alliances that together form a strong security architecture and limit China’s room to maneuver.¶ The strongest arguments made by those warning of Chinese influence revolve around economic policy. The list of complaints includes a host of Chinese policies, from intellectual property theft and currency manipulation to economic espionage and domestic subsidies. Yet none of those is likely to lead to direct conflict with the United States beyond the competition inherent in international trade, which does not produce zero-sum outcomes and is constrained by dispute-resolution mechanisms, such as those of the World Trade Organization. If anything, China’s export-driven economic strategy, along with its large reserves of U.S. Treasury bonds, suggests that Beijing will continue to prefer a strong United States to a weak one. ¶ NUCLEAR FEAR¶ It is a matter of faith among many American politicians that Iran is the greatest danger now facing the country. But if that is true, then the United States can breathe easy: Iran is a weak military power. According to the International Institute for Strategic Studies, Iran’s “military forces have almost no modern armor, artillery, aircraft or major combat ships, and UN sanctions will likely obstruct the purchase of high-technology weapons for the foreseeable future.” ¶ Tehran’s stated intention to project its interests regionally through military or paramilitary forces has made Iran its own worst enemy. Iran’s neighbors are choosing to balance against the Islamic Republic rather than fall in line behind its leadership. In 2006, Iran’s favorability rating in Arab countries stood at nearly 80 percent; today, it is under 30 percent. Like China’s neighbors in East Asia, the Gulf states have responded to Iran’s belligerence by participating in an emerging regional security arrangement with the United States, which includes advanced conventional weapons sales, missile defenses, intelligence sharing, and joint military exercises, all of which have further isolated Iran.¶ Of course, the gravest concerns about Iran focus on its nuclear activities. Those fears have led to some of the most egregiously alarmist rhetoric: at a Republican national security debate in November, Romney claimed that an Iranian nuclear weapon is “the greatest threat the world faces.” But it remains unclear whether Tehran has even decided to pursue a bomb or has merely decided to develop a turnkey capability. Either way, Iran’s leaders have been sufficiently warned that the United States would respond with overwhelming force to the use or transfer of nuclear weapons. Although a nuclear Iran would be troubling to the region, the United States and its allies would be able to contain Tehran and deter its aggression -- and the threat to the U.S. homeland would continue to be minimal.¶ Overblown fears of a nuclear Iran are part of a more generalized American anxiety about the continued potential of nuclear attacks. Obama’s National Security Strategy claims that “the American people face no greater or more urgent danger than a terrorist attack with a nuclear weapon.” According to the document, “international peace and security is threatened by proliferation that could lead to a nuclear exchange. Indeed, since the end of the Cold War, the risk of a nuclear attack has increased.” ¶ If the context is a state-against-state nuclear conflict, the latter assertion is patently false. The demise of the Soviet Union ended the greatest potential for international nuclear conflict. China, with only 72 intercontinental nuclear missiles, is eminently deterrable and not a credible nuclear threat; it has no answer for the United States’ second-strike capability and the more than 2,000 nuclear weapons with which the United States could strike China. ¶ In the past decade, Cheney and other one-percenters have frequently warned of the danger posed by loose nukes or uncontrolled fissile material. In fact, the threat of a nuclear device ending up in the hands of a terrorist group has diminished markedly since the early 1990s, when the Soviet Union’s nuclear arsenal was dispersed across all of Russia’s 11 time zones, all 15 former Soviet republics, and much of eastern Europe. Since then, cooperative U.S.-Russian efforts have resulted in the substantial consolidation of those weapons at far fewer sites and in comprehensive security upgrades at almost all the facilities that still possess nuclear material or warheads, making the possibility of theft or diversion unlikely. Moreover, the lessons learned from securing Russia’s nuclear arsenal are now being applied in other countries, under the framework of Obama’s April 2010 Nuclear Security Summit, which produced a global plan to secure all nuclear materials within four years. Since then, participants in the plan, including Chile, Mexico, Ukraine, and Vietnam, have fulfilled more than 70 percent of the commitments they made at the summit.¶ Pakistan represents another potential source of loose nukes. The United States’ military strategy in Afghanistan, with its reliance on drone strikes and cross-border raids, has actually contributed to instability in Pakistan, worsened U.S. relations with Islamabad, and potentially increased the possibility of a weapon falling into the wrong hands. Indeed, Pakistani fears of a U.S. raid on its nuclear arsenal have reportedly led Islamabad to disperse its weapons to multiple sites, transporting them in unsecured civilian vehicles. But even in Pakistan, the chances of a terrorist organization procuring a nuclear weapon are infinitesimally small. The U.S. Department of Energy has provided assistance to improve the security of Pakistan’s nuclear arsenal, and successive senior U.S. government officials have repeated what former Secretary of Defense Robert Gates said in January 2010: that the United States is “very comfortable with the security of Pakistan’s nuclear weapons.”¶ A more recent bogeyman in national security debates is the threat of so-called cyberwar. Policymakers and pundits have been warning for more than a decade about an imminent “cyber–Pearl Harbor” or “cyber-9/11.” In June 2011, then Deputy Defense Secretary William Lynn said that “bits and bytes can be as threatening as bullets and bombs.” And in September 2011, Admiral Mike Mullen, then chairman of the Joint Chiefs of Staff, described cyberattacks as an “existential” threat that “actually can bring us to our knees.” ¶ Although the potential vulnerability of private businesses and government agencies to cyberattacks has increased, the alleged threat of cyberwarfare crumbles under scrutiny. No cyberattack has resulted in the loss of a single U.S. citizen’s life. Reports of “kinetic-like” cyberattacks, such as one on an Illinois water plant and a North Korean attack on U.S. government servers, have proved baseless. Pentagon networks are attacked thousands of times a day by individuals and foreign intelligence agencies; so, too, are servers in the private sector. But the vast majority of these attacks fail wherever adequate safeguards have been put in place. Certainly, none is even vaguely comparable to Pearl Harbor or 9/11, and most can be offset by commonsense prevention and mitigation efforts. ¶ A NEW APPROACH¶ Defenders of the status quo might contend that chronic threat inflation and an overmilitarized foreign policy have not prevented the United States from preserving a high degree of safety and security and therefore are not pressing problems. Others might argue that although the world might not be dangerous now, it could quickly become so if the United States grows too sanguine about global risks and reduces its military strength. Both positions underestimate the costs and risks of the status quo and overestimate the need for the United States to rely on an aggressive military posture driven by outsized fears. ¶ Since the end of the Cold War, most improvements in U.S. security have not depended primarily on the country’s massive military, nor have they resulted from the constantly expanding definition of U.S. national security interests. The United States deserves praise for promoting greater international economic interdependence and open markets and, along with a host of international and regional organizations and private actors, more limited credit for improving global public health and assisting in the development of democratic governance. But although U.S. military strength has occasionally contributed to creating a conducive environment for positive change, those improvements were achieved mostly through the work of civilian agencies and nongovernmental actors in the private and nonprofit sectors. The record of an overgrown post–Cold War U.S. military is far more mixed. Although some U.S.-led military efforts, such as the NATO intervention in the Balkans, have contributed to safer regional environments, the U.S.-led wars in Afghanistan and Iraq have weakened regional and global security, leading to hundreds of thousands of casualties and refugee crises (according to the Office of the UN High Commissioner for Refugees, 45 percent of all refugees today are fleeing the violence provoked by those two wars). Indeed, overreactions to perceived security threats, mainly from terrorism, have done significant damage to U.S. interests and threaten to weaken the global norms and institutions that helped create and sustain the current era of peace and security. None of this is to suggest that the United States should stop playing a global role; rather, it should play a different role, one that emphasizes soft power over hard power and inexpensive diplomacy and development assistance over expensive military buildups.¶ Indeed, the most lamentable cost of unceasing threat exaggeration and a focus on military force is that the main global challenges facing the United States today are poorly resourced and given far less attention than “sexier” problems, such as war and terrorism. These include climate change, pandemic diseases, global economic instability, and transnational criminal networks -- all of which could serve as catalysts to severe and direct challenges to U.S. security interests. But these concerns are less visceral than alleged threats from terrorism and rogue nuclear states. They require long-term planning and occasionally painful solutions, and they are not constantly hyped by well-financed interest groups. As a result, they are given short shrift in national security discourse and policymaking.

#### SQ Grants, Technical Assistance, and TERAs fail to trigger native renewables

Sullivan ’10 – Attorney at Office of Solicitor; Department of Interior, University of Arizona James E. Rogers College of Law, JD/IPLP Certificate 2011

Bethany C. Sullivan, 52 Ariz. L. Rev. 823, Arizona Law Review, Fall 2010, CHANGING WINDS: RECONFIGURING THE LEGAL FRAMEWORK FOR RENEWABLE-ENERGY DEVELOPMENT IN INDIAN COUNTRY, Bethany C. Sullivan

Congress has recognized the need for development by enacting the Indian Tribal Energy Development and Self-Determination¶ Act in 2005. 26 The Act explicitly confirms the federal government's role in assisting tribes with the development of their energy¶ resources to further the twin goals of self-determination and tribal economic growth. 27 To meet these objectives, the Act (1)¶ \*829 creates the Office of Indian Energy Policy and Programs in the Department of Energy (DOE); 28 and (2) establishes¶ an Indian energy resource development program in the Department of the Interior (DOI). 29 Additionally, although the Act is¶ geared towards all types of tribal energy development, the vast majority of projects have been related to renewable energy. 30¶ Under the Act, the DOE is mandated to provide both financial and technical assistance to tribes attempting to develop their¶ energy resources. 31 Financial assistance takes the form of grants, loans, and loan guarantees used for a variety of activities,¶ including planning and development of energy generation and transmission. 32 Qualifying projects may also receive technical¶ assistance in the form of technical support staff from the DOE, renewable-energy technology information, and training. 33¶ The DOI program similarly provides financial assistance for activities such as integration projects, environmental programs,¶ and employee training. 34 Additionally, the DOI must provide available scientific and technical information and expertise at a¶ tribe's request. 35 Perhaps even more importantly, the Act establishes a procedure within the DOI for tribes to apply for primary¶ responsibility in negotiating and executing energy contracts with non-tribal businesses. 36 This is significant because it means¶ that tribal-private business relationships can form without the bureaucratic headache of receiving Secretarial approval. 37 The¶ end-product of this DOI process is the formation of Tribal Energy Resource Agreements (TERAs). 38¶ TERAs are an important step towards tribal primacy in the control and management of energy resources on the reservation.¶ After forming a TERA with the DOI, a tribe is free to enter into agreements through its own negotiations with outside businesses¶ of its choosing. Furthermore, the reduction of federal \*830 supervision and the subsequent freedom from mandatory National¶ Environmental Policy Act (NEPA) procedures 39 decreases the time and cost historically associated with entering into energy¶ agreements with tribes. 40 In theory, this should act as an incentive for outside businesses to contract with tribes for energy¶ partnerships. 41¶ The Act has had measured success in attaining its dual goals of tribal energy development and tribal self-determination. The¶ DOE, under the mandates of both the 2005 Act and its 1992 predecessor, distributed a total of $16.5 million dollars in grant¶ money to fund ninety-three tribal energy projects from 2002 to 2008. 42 Of these projects, the vast majority pertain to renewable energy¶ development. 43 Yet the grant money, typically ranging from $100,000 to $300,000, often funds feasibility studies¶ rather than the actual construction and development of these renewable resources. 44 Of thirty-one DOE-funded wind projects,¶ only three of the grants went towards actual construction of wind turbines; the remaining grants funded feasibility studies,¶ preconstruction activities, and demonstration projects. 45¶ The DOI's Office of Indian Energy and Economic Development (IEED) boasts current involvement with more than fifty tribal¶ projects relating to renewable-energy generation. 46 However, its role in these projects appears largely grounded in providing¶ information and technical expertise. 47 Additionally, while the IEED does provide loan guarantees specifically for energy¶ projects, 48 the total appropriations for the DOI's entire Indian loan-guarantee program in 2008 were \*831 only slightly over¶ $6 million. 49 This is a modest amount considering that these appropriations must fund all types of projects in Indian Country, leaving only a small portion available for renewable-energy development. Such funding levels are inadequate when examined¶ against the backdrop of the actual costs of renewable-energy development. In 2007, most commercial-scale wind turbines¶ (averaging a capacity of two megawatts) cost roughly $3.5 million dollars each to install. 50 Solar installation costs vary; one¶ company installing a 1.1 megawatt solar field array estimates initial costs of approximately $5 million, 51 while a much larger¶ proposed project of 17.1 megawatts has forecasted installation costs of $60 million. 52 Commercial-scale bioass projects are¶ also hugely expensive, with installation costs adding up to tens of millions of dollars. 53 While there is much cost variability¶ among and within renewable-energy technologies, it is clear that the amount of investment capital needed far exceeds the federal¶ grant money available.¶ Unfortunately, the IEED's TERA program has produced unsatisfactory results. Not a single tribe, as of present, has successfully¶ attained a TERA. 54 This may partially be a consequence of the multi-step TERA application requirements, including:¶ submission of documentation demonstrating a tribe's financial and personnel capacity to administer energy agreements¶ and programs, establishment of a tribal environmental review process, and consultative meetings with the Director of the¶ Indian Energy and Economic Development Office. 55 Perhaps more problematic are conflicting sentiments within tribes¶ over distancing tribal energy development from federal government protection, an issue strongly debated among Indian law¶ practitioners and scholars. 56 So, although tribes could arguably benefit \*832 from the decreased federal oversight that TERAs¶ would provide, it appears that this mechanism, on its own, is insufficient to truly stimulate renewable development.¶ In summary, the Act has provided for federal programs that encourage the development of tribal renewable resources, yet its¶ policy goals of tribal economic and energy development and tribal self-determination have not yet been met. In part, this may be¶ a function of inadequate appropriations for the Act's provisions. 57 An alternative explanation, however, is that the Act fails to¶ address substantial obstacles to tribal renewable-energy development. The most significant obstacles can be generally divided¶ into two categories: (1) tribal inability to take advantage of federal tax incentives in the renewable-energy industry and (2)¶ unfavorable case law concerning tribal civil jurisdiction.

### 2AC T Restrictions Lift Prohibitions not Regulations

#### **A)** “Restriction” are limitations 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).

#### b) Restrictions are the equivalent of conditions on action

Plummer 29 J., Court Justice, MAX ZLOZOWER, Respondent, v. SAM LINDENBAUM et al., Appellants Civ. No. 3724COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT100 Cal. App. 766; 281 P. 102; 1929 Cal. App. LEXIS 404September 26, 1929, Decided, lexis

The word "restriction," when used in connection with the grant of interest in real property, is construed as being the legal equivalent of "condition." Either term may be used to denote a limitation upon the full and unqualified enjoyment of the right or estate granted. The words "terms" and "conditions" are often used synonymously when relating to legal rights. "Conditions and restrictions" are that which limits or modifies the existence or character of something; a restriction or qualification. It is a restriction or limitation modifying or destroying the original act with which it is connected, or defeating, terminating or enlarging an estate granted; something which defeats or qualifies an estate; a modus or quality annexed by him that hath an estate, or interest or right to the same, whereby an estate may be either defeated, enlarged, or created upon an uncertain event; a quality annexed to land whereby an estate may be defeated; a qualification or restriction annexed to a deed or device, by virtue of which an estate is made to vest, to be enlarged or defeated upon the happening or not happening of a particular event, or the performance or nonperformance of a particular act.

#### Best Interpretation:

#### A) Captures the benefits of outright prohibition by including statutory restrictions that make production more difficult but that are limited to those that include the possibility of complete prohibition

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;¶

#### We Meet “financial Incentives”

Gielecki et.al. ‘1 – Economist @ U.S. Energy Information Administration

Incentives, Mandates, and Government Programs for Promoting Renewable Energy, February 2001, Mark Gielecki, Fred Mayes, and Lawrence Prete, http://lobby.la.psu.edu/\_107th/128\_PURPA/Agency\_Activities/EIA/Incentive\_Mandates\_and\_Government.htm

Over the years, incentives and mandates for renewable energy have been used to advance different energy policies, such as ensuring energy security or promoting environmentally benign energy sources. Renewable energy has beneficial attributes, such as low emissions and replenishable energy supply, that are not fully reflected in the market price. Accordingly, governments have used a variety of programs to promote renewable energy resources, technologies, and renewable-based transportation fuels. (1) This paper discusses: (1) financial incentives and regulatory mandates used by Federal and State governments and Federal research and development (R&D), (2), (3) and (2) their effectiveness in promoting renewables.¶ A financial incentive is defined in this report as providing one or more of the following benefits:¶ A transfer of economic resources by the Government to the buyer or seller of a good or service that has the effect of reducing the price paid, or, increasing the price received, respectively;¶ Reducing the cost of production of the good or service; or,¶ Creating or expanding a market for producers. ¶ The intended effect of a financial incentive is to increase the production or consumption of the good or service over what it otherwise would have been without the incentive. Examples of financial incentives are: tax credits, production payments, trust funds, and low-cost loans. Research and development is included as a support program because its effect is to decrease cost, thus enhancing the commercial viability of the good(s) provided. (4)

### 2AC Coal

#### Renewables inevitable

Leone 11—Associate Editor, RenewableEnergyWorld.com (Steve, 10 Reasons Renewable Energy May Beat the Projections, http://www.renewableenergyworld.com/rea/news/article/2011/09/10-reasons-renewables-may-beat-the-projections)

We won’t have to wait until 2035 to find grid parity, considering it’s already here in some select areas. Pricing will truly be the transformative force that redefines the world’s energy mix. Once we’re at true grid parity, it will become a matter of retiring existing fossil fuel plants. Consider two companies that are making huge strides toward grid parity. First Solar announced it is developing a thin-film cell with a 15 percent efficiency in mass production. GE, meanwhile, is working to create a 10- to 15-MW turbine. Advancements like these will combine with the inevitable manufacturing gains that come with greater scale to make grid parity a reality perhaps sooner than later.

#### Transition inev – now better for all their impacts

Townsend 10/4—Founder and CEO of Earthshine Solutions, and author of 'The Rough Guide to Sustainable Business' (10/4/12, Michael, Community Power: An Alternative Pathway to a Renewable Future, <http://www.huffingtonpost.co.uk/michael-townsend/community-power-an-altern_b_1415772.html>)

The problem is that conventional sources of energy are declining in availability and becoming more expensive. Production from known oil and gas reserves will fall by around 40-60% by 2030, according to the International Energy Agency. Furthermore, as WWF highlights, if we continue to depend on fossil fuels it will mean substantially higher and more volatile energy costs, along with increasing energy security issues including supply disruptions, accidents and disputes. Nuclear may be a part of the answer, but the investment is expensive and takes many years to deliver, let alone any concerns for safety, and dealing with the long-term effects of waste. Not much to look forward to, then. But, there is some good news. Renewable energies are becoming more affordable, more widely available, and more popular, despite some of the noise to the contrary. Indeed, Paul Krugman, Nobel Prize winning economist, recently highlighted the fact that solar energy costs are reducing, on average, by 7% each year. Given the upward cost trend of conventional, fossil fuels and the downward trend in renewable energy costs, it becomes a matter of when, not if, we reach the tipping point at which renewables, even without subsidy, become more affordable than dwindling conventional sources. Hopefully we will reach this transition before a rather more disturbing tipping point, where climate change becomes irreversible.

#### Coal destroys Native lands/fucks them up

Muller 5—writer and organizer for the Indigenous­Environmental Network (Clayton, Cycle of Destruction: Energy Exploitation on Sacred Native Lands, urbanhabitat.org/node/307)

The link between unsustainable energy consumption in the Americas and the destruction and desecration of Indigenous homelands and culture is undeniable. As Indigenous peoples, we reject the proposition that our traditional lands should be sacrificed at the altar of irresponsible energy policies.¶ Indigenous peoples in the United States, Canada, and throughout the Americas have experienced systematic and repeated violations by oil, gas, mining, and energy industries of our treaty rights, particularly those that protect our traditional lands. Oil and gas developments have consistently violated our human rights and caused unconscionable damage to traditional territories that have sustained us since time immemorial.¶ In the United States, in contrast to other regions of the world, about 2/3 of all oil use is for transportation. (In most of the rest of the world, oil is more commonly used for space heating and power generation than for transportation.) Obviously, a transportation and energy policy that is so heavily dependent upon fossil fuel is unsustainable. Fossil fuels have a destructive life cycle, which encompasses extraction, transportation of these raw materials via pipeline, truck, and tanker to refineries, and the processing and shipment of the final product.¶ For the Indigenous peoples historically traumatized by colonial conquest and subsequent treaty violations, an energy policy dependent upon fossil fuels creates yet another cycle of destruction characterized by the devastation of sacred sites

, the drying up of aquifers, micro-climate changes, and the poisoning of our air and soil with toxins.¶ With the birth of the environmental justice movement over twenty years ago, Indigenous grassroots activist groups, traditional societies, and organizations, such as the Indigenous Environmental Network (IEN), answered a call to action in support of indigenous communities disproportionately targeted for energy resource extraction and development. These groups have recently developed campaign strategies to help tribal community organizers working to either halt energy resource development on Native lands altogether, or force it to be more environmentally and culturally responsible. The strategies often involve providing long-term support to grassroots leaders as they pressure their tribal governments to make informed choices about the direction tribal economies ought to take, especially in regard to dependency on a fossil fuel energy paradigm.¶ Most consumers in the United States are unaware that the price they pay for gasoline does not reflect the cost of the devastation caused by the oil and gas extraction and refining process to the livelihoods and economies of Indigenous and other low-income communities. Most U.S. consumers simply take what they need to feed their addiction to energy and ignore the disproportionately large price that Indigenous and other low-income communities pay for a fossil fuel–based energy policy. Nor do they fully comprehend the true implications of this policy in terms of catastrophic global warming and severe climatic changes.¶ Natural Gas: Not an “Alternative” Fuel¶ Despite the failure of the Bush administration to endorse the Kyoto Protocol to reduce carbon dioxide releases, many cities are adopting their own standards for good climate stewardship, fuel efficiency initiatives, and energy conservation measures. Some cities with diesel-fueled transportation systems are seeking more environmentally friendly alternatives, such as compressed natural gas buses, or light rail and bus systems that run on electricity. This could do wonders for reducing carbon dioxide, other toxic emissions, and smog created by fossil fuel–dependent transit systems. These changes would be first steps towards addressing the environmental injustices experienced by low-income and urban Indigenous communities in our inner cities.¶ However, we often fail to take into account the fact that mass transit systems powered by electricity are connected to a grid that gets its power from the burning of fossil fuels. In short, America’s reliance on centralized power for heating, transportation, and water services only results in more pressure on Indigenous peoples and our lands.¶ Contrary to corporate claims and media spin, there is no such thing as clean coal or clean natural gas. And despite the new technologies around cleaner, coal-fired power plants and cleaner-burning natural gas options, the fossil fuel industry and its economic system is steering us towards catastrophic environmental destruction.¶ With 35 percent of the United States’ fossil fuel located either directly on or near Indigenous lands, we are the target of a renewed form of colonization characterized by largely unrestrained corporate exploitation of Native lands and peoples, resulting in ecological devastation and gross violations of human rights. An apt metaphor for the current situation is the period, about 300 years ago, when Jesuit Priests in black robes came into Indigenous communities promising a better quality of life through Christianity. At the time, church and state were virtually inseparable. Today, the same may be said of the relationship between states and corporations, with capitalism as the new religion. The Jesuit Priests have been replaced by corporate Chief Executive Officers in black suits who come into our homelands promising our communities and tribal leaders a better life through industrialization. What results is a change in our attitudes towards the sacredness of Mother Earth.¶ The chain of oil production, from exploration and transport to refining and distribution, is also a chain of destruction. First, forests are cut for seismic exploration, holes are drilled, and sludge pits filled. Next, the refining process releases deadly toxins into the air. Finally, vehicles contribute to smog and pollution. These environmental costs go largely unaccounted for, conveniently masking the actual costs people in the United States and around the world pay for profits amassed by a few. In recent years, Indigenous communities in North America have begun to document the environmental destruction caused by energy industries, in an attempt to expose the real price of oil.¶ The burning of oil, gas, and coal, known collectively as fossil fuels, is the primary source of humaninduced climate change. By burning these fuels, humans are releasing carbon that has been sequestered in the ground for hundreds of millions of years and are emitting carbon dioxide into the planet’s thin and chemically volatile atmosphere at an unprecedented rate. Climate change, if not halted, will result in increased frequency and severity of storms, floods, drought and water shortages, the spread of disease, increased hunger, displacement and mass migration of people, and social conflict. The homelands of the Indigenous peoples of the Arctic regions are literally melting away before their eyes.¶ The humans of Mother Earth have too much reliance on fossil fuels. To halt the damage resulting from their use, the industrialized countries must find more ecologically sound energy sources that don’t threaten the delicate balance that sustains all life. The people of the world need to re-evaluate their energy consumption patterns and embrace a transition away from dirty and destructive fossil fuels to clean, renewable energy. Sustainable energy has a minimal impact on the healthy functioning of the local and global ecosystems. It is energy with very few negative social, cultural, health, and environmental impacts, and which can be supplied continuously to future generations on Earth.

#### Trends prove coal industry decline inevitable

The Economist 12 – “A Burning Question,” January 28, 2012, online: http://www.economist.com/node/21543563/print

And by some measures, coal is still going strong. It provides more of America's electricity than any other fuel. Production has fallen off since 2008, but it remains high, as do prices, for which thank the developing world's appetite. In Appalachia, coal remains a source of well-paid jobs in a region that needs them: for the first three quarters of 2011 employment in the Appalachian coal industry was at its highest level since 1997. And the Powder River Basin, which spans Wyoming and Montana, has become America's major source of coal in the past decade, relieving overmined Kentucky and West Virginia. The Energy Information Administration (EIA) reckons America has enough coal to meet current demand levels for the next 200 years.¶ But if the raw numbers look good, the trends tell a different story. Regulatory uncertainty and the emergence of alternative fuel sources (natural gas and renewables) will probably make America's future far less coal-reliant than its past. In 2000 America got 52% of its electricity from coal; in 2010 that number was 45%. Robust as exports are, they account for less than one-tenth of American mined coal; exports cannot pick up the slack if America's taste for coal declines. Appalachian coal production peaked in the early 1990s; the EIA forecasts a decline for the next three years, followed by two decades of low-level stability. Increased employment and declining productivity suggest that Appalachian coal is getting harder to find.

#### Record high exports to China already

Reuters 12 – Reuters, April 19, 2012, "U.S. coal exports to China may double in 2012: Xcoal," www.reuters.com/article/2012/04/19/us-coal-idUSBRE83I0AK20120419

BEIJING (Reuters) - U.S. coal exports to China could **more than double to over 12 million tonnes** in 2012 thanks to depressed freight rates and a fall in domestic demand in the United States, the chief of top U.S. coal exporter Xcoal Energy & Resources said.¶ The expected increase in coal shipments could **further push down coal prices in Asia** where a supply glut following a deluge from the United States and Colombia has **forced prices to slump recently.**¶ **Australian Newcastle-grade coal has dropped** $10 a tonne since end-February, **the Indonesian coal reference price is down** to its lowest in 16 months **and South African coal has shed** $5.¶ "Exports to China could reach over 12 million tonnes this year based on the annualized numbers," Chief Executive Ernie Thrasher told Reuters in an interview on Wednesday.¶ "We only have data for January and February now, but all anecdotal evidence so far suggests that **there are no signs of that diminishing as the year goes on**," he said.¶ "I think there is enough demand in Asia to absorb enough U.S. cargoes to stem a decline in prices."¶ Many U.S. coal sellers have set their eyes on Asia as a shrinking domestic market and tepid demand in Europe have pushed them to look for new customers outside of their traditional markets.¶

#### Exports trade off with China’s domestic coal production – solves the impact

Tu & Johnson-Reiser 12 – Kevin Jianjun Tu is a senior associate in the Carnegie Energy and Climate Program, where he leads Carnegie's work on China's energy and climate policies. He is also a nonresident research fellow at the Canadian Industrial Energy End-Use Data and Analysis Centre. AND\*\*\* Sabine Johnson-Reiser is a junior fellow in the Carnegie Energy and Climate Program. February 16, 2012, "Understanding China's Rising Coal Imprts,"www.carnegieendowment.org/files/china\_coal.pdf

Coal mining can be an unhealthy and dangerous profession if it is not regulated appropriately, and the unprecedented exploitation and utilization of coal in China has created enormous challenges to miners’ safety. Since the creation of the People’s Republic of China in 1949, official statistics put the number of Chinese coal miners killed by mining accidents at more than 250,000, and unofficial numbers are likely to be much higher.11¶ Mine safety depends on many factors, including the enforcement of safety measures, quality of mining equipment, and mine type (surface or underground mines). Most of China’s key state-owned enterprises, including the Shenhua Group and the China Coal Energy Company, run state-of-the-art mining operations and have very low fatality rates. For instance, Shenhua’s fatality rate of 0.025 deaths/Mt of coal in 2010 was not only significantly lower than China’s national average at 0.749 deaths/Mt of coal but also lower than the U.S. level at 0.049 deaths/Mt of coal in the same year.12¶ By contrast, many smaller mines, run by township and village enterprises, regularly ignore safety regulations and do not provide miners with modern equipment.13 In the past decade, these mines accounted for about one-third of national coal production but often nearly three-quarters of the annual fatalities. The fatality rate of township and village mines peaked at an astonishing 14.81 deaths/Mt of coal in 2001.14¶ **While the central government has repeatedly tried to shut down many of these mines, its efforts have been only partially successful. The government has faced a tight coal supply and demand balance**—with China using so much coal, **it would be difficult to lose the output provided by these mines**—and vested interests in local governments try to keep the mines operating for the purposes of local revenue and personal gain.¶ Insofar as they help ease supply and demand constraints, **rising coal imports** should make it easier for China to **continuously** close or consolidate small and unsafe mines. Thus the central government may view **overseas coal imports as an alternative strategy to address the coal mine safety challenge in China.**

#### **China coal use inevitable – they’ll get it elsewhere**

Fugleberg 12 – Jeremy Fugleberg, writer for the Casper Star-Tribune, May 17, 2012, "Coal executive: Asia will get coal elsewhere if U.S. doesn’t ship," m.billingsgazette.com/news/state-and-regional/wyoming/coal-executive-asia-will-get-coal-elsewhere-if-u-s/article\_d76bd239-d75d-5b78-aef3-8cf12a405807.html

CHEYENNE, Wyo. -- While environmental opposition mounts against planned West Coast coal export terminals, an industry executive said Thursday if the U.S. doesn't get coal to Asian customers, somebody else will.¶ “For us, it's all about terminals, and for us it's really a question of where it’s going to be,” said Jim Orchard, a senior vice president of Gillette-based Cloud Peak Energy Inc.¶ He said U.S. coal producers are facing stiff competition from coal mined in Indonesia, which is much closer to Asian customers and therefore cheaper to transport.¶ “If it doesn't happen in the United States, it'll happen somewhere else,” he said at the Wyoming Infrastructure Authority’s spring board meeting.

### 2ac judicial

#### The aff is key to tax credit eligibility

Green ‘3 - Associate Professor of Law @ Pace University

Assoc. Prof. of Law, Akron Law Review, 2003, 36 Akron L. Rev. 245, J.D. Georgetown University Law Center, B.S. Towson State College.

n259. Cass County, 524 U.S. at 103 (holding that once lands held by Indians are freed by Congress of the burden of inalienability, it loses federal protection, such as from state taxation); Lummi Indian Tribe, 5 F.3d 1355 (9th Cir. 1993); relying on County of Yakima v. Yakima Indian Nation, 502 U.S. 251. There, the Lummi Indian Tribe argued that certain fee-patented reservation land was exempt from state taxation because it was allotted to the Tribe under a treaty rather than under the General Allotment Act which permits such taxation. Lummi Indian Tribe, 5 F.3d at 1357. The Ninth Circuit rejected that argument. Id. The Ninth Circuit held that County of Yakima was not dispositive, finding that the Supreme Court expressly declined to decide whether parcels patented under an act other than the General Allotment Act were also taxable. Id. The Ninth Circuit concluded that because the Court focused on the Yakima's ability to alienate their land, rather than on how it was allotted, if the land is alienable, it is taxable. Id. The Ninth Circuit acknowledged the well-settled principle that a state may not tax reservation lands or reservation Indians unless Congress has ""made its intention to [authorize state taxation] unmistakably clear.'" Id. The court therefore concluded that the land's alienability determined its taxability. Id. at 1358. In the Ninth Circuit's view, the Supreme Court held that no matter how land becomes patented, it is taxable once restraints against alienation expire. Id. at 1359.¶ See also 25 U.S.C. 357 (stating that except where specifically provided for by Congress, aboriginal title is not subject to a state's eminent domain power).

#### That’s key to project ownership which turns exploitation

Sullivan ’10 – Attorney at Office of Solicitor; Department of Interior, University of Arizona James E. Rogers College of Law, JD/IPLP Certificate 2011

Bethany C. Sullivan, 52 Ariz. L. Rev. 823, Arizona Law Review, Fall 2010, CHANGING WINDS: RECONFIGURING THE LEGAL FRAMEWORK FOR RENEWABLE-ENERGY DEVELOPMENT IN INDIAN COUNTRY, Bethany C. Sullivan

The utilization of federal tax credits is a key factor in the profitability of renewable-energy projects. 153 Tribes' inability to use¶ these credits or transfer them to a taxable business partner has significantly disadvantaged tribes relative to their competitors. 154¶ This problem could easily be overcome by altering the status of renewable-energy tax credits, making these credits transferable¶ from non-taxable entities to taxable entities. 155 One author to examine this idea suggests adding the following language to¶ the Internal Revenue Code, section 45(d):¶ § 45 . . . Special rules¶ In the case of a qualified facility described in subparagraph [d] -¶ (i) In the case of a facility built in Indian Country and jointly owned by a non-taxable unit or subunit of an Indian tribe, and a¶ taxable partner, the tribe shall be able to trade the tax credits it gains from the project to its non-taxable partner in exchange for¶ any consideration so that that taxable partner may use those tax credits as if the taxable partner had earned them itself. 156¶ Following this approach, a tribe could assign the amount of tax credits it would have received but for its tribal status to ¶ any private business partner with tax liabilities. In exchange, the private partner would provide the tribe with some form of¶ consideration, such as an ownership interest in the project or investment capital. 157 This approach benefits all the parties¶ involved. It provides tribes with an asset they can offer to draw in business partners and which they can use as negotiation¶ leverage in forming partnership agreements. 158 Additionally, it reduces the uneven playing field between tribal and non-tribal¶ players in the renewable-energy sector. 159 Private businesses would enjoy the greater economic opportunity to partner with¶ tribes who have profitable renewable resources available. 160 Lastly, the federal government could kill two birds with one¶ stone: it would further its policy of improving renewable-energy sources in the United States while simultaneously furthering¶ its policy of tribal self-determination and economic \*846 development. 161 And all of this could be accomplished without¶ increasing federal spending. 162¶ This approach appears to be gaining traction. Many parties already advocate for the transferability of these tax credits, including¶ the Western Governors' Association and the Intertribal Council on Utility Policy. 163 In the past few years, congressional leaders¶ have introduced legislation that would allow tribes to transfer their share of production tax credits to their taxable business¶ partners; unfortunately, these bills did not materialize into law. 164 Some states have also taken the reins by enacting their own¶ transferable renewable-energy tax credits. 165

#### CP = exploitation --- only we trigger investment

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While some tribes are fortunate enough to have investment capital readily available, most tribes are not capable of financing¶ large-scale renewable-energy projects on their own. 58 Furthermore, most tribes do not have the requisite expertise and¶ experience in the field of renewable energy to complete these projects independently. 59 For these reasons, it is imperative for¶ tribes to have the ability to form mutually beneficial partnerships with outside business interests. 60 Unfortunately, the existing¶ legal framework in which these partnerships arise fails to properly incentivize non-tribal businesses to work with tribes. One¶ specific problem area is the inability of tribes to utilize or transfer federal tax credits for \*833 renewable energy. Additionally,¶ inconsistent and unfavorable case law concerning state versus tribal jurisdiction creates further challenges, particularly where¶ this case law provides for double taxation of non-Indian activities on the reservation. Although these obstacles have not entirely¶ foreclosed tribal-non-tribal partnerships, they foster partnership agreements disadvantageous to tribal interests since tribes must¶ compensate for these shortcomings.

### 2AC CP

#### Funding is there---regs are the key barrier

Dreveskracht 11—Associate at Galanda Broadman PLLC, of Seattle, an American Indian majority-owned law firm. His practice focuses on representing businesses and tribal governments in public affairs, energy, gaming, taxation, and general economic development. (Ryan, The Time Is Now For Tribal Clean Energy, galandabroadman.wordpress.com/2011/08/28/the-time-is-now-for-tribal-clean-energy/)

Indian country should be taking the Fed’s renewable energy policies to the bank.¶ In January of 2011, U.S. Energy Secretary Steven Chu announced unyielding support for tribes in their efforts to use alternative energies to “improv[e] the environment and support[] longterm clean energy jobs.” Part of Secretary Chu’s plan included making millions of dollars available for renewable energy projects on tribal lands. Other federal economic has incentives abound, including: renewable energy tax credits, federal grants, clean energy renewable bonds, production tax credits, residential energy efficiency tax credits, green schools programs, and energy efficient appliance rebate programs – just to name a few.¶ ¶ These incentives are not limited to the Fed either. States are passing renewable energy portfolio standards – laws that require utility companies to purchase a mandated amount of their energy from renewable sources – with fervor. States do not have the capacity to meet these targets on their own.¶ ¶ The general economic climate also remains favorable. In FY2010, clean energy investments grew by 30 percent, to $243 billion. An estimated $1 trillion in revenue is possible were Indian country to fully develop its energy resources.¶ ¶ Yet, as of February 2011, only one commercial scale renewable energy project is operating in Indian country. What gives?¶ ¶ As often is the case in Indian country, unfavorable and burdensome federal regulations that do not take account of the Indian perspective are the culprit. Put simply, the only policies that work are those developed by Indians, for Indians, with the least amount of federal intervention as possible. Earlier this week, the New York Times offered a similar conclusion:¶ ¶ The Rosebud Sioux are proud of the Owl Feather War Bonnet Wind Farm, a 30-megawatt project that sits on the rolling hills that the tribe has called home for centuries.¶ ¶ The South Dakota farm represents the tribe’s opportunity to escape a high unemployment rate by tapping into the country’s renewable energy needs. But a slew of obstacles has stalled the shovel-ready project, beginning with the 18 months it took the Bureau of Indian Affairs to approve the leasing agreement back in 2008. . . .¶ Today, the Obama administration is hoping to eliminate such bureaucratic impediments through better consultations with tribes on domestic policies. . . .¶ ¶ The results of such discussions – particularly when it comes to energy policy – are unclear. The Owl Feather War Bonnet farm still sits unused, despite the presence of an Air Force base nearby that the tribe had hoped would buy its energy.¶ ¶ The federal goals of a “clean energy economy” cannot be met without cooperation from Indian country. However, without meaningful consultation, minimized federal red-tape, and a genuine government-to-government relationship, the Feds’ renewable energy policies will never come to fruition. Having identified what hinders alternative energy development, it is now time for Congress to write necessary legislation to allow tribes to pursue true energy self-determination.

#### CP links to politics—bipartisan support for liability waiver

**Indianz.com 03—**GOP Leaders Release second draft of energy bill, September 30, 64.38.12.138/News/archives/001714.asp?print=1

GOP leaders release second draft of energy bill¶ TUESDAY, SEPTEMBER 30, 2003 ¶ Republicans crafting the national energy policy bill released a new version of the controversial Indian energy title on Monday, saying they incorporated the suggestions of Democrats.¶ Key among the changes is language that seeks to reinforce the federal government's trust responsibilities. New provisions affirm an ongoing trust relationship with tribes that choose to speed up development of their lands.¶ Left unchanged, however, is the section that waives the Department of Interior's liability for mismanagement that might occur on those lands. This has been the most contentious part of the bill, raising charges by some Democrats and some tribes that it would undermine the entire tribal-federal relationship.¶ But the section has been modified to the point where the waiver only applies under a certain set of conditions. For example, if a tribe negotiates an agreement with a third party whose terms are not in compliance with pre-approved tribal regulations and federal law the government's liability remains intact.¶ Another revision calls on the government to protect the rights of tribes when third parties violate federal law or tribal agreements and that the government shall always "act in good faith and in the best interests of the Indian tribes."¶ In releasing the new set of changes, Sen. Pete Domenici (R-N.M.) and Rep. Billy Tauzin (R-La.) said they reflected "bipartisan input." "We have made excellent progress on this energy conference," they said in a joint statement.¶ Sen. Jeff Bingaman (D-N.M.), the ranking member of the Senate Energy and Resources Committee, asked for, and received, language that requires Interior to develop regulations that allow for "site inspections" of tribal energy projects. Another Bingaman section allows tribes to receive federal funding to develop what are known as tribal energy resource agreements (TERAs).¶ The TERAs are at the heart of the streamlined process envisioned by the bill. Once a TERA is approved by Interior, tribes can enter into leases, business agreements and rights-of-way without seeking federal approval for each separate project.¶ Republican supporters, including Sen. Ben Nighthorse Campbell (R-Colo.) note that the TERA process is entirely voluntary. Tribes worried about releasing the government of its liability don't have to participate.¶ Some tribes and tribal organizations, including the Council of Energy Resource Tribes (CERT), back the new process. Waiting for federal approval can cause business deals to evaporate or go sour, they say.¶ Others believe the bill could have some negative impacts. The Navajo Nation, the largest tribe in the country, and the National Congress of American Indians (NCAI), raised concerns about the section on liability, charging that it would encourage Interior to shirk its responsibilities.¶ The Department of Energy estimates that 10 percent of the nation's untapped energy resources are on Indian land. Many tribes have eagerly tapped their coal, natural gas and other assets.

#### Federal funding destroys sovereignty---tribes should be able to fail on their own if they want

Dreveskracht 11—Judicial Law Clerk, Judge Kathleen Kay, United States District Court for the Western District of Louisiana; L.L.M. in Sustainable International Development, University of Washington School of Law, 2010; J.D., University of Arizona (Ryan, Native Nation Economic Development via the Implementation of Solar Projects: How to Make It Work, <http://law.wlu.edu/deptimages/Law%20Review/68-1Dreveskracht.pdf>)

Native nations that are highly dependent on federal funding to maintain their economic development projects often fail. 463 Aside from the mere fact that the money comes from the federal government, giving the federal government a disproportionate degree of influence in tribal affairs, many federal dollars are program-specific, "developed in federal offices or Congress, often with little attention to the diversity of Native nations, their circumstances, and their capacities." 464 The result is that the federal government is in the driver’s seat, setting the direction that the program takes—forcing tribes into a reactive and dependent, instead of a proactive and self-determined, approach. 465 This then produces a local attitude toward tribal institutions that perceives the institutions as pipelines for money, rather than nation-building forces. 466 However, as noted by Professor Haughton, "[c]ommunities generally do want to be more empowered, but alternatively they do not necessarily want these processes of empowerment to be the cover for reduced state engagement and funding in community level activity." 467 A solution may be block grants for solar projects that, if the Native Nation itself identifies the project as important, place more decision-making power in Indian hands. 468 However, such a solution requires the development of capable institutions to manage the project. 469 When tribes have ownership over their own institutions, project managers are held accountable for their actions, and money flows in the right direction. 470 Also, the federal government should not be a decision-maker in the implementation of a solar project, but rather, it should be an advisor and resource. 471 The government should develop a program of evaluation that, if necessary, reflects the needs and concerns of the tribe’s citizens, not those of the funding agency and its constituencies. 472 Finally, it is important for funding agencies to recognize "that self-governing nations will make mistakes, and that sovereignty involves the freedom to make mistakes, to be accountable for them, and to learn from them." 473

#### Wood’s arguments staticize Native culture and make sovereignty impossible

Rosser 12—Associate Professor, American University Washington College of Law; Research Affiliate, National Poverty Center, University of Michigan; M.Phil. in Land Economics, Cambridge; J.D. magna cum laude, Harvard Law School (Ezra, Ahistorical Indians and Reservation Resources, elawreview.org/2012/02/ahistorical-indians-and-reservation-resources/)

By elevating the tribal member objections to tribal council actions from internal tribal matters to the level of the trust doctrine enforceable by federal courts, Professor Wood ends up prioritizing the environment and the idea of static reservation ways of life over tribal sovereignty. The argument is made that federal administrative and judicial oversight “does not amount to a per se intrusion into the internal affairs of the tribes as long as the federal government directs its authority primarily against the non-Indian entity seeking to do business with the tribe.”[541] But this argument does little to address situations, as in the Desert Rock proposal, where a tribe initiates the proposal or where a tribe is working in partnership with a non-Indian entity. Additionally, Professor Wood advocates “a role for the trust doctrine in protecting the more traditional elements of native separatism.”[542] But I find the romantic assertion that traditionalists enjoy special priority vis-à-vis (generally speaking, democratically elected) tribal councils that should be protected by the United States government similarly unconvincing.[543] It is true that “tribal council decisions often prompt fierce protests by other tribal members who wish to maintain a more traditional, land-based way of life on their reservation and who may consider such industrial development both a desecration of their lands and a harbinger of cultural extinction.”[544] However, that does not mean that Indian trust doctrine enforcement is the best way to deal with such protests.¶ Though conceptually the trust doctrine could be considered federal primacy’s cousin, because of the strength of Professor Wood’s arguments, it is worth fully considering her Indian-trust-doctrine-based approach to environmentally harmful activities on reservations. Ultimately, I have no better counterargument than Professor Wood’s own summary of the argument against federal enforcement:¶ [C]onflict over development is not uncommon in other governments, and the existence of conflict alone may not justify judicial interference. Self-determination can flourish on reservations only if the federal government leaves tribes to set their own priorities. The tribal governments carry the mantle of authority, and while their actions may meet with dissension within the tribe, part of the price of sovereignty may be improper or unwelcome management by tribal governments. Federal intrusion of any kind may be fundamentally incompatible with tribal sovereignty.[545]

#### Tribes wouldn’t forgo environmental review---current requirements are discriminatory

Unger 10—Clerk, Hon. Ferdinand Fernandez , U.S. Court of Appeals for the Ninth Circuit, JD Loyola Law School, MA - Linguistic Anthropology, University of Texas at Austin (Kathleen, CHANGE IS IN THE WIND: SELF-DETERMINATION AND WIND POWER THROUGH TRIBAL ENERGY RESOURCE AGREEMENTS, http://www.tribesandclimatechange.org/docs/tribes\_24.pdf)

Second, the environmental review requirements in the Indian Energy Act should be revised to allow tribes more discretion in how they approach environmental issues. Where the TERA framework requires more stringent review than would apply under NEPA, 259 it should be altered to allow tribes greater flexibility. Congress created the TERA environmental review requirements because of concern that tribes would not protect the environment as well as the federal government would under NEPA. 260 However, scholars of tribal attitudes toward the environment suggest that tribes generally place value on environmental protection and that tribal environmental review would likely not be weaker than NEPA review. 261 Some tribes have already voluntarily adopted environmental policy acts comparable to NEPA. 262 Their reasons for doing so include a desire to meaningfully consider concerns about “environmental, cultural, historical, and ecological factors” and a desire to preserve the reservation land base for future generations.263¶ Indeed, environmental review is best viewed as a decisionmaking tool rather than as a compliance hurdle. 264 For example, preparation of an environmental assessment during planning is advisable even when not required for NEPA compliance, because an assessment can help in identifying and mitigating environmental impacts. 265 Because tribes rely on their land base and resources, 266 they have strong incentives to approach environmental review in this light.¶ For this reason, the shift from federal environmental review under NEPA to tribal environmental review under the TERA structure would be a positive step that would improve the environmental review process and avoid the conflicts of interest inherent in federal environmental review. 267 Additionally, the principle of self-determination suggests that tribes should be able to control the procedures of environmental protection, based on their own values, while engaging in resource development on their lands. 268 But to accomplish this, the TERA framework should increase flexibility for environmental review rather than specifying the form of that review, as it presently does. 269

#### Tribal protection comparatively better than the fed

Rosser 12—Associate Professor, American University Washington College of Law; Research Affiliate, National Poverty Center, University of Michigan; M.Phil. in Land Economics, Cambridge; J.D. magna cum laude, Harvard Law School (Ezra, Ahistorical Indians and Reservation Resources, elawreview.org/2012/02/ahistorical-indians-and-reservation-resources/)

Regardless of the stance of Indian nations regarding the acceptance of the applicability of human rights standards, I believe environmental groups should stop relying upon federal primacy and federal processes to block environmentally destructive forms of development supported by tribal governments. Environmental organizations’ disparate treatment of indigenous peoples, depending on whether they are domestic or foreign, highlights both the singularity of federal primacy and the existence of a better model for the relationship between indigenous peoples and environmental organizations. FPIC provides one mechanism for ensuring community involvement does not take away from indigenous peoples’ ability to select their own representatives and to allow representatives to speak for them. The objection may be made that if Indian tribes do not accept a human rights framework, why should environmentalists? But such an objection reflects a failure to appreciate the denial of Indian rights inherent in federal primacy. Environmental organizations may fear that allowing development in Indian Country could be used as precedent for the rest of the United States; however, just because a particular level of pollution is allowed on a reservation does not mean that a higher standard should not be required elsewhere.[696] Establishing the possibility that on-reservation and off‑reservation standards could differ would allow environmental organizations to decide not to aggressively assert legal rights through federal processes when it comes to tribal projects.[697] To be clear, there is no legal requirement that environmental organizations separate themselves from federal primacy and its problematic assumption of U.S. superiority and related diminishment of Indian sovereignty. But sometimes the right thing to do is to lay down one’s arms.¶ Recognition of indigenous rights according to international human rights law by environmental organizations would involve a number of changes to the way non-Indian environmental groups interact with Indian nations proposing harmful projects. Such recognition would involve first prioritizing tribal processes of decision making rather than the federal permitting scheme. The next generation of tribal mining legislation notably supports prioritizing tribal processes: Under the Indian Tribal Energy Development and Self-Determination Act of 2005 (ITEDSDA), environmental review would be conducted by tribes, and public comments, including those of environmental groups, “will be reviewed in light of tribal values, priorities, and decisions, rather than filtered through a federal lens.”[698] Fear among environmentalists that tribal oversight would mean lesser environmental protection than would be true under federal oversight should not be enough to justify federal primacy. Such fear mirrors assumptions made by policymakers that federal management of tribal resources is better than tribal control;[699] yet, given the record of U.S. management, tribes probably “would do no worse” than the United States has historically on either resource management or environmental protection.[700] The Navajo uranium experience and even the political flip-flop on Desert Rock’s PSD permit by EPA after President Obama’s election attest to shortcomings in federal oversight. Environmental organizations would likely have less faith in federal permitting if the administration was still Republican. Decolonization of Indian law involves getting rid of the “underlying distrust of tribal governance” in EPA and among environmental organizations.[701]

### 2AC Grid

#### Non-unique VC in renewables now

Appleyard 10/1—Chief Editor, Renewable Energy World (10/1/12, David, Global Renewables Investment Sets New Record, http://www.renewableenergyworld.com/rea/news/article/2012/10/global-renewables-investment-sets-new-record?page=all)

Venture capital and private equity investment in renewable energy companies was resilient, at $1.4 billion worldwide in the first quarter, up from $1.1 billion in the previous quarter and $1.2 billion in the equivalent quarter of 2011. Solar and biofuels were the two dominant sectors for equity-raisings.¶ Public markets investment was just $473 million, down 46% from the end of 2011 and 87% from the equivalent period in 2011. This was not surprising given the poor performance of clean energy shares over the last few quarters, the authors conclude.¶ Breaking Investment¶ Different types of investment displayed very different fortunes during the year – venture capital investment, for instance, rose 5% to $2.5 billion, but government-funded and corporate research and development both fell back.

#### Grid investment is dead—lots of reasons

Fehrenbacher 12 (Katie, Senior Writer & Features Editor for GigaOM, “Smart grid VC funding has been “extremely weak””, 7/23, http://gigaom.com/cleantech/smart-grid-vc-funding-has-been-extremely-weak/)

Investments by venture capitalists into smart grid companies — or firms that are adding digital intelligence to the power grid — has remained “extremely weak” over at least the last three quarters, according to research firm the Mercom Capital Group. Investments by VCs into smart grid companies peaked in 2010, and have continued to decline throughout 2011 and 2012. This includes the venture arms of the corporates, like Siemens, ABB, and General Electric.

Mercom says this is due to:

“shifting business models as the industry continues to struggle to understand customers needs and address customer misconceptions along with security concerns among other issues.”

Let’s look at the amount of IPOs and acquisitions for smart grid startups, which is what VCs look at when they decide if they want to invest in a sector or company — essentially how much money can they get back for their investment.

Smart grid network Silver Spring Networks has yet to go public, despite filing its S-1 in the Summer of 2011. Silver Spring Networks has investment from Foundation Capital, Kleiner Perkins, W.R. Holdings, and more recently EMC and Hitachi. I thought Opower would have gone public by now, too. Opower has investors including New Enterprise Associates and Kleiner Perkins.

Acquisitions are actually pretty prevalent in the smart grid space. But a lot of the purchases are either large power companies buying other large energy hardware makers, or the smaller smart grid startups that are many times being sold off for small amounts. SmartSynch and Ember were sold off for not much more than they had raised over their lifetimes. Many of the small smart grid deals are not being disclosed because the investors don’t want to reveal the low valuation of the company.

Then there’s just the fact that the smart grid has stalled a bit, at least in the U.S. Some of that has been because of an inability of utilities to actively engage consumers, and another reason has just been an affect of the recession.

Pike Research has predicted that installations of smart meters in the U.S. will actually sharply decline over the next two years, before they pick back up. One of the reasons is that utilities in California will have finished many of the smart meter installation projects that they started a few years ago. Another reason for the decline is that the Department of Energy gave smart meters a temporary injection a couple years ago.

#### Grid investment fails—6 reasons

MacKellar 12 (Richard, Managing Director at Chrysalix Energy Venture Capital, “Guest Post: Smart Grid, Dumb Investor?”, 3/9, http://www.greentechmedia.com/articles/read/guest-post-smart-grid-dumb-investor/)

To me, investing in the smart grid is a process that is hard and riddled with potholes. Why?

\* Drinking the Kool-Aid. Fifteen years ago I drank the Kool-Aid and began believing that change in the electric power industry would lead to investment returns like those in telecommunications. But the thesis was flawed. In 1978, a house had one phone line. Thirty years later, trillions of dollars of new wealth has been created from an explosion of new hardware and software services. In 1978, a house had one set of wires providing power and in 2050 it will still have one set of wires providing power. It’s a zero-sum game. Revenue to a new entrant is taken from another player who is sharing the rate-based pie.

\* Utility engineers aren’t dumb. Telecom executives often tell me how terrible the power industry is and how they are going to “revolutionize the power industry” like they did with telecommunications. When did a mobile phone company last provide 99.9985% up-time? We need to understand an industry before throwing rocks at it.

\* Regulatory nightmare. Utilities are one of the most regulated markets in the world. For a startup in this space, an alphabet soup of acronyms (e.g., PUC, NERC, FERC, ISO-MRC) are barriers to fast adoption, and the more there are, the harder and longer the path to success will be.

\* Startups and utilities make poor bedfellows. My good friend Fred Dennert is the Head of Distribution Engineering at the Canadian electric utility B.C. Hydro, and when it comes to his top five priorities, he cites “safety for the public, safety for my linemen, safety for other employees, safety for property and equipment, and reliability," adding, "The CEO only calls when the lights go out. Where does working with an unknown startup with unproven technology fit in? Why would I want anything on my network from a company that may not be around in five years?”

\* The adoption cycle is long. If a startup does make progress with a utility, they need to be able to survive the long and fickle adoption cycle of these customers. They bid, re-bid, change their minds, test seven different solutions, bid again, re-bid, pilot again, and pick the solution where the startup has a large strategic partner as an ally. This understandably takes time because the utility will live with the consequences for 30 years.

\* Vertical take-off. When the service rollout does occur, the startup needs to jump from $2 million in sales one year to $200 million the next year. It is like doing a 20-foot pole vault after having only jumped four feet in high school. Again, a utility will look at who the startup is partnered with before making a choice.

#### No blackouts—grid’s resilient

Avila 12 (Jim, Senior National Correspondent at ABC News, “A U.S. Blackout as Large as India’s? ‘Very Unlikely’”, http://abcnews.go.com/blogs/headlines/2012/07/a-u-s-blackout-as-large-as-indias-very-unlikely/)

As India recovers from a blackout that left the world’s second-largest country — and more than 600 million residents — in the dark, a ripple of uncertainty moved through the Federal Regulatory Commission’s command center today in the U.S. The Indian crisis had some people asking about the vulnerability of America’s grid.

“What people really want to know today is, can something like India happen here? So if there is an outage or some problem in the Northeast, can it actually spread all the way to California,” John Wellinghoff, the commission’s chairman, told ABC News. “It’s very, very unlikely that ultimately would happen.”

Wellinghoff said that first, the grid was divided in the middle of the nation. Engineers said that it also was monitored more closely than ever. The grid is checked for line surges 30 times a second.

Since the Northeast blackout in 2003 — the largest in the U.S., which affected 55 million — 16,000 miles of new transmission lines have been added to the grid.

And even though some lines in the Northeast are more than 70 years old, Wellinghoff said that the chances of a blackout like India’s were very low.

### 2AC Immigration

#### **Immigration has no impact on the aging crisis**

Camarota 5 – Steven A. Camarota is the Director of Research at the Center for Immigration Studies. April 2005 "Immigration in an Aging Society: Workers, Birth Rates, and Social Security," [www.cis.org/AgingImmigrants-BirthRate-SocialSecurity](http://www.cis.org/AgingImmigrants-BirthRate-SocialSecurity)

Many advocates of high immigration argue that it fundamentally changes the nation’s age structure, and is very helpful in solving the problem of an aging society. Demographic data, however, show that immigration has only a very small impact on the problem. **While immigrants do tend to arrive relatively young, and have higher fertility than natives, immigrants age just like everyone else, and the differences with natives are not large enough to fundamentally alter the nation’s age structure.** The debate over immigration should focus on other areas where it actually has a significant effect.¶ Among this Backgrounder’s findings:¶ In 2000 the average age of an immigrant was 39, which is actually about four years older than the average age of a native-born American.¶ **Even focusing on only recent immigration reveals little impact on aging.** Excluding all 22 million immigrants who arrived after 1980 from the 2000 Census increases the average age in the United States by only about four months.¶ In 2000 66.2 percent of the population was of working-age (15 to 64). Excluding post-1980 immigrants it is 64.6 percent.¶ Looking at the full impact of post-1980 immigrants reveals that if they and all their U.S.-born children are not counted, the working-age share would have been 65.9 percent in 2000, almost exactly the same as the 66.20 percent when they are all included.¶ **Immigration also does not explain the relatively high U.S. fertility rate.** In 2000 the U.S. fertility rate was 2.1 children per woman, compared to 1.4 for Europe, but if all immigrants are excluded the rate would still have been 2.0.¶ Looking to the future, Census Bureau projections indicate that if net immigration averaged 100,000 to 200,000 annually, the working age share would be 58.7 percent in 2060, while with net immigration of roughly 900,000 to one million, it would be 59.5 percent.¶ Census projections are buttressed by Social Security Administration (SAA) estimates showing that, over the next 75 years, net annual legal immigration of 800,000 a year versus 350,000 would create a benefit equal to only 0.77 percent of the program’s projected expenditures.¶ **It is not clear that even this tiny benefit exists, because SSA assumes legal immigrants will have earnings and resulting tax payments as high as natives from the moment they arrive, which is contrary to a large body of research.**

#### **Department of Interior action on natives now**

DOI 12, “Salazar Finalizes Reforms to Streamline Leasing, Spur Economic Development on 56 Million Acres of American Indian Trust Land”, 11-12, http://www.doi.gov/news/pressreleases/salazar-finalizes-reforms-to-streamline-leasing-spur-economic-development-on-56-million-acres-of-american-indian-trust-land.cfm

WASHINGTON – As part of President Obama’s commitment to empower tribal nations and strengthen their economies, Secretary of the Interior Ken Salazar and Assistant Secretary for Indian Affairs Kevin K. Washburn today announced final regulations that will streamline the leasing approval process on Indian land, spurring increased homeownership, and expediting business and commercial development, including renewable energy projects.

The comprehensive reform, informed by nation-to-nation tribal consultations and public comment, overhauls antiquated regulations governing the Bureau of Indian Affairs’ process for approving the surface leases on lands the federal government holds in trust for Indian tribes and individuals. As trustee, Interior manages about 56 million surface acres in Indian Country.

“This reform will expand opportunities for individual landowners and tribal governments to generate investment and create jobs in their communities by bringing greater transparency and workability to the Bureau of Indian Affairs leasing process,” Secretary Salazar said. “This final step caps the most comprehensive reforms of Indian land leasing regulations in more than 50 years and will have a lasting impact on individuals and families who want to own a home or build a business on Indian land.”

“This reform is about supporting self-determination for Indian Nations and was developed in close consultation with tribal leaders,” said Assistant Secretary Washburn. “The streamlined, commonsense rule replaces a process ill-suited for economic development of Indian lands and provides flexibility and certainty to tribal communities and individuals regarding decisions on the use of their land.”

The new rule complements and helps to implement the recently-passed Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act), which allows federally recognized tribes to assume greater control of leasing on tribal lands. The HEARTH Act was signed into law by President Obama on July 30, 2012.

Previous BIA regulations, established in 1961, are outdated and unworkable in today’s economy. They lacked a defined process or deadlines for review, which resulted in simple mortgage applications often languishing for several years awaiting approval from the federal government. These types of delays have been significant obstacles to homeownership and economic development on tribal lands.

The new regulation, effective 30 days after publication in the Federal Register, will fundamentally change the way the BIA does business, in many ways by minimizing BIA’s role and restoring greater control to tribal governments. The final rule provides clarity by identifying specific processes – with enforceable timelines – through which the BIA must review leases.

The regulation also establishes separate, simplified processes for residential, business, and renewable energy development, rather than using a “one-size fits all” approach that treats a lease for a single family home the same as a lease for a large wind energy project.

#### Bipartisan support for the plan

Bracken Hendricks 11 is a senior fellow and Jorge Madrid is a research associate for the Energy Policy Team at the Center for American Progress; Van Jones is the founding president of Rebuild the Dream, an initiative to restore good jobs and economic opportunity, “Obama & GOP should cut red tape blocking tribe’s green energy,” 2-1-11, http://grist.org/article/2011-01-31-obama-gop-should-cut-red-tape-blocking-tribes-green-energy-2/

President Obama’s second State of the Union address set forward a bipartisan framework aimed at unleashing a clean energy revolution in America. Touching on everything from solar and wind power (hooray!), to nuclear power, to “clean” coal (sigh), the president seemed to leave no stone unturned in his quest for actionable solutions.

But unfortunately, he did omit one major point of potential bipartisan cooperation — one that could greatly accelerate our nation’s transition to a clean energy economy. The Department of Energy estimates that wind power from tribal lands could satisfy 14 percent of total U.S. electricity demand [PDF], and the tribal solar resources could generate 4.5 times the total amount of energy needed to power the entire country.

Remarkably, however, as of today only one commercial-scale renewable energy project operates in all of Indian country. This is because of the incredible amount of federal red tape choking off the green energy opportunities on tribal lands. Many tribes are eager to partner with private sector developers to build large-scale clean energy projects. Such enterprises could be profitable, while respecting tribal values of environmental stewardship. They could also help keep families together by providing good jobs on the reservations.

Unfortunately, many of these sorely-needed investments never come to fruition. A long-standing backlog of catch-22 requirements, crazy-making rules, and outdated laws cause projects to stall in Indian country. Policy barriers slow development and make financing cost-ineffective.

Obama and the GOP should join forces to remove the bureaucratic barriers to rapid renewable energy deployment on Native American lands. Each party has a major incentive to act decisively — and enthusiastically. Democrats love renewable energy and lament Native American poverty. Republicans hate federal bureaucracy and love entrepreneurship. A united effort could boost clean energy; create jobs on reservations; open the door to new investment and entrepreneurial opportunities; reduce federal bureaucracy and; move America closer to energy independence.

#### Wind PTC extension triggers the link and ensures future fights

Saulius Mikalonis 1-11, Crain’s Detroit Business, “Renewable energy tax credit renewed, debate isn't over”, <http://www.crainsdetroit.com/article/20130111/BLOG103/130119976/renewable-energy-tax-credit-renewed-debate-isnt-over>

Flying under the radar in the run-up to the "fiscal cliff" was the strenuous lobbying efforts for and against extending the Renewable Energy Production Tax Credit (PTC), which was to expire Dec. 31. Despite general pessimism about its extension by supporters of renewable energy, the last-minute deal cut by Congress and President Obama extended the PTC for another year. While getting a last second pardon, the debate about the PTC will extend into 2013 and it is likely that Congress will revisit what incentives the government should provide for renewable energy.¶ Briefly, the PTC provides a corporate tax credit for the establishment of eligible renewable energy projects. Wind energy, solar power, fuel cells, geothermal systems and combined heat and power systems are examples of eligible projects. The tax credit is available to a taxpayer who begins to construct the system during an eligible year (now extended to Dec. 31, 2013) and puts it into use. The tax credit is most advantageous for wind power, providing a credit of 2.2 cents per kilowatt hour (kWh) of energy produced. Other technologies receive a credit of 1.1 cents per kWh.¶ Incentives for renewable energy have had a checkered past. As President Nixon's quote states, creating American-based energy generation has been a long-term goal. But, while incentives for oil, coal and nuclear have been around for decades (and continue to this day at about $70 billion annually), renewable energy incentives have come and gone, creating a boom and bust cycle for those technologies.¶ The more recent incentives have created a boom for wind and solar in particular, which has coincided with the real costs of those technologies being reduced. In addition, jobs related to manufacture, construction and maintenance of alternative technologies have boomed throughout this time period. For example, the Michigan Manufacturers Association reported in September 2012 that alternative energy production jobs represented 4.1 percent of all manufacturing jobs in Michigan, employing 20,700 people. In 2012, the PTC supported the installation of 12,000 megawatts (MW) of capacity through wind alone.¶ As the end of 2012 approached, those supporting and opposing extending the PTC were very active on Capitol Hill, lobbying Congress in favor of their point of view. Actively supporting extending the PTC were groups such as the American Wind Energy Association (AWEA). According to the AWEA, the extension of the PTC would save about 37,000 jobs and keep 500 wind factories busy. But wind supporters noted that the extension merely sets the stage for more drama, later.¶Those opposing the extension of the PTC included some surprising parties. One of these opponents was the power company, Exelon. Exelon has significant wind power resources in the range of one gigawatt (GW) nationally and 352 MW in Michigan, in addition to being the largest holder of nuclear power resources. According to Exelon, the PTC should not have been extended because wind was becoming competitive on its own and that wind production was competing against Exelon's nuclear fleet. As a result of its position on the PTC extension, the AWEA removed Exelon from its board.¶ As the debate moves into 2013, both sides are looking at ways to resolve the boom-and-bust cycle and establish some certainty of the market. Among the proposals being floated is one by wind energy proponents in which the PTC would be gradually phased out over a period of six years. Another energy company with a significant stake in wind energy, Xcel, has proposed creating a hybrid tax credit that would reward production (investment tax credit), but also reward renewable energy integration into the grid (consumer renewable credit). But Xcel is also considering leaving AWEA over the PTC extension debate.¶ The debate over extending the PTC will spill over into 2013. As the end of the year approaches, expect to see more discussion about how best to proceed, or whether to continue, with the incentives for renewable energy technologies. Also, do not be surprised if discussions about incentives for renewables morph into a debate about incentives for more traditional energy sources that Congress currently provides.¶ In the end, there is no doubt that the availability of cheap and reliable energy, along with the availability of cleaner sources of energy in the mix, is a national policy priority.¶ The devil, as always, is in the details.

#### No chance of reform – key Democrats and Republicans oppose

Rose 1/25 Taylor Rose is a staff writer for WND an independent news company, “Amnesty critic: Democrats will kill Obama plan”, January 25, 2013, http://www.wnd.com/2013/01/amnesty-critic-democrats-will-kill-obama-plan/

WASHINGTON – The U.S. Congress ultimately will fail to adopt an amnesty plan that Barack Obama is seeking, and the real “victory” will rest on “red state Democrats” who will oppose it, according to a spokeswoman for NumbersUSA, which supports immigration reform as an education and research foundation.¶ Spokeswoman Rosemary Jenks says Sens. “Mark Pryor, Mary Landrieu and Max Baucus will not be able to vote for this due to their upcoming reelection in 2014.”¶ The districts they represent, she said, are too conservative for them to adopt a far-left position on the controversy.¶ She referenced the “red state” designation, meaning conservative- or GOP-leaning states, although the original meaning for that designation was a Democrat stronghold. Networks originally in reporting on political leanings used red for Democrat and blue for GOP; a standard that was reversed some years ago.¶ The opposition of some of those Democrats in conservative locations is well documented, she said.¶ Landrieu, from Louisiana, previously voted in favor of declaring English as the official language of the U.S. government and in favor of building a fence along the U.S.-Mexican border. She also has voted against continuing federal funding to sanctuary cities, voted against allowing illegal aliens to cash in on welfare benefits and and perhaps most relevant, voted against the Bush-McCain-Kennedy amnesty plan of 2006-2007.¶ Baucus, from Montana, and Pryor, of Arkansas, also have “B” ratings on NumbersUSA’s “Congressional report card,” indicating their significant support for the integrity of the U.S. border.¶ These are among the reasons Jenks, the director of government relations at the organization, believes “amnesty will not pass.”¶ It will come down to the same arguments as the last time the issue was before Congress, she said.¶ “The people who support amnesty can only get it in ‘comprehension immigration reform,’” meaning that both sides will have to find a means to compromise, which Jenks says “isn’t going to happen.”¶ She says, “The Democrats will not go along with anything that doesn’t end up with citizenship for illegal aliens and Republicans will not compromise on anything that does give citizenship to illegal aliens.”¶ She said in addition, the compromise will be so convoluted that Congress will “end up overreaching and draft a 2,000-page bill that everybody hates.”¶ Her prediction on the Democrat position was confirmed recently when Sen. Harry Reid, D-Nev., told the Las Vegas Sun, “There will be nothing done in my Senate [on immigration reform] without a pathway to citizenship.”¶ That came on the heels of Sen. Patrick Leahy D-Vt., announcing last Wednesday in his “Agenda of the Senate Judiciary Committee for the 113th Congress” that he “expects … the Judiciary Committee will devote most of our time this spring [to] working to pass comprehensive immigration reform.”¶ Jenks warned the Republican Party if they do compromise on amnesty and it is passed, “You would see a third party come to life because there is no way the American people would put up with it.”¶ That move also would be a “huge disaster” for the GOP, she said.¶ She said the demographics of virtually unrestricted immigration-to-citizenship paths would be a problem for the GOP because “70 percent of this new citizen body would vote Democrat.”

#### No immigration for months

Voorhees 1-3-13 (Josh, Slate, “White House (Quietly) Promises Immigration Push” [www.slate.com/blogs/the\_slatest/2013/01/03/obama\_s\_immigration\_plans\_white\_house\_officials\_suggest\_early\_2013\_won\_t.html](http://www.slate.com/blogs/the_slatest/2013/01/03/obama_s_immigration_plans_white_house_officials_suggest_early_2013_won_t.html))

However, just because the administration is declaring that an unofficial launch to the immigration push is imminent doesn't mean anyone should expect major action anytime soon.

The aides who laid out the plans to HuffPo cautioned that it would probably take about two months to cobble together a bipartisan bill, and then another few before either chamber votes on it. That would mean that if all goes as planned (something that is far from certain) it would likely be early or mid-summer before any concrete actions are taken.

## 1AR

### No War

#### No transition wars and heg isn’t key

Fordham 12—professor of political science at Binghamton University (Ben, International Economic Institutions and Great Power Peace, 8/12/12, http://gt2030.com/2012/08/15/international-economic-institutions-and-great-power-peace/)

I enjoyed Jack Levy’s comments on how the world would have looked to people writing in 1912. As part of my current research, I’ve been spending a lot of time thinking about the three decades before World War I. As Levy pointed out, this last period of great power peace has some interesting parallels with the present one. Like today, the international economy had become increasingly integrated. For good reason, some even refer to this period as the “first age of globalization.” The period also saw the emergence of several new great powers, including Japan, Germany, and the United States. Like emerging powers today, each of these states sought to carve out its own world role and to find, as the German Foreign Secretary put it, a “place in the sun.” Like Levy, I don’t think these parallels we are doomed to repeat the catastrophe of 1914. I want to highlight the different institutional rules governing the international economic system today. The dangers discussed in the NIC report are real, but there is reason for hope when it comes to avoiding great power war. The rules of the game governing the “first age of globalization” encouraged great powers to pursue foreign policies that made political and military conflict more likely. Declining transportation costs, not more liberal trade policies, drove economic integration. There was no web of international agreements discouraging states from pursuing protectionist trade policies. As Patrick McDonald‘s recent book, The Invisible Hand of Peace, explains nicely, protectionism went hand-in-hand with aggressive foreign policies. Many of the great powers, including the emerging United States, sought to shut foreign competitors out of their home markets even as they sought to expand their own overseas trade and investment. Even though markets and investment opportunities in less developed areas of the world were small, great power policy makers found these areas attractive because they would not export manufactured products. As one American policy maker put it in 1899, they preferred “trade with people who can send you things you ant and cannot produce, and take from you in return things they want and cannot produce; in other words, a trade largely between different zones, and largely with less advanced peoples….” Great powers scrambled to obtain privileged access to these areas through formal or informal imperial control. This zero-sum competition added a political and military component to economic rivalry. Increasing globalization made this dangerous situation worse, not better, in spite of the fact that it also increased the likely cost of a great power war. In large part because of the international economic institutions constructed after World War II, present day great powers do not face a world in which protectionism and political efforts to secure exclusive market access are the norm. Emerging as well as longstanding powers can now obtain greater benefits from peaceful participation

in the international economic system than they could through the predatory foreign policies that were common in the late 19th and early 20th centuries. They do not need a large military force to secure their place in the sun. Economic competition among the great powers continues, but it is not tied to imperialism and military rivalry in the way it was in 1914. These international institutional differences are probably more important for continuing great power peace than is the military dominance of the United States. American military supremacy reduces uncertainty about the cost and outcome of a hegemonic war, making such a war less likely. However, as in the 19th Century, higher growth rates in emerging powers strongly suggest that the current American military edge will not last forever. Efforts to sustain it will be self-defeating if they threaten these emerging powers and set off a spiral of military competition. Similarly, major uses of American military power without the support (or at least the consent) of other great powers also risk leading these states to build up their military capabilities in order to limit American freedom of action. The United States will be better served by policies that enhance the benefits that emerging powers like China receive from upholding the status quo.

### CP

#### CP links

Tavares 9—Las Vegas Sun writer (Stephanie, Environmental concerns roadblock to renewable energy, http://www.lasvegassun.com/news/2009/feb/06/environmental-concerns-roadblock-renewable-energys/)

But amid all the pomp and circumstance, it can be easy to forget the difficult path even the most “green” energy projects must tread before they become reality. A few years ago, residents and environmentalists rarely objected to clean energy development in their hometowns. But as the country prepares for massive growth in the number of renewable energy installations, environmental lawyers say there are rumblings from various groups about where these electric plants are located and whether the benefit of the emission-free electricity is worth the environmental price. “In general terms, I would say there is no project of any kind anymore in energy or any other major development that doesn’t come under a great deal of scrutiny from interested individuals or special-interest groups, whether environmentalists or residents,” said former Nevada Gov. Bob List, now an environment and energy attorney with the law firm of Armstrong Teasdale. “I think that renewables are no exception to that.”

#### Only we solve

Cornell and Kalt 93—Ph.D. Director Professor of Sociology and of Public Administration and Policy Faculty Associate, Native Nations Institute—AND—Ford Foundation Professor of International Political Economy, Emeritus, Co-Director Harvard Proj. on American Indian Econ. Development (Stephen and Joseph, WHAT CAN TRIBES DO? STRATEGIES AND INSTITUTIONS IN AMERICAN INDIAN ECONOMIC DEVELOPMENT, http://www.tribalreentry.org/sites/tribalreentry.org/files/Strategies%20and%20Institutions%20in%20AI%20Economic%20Development.pdf)

We believe the available evidence clearly demonstrates that tribal sovereignty is a necessary prerequisite of reservation economic development. Each present instance of substantial and sustained economic development in Indian Country is accompanied by a transfer of primary decision-making control to tribal hands and away from federal and state authorities. Sovereignty brings accountability and allows "success" to be properly defined to include Indians' goals of political and social well-being along with economic well-being. Decades of control over reservation economic resources and affairs by federal and state authorities did not work to put reservation economies on their feet. ¶ This conclusion does not imply that tribal-federal/state relations are or should be hostile or uncooperative. In fact, the federal government in particular has made a number of encouraging efforts to enhance tribal control over economic affairs. Public Law 638, which enables tribal contracting of otherwise federal services; the Indian Gaming Act, which codifies tribal authority over certain activities; and BIA efforts such as the "SelfGovernance Project" are examples of steps in the right direction. The objective of federal and state policy should be to enhance tribal sovereignty over economic matters, with federal and state efforts aimed at support and technical assistance. In the role of consultant, federal and state governments need not always devolve back to the role of decision-maker.¶ The vast bulk of federal and state assistance to Indian tribes comes in the form of program-specific expenditures: health, education, infrastructure investment, loan and grant programs, direct general income assistance, and so forth. Capable tribal governments should be granted "Super 638" powers to elect to receive most of that assistance in the form of no-strings block grants, much in the way that the states now relate to the federal government. Criteria for eligibility should shift the burden of proof away from the tribe by presuming eligibility upon the tribe's request, unless it can be shown that the tribe is incapable of self-management of its block grant.¶ Sovereignty has many dimensions, from taxation and resource control to civil rights and child welfare. 35 Our research is confined to the economic sphere. Within that sphere, we believe the evidence on development success and failure supports the conclusion that tribal sovereignty over economic affairs should be founded upon a government-to-government relationship between Indian nations and the United States. This means tribal preeminence in taxation and business regulatory policy, as well as in land, water and resource use, and environmental policy. Split or shared jurisdiction, as under the Indian Gaming Act, does not go far enough.¶ One of the consequences of enhanced tribal sovereignty in the economic arena is likely to be greater variation in the economic conditions prevailing across reservations. There will be successes—and there will be failures. American Indian tribes are no more guaranteed than other developing countries that self-government will quickly and unfailingly produce dramatic improvements in economic, political, and social well-being.¶ The prospect of failure raises difficult policy and jurisdictional issues: Under the federal trust doctrine (under which Indian reservations are managed by the federal government in the role of trustee), does the federal government have the responsibility to bail out tribes that stumble as sovereigns? We believe that an appropriate long-range objective of federal policy should be to empower tribes with the information and decision-making apparatus by which they might knowingly and voluntarily elect to waive explicitly the federal trust responsibility upon the assertion of sovereignty powers (e.g., over the use of current trust funds, natural resource development, or environmental regulations). This would undoubtedly expose tribes to risks. But sovereignty without such risks is a contradiction in terms.

#### Native control good---it’s the key determinant of economic success

Cornell and Kalt 5—Ph.D. Director Professor of Sociology and of Public Administration and Policy Faculty Associate, Native Nations Institute—AND—Ford Foundation Professor of International Political Economy, Emeritus, Co-Director Harvard Proj. on American Indian Econ. Development (Stephen and Joseph, Two Approaches to Economic Development on American Indian Reservations: One Works, the Other Doesn’t, [www.jopna.net/pubs/jopna\_2005-02\_Approaches.pdf](http://www.jopna.net/pubs/jopna_2005-02_Approaches.pdf))

This development—the move to practical sovereignty or genuine self-rule—turns out to be a key to sustainable development. There are two primary reasons why. Self-governance puts the development agenda in Indian hands. When federal bureaucrats, funding agencies, or some other set of outsiders sets the reservation development agenda, that agenda inevitably reflects their interests, perceptions, or concerns, not those of Indian nation citizens. When decisions move into tribal hands, agendas begin to reflect tribal interests, perceptions, and concerns. Self-governance marries decisions and their consequences, leading to better decisions. In the standard approach to reservation development, outsiders make the major decisions about development strategy, resource use, allocation and expenditure of funds, and so forth. But if those outsiders make bad decisions, they seldom pay the price. Instead, the Indian community pays the price. This means that outside decisionmakers face little in the way of compelling discipline; the incentives to improve their decisions are modest. After all, it’s not their community whose future is at stake. But once decisions move into Indian hands, then the decisionmakers themselves have to face the consequences of their decisions. Once they’re in the driver’s seat, tribes bear the costs of their own mistakes, and they reap the benefits of their own successes. As a result, over time and allowing for a learning curve, the quality of their decisions improves. In general, Indian nations are better decision-makers about their own affairs, resources, and futures because they have the largest stake in the outcomes. There are concrete, bottom-line payoffs to tribal self-rule. For example, a Harvard Project study of 75 tribes with significant timber resources found that, for every timber-related job that moved from BIA forestry to tribal forestry—that is, for every job that moved from federal control to tribal control—prices received and productivity in the tribe’s timber operations rose. 16 On average, tribes do a better job of managing their forests because these are their forests. But the evidence is even broader. After fifteen years of research and work in Indian Country, we cannot find a single case of sustained economic development in which an entity other than the Indian nation is making the major decisions about development strategy, resource use, or internal organization. In short, practical sovereignty appears to be a necessary (but not sufficient) condition for reservation economic development.

### PTx

#### ptc fight now

Amy Harder 1-3 National Journal “Battle Over Wind Subsidy Leaves Industry Bruised” http://www.nationaljournal.com/congress/influence/battle-over-wind-subsidy-leaves-industry-bruised-20130103

The battle to get Congress to renew the wind-energy production tax credit before year’s end strained relationships among utilities, splintered support within the industry’s biggest trade group and is setting up the industry—and its supporters in Congress—for a 2013 even more contentious than 2012.

Many utilities, environmental groups and lawmakers from both parties are cheering the news that the PTC was extended by one year as part of the fiscal cliff deal. But the bruising fight over the last year doesn’t bode well for the sector as it must now agree on how to ramp down the tax subsidy that was first created 21 years ago.

Xcel Energy, which is among the top 10 biggest utilities in the country and had the largest wind capacity of any utility in 2011, is reviewing its membership in AWEA largely because of how the trade group handled the PTC debate. A final decision from the company is expected soon about what, if anything, it plans to do.

"We are in the process of reviewing our relationship with AWEA,” Xcel lobbyist John O’Donnell told NJ. “It's our concern that they continue to represent the interests of developers to the exclusion of customers."

O’Donnell is referring to both individual households and businesses whose electricity bills from utilities are affected by the production tax credit either directly or indirectly. O’Donnell doesn’t think extending the PTC, which is a tax credit that goes to wind-energy developers, benefits customers paying electricity bills or the utilities buying wind from renewable-energy generators. He went so far to say that because Congress extended the PTC without any additional policies to benefit customers, the Minnesota-based Xcel may not buy more wind.

"As the largest provider of wind to customers by far, we feel this action doesn’t nearly enough for customers, and throws into immediate question any further plans we have to buy more wind on their behalf,” O’Donnell said.

Another bruise from last year’s fight that will wear on into 2013 is lobbying by Exelon, the country’s biggest nuclear generator, to eliminate the PTC altogether. The Chicago-based Exelon, which is also the 11th-ranked utility in terms of wind generation, has aggressively lobbied lawmakers to end right away the tax credit because the policy distorts electricity market prices and hurts the company’s bottom line.

Exelon spent $6.4 million on lobbying through October (fourth-quarter lobbying numbers are due out later this month). In response to Exelon’s lobbying push, which was first reported by National Journal in August, AWEA kicked the company out of its group in September. Exelon is going to keep up its push against the policy now that Congress renewed it.

“In the coming months Exelon will work with legislators to inform them of the unintended negative consequences to power markets and investments in other sources of generation from the continuation of the PTC,” Exelon lobbyist David Brown told National Journal in an e-mail.

The lobbying power of Exelon, whose position against the PTC aligns the company with deep-pocketed conservative tea-party groups like Americans for Prosperity and the American Energy Alliance, could be even more concerning to the wind industry moving forward.

### uq

#### the only way it will pass is if it doesn’t solve

Yglesias, 1-15-13 (Matthew, Slate, “How the GOP Can Roll Obama on Immigration” http://www.slate.com/blogs/moneybox/2013/01/15/immigration\_reform\_will\_obama\_get\_rolled.htm)

Of the major policy issues under discussion in Washington, "immigration reform" stands out for having unusually undefined content. For the major immigration-advocacy groups, the goal is clear, a comprehensive bill that includes a path to citizenship for the overwhelming majority of unauthorized migrants already living in the United States. But many other aspects of immigration law are in the mix as part of a proposed deal, and it seems to me that there's a fair chance that a nimble Republican Party could essentially roll the Democratic coalition and pass an "immigration reform" bill that doesn't offer the path Latino advocacy groups are looking for. Elise Foley has the key line [from her briefing on the administration's thinking](http://www.huffingtonpost.com/2013/01/15/obama-immigration-reform_n_2463388.html) about immigration, namely that a piecemeal approach "could result in passage of the less politically complicated pieces, such as an enforcement mechanism and high-skilled worker visas, while leaving out more contentious items such as a pathway to citizenship for undocumented immigrants." And indeed it could. But how can they stop it? The last House GOP effort to split the high-tech visas question from the path to [citizenship question](http://www.slate.com/blogs/moneybox/2013/01/15/immigration_reform_will_obama_get_rolled.html) [was an absurd partisan ploy](http://www.slate.com/blogs/moneybox/2012/11/29/stem_act_dc_can_t_even_enact_the_immigration_reforms_nobody_proposes.html). If Republicans want to get serious about it they should be able to make it work. The centerpiece would be something on increased immigration of skilled workers. That's something the tech industry wants very much, it's [a great idea on the merits](http://www.slate.com/articles/technology/technology/2013/01/high_tech_immigrant_productivity_indian_computer_programmers_earn_a_huge.html), and few influential [people](http://www.slate.com/blogs/moneybox/2013/01/15/immigration_reform_will_obama_get_rolled.html) have any real beef with it. High tech visas will easily generate revenue to pay for some stepped-up enforcement. Then instead of adding on a poison pill so Democrats will block the bill, you need to add a sweetener. Not the broad path to citizenship, but something small like the DREAM Act. Now you've got a package that falls massively short of what Latino groups are looking for, but that I think Democrats will have a hard time actually blocking. After all, why would they block it? It packages three things—more skilled immigration, more enforcement, and help for DREAMers—they say they want. Blocking it because it doesn't also do the broad amnesty that liberals want and conservatives hate.

#### Reform won’t pass – PC not enough

Menchaca 1/25 Michelle Menchaca, “Obama faces uphill battle with immigration reform, experts say”, January 25, 2013, http://www.dukechronicle.com/article/obama-faces-uphill-battle-immigration-reform-exper

Despite the president’s promises for reform, substantive changes to immigration policies remains unlikely, political science professor Michael Munger wrote in an email Tuesday.¶ “President Obama has established a pattern—announce his luke-warm support for a program, fail to offer any real effort to get it passed and then blame Congress for not doing anything,” Munger said.¶ But the setbacks may benefit the Democratic Party, which faults their Republican compatriots for obstructing negotiations, Munger said.¶ Although talks about reform have begun in the Senate, it remains uncertain whether House Republicans will agree to the proposed legislation. A request from Republicans to divide the proposal into smaller components that would be better received by legislators wary of comprehensive reform was denied.

# Aff V Emory

## 1AC

#### The “Restriction on Alienation” is a foundational principle of Federal Indian Law – it’s backed by Congressional statute, codified in the U.S. Code, and prohibits transfer or lease of title by any Native person

Washburn ’10 – Practicing Attorney in Trust and Property Law

Sarah Washburn, Washington Law Review, vol. 85:603, DISTINGUISHING CARCIERI v. SALAZAR: WHY THE¶ SUPREME COURT GOT IT WRONG AND HOW¶ CONGRESS AND COURTS SHOULD RESPOND TO¶ PRESERVE TRIBAL AND FEDERAL INTERESTS IN THE¶ IRA’S TRUST-LAND PROVISIONS

http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/475/Washburn%20-%20Distinguishing%20Carcieri%20v%20Salazar.pdf?sequence=1

52. See generally COHEN, supra note 15, § 5.02[4] (describing federal power over Indian¶ property). Restriction on alienation of Indian property is a theme present from historical times to¶ today. As early as 1790, Congress exercised its exclusive power over Indian affairs, derived from¶ the Indian Commerce Clause, when it passed the Trade and Intercourse Act banning the transfer of¶ Indian title to any state or person unless made by a treaty under federal authority. See Act of July¶ 22, 1790, ch. 33, § 4, 1 Stat. 137, 138 (“And be it enacted and declared, That no sale of lands made¶ by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any¶ person or persons, or to any state . . . unless the same shall be made and duly executed at some¶ public treaty, held under the authority of the United States.”). This restriction is currently codified in the United States Code in nearly identical form: “No purchase, grant, lease, or other conveyance of¶ lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any¶ validity in law or equity, unless the same be made by treaty or convention entered into pursuant to¶ the Constitution.” 25 U.S.C. § 177 (2006).

#### Inequitable energy arrangements create cycles of structural violence on Native lands---colonialism’s inevitable without the development of renewable energy

Gough 9—Intertribal Council On Utility Policy; paper submitted by Honor the Earth, the Intertribal Council on Utility Policy, the Indigenous Environmental Network, and the International Indian Treaty Council (Bob, Energy Justice in Native America, A Policy Paper for Consideration by the Obama Administration and the 111th Congress, www.mynewsletterbuilder.com/email/newsletter/1409857447)

A just nation-to-nation relationship means breaking the cycle of asking Native America to choose between economic development and preservation of its cultures and lands; renewable energy and efficiency improvements provide opportunity to do both simultaneously. A green, carbon-reduced energy policy has major national and international human rights, environmental and financial consequences, and we believe that this administration can provide groundbreaking leadership on this policy. The reality is that the most efficient, green economy will need the vast wind and solar resources that lie on Native American lands. This provides the foundation of not only a green low carbon economy but also catalyzes development of tremendous human and economic potential in the poorest community in the United States- Native America. ¶ HISTORY OF EXPLOITATION AND ENERGY INJUSTICE¶ The history of resource exploitation, including conventional energy resources, in Indian Country has most recently been highlighted by the Cobell lawsuit against the Department of the Interior on behalf of individual Indian land owners, which requires both accountability of the federal trustees and a just settlement for the Indian plaintiffs. The programmatic exploitation of conventional energy resources has run an equally long and often deadly course in Indian Country, with a distinctly colonial flavor where tribes have supplied access to abundant natural resources under trust protection at rock bottom prices in sweetheart deals promoted by the federal government, yet often go un-served or underserved by the benefits of such development. Even the most recent federal energy legislation and incentives are still designed to encourage the development of tribal resources by outside corporate interests without ownership or equity participation of the host tribes. ¶ The toxic legacy left by fossil fuel and uranium development on tribal lands remains today and will persist for generations, even without additional development. Mines and electrical generation facilities have had devastating health and cultural impacts in Indian country at all stages of the energy cycle- cancer from radioactive mining waste to respiratory illness caused by coal-fired power plant and oil refinery air emissions on and near Native lands. Native communities have been targeted in all proposals for long-term nuclear waste storage. ¶ Compensation for uranium miners and their families has not been fulfilled from the last nuclear era, and every tribal government with uranium resources has opposed new uranium mining developments, including in the Grand Canyon, as an immoral and untenable burden for Native American communities. In addition, energy-related deforestation has serious climate change and human rights impacts for Indigenous communities globally. Approximately 20% of climate change-inducing emissions come from deforestation and land use, often from unsustainable energy projects, biofuel (agrofuel) and other monocrop development fueled by a need to satisfy tremendous foreign and World Bank debt obligations. On an international level, the US has yet to sign onto the United Nations Declaration of the Rights of Indigenous Peoples, we believe signing onto this important agreement is an essential early step in the context of the administration’s dealings with Native America. ¶ When considering energy and climate change policy, it is important that the White House and federal agencies consider the history of energy and mineral exploitation and tribes, and the potential to create a dramatic change with innovative policies. Too often tribes are presented with a false choice: either develop polluting energy resources or remain in dire poverty. Economic development need not come at the cost of maintaining cultural identity and thriving ecosystems. Providing incentives to develop further fossil fuels and uranium in Indian country will only continue the pattern of ignoring the well-being of tribes and Alaska Native villages in favor of short-sighted proposals that exploit the vulnerabilities of poor, politically isolated communities. ¶ ‘Clean coal’ is an oxymoron; mining coal is never ‘clean,’ coal plant emissions add to climate change impacts, carbon capture and sequestration technology is unproven financially and technically. Coal expansion on and near Native lands should not be incentivized by the administration.¶ Nuclear power is not a solution to climate change: from mining to nuclear waste, the nuclear cycle is far from carbon neutral and disproportionately impacts Native communities. Nuclear power is also economically unfeasible, and will not address climate change at the speed required to mitigate the devastation ahead. ¶ Oil drilling in sensitive Arctic regions, including the off shore Outer Continental Shelf areas of the Beaufort and Chukchi Seas, threatens Alaska Natives’ way of life, and perpetuates the nation’s addiction to oil and GHG emissions. It is of utmost importance to institute a federal time-out on the proposed offshore development within the Outer Continental Shelf areas in Alaska. It has not been proven whether or not cleaning up spills in broken ice conditions is possible, the implications to subsistence ways of life and human health of coastal communities have not been reviewed extensively and impacts to Polar Bears and other threatened and endangered Arctic marine species have not been studied.¶ Importing 80% of the Alberta Canada tar/oil sands crude oil to feed US energy needs encourages unprecedented ecological destruction in Canadian Native communities and the use of a fuel far more carbon intensive than conventional oil. This tar sands expansion has been called the tip of the nonconventional fuels iceberg. This iceberg includes oil shale, liquid coal, ultra-heavy oils and ultra-deep off shore deposits. Extraction of these bottom-of-the-barrel fuels, emits higher levels of greenhouse gases and creates ecological devastation.¶ Unchecked expansion of biofuels (agrofuels) production and agricultural monocrops threaten biodiversity and food security and contribute to climate change and the destruction of rainforests, impacting Indigenous communities worldwide. ¶ Impacts of climate change are greatest in Native communities because of the close cultural relationship with the land and subsistence farming, hunting and fishing. In Alaska, the entire Indigenous village of Shishmaref will need to relocate (at a cost of $180 million) because rising temperatures have caused ice to melt and rapid erosion of the shoreline. Shishmaref is one of some 180 villages that will either move, at an estimated cost of $1.5 million per household or be lost. All of these burdens fall on tax payers, although one Alaskan Native Village- Kivalina has sued 14 oil companies for the damages.¶ Our Native organizations and the communities and tribes we serve believe the Obama Administration should request the new Congress and direct the departments of interior, energy and treasury to review all energy subsidies that go to coal, gas, oil and nuclear industries which have climate or toxic waste impacts on Native communities and to redirect the billions in subsidies to actualize clean sustainable energy development in Native America. Subsidies for the nuclear, coal, gas and oil industry should be rapidly phased out with a proportional ramp up of subsidies for renewable technologies and locally administered conservation/efficiency improvements. ¶ In particular, we believe that any climate change legislation should not allocate funds for nuclear or clean coal technologies, and proposals to provide liability guarantees to nuclear plants, and capitalize research on uranium in situ mining practices must be eliminated. ¶ NATIVE AMERICA: IN NEED OF GREEN ECONOMIC DEVELOPMENT¶ Ironically, whiles some Native Nations and their reservation communities have borne the brunt of destructive energy development that has reaped massive profits for some, they are the poorest in the country, with high unemployment rates and inadequate housing.¶ The unemployment rate on Indian reservations is more than twice the national rate.¶ The median age in Indian Country is about 18 years, with a young and rapidly growing population in need of both jobs and housing. ¶ The poverty rate for Native Americans is 26%; more than twice the national average.¶ More than 11% of Indian homes do not have complete plumbing. About 14% of reservation households are without electricity, 10 times the national rate. ¶ In rural Alaska where Alaska Natives predominately reside, 33% of the homes lack modern water and sanitation facilities. ¶ Energy distribution systems on rural reservations are extremely vulnerable to extended power outages during winter storms threatening the lives of reservation residents. ¶ Reservation communities are at a statistically greater risk from extreme weather related mortality nationwide, especially from cold, heat and drought associated with a rapidly changing climate. ¶ Reservations are waiting on more than 200,000 needed new houses. ¶ About 1/3 of reservation homes are trailers, generally with completely inadequate weatherization.¶ Inefficient homes are a financial liability, leaving owners vulnerable to energy price volatility.¶ Fuel assistance programs provide millions of dollars of assistance to tribal communities. While necessary in the short term, they do nothing to address the cycle of fuel poverty due to leaky inefficient homes, and the need for a localized fuel economy. ¶ Internationally, the present levels of deforestation and climate-related disasters are creating huge populations of environmental refugees. It is anticipated that within 20 years, we will be spending some 20% of world GDP on climate change related mitigation and disasters.¶ Unemployment rates, poverty and the need for efficiency improvements and renewable energy provide an ideal opportunity on tribal reservations and Alaska Native villages for maximizing the impact of a green jobs initiative. Local jobs weatherizing buildings, constructing, installing and maintaining renewable energy technology could be created. This has huge financial implications for rural economies, and for the overall US economy. ¶ The Obama Administrations’ economic stimulus plans that incorporates a green economy and green jobs portfolio must include provisions for access of these resources by our Native Nations, our tribal education and training institutions and Native organizations and communities. ¶ GREEN ECONOMIES IN NATIVE COMMUNITIES: MASSIVE POTENTIAL, MAXIMUM IMPACT¶ Providing clean renewable energy development and reversing the trend from exploitation toward energy justice should be top priority in administration energy decisions. Tribes must be provided federal support to own and operate a new crop of renewable electricity generating infrastructure providing the dual benefits of low carbon power and green economic development where it is needed most. Tribes should be targeted with efficiency programs to reduce consumption of fossil fuels for heating and cooling and creating local jobs weatherizing and retrofitting buildings, helping reduce the tremendous amount of money that exits communities to import energy. ¶ Tribal lands have an estimated 535 Billion kWh/year of wind power generation potential.¶ Tribal lands have an estimated 17,000 Billion kWh/year of solar electricity generation potential, about 4.5 times total US annual generation. ¶ Investing in renewable energy creates more jobs per dollar invested than fossil fuel energy.¶ Efficiency creates 21.5 jobs for every $1 million invested. ¶ The costs of fuel for wind and solar power can be projected into the future, providing a unique opportunity for stabilizing an energy intensive economy.

#### Environmental destruction of Native lands is inevitable without control of title to land

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Currently, federal Indian environmental policy relies on the annulment of treaties that were made in sacred trust between American Indian tribes and the United States government. In the years since signing these agreements, non-Indians have used racial discrimination against Indian tribes to justify their maltreatment and dispossession of Indian land. This injustice became institutionalized over time by unilateral decisions made by the United States Congress and President, and was further supported by numerous Supreme Court decisions. Court rulings that allowed for the abrogation of treaties at the discretion of the United States Congress are perhaps the most egregious of these injustices. One of the most pernicious outcomes of these decisions by the Court and Congress has been to sever full tribal relationships with their land, a central component of the negotiated treaties. This set of broken relationships is at the bottom of an unsustainable and unlivable land management system that has occurred on a number of Indian reservations.¶ The premise of this Article is that the environmental policy of the United States government, because it exerts control over Indian nations' natural resources in violation of specific treaties, is inherently violent. We define violence in this case as a breach of the reciprocal relationship established between Indian tribes and the federal government through treaties. To demonstrate our premise, we first conceptualize and configure the concept of violence as it applies to environmental Indian policy. Second, the violence of broken treaties to gain Indian resources is not a new phenomenon as we demonstrate in an analysis of the Medicine Lodge Treaty, the subsequent Jerome Agreement, and the Lone Wolf v. Hitchcock Supreme Court case that officially instituted congressional plenary power over all Indian nations. n1 Third, we demonstrate how environmental policy operates under visions of racial and ethnic superiority in order to continue colonial control of Indian resources. This vision of racial and ethnic superiority was institutionalized by Supreme Court precedence, and continues to put the control of Indian resources in non-Indian hands. [\*225] Finally, we suggest that current environmental policy has not only committed violence against tribes but also against the earth through exploitation of reservations. The way to end such violence and exploitation of Indian people and the earth is to retract plenary power over environmental policy and exploitation, acknowledge treaty relationships as sacred sovereign-to-sovereign promises, and place tribal lands back in tribal hands.¶ I¶ ¶ A Concept of Violence¶ ¶ To draw out the violence embedded in broken treaties we first describe mainstream understandings of violence in the modern era. Such understandings of violence are typically blind to the violence committed by government institutions acting in the name of rationality, progress, or material benefit for the state. Second, we argue that the hierarchical relations, which replaced the reciprocal treaty relations, are inherently violent because they force one party into the role of a ward with compromised agency.¶ The modern understanding of violence, as found in social contract theory and the Post-Westphalian state, is particularly important in the case of American Indian law and policy. Since early discussion of the subject by Greek scholars, in order for an action to be considered violent it must be an illegitimate, irrational behavior of a minority of individuals in society. n2 During the casting of modernity, this became an axiom of the social contract. One purpose of the social contract was to keep violence at a minimum so that people could be free to live their lives without the risk of violence that was thought to exist outside formal social organization. n3 To enter the social contract is to gain civility and the ability to have real property. n4 "What man [sic] loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses." n5 Thus, the social [\*226] contract provides the civility of imposed limits on violent human appetites while providing a system where the possession of real property is possible. Outside the social contract there is no such thing as "private property" to social contract theorists, merely the ability to temporarily use a resource. This is important because, as we discuss below, the doctrine of discovery allotted private property rights to "discoverers." Indian tribes possessed only use rights because they were seen to be outside the social contract, residing in a state of nature. n6¶ Outside the social contract and within the anarchic state of nature, violence is an expected behavior. For this reason, sacrificing some portion of individual liberty to a sovereign who would keep order was a rational decision. n7 Thus, violence within modernity is usually conceived of as the erratic behavior of criminals and has not typically been conceived of as a social continuity perpetrated by rational and civil modernity itself. By definition, the state becomes a protector from violence, not the perpetrator of violence; and, violence that the state does commit is veiled in legitimacy.¶ Legitimacy of the state's use of violence was articulated by foundational sociologists such as Durkheim and Comte who suggest that the state was the source of modern and moral authority. n8 Like all political institutions, the state "is a relation of men dominating men," but this domination serves as a "monopoly of legitimate use of physical force within a given territory." n9 Since the state is the source of legitimacy its actions are not recognized as violent. Or, if they are seen as violent, the violence is not seen as problematic as it furthers the goals of a social contract and modern progress. This concept is also reflected in the roots of Hegel's Philosophy of Right, where the state is the ideological foundation of a good and developing society, an idea Marx would later dismiss. n10¶ [\*227] The state's monopoly of the legitimate use of force was the justification for the violence used against American Indians in the establishment and maintenance of the United States. Taking and controlling tribal land was seen as a necessary step in the progress of the state. We reject this thinking, and argue that the state can be an agent of illegitimate force. This is central to our theory of violence because the lens of institutional legitimacy has so far kept the operation of federal Indian environmental policy from foundational criticism. One reason for this is that the same agent (the United States federal government) in the form of the Supreme Court and Congress has been allowed to both rule in its own interest and then sanction that ruling - a clear violation of even mainstream pluralist political theory. n11 In other words, in relying on the agent of violence to define legitimate fiduciary responsibility for the tribes, the Court and Congress are empowered to promote their own interest. In this case, the separation of powers is irrelevant because the interest of the federal government as a whole is uniformly found in the control of tribal land wealth.¶ While the definition of violence has been subject to minimal debate or analysis as a concept, it has an assumed meaning in social science that generally includes physical injury with malicious intent. In this definition of violence, the focus is on the intent of the agent to cause harm. Attempting to define actions as violent from the agent's perspective, here the federal government, becomes very difficult. Melissa Burchard recognized this complexity of violence and discusses the concept in the case of non-stranger rape. n12 An especially appropriate example given by Burchard is the case of non-stranger rape where the rapist often says he did not "mean to do it." n13 As a result, prosecutors have been reluctant to vigorously pursue prosecutions when the perpetrator of the crime suggested no malicious intent. n14 Thus we are left relying on the agent of violence to define (or not) their own violent act. In the case of federal Indian environmental policy, it is unlikely that branches of government acting in collusion will recognize their own violent acts or seek to prosecute them.¶ [\*228] This point becomes even more poignant when dealing with an institution or government whose actual intentions could be numerous and complicated to identify. Further, intention and interest may be hidden in the modern rational decision-making process which can promote violence. Through the focus on means-end logic, violence may be justified, considered natural, or simply overlooked as a necessary step in modern "progress." However, the role of this rationality in state-sponsored violence has been ignored "because the social sciences still largely retain the etiological myth - the belief in an emergence from a pre-social barbarity into a civilized and rational society." n15 Consequently, modern institutions are rarely challenged as the root of systemic violence.¶ Intent to cause harm is often obfuscated by the casting of some social groups outside of the social contract as non-rational, primitive, and thus incapable of agency. Ecofeminists specifically point out that social groups associated with the state of nature are tied to a state versus society justification of domination. As a result, they are compelled to conform to the idea of European civilization. Ecofeminist scholars further suggest that the control of tribes and the earth by a dominant society are a related enterprise. n16 This domination is justified by the rhetoric of paternalism. However, the true goal is to produce material wealth and power at the expense of those protected. Thus, the efforts to assimilate American Indians into civilized people disguised the primary goal of taking American Indian land and resources and using them to benefit non-Indians. In fact, the rhetoric of civilizing the "savage" was a consistent element in contemporary American Indian history, including the Allotment era beginning in 1887. During Allotment, tribes were divested of reservation with the promise that agriculture and a change in lifestyle would ultimately lead to a better life. n17 Similarly during the "termination" period starting in 1945, some sovereign tribal governments were terminated with the implication that American Indians would benefit from becoming full-fledged members of the dominant society if their official tribal affiliations were dissolved. n18 [\*229] Allotment and termination were not viewed as violent since the rhetoric of the federal government was of aid, not malicious intent. Since mainstream notions of violence do not accurately describe this violence experienced by American Indian tribes, our notion of violence itself must be reformed.¶ Therefore, the notion of violence employed here is the violence that begins in the minds of men and women about "others," specifically those perceived to be outside of the social contract. Violence is, first and foremost, a breach of expectations inherent in a relationship. According to Burchard,¶ ¶ Harm is not only a matter of what damage, physical or otherwise, has been done, however. It is also, when taken in the context of determining whether violence has been done, an evaluative concept which implies that some legitimate expectation about what ought to have been done has been breached. That is, part of the understanding of what actions will be named violence depends on the understanding of the relationships involved in the given context. n19¶ ¶ The focus has now shifted from the subjective intent of the agent and all of its associated problems to the relationship established between the involved parties. Understanding what constitutes violent action is recognizing the expectations inherent in that relationship. Breaching these expectations is the core of understanding whether harm has occurred. n20¶ Harm occurs at the point in a relationship where there is an expectation of an equal relationship, but one of the parties unilaterally assumes a superior position. The essence of this harm is not just that one party has more power, but that one entity changes an established or assumed reciprocal relationship with another party for their own gain. Political realists have observed this phenomenon at least since the time of Thucydides, but typically assert that it is part of an unchanging human nature. Normalizing violence in this way takes an expectation for circular (non-hierarchical, interdependent, and balanced) relations out of the frame of reference and the foundation of violence goes unchallenged.¶ [\*230] When groups of people interact with each other, we assume that no group of people will view themselves as justifiably inferior to the other, regardless of relative capabilities. Therefore, on the personal level, even though strangers on the subway or in the alleyway do not have an established reciprocal relationship, this minimal expectation of reciprocity is presumed. When this reciprocity is formalized into sacred treaties, breaking this relationship has even more severe consequences because defenses against exploitation may be relaxed. It is assumed that actions by one party in a circular relationship occur with the consent of the other parties. Thus, non-coercive and non-retributive consent is a minimum requirement to change the expectations of a reciprocal relationship between equals. If consent is not obtained, the unilateral action by one side without consent of the other destroys the equality and replaces circularity with hierarchy within the relationship. This hierarchy results in harm, which then constitutes violence.¶ The establishment of a hierarchical structure is one of the most damaging elements of violence. The power accumulated in hierarchy facilitates the ability of abusers to keep the abused under their reign. This accumulation of power then compromises the potential for resistance. American Indians did not consent to the new hierarchical relationships that replaced the sacred treaty relationships. The United States government unilaterally imposed this hierarchy by threat of force justified by the United States Congress and the Supreme Court.¶ With the original duties and relationships between the federal government and tribes discarded, the federal government was able to exercise plenary control over native land bases for their own gain. This has meant extracting vast surplus value through wanton natural resource extraction from tribal land bases.¶ Two acts of violence are committed when the United States government breaches a treaty with Indian nations that reserve an area for tribal control. The first relationship broken is that between the two peoples, Indian tribes and the United States government who have formed a sacred bond. The second relationship broken is the human/nature relationship between Indian tribes and the land. Important to our understanding of environmental policy, the agents in this relationship (and thus our theory) can include non-humans such as animals, plants, rocks, streams, and mountains. Different societies ascribe agency to [\*231] differing entities. For many American Indian tribes, the earth itself was a consistent, active and powerful agent with whom many tribes instituted reciprocal affiliation. While treaties do not spell out how tribes should think of nature, forcing a utilitarian use of nature where a different relationship previously existed is another violent dimension of broken treaties. This can be restored with minimal effort by simply following the agreements that were made.¶ Under the prevailing conception, Western ontologies and epistemologies have not recognized the breach of sacred treaty relationships as a violent action. However, with a new understanding of violence, environmental policy in Indian Country can be recognized for the dysfunction that it continues to serve. We can better understand this conception of violence by profiling a Kiowa experience that was later applied to all federal-tribal relationships.¶ II¶ ¶ Twenty-Five Years Reserved: The Treaty of Medicine Lodge is Allotted¶ ¶ In 1867, the Kiowa and Comanche Nations and the United States government negotiated a treaty at Medicine Lodge Creek, Kansas. Article One reads:¶ ¶ From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. n21¶ ¶ The 1867 Medicine Lodge peace treaty was forged to end potentially protracted fighting that could have severely damaged both sides. For the United States government, talks were needed to strike a deal with the Kiowas and Comanches so they would not attack the railroad or wagon trains crossing through their territory on the way west. For the Kiowa and Comanche, negotiations for a cessation of fighting were meant to ensure the protection of tribal land from further incursions by non-Indians. In negotiating an agreement, both sides also approved a framework for further agreements. This framework, usually referred [\*232] to as the "Indian Consent Rule," stated that the federal government would have to gather the signed consent from three-quarters of the adult males in the tribe before any other land cessions were made. This was an attempt by tribal leaders to avert the loss of any additional tribal land and/or rights to the federal government. The Indian consent requirement was placed in the Treaty "to specifically reassure those Indians who wanted a federal guarantee of their future, undisturbed use and occupancy of their reserved lands." n22¶ Thus, "in exchange for certain land cessions, the federal government explicitly promised the Kiowas that no additional land cessions would be made without their consent." n23 At Medicine Lodge Creek, the Kiowa ceded original tribal lands that spanned from South Dakota to large portions of western Oklahoma in exchange for more than two million acres in present day southwestern Oklahoma. n24 The Agreement is explicit about the extent of control the respective tribes had over this land.¶ ¶ The United States now solemnly agrees that no person except those herein authorized so to do and except such offers, agents and employees of the government as may be authorized to enter upon said Indian reservation in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians. n25¶ ¶ Thus the Medicine Lodge Treaty provides a legal agreement for the permanent residence, use and benefit of a reservation explicitly for the Kiowa and Comanche people. Yet despite the explicit language in the original treaty, the Kiowa reservation no longer exists. Kiowa land holdings are now a "checkerboard" arrangement of personal property (not tribal) and trust land. Tribal members personally retain 1200 acres of discontinuous land and an interest in about 3000 acres of trust land. n26 This represents a loss of 99.7% of the land originally reserved in the Treaty. Some scholars argue this should be considered an act of genocide due [\*233] to the attempt to destroy the land base of land-based peoples. n27 Part of this act was the necessary hierarchical relationship and exercise of power to enact these genocidal policies. Moreover, such policies would not have been considered had the original reciprocal duties been honored and genuinely respected.¶ The loss of permanently reserved land occurred for many tribes through "allotment" via the General Allotment Act of 1887. Allotment was a policy to reduce tribal holdings and end tribalism by taking tribal reserved land and allotting it to tribal individuals to be used for farming. Non-Indians advocated the Act under the guise of "civilizing" Indian people by dispossessing tribal land and privatizing it for individual farming. However, it was also done at a time when the federal government was under pressure to release more land to settlers. The "surplus" land left from allotments to tribal members was consequently sold off to non-Indian settlers for less than $ 2.00 an acre. During this period, tribal people lost over 80% of their reserved land (which was already an enormous reduction from previously ceded land). n28 Before Congress ended the policy of allotment, many individuals' allotments were sold to non-Indians, making tribal holdings a "checkerboard" of ownership.¶ For the Kiowa and Comanche, allotment was implemented through the Jerome Agreement of 1892. "Agreement," however, is a contested term in this case because the "Indian consent rule" of the Medicine Lodge Treaty had been broken. It was broken by David Jerome and Warren Sayre, Federal Indian Commissioners, who told the Kiowas, Comanches and Kiowa-Apache that if they did not allot their land, the President would do it by force as had been done to other tribes. The Kiowa protested, but the federal officials forced the matter and left with 456 tribal signatures. n29 The most current census of that time showed that there were 725 adult males on the reservation. In order to be in accordance [\*234] with the Medicine Lodge Treaty, Article 12, the federal government needed 543 signatures. n30¶ According to our definition of violence, abrogation of the Medicine Lodge Treaty was an act of violence against the tribes as it abrogated the reciprocal relationship between two sovereigns. Clearly, placing the Kiowa, Kiowa-Apache and Comanche Indians under a hierarchical relationship forced them to subordinate their rights of self-determination and forfeit their ability to determine policy on tribal land. However, this violence was consequently legitimated by the Supreme Court holding in Lone Wolf v. Hitchcock.¶ III¶ ¶ The Violent Institution of Lone Wolf v. Hitchcock¶ ¶ Kiowa Chief Lone Wolf appealed the Jerome Allotment to the Supreme Court, citing the fact that the Agreement failed to get a super-majority from the tribe, thus breaking the Medicine Lodge Treaty. The Kiowa chief lost the case, and the Lone Wolf v. Hitchcock Court ruled that the United States Congress could abrogate this agreement and all treaties as it saw fit. n31 This decision affirmed congressional plenary, or nearly unrestricted, power and gave Congress the ability to make final decisions regarding American Indian lands and welfare. n32 In this decision, Congress is assumed to act as fiduciary to the tribes as a parent acts in the interest of a child; this is the trust doctrine and continues to be a foundation for justification of plenary power today. n33¶ The Court and Congress never denied that, if the Jerome Agreement was ratified, it would break the Medicine Lodge Treaty. In fact, the Secretary of the Interior testified to Congress that the treaty had not been fulfilled. n34 Thus, the issue in the Lone Wolf decision was not whether the treaty was indeed broken - it was - but whether the United States was bound by the relationships of the Medicine Lodge documents and others like it. n35¶ [\*235] Perhaps the key to understanding the scope of this violence is to understand what the federal government and the tribes expected out of the treaty relationship. The tribes expected that the treaties had a universal, spiritual, and teleological import. For tribes, treaty making was often viewed as a sacred trust. Treaties were bonds that had utility and were also bonds that held the promise of multicultural unity and connection. Treaties were a way to bring peace and were seen in a larger context than simply the absence of physical violence, because the treaty parties would become joined in trust. "First and foremost with Indians of the Classical Era (and even today) a treaty is a sacred text. It fulfills a divine command for all the peoples of the world to unite as one." n36¶ The views of Indians towards treaties is further explained by a scholar quoting an Indian superintendent, "'in the making of treaties'... 'no people are more open, explicit, and direct.' This was because, according to American Indian traditions of law and peace, treaties created a sacred relationship of trust between two peoples." n37 The relationship forged in treaties could not be more evident. Treaties connected Indian people with the settler people "literally as relatives." n38¶ The federal government, on the other hand, expected more of a business deal than a brotherhood. The federal government apparently saw treaties as a means to an end and an instrumental decision to conclude a conflict and gain resources. This commitment only had rational appeal so long as the agreement was in the government's favor. In 1871, just four years after the Medicine Lodge Treaty, the settler government found themselves in a position of enough power and political will to end treaty-making with the tribes for good. Apparently the convenience had worn off, even if the sacred trust had not.¶ The settler government, instead of respecting the specific circular relationships set up in treaties, would come to generalize its hierarchical relationship over Indian peoples through a universal Indian policy, largely based on plenary power. "As long as we emphasize the generalities, we do violence to the rights of Indians [\*236] as they are articulated specifically in the history of the tribe with the federal government." n39 One such generalization is the decision of the Lone Wolf Court.¶ Had the Court reversed Allotment and upheld the relationships of treaties in federal Indian law, it would have had to also remand the purchases made by over 150,000 non-Indian settlers who had bought homesteads at a $ 1.75 per acre. n40 All of these factors were nearly immovably in place despite the fact that the United States very often promised reservation lands would be available for the sole use by the tribes, "as long as the grass is green and the rivers flow." n41¶ Not only did the Lone Wolf Court decide that Congress did not have to abide by its promises in the Medicine Lodge Treaty, but it released itself from all treaties with Indian people.¶ ¶ The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith towards the Indians. n42¶ ¶ It should be noted that plenary power and the power to abrogate, as it is referred to in the ruling, did not always exist in the form that it does now. To proclaim so denies the reasoning for which the federal government was forced to negotiate treaties with the tribes in the first place. Also, the Court's apparent presumption that abrogation and plenary power would be administered with the best interests of the tribes in mind is not a point that has been fully supported by congressional policy. Yet, the Court famously admits, "We must presume that Congress acted in perfect good faith in the dealings with the Indians of which [\*237] complaint is made, and that the legislative branch of the government exercised its best judgment in the premises." n43 With this understanding of the trust, Congress is said to know the interests of the tribes more than the tribes themselves and the abrogation of treaties would be made to benefit them. Under this new relationship, control of the structure of Indian life and resources were placed within the plenary control of Congress. "Furthermore, Congress was judicially authorized to take Indian lands incident to its exercise of guardianship power over the Indian peoples. The Court's action unleashed the federal government's forced Indian assimilation program that was aimed at the systematic dismantling of traditional tribal governance and cultural systems." n44 These colonial inscriptions and the violence inherent in them are the basis for contemporary environmental policy on tribal lands.¶ IV¶ ¶ Colonialism, the Doctrine of Discovery, and Environmental Policy¶ ¶ "The history of man's effort to subjugate nature is also the history of man's subjugation by man." n45 Control of Indian people by controlling Indian land is a poignant example.¶ Given colonial visions of the European superiority in ideas of religion, government, culture and control of the environment, Indian nations were not permitted to have the same control of resources as Europeans. Instead, Indian title was a compromised version of land and resource control that only implied use and occupancy, not mastery of land and resources that the Europeans assigned themselves. Western ideas of title included fee simple property that could be sold. In contrast, "aboriginal title" did not allow similar transfer/sale privilege. n46¶ Aboriginal title was not determined by examining the governance systems in place - which were complex and largely well-organized in egalitarian and peaceful means n47 - but through race. [\*238] This is evident in the Supreme Court's decision in United States v. Sandoval. In Sandoval, Pueblo tribes differed from other Indian nations in that they owned their land in fee title since the time of Spanish contact in New Mexico. n48 Despite this undisputed title, the Supreme Court ruled that Congress could still impose control over the reservation simply because the people were Indian.¶ ¶ The people of the pueblos, although sedentary rather than nomadic in their inclinations, and disposed to peace and industry, are nevertheless Indians in race, customs, and domestic government. Always living in separate and isolated communities, adhering to primitive modes of life, largely influenced by superstition and [fetishism], and chiefly governed according to the crude customs inherited from their ancestors, they are essentially a simple, uninformed and inferior people. n49¶ ¶ As the Court proclaims, application of the federal trust, plenary power and federal control of environmental policy is based on notions of an inferior race. This theory allows for the perpetuation of an institutionalized, hierarchical relationship where non-Indians control Indian land and may perpetuate violence "in good faith."¶ Further reinforcing European notions of racial difference was the divergent relationships Indian peoples and Anglos had with nature. n50 Anglo conceptions typically viewed nature as an opportunity for material wealth based on the control of nature. n51 This utilitarian relationship to the natural world promoted vast conversions of natural resources into usable commodities and industries. n52 These industries were then transformed into increased industrial and military capacity used to further expansion and to acquire more resources. n53¶ In contrast, many tribal epistemologies did not recognize the ability to own or master an animate nature. n54 Viewing nature as alive restricts the uses of natural resources and severely restricts [\*239] commodification and industry as a matter of respect. n55 Conversely, viewing nature as inanimate, as did Anglos, allows for maximum exploitation. n56 Some scholars see this type of world-view as a foundation for imperialism because societies that extract the most short-term energy from natural resources gain dominant social positions and power over those who temper their exploitation. n57¶ A. The Doctrine of Discovery¶ ¶ ¶ The English colonists came up with two justifications for taking the Native Americans' lands. First, they argued that colonists would civilize the Indians and 'cover their naked miserie, with civill use of foode and cloathing.' In royal charters given to the companies organizing the colonization, mention was always made of the obligation to bring Christianity to the 'savages.' The other part of the rationale was that Europeans could put the land to a 'higher use,' making it more productive by intensive cultivation and by bringing in livestock. In 1625, Samuel Purchas argued that God did not intend for the land to remain as 'that unmanned wild Countrey, which [the savages] range rather than inhabite.' n58¶ ¶ From the very beginning, Europeans sought to control the ontology of nature by imposing western norms of separating nature from society. Groups with a communal and cohesive relationship with nature were seen as outside of the social contract and were marginalized as irrational. As such, "savage as the wolf" and "noble savage" constructions were used to imagine American Indian people as inferior. n59 These characterizations become the underlying justifications for domination of people portrayed as "unfortunate children of nature" n60 who need to be controlled, managed and dominated like nature itself under the rubric of Enlightenment civilization. The first version of colonial jurisprudence [\*240] to utilize this characterization in the United States was the method of dividing resources for use via title, as understood by discovery tenets.¶ The discovery doctrine gained further legitimacy in United States law through its application by Chief Justice Marshall. According to Marshall this doctrine leads to a natural assumption about 'use' versus 'title' property. He elaborates the point in Johnson v. McIntosh. n61¶ ¶ They [American indigenous people] were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it. n62¶ ¶ Federal trust, in light of its discovery legacy, is a legal tool whose primary use is to compromise the title and claims held by tribes. Moreover, the federal trust is a colonial instrument used from the beginning to divest the natural resources from American Indians. This justification by differences in race and ethnicity places aboriginal people outside of the social contract. If they are placed outside of the social contract, the original, established agreements with the tribes could be broken on the grounds of paternalism. However, the use of the discovery doctrine to legitimize the violence done to American Indians through this unilateral paternalism, even if hidden during treaty making, cannot disguise the harm done to American Indians who were forcefully removed from their lands and denied their traditional relationship with nature.¶ B. Environmental Policy as Colonial Legacy¶ ¶ Federal-tribal environmental land management on reservations reflects the foundational violence committed through colonial-based plenary power. American Indian leaders, scholars and policy experts agree that these environmental policies have been a disaster. n63 We contend that the harm done can be traced to the [\*241] forced change in American Indian use relationships with nature that had been protected by treaties. Thus, while tribes and individual American Indian citizens often retain traditional values for relating to nature, they are not allowed to incorporate them into the federal environmental laws that govern policy on tribal lands. As a result, Indian environmental policy, as dictated by various federal environmental laws, places major decisions about resource use and management in the hands of the federal government through application of the trust doctrine and the "good faith" which it is supposed to embody.¶ One function the federal trust affords the federal government, usually the Department of the Interior, is the ability to approve leases for uranium mines, coal mines, timber harvests and other extractive industries. The trust doctrine has had a damaging effect on tribal sovereignty as well as environmental quality. Tribes have been forced to lease out territory for the mining of radioactive material used in civilian and military nuclear facilities. n64 Such operations usually destroy an area in perpetuity and are often abandoned without being cleaned up. n65 "Tribal self-determination requires the ending of the colonial relationship facilitated by the energy companies and the government... ." n66 The federal trust responsibility is used in an abusive fashion to exploit the resources of American Indian people without paying the social costs of doing so. n67 The leases are producing revenue for the tribes, but at a rate far below their market value. n68 Thus, [\*242] the tribes are not only denied the right to stop exploitation and treatment of nature in a way counter to their beliefs, they are also cheated out of their share of the profits when resources are extracted.¶ "The government has long discovered since, that by keeping Indian resources pooled in reservation areas under trust, it is able to channel the resources at very low rates to preferred corporations, using the tribal council apparatus it established in 1934 as a medium for leasing purposes." n69 The 1934 Indian Reorganization Act instituted liberal democracies on reservations which are referred to as puppet tribal councils. These puppet councils, working within the hierarchy of the Bureau of Indian Affairs (BIA), operate under special interest politics, as opposed to the traditional egalitarian and often consensual governments that tribes previously employed. n70¶ This misuse of nature was strictly prohibited by American Indian ideas and theological restraints that provided an American Indian worldview about a living and sentient nature. Unfortunately, this ended with tribal displacement and rule by non-Indians. The Indian worldview insisted on non-violence and a reciprocal relationship with nature. Moreover, human beings are encouraged to develop their personal capabilities "but only in ways which do not infringe on other elements - called 'relations,' in the fullest dialectical sense of the word - of nature." n71 In addition, the reason that American Indian tribes were able to live sustainably for thousands of years was precisely because of these restraints on what human changes could be made to the natural world. n72 For example, engineering was allowed so long as no permanent changes were made to the earth. n73 Agriculture was a traditional mainstay for some tribes, but it typically could not displace other non-domesticated vegetation or wildlife. n74¶ [\*243] After the displacement of Indians from ancestral lands and the forced severance of traditional Indian uses of nature through broken treaties, extractive resource development became a norm on many reservations. n75 A first step in ending these corrosive environmental practices is to recognize the violence inherent in the destruction of the traditional American Indian connections to their land and the harm perpetuated by plenary land management.¶ One example of federal land management practices violating traditional values and leading to environmental destruction has been unsustainable logging and clear-cutting found on many reservations. Tribes experiencing this problem include the Lummis in Washington, the Umatillas in Oregon, the Western Shoshone in Nevada, the Nez-Perce in Idaho, the Chippewa in Minnesota, the Anishinaabeg in Minnesota, the Menomonee in Wisconsin, and the Navajo Nation in Arizona/New Mexico. n76 In contrast, some tribes such as the White Mountain Apache, Colville, and Grand Portage Ojibwe seem to have faired better in setting more sustained yields. n77 Also, tribes which were subject to congressional termination, a policy which ordered the full integration of Indian people into mainstream society by unilaterally terminating the legal existence of some tribes, had little choice but to watch their forests be clear-cut. n78¶ Perhaps the most well known and egregious federal Indian environmental policy was to encourage uranium mining on reservations. Uranium mining on reservations occurred at a fevered pitch during the Cold War and fueled much of the United States' nuclear arsenal and nuclear power plants. n79 The results of these operations are well documented and have been catastrophic to American Indian health, culture, and ecosystem integrity. n80¶ [\*244] We argue that the mismanagement of tribal lands must not be viewed as random acts of malfeasance, but rather they should be seen as directly attributable to the violence of the broken circular relationship which would have prevented these disasters. When the violence of these broken expectations is recognized, we can begin to address the harm done by allowing more holistic solutions to emerge through the restoration of positive, nonviolent relationships.¶ C. Hope for Non-violent Solutions¶ ¶ Some isolated, but positive steps have already begun. First, some federal land management practices and theories are moving away from extraction and toward preservation through ecosystem management. n81 Also, tribes are gaining more local control through the Environmental Protection Agency. n82 Next, pressure groups and electoral strategies employed by Indian nations may expand tribal influence even more. Finally, the area with the most hope is the powerful history of the American Indian people that can be used to rally support from American Indians and non-Indians as they seek to apply traditional approaches to land management.¶ There has been an emboldened, but not yet universal, change in federal land management. This signals a move away from extractive industries and more toward conservation. At the same time, ecosystem science has begun to come of age, and the application of ecosystem management--seeing all parts of an ecosystem as important and connected--is gaining more adherents and application in contemporary federal environmental policy. n83 Land managers such as foresters, biologists, and social scientists are beginning to reaffirm some components of traditional land management through the respect of predators, habitat conservation, and balance in the natural world. n84 This is an opportunity for administrative officials to personally deny the colonial vision [\*245] and reinstate a reciprocal operating relationship at an agency level as they devise environmental policy with tribes. Honoring the expertise of tribal holism could be recognized at the bureaucratic level as a way for agencies to re-embrace the original circular relationships that were broken. In this way, public administration officials of many levels could initiate programs that embrace the spirit of circular relationships with tribes as a way to begin dissolving the illegitimate hierarchy. This would be both useful and symbolic. Tribal expertise could inform federal bureaucrats about ecosystem management for federal public lands, while these agencies could then recognize that same expertise as a reason to leave tribal land management to the tribes. As an example, the Nez Perce have taken charge of the wolf reintroduction in Idaho because the state refused to do so. As a result, the Nez Perce and the United States Fish and Wildlife Service have used this opportunity to put traditional relationships and values in practice to inform a contemporary need, and it is "one of the most successful wildlife recovery efforts ever." n85¶ Tribes are also gaining some increased control of their environmental policy as the Environmental Protection Agency (EPA) modifies its working relationships with tribes. In programs such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, tribes may be designated by the EPA to receive Treatment As States (TAS) and administer their own standards. n86 Under the current TAS amendments, tribes may even assert control over land outside their reservation if the activities will affect the reservation in a "serious and substantial" way. n87 This kind of power is unprecedented in Indian environmental policy. However, it is up to the EPA to designate the tribes with this control, and these provisions do nothing to counter plenary power that could overturn the provisions at any time. n88¶ Tribes are also gaining political power as their revenues increase through gaming and other means. They have been investing these revenues in lobbying members of the United States [\*246] Senate. n89 Tribes are also entering competitive American politics with much more vigor than in the past. n90 For example, in the 2000 election, tribal efforts were recognized as the swing vote that deposed Senator Slade Gorton in Washington. n91 Also, some tribes are investing financial resources and awards to reestablish title to original tribal lands. n92 While these efforts do not directly address the violence inherent in hierarchical relationships with the federal government, they do have the potential to reduce the violent environmental policies rampant in the current system.¶ Finally, and most importantly, hope lies in the history and legacy of the tribes themselves. One helpful question that could provide environmental improvement is "how did the people who lived in this area before relate to and use the rivers, the trees, the grass, the mountains?" While the ability to implement the answer is blocked by plenary power, the solution it offers may help in the local areas where tribes are increasing decision-making ability for land use (such as the TAS). Academic research about this topic is rife with support that many American Indian ancestors related to nature through "cyclical thinking and reciprocal relations with the earth." n93 This research seems to universally agree that tribal institutional worldviews and values encompass "respect." n94¶ [\*247] Illuminating traditional values and demonstrating how this value system can work in contemporary times focuses on the nexus between the past and the future for tribes. This respect specifically means a universal notion of community where "human-to-human relationships are similar to human-to-animal and human-to-plant relationships." n95 Additionally, respect means an acknowledgment that all things are connected; that "past human generations left us a legacy, and we have a duty to pass that legacy on to our great-grandchildren and beyond, as far as to the seventh generation." n96 Further, there must be humility for the oceanic depth and complexity and power of nature. n97 However, current holistic implementation of these values and the full realization of any of the above improvements are fully contingent upon the violently imposed plenary power of the United States federal government.¶ Consequently, fundamental changes are needed at the level of the federal government. First, the federal government should recognize that the treaties made with indigenous peoples are sacred texts (similar to the Constitution or the Bill of Rights) and use them as the basis for future deliberations. Second, the trust doctrine should be abandoned as a guardian/ward hierarchy and replaced with a commitment to a reciprocal relationship with tribes. This should mirror the original multicultural unity between Indian nations and non-Indians found in the original treaty-making context. Third, Congress should revoke plenary power. Society must recognize that Congress does not act in the best interest of Indian nations nor do they provide a system of checks and balances considering tribal input. Only through these kinds of fundamental changes can tribal environmental integrity hope to be fully restored.¶ Further, at the tribal level, consensus decision-making, which was an important part of a holistic approach to the environment, has been replaced with majoritarian rule. Since consensus decision [\*248] making may be difficult to reinstate (maybe currently impossible), well-defined tribal protections for traditional values are worthy of consideration. Traditional values based on inviolable grounds and protected from changes in political mood could be a proxy for the original social beliefs.¶ What would basing traditional values on inviolable grounds mean? Requirements would include an upper limit on consumption, no high grading of renewable resources, and rejection of pure private property institutions for land management. n98 These requirements would remove most extractive industry from reservation lands. When resources are removed from the market, much higher prices would be demanded for those resources and those prices would more closely resemble the resources' real value in the ecosystem. In addition, common property regimes could be strengthened so that new developments would have to meet strict rules limiting impact on animal and plant communities. Finally, corporate interests would have to meet strict demands for business practices, in this case, demands dictated by local tribal decision-makers.¶ These suggestions do not mean that tribes would automatically become "green." It is likely that many tribes would increase exploitive practices. However, it is the assumption of this Article that violence begets violence. By replacing violent relationships between governments with respect for others, tribal customs can more easily find their way into environmental decision-making. Thus, stemming one source of violence may also stem other sources of violence, including environmental degradation. Creating relationships of harmony means that all the connections in our world are at peace. Making environmental policy more peaceful would be one step on the road to harmony.¶ Contemporary tribal environmental policy can and should embrace these values; more than that, the global community should be open to also adopting these values. Traditional values can be used for global environmental governance. Using traditional values as a model for post-modern development would put tribal elders, storytellers, and healers at the vanguard of global consulting. With ever growing emphasis on sustainable development, biodiversity protection, habitat preservation and other issues, the [\*249] global community should take a second look at the values that tribal people have to offer for a livable planet.¶ Conclusion¶ ¶ Contemporary environmental policy on reservations is authorized by congressional plenary power and removes final control of the resources from the people to whom they were promised. This forces a separation of the tribe from the land and the relationships that tribal customs anticipate. Moreover, environmental policy dictated by a federal government that controls Indian land in spite of prior treaty relationships extends a colonial violence into contemporary federal Indian law and policy. This violent political relationship is convenient to extractive industry and conducive to abuse of Indian land. Consequently, both earth and tribes have suffered. We argue that control of the resource base should be returned to the expectation set forth in the original treaties. This would allow for the possibility of more sustainable tribal values to enter contemporary settings while restoring the sacred trust of these government-to-government arrangements. We do not expect this transition to be easy; however, we do expect the outcome to be much better than the current, violent environmental policy system.¶ In addition, the earth itself is not unscathed in this drama. Ancient tribal traditions quite often were based in theological respect for living earth, harmony with others, and equitable power arrangements. n99 In raiding the lives of American Indians, the possibility of green theological foundations for contemporary tribal governance has been seriously compromised. The abrogation of treaties and creation of institutions like the Indian Reorganization Act structured Indian life away from sustainable uses of nature. This changed longstanding relationships that proved to be generally healthy for all inhabitants as well as the land. Modern, western visions of people and nature, as shown in this Article, have largely been based in conquest, which cannot be sustained. n100¶ Violence done between people and to nature becomes an existential problem as the effects of these actions come full circle. Studies in global environmental politics regularly note that dominant [\*250] relationships with nature are fundamentally unsustainable and will ultimately mean terrific devastation that is a threat to global human survival. n101 Stemming this threat requires the very same changes needed in American Indian federal environmental policy - an end to institutionalized collective violence between groups of people and nature which is responsible for this mosaic of destruction.

#### U.S. trustee-ship of native title extinguishes the possibility of native control of property – studies conclusively demonstrate that tribal economies improve in direct proportion to their degree of economic control. Triggers undercapitalization and investment uncertainty.

Bradford ‘5 - Chiricahua Apache and Associate Professor of Law, Indiana University School of Law

Beyond Reparations: An American Indian Theory of Justice, WILLIAM BRADFORD, Chiricahua Apache and Associate Professor of Law, Indiana University School of Law, OHIO STATE LAW JOURNAL, VOLUME 66, NUMBER 1, 2005, Lexis Law Reviews

Although Indian tribes are separate sovereigns in retention of all rights and powers not explicitly ceded to the U.S. by treaty, n196 or abrogated by explicit legislative intent, n197 U.S. Indian policy has been generally hostile to the right of Indian tribes to self-govern as politically distinct communities. n198 If the theme of the nineteenth century was eradication of Indians and the seizure of their land, the motif of the twentieth century was the destruction by law of tribal sovereignty. With the passage of the IRA, Indian tribes, traditionally hyperdemocratic and consensus-driven institutions, n199 were reconstituted and subjected to the veto power of the Secretary of the Interior; n200 subsequent legislative and judicial action [\*39] has stripped Indian tribes of control over their form, property, and powers. n201 Relations with post-IRA Indian tribes, rather than proceed as if between mutual sovereigns, are conducted largely through a welter of executive agencies. n202 As a result, the terms and conditions of Indian existence are frequently dictated by Washington, rather than debated on the reservations. n203 Federal agencies to which Congress delegates power smother tribes under a blanket of regulation n204 that, although it provides the means of subsistence, suppresses traditional modes of social control and value allocation, and the Secretary of the Interior looms large over every aspect of tribal life. n205 A dawning recognition that Indians are entitled to self-govern has spurred calls to end the fundamental asymmetry of U.S.-Indian relations. Nevertheless, decades after introduction of the federal policy of "Indian Self- Determination," n206 tribes remain politically subordinate to, and thus economically dependent upon, the U.S. n207[\*40]¶ \*\*\*Footnote 207 Begins\*\*\*¶ 207 Empirical evidence suggests that, for Indian tribes, political domination produces economic dependence. See ANDERSON, supra note 198, at 245 ("Economy follows sovereignty in Indian Country . . . The most striking characteristic of . . . successful tribes . . . is that they have aggressively made the tribe itself the effective decision maker . . . ."). Nonetheless, economics and politics exert reciprocal influence, and economic dependence precludes the free exercise of Indian sovereignty. See John C. Mohawk, Indian Economic Development: An Evolving Concept of Sovereignty, 39 BUFF. L. REV. 495, 499 (1991) ("Indian economic development may be less about creating wealth than it is about creating the conditions for political power . . . .").¶ \*\*\*Footnote 207 Ends\*\*\*¶ c. Ethnodevelopmental Suppression¶ Despite significant resource endowments, n208 many Indian tribes n209 remain ensnared in a web of economic dependence, n210 institutionalized domination, n211 [\*41] geographic dislocation, and gross undercapitalization.. n212 Although the non-legal obstacles to Indian economic independence, the first and foremost goal of tribal governments, n213 are very real, the constraints imposed by federal Indian law are even more formidable. To wit, the U.S. holds trust title to Indian lands and resources, n214 and Indians cannot sell, lease, or borrow against their property without the express approval of the Secretary of the Interior. n215 As the very question of secretarial approval introduces political uncertainty, n216 trust-based [\*42] land-tenure constraints diminish the relative output-values of land-intensive enterprises such as agriculture, ranching, and resource development. n217 Moreover, U.S. management of Indian resources grants the U.S. paternalistic control over Indian economic destiny. n218 Although the U.S. is under a moral obligation to husband Indian resources, diligently advance Indian land claims against the States, secure adequate funding for Indian social services, n219 and enhance the economic well-being of Indian people, n220 federal agencies have withheld basic subsistence, n221 mismanaged tribal resources, n222 and violated the animating [\*43] principles of the trust with near-impunity. ¶ \*\*\*Footnote 222 Begins\*\*\*¶ n222 The paternalistic policies of a non-Indian majority, violative of the moral and legal imperatives arising under the trust doctrine, add the insult of impoverishment to the injury of expropriation: the BIA arranges Indian leases, and collects their royalties and usufructuary benefits for their "protection." See Atkinson, supra note 44, at 404-05, 408. Moreover, because all tribal land is held in trust, leases of more than one year are prohibited without permission of the Secretary of the Interior, and funds generated from such leases cannot be used to purchase land. U.S. mismanagement of Indian resources is of epic proportions. See, e.g., S. Rep. No. 101-216, at 105-29, 140 (1989) (documenting a century of theft of Indian oil and gas). In the most recent case, a federal court, finding the U.S. in breach of a common law fiduciary obligation due to its "long and sorry history" of gross mismanagement of over $ 500 million in 300,000 individual Indian Money Accounts, retained jurisdiction to enforce an accounting but stopped short of ordering further remedies unauthorized by statute. Cobell, 91 F. Supp. 2d at 7. Although the Secretary of the Interior concedes the issue of gross federal mismanagement, the means proposed as the most cost-effective to make an accounting-statistical sampling-would cost Indian claimants at least $ 70 million: whether relief will ever be afforded is uncertain, although the court maintains jurisdiction and defendants are currently required to file reports as to trust reform activities. Id.; see also Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation v. Norton, 211 F. Supp. 2d 157, 158, 160 (D.D.C. 2002) (finding that the case at bar presented the same questions of law and fact as Cobell, and refusing to refer the case at bar, and other related tribal cases, to the Calendar Committee). ¶ \*\*\*Footnote 222 Ends\*\*\*¶ Only in very recent years has the trust doctrine charged the U.S. with judicially enforceable obligations apart from those incorporated in specific treaties, statutes, or executive orders. n223 Although the protective dimensions of the trust doctrine have broadened, n224 aggrieved Indian beneficiaries still lack effective legal recourse for its breach. n225

#### Centralization of renewable energy distribution under corporate control is inevitable absent moves towards decentralized installations

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Why Big Solar is a Colossally Bad Idea (10 Reasons Decentralized Solar is Much Better), Clean Technica,

April 27, 2011 By Aaron Fown, http://cleantechnica.com/2011/04/27/why-big-solar-is-a-colossally-bad-idea-10-reasons-decentralized-solar-is-much-better/

Of late there has been much talk about moving towards a solar energy future. This is a positive development (albeit one that is almost too late) and has been driven, no doubt, by recent studies that have shown that solar and wind power are now amongst the cheapest forms of power generation, several critical breakthroughs in related fields, and big moves by some major players. However, it seems that a lot of money is being thrown at a particular type of solar power plant; massive centralized solar plants. It is my opinion that this is a massive mistake.¶ We have an opportunity to build a new power system to replace our failing grid with something more resilient, more efficient and more egalitarian, and if we don’t take this opportunity we will be stuck with mild changes to the old system. I feel that big solar is actually a real threat to our future, or at least our best possible future, and we need to focus a bit on it now before the form of our electrical system is set in stone.¶ In fairness, centralized solar does have a few benefits, so let’s start with them before I explain why a decentralized system would be a much better choice.¶ 1. A centralized solar plant requires fewer engineers and workers to build and maintain the solar power collectors than a distributed system, on a per megawatt basis. This means there is less up front cost, and you employ fewer people. I guess that might help the stock price, since Wall St. tends to invest against employing people.¶ 2. A large solar installation, or better, many of them spread across many states, provides a consistent money stream for the plant owner, especially after the upfront cost of the plant is paid off.¶ 3. A large solar installation can take the place of a coal or nuclear plant, providing energy without the many downsides of the older technologies.¶ Notice anything about these benefits? The first two are primarily beneficial to the plant operator, and not to the community that the solar plant is in.¶ 1. A decentralized solar collection scheme is far more energy efficient than a centralized one. More than 30% of our electricity is lost in transmission in our current system, and a centralized solar plant is no different than the current system in this way. A decentralized system can supply power to where it is needed directly most of the time, only using the grid to offload surplus power.¶ 2. A decentralized solar strategy will employ far more people per megawatt than a centralized one, employing small businesses and technicians to maintain and install systems wherever they are needed. We really need jobs right now, so this should be a big selling point.¶ 3. A decentralized solar system will be far more resilient to natural disasters, as there will be no single points of failure that can bring down the whole grid, as there is with centralized power generation. Do you remember the blackout of 2003? A bad solar storm could be far worse.¶ 4. A decentralized solar system utilizes unused space on rooftops and in yards to generate power, whereas a centralized system, requires the development of new land destroying habitats while generating no more power. Indeed, given the amount of unused roof space in the US, you could completely solve our energy issues by covering only a small fraction of it with solar collectors. Add solar collectors built into roads and pathways, and we have all of the space we need to solve the energy crisis for good without clearing any more land.¶ 5. A decentralized solar strategy gives power to the people, in more ways than one. Since the people are generating electricity, they are also generating capital continuously in the form of free electrons. The result is that the community is made richer across the board, by producing a useful, valuable commodity directly under the control of middle and lower class people.¶ 6. A decentralized solar strategy provides market space for lots of technologies to compete directly, without the generally anti-competitive nature of big monolithic construction contracts crowding out the small players. In the short run, this will provide more opportunities for small businesses to grow. In the long run, this enriched competition will produce a more efficient and refined product.¶ 7. Rooftop systems shade the structure underneath, cutting energy usage in the summer months. This is an additional energy savings above and beyond the major issue of transmission losses.¶ 8. A decentralized solar collection strategy preserves a place for things such as solar water heaters, which are a much more efficient way to heat water than generating power miles away, losing a significant portion of it by shoving it through wires, and then heating more wires to heat water. The difference in efficiency for this one task is enormous.¶ 9. A decentralized solar strategy doesn’t require huge governmental loan guarantees to get off the ground. It doesn’t require government help at all, though it would be nice if local governments would get out of the way and let people set up these systems without bureaucratic hassles or ridiculous energy buy back schemes. If the government gets involved, it could be in the form of rebates or tax abatements, which are proven to be a more effective way of distributing public funds into the economy than big monolithic projects. Or it could be in the form of innovative projects that use the acres of rooftops on civic structures to generate power instead of just more heat. Even if you are utterly skeptical of governmental action, you could just think of it as a handy way of reducing the hot air coming out of your local legislative bodies, while finally putting them to some useful work.¶ 10. This one is often missed: the secondary costs of a centralized power system, like beefed up transmission lines, large ugly transformer stations, and so on are rarely calculated into the cost of concentrating lots of megawatts in one place, but all of those expensive accessories are going to have to be paid for somehow.¶ What about wind? Well, it turns out that wind generators work best when they are spaced out generously, and so the laws of physics are already working against a whole lot of centralization. Many of the early attempts at a highly centralized wind generator were a failure because the closely packed mills created turbulence that reduced efficiency and in some cases caused damage. The closest things out there are some very successful county projects, but in those cases people in rural areas rent out a parcel of their own land for the windmill to be erected on. It works, it’s easy money, and it’s out of the bag. You should assume that everything I am arguing for here can work just fine with all of the wind power we can muster.

#### Localized wind and solar offer an opportunity to move beyond exploitative models of development that crush Indigenous culture and have resulted in the systematic extermination of Native Americans

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In her work with the indigenous movement in Ecuador, Catherine Walsh speaks of the movement’s building of local alternatives as ‘the resignifying in meaning and practice of ‘development’ (Walsh, 2002: 7). Development, with its long history of top-down, state-driven, regulatory, and often export- and expert-oriented goals, is being increasingly challenged by indigenous social movements in the Americas seeking to decentralize and gain local control over various aspects of governance, economic growth, cultural projects, and natural resources. Not completely unlike the Ecuadorian Pachakutik movement Walsh describes, the movement for ‘environmental justice’ in indigenous communities in the US is experimenting with alternative strategies to restructure the production of power to advance democracy and sovereignty for indigenous communities. This essay addresses the possible resignification of development being produced by the practices and discourses of a particular indigenous movement in the US, which addresses controversies over natural resource management on reservation lands. In particular, I consider the emergence of renewable energy projects within the movement as new modes of economic, ecological, and cultural development, countering the history of biopolitical regimes of natural resource extraction, which have marked indigenous experience in North America since Contact. I argue that these emerging technologies not only resist but also propose alternatives to the dominant models of energy production in the US.¶ Background¶ The Indian Self-Determination and Education Act of 1975 enabled American Indian tribes for the first time to self-determine their own resource policies and regulatory agencies, overseeing tribal programs, services, and development projects. In 1988, the Indian Gaming Regulatory Act opened the way for the development of casinos on reservations as a new mode of tribal economic development, and today 34% of all federally recognized tribes run full-scale (class III) casino gambling, although only a minute fraction of these represents the soaring economic success of places like the Foxwoods Casino and Resort on the Mashantucket Pequot reservation. These and other approaches to economic development ^ especially natural resource extraction and casino gaming ^ have become issues of intense debate among scholars and activists (LaDuke, 1999; Gedicks, 2001; Blaser et al., 2004; Cattelino, 2004; Hosmer and O’Neill, 2004), as well as among tribal governments, federal agencies, and within the general population. In the cacophony of competing moral claims and recommended approaches elicited by these various controversies, the voices with alternative proposals are sometimes lost. Against these two dominant approaches, there is another trend in tribal economic development beginning to emerge, connected to the indigenous environmental justice movement (IEJM) in North America and critical of neo-liberal development models. Drawing upon an historical conflict over resource extraction on reservation lands (see Figure 1), this movement is turning towards what David Korten has called an ‘emergent alternative wisdom’ of development practice (Korten, 2005).¶ This trend, embedded in a broader network of environmental justice projects in Native America, is a move towards renewable energy technologies on reservations: wind power and solar power in particular. While these projects engage wider energy markets, global discourses on climate change and the ‘end of oil’, and funds from federal agencies, they also embody an alternative knowledge grounded in an historical, indigenous social movement in which economic justice for indigenous peoples is intimately intermeshed with questions of ecological wellness and cultural preservation. As such, wind and solar technologies are being presented and implemented as alternative approaches to dominant practices of economic development and carry with them a history of centuries of struggle, as well as the hope for a better future.¶ These emerging practices of a social movement-driven development agenda draw our attention to the cultural politics, meanings, histories, and conceptual contributions posited by unconventional development projects. As part of an emerging movement in support of localized wind and solar energy production on tribal lands, these projects are responses to the biopolitical operations of 20th century development projects. They respond to a long history of removal, regulation, knowledge production, and life-propagating techniques administered on reservation-based peoples. The movement itself addresses controversies in a way that interweaves the economic, the ecological, the cultural, and the embodied aspects of being and being well in the world; as a member of the Indigenous Environmental Network (IEN) said to me:¶ The movement is really about health and people dying … people can’t have an enjoyable life anymore. The work of the movement is never about the power plant itself, but about how all the EJ (environmental justice) issues come together and link up to affect people’s lives … its about having a good life (B Shimek, 2004, personal communication).¶ Such an analysis resonates with Arturo Escobar’s emphasis on a framework of a ‘political ecology of difference’ and the need to consider ‘cultural distribution’ conflicts in studies or other engagements with natural resource issues (Escobar (2006) Introduction). Concerns of ‘cultural distribution’ have become crucial work for the IEJM as it seeks to resignify development as ‘environmental justice’ in the context of a particular history of illness and disease, environmental contamination, poverty, and place-based worldviews. I argue that the way in which the IEJM has coalesced around these alternative development projects suggests that these projects are ‘technologies of resistance’ (Hess, 1995) to dominant forms of economic development, but also ^ and perhaps more significantly ^ imaginative technologies of existence, mediating a particular discourse of natural resource controversies, including values of a ‘good life’. As such, renewable energy technologies are resignifying the politics of ‘sustainability’ through the movement’s concept of ‘environmental justice’, which cuts across reductive interpretations of economy, ecology, and culture.¶ Development as a biopolitical operation¶ In analysing development as a biopolitical operation, I follow other feminist scholars and development critics who have considered the biopolitical effects of particular development discourses on women’s bodies and movements (Harcourt, 2005) and labour and corporations (Charkiewicz, 2005). As they argue, the post World War II model of development as a project driven by Western states to modernize other ‘emerging’ states and bring them into a geopolitical sphere of economic control is, at its base, an exertion of biopower on particular (gendered, raced, labouring) bodies. Michel Foucault described biopower as the power of the state ‘to make live and let die’, in contrast to the disciplinary power of monarchical states, which exerted a sovereign’s power ‘to make die and let live’ (Foucault, 2003). In other words, the king controlled his subjects by the threat (and occasional enactment) of killing some and letting others live, in order to maintain control, whereas the modern state makes less of a spectacle out of individual killings and exerts its force over populations instead, managing the species through techniques of regulating birth, mortality, biological disabilities, and the effects of the environment. The significant shift to a regime of biopower is the new target of control: the population. When viewed as a biopolitical operation, development programs of the post-war model (which has lingered and reproduced itself in various forms on into the 21st century) are revealed as schemes to control populations ^ in particular, ‘Third World’ populations defined by the West as political problems and scientific problems, as well as economic opportunities.¶ A similar history runs through Native America, as this ‘Fourth World’ population was a target of regulation, management, and biological speculation from the moment of Contact, over 500 years ago. Indigenous populations worldwide have experienced the effects of biopower, especially in terms of the management and extraction of natural resources (including bodies and, more recently, genetic information), but in the Americas the situation is geo-historically particular, given the sweeping catastrophe of disease, decimating what some have estimated to be 95 per cent of the pre-Contact population. Another particularity of the North American situation is that, over the long history of occupation since 1492, tribal populations have been alternately exterminated, removed, recombined, relocated, and politically reorganized by state institutions, often under the guise of care and patrimony. In the 19th and early 20th centuries, tribes as populations were regulated and made to live through land enclosures, creating spatial patterns of security, on frontier lands considered undesirable to European colonists. This desirability was, however, based on the visible alone; the resources that laid beneath the surface of the often barren, dry reservations would emerge in the 20th century as some of the most coveted commodities on earth (Figure 2).¶ In sum, thinking of the history of development as a biopolitical operation to manage the life of populations of indigenous peoples in the Americas allows us to see the regulatory operations of the state, sometimes glossed as integrationist policies, as has been the trend in Latin America with the history of indigenismo (Sawyer, 2004), and sometimes framed as patrimony and treaty responsibility, as in the United States, with the ‘Indian New Deal’ in the 1930s (Collier, 1938). Moreover, it provides a way of understanding the history of state-driven development models as regimes of controlling, regulating, and organizing particular bodies and environments ^ the antithesis of the liberal, humanitarian projects these regimes have often claimed to be. Finally, as I move to discuss the IEJM and the emergence of wind and solar power projects on reservations, these technologies of resistance and existence can be thought of as counter-projects to the biopower of 20th century models of development, which have exacted significant ecological and cultural costs from tribes, in service of a reductive, disembedded view of economic growth.¶ Emergence of wind and solar power projects in the IEJM¶ In 2003, the first utility scale, indigenous-owned and operated wind turbine in the US was installed on the Rosebud Sicangu Lakota reservation in South Dakota. The project took eight years of organizing, fundraising, and coordinating among the tribal government, the Intertribal Council on Utility Policy (ICOUP), the Department of Energy, local activists and indigenous non-governmental organization Honour the Earth (HTE). Rising to 190ft tall, the 750kW, Danish-manufactured wind turbine was installed with ceremony and great expectation as the first of many to come. As the closest structures to the turbine site, the Rosebud casino and its adjacent hotel will consume the wind’s power until new lines are constructed to carry it deeper into the reservation to individual homes. The turbine at Rosebud was installed as the first among several emerging wind energy projects on Native American reservations from the Dakotas to Montana and Colorado. Bob Gough of ICOUP explains that this technology is being used to promote a wider campaign for renewable energy on other reservations:¶ This turbine could have been simply a stand-alone project and the tribe would have been pleased enough. This is really a show horse. It’s there at the casino to get high visibility ^ we’re going to have information kiosks to teach people about it. But this project was also designed to take us through all the steps we need to learn to build more of these. There’s a lot more than just putting up a wind turbine and connecting a few wires. With wind turbines you’re connecting into the North American electricity grid, the largest machine in the world, which involves a lot of rules and policies.We’ve used this as an opportunity to learn how to do this on a larger scale, and we are sharing that with any of the other tribes that are interested (Tidwell, 2003: 3).¶ Situated within the broader IEJM in North America, these projects mark a shift towards wind energy activism within the movement, which traces its own history of resistance to the recent action of the 1960s and 1970s, but more deeply to the resistance that has always been a part of the colonial experience of being occupied and ‘developed’. The Rosebud turbine is a community based development project imagined and executed by local and regional activists and engineers, but funded by a combination of national foundations and federal agencies, including the Environmental Protection Agency, the Department of Energy, Department of Interior and US Department of Agriculture, making for complex and contradictory alliances between tribes and the state. The project is also situated within the context of environmental and political debates on energy development around the state of South Dakota, where plans are underway to develop 2000 MW of coal-fired power by the end of 2010 (LaDuke, 2004). The wind turbine is moving to centre stage as a potential solution to many of movement’s primary concerns: climate and ecological change, natural resource conflicts, cultural preservation, globalization, and tribal sovereignty.¶ Twenty years earlier and1100 miles south, Hopi engineers, activists, and tribal leaders began to install solar photovoltaic panels on rooftops of residential homes, bringing electricity to families who had been living off the grid, without electricity Projects on the Hopi and Navajo reservations have proliferated over the past two decades, with the Hopi solar business NativeSun and engineer Debby Tewa leading the way. In recent years, these projects have connected with the emerging wind power projects in the Plains region, through the work of the national Native NGOs, HTE, and the IEN, and have become central to these groups’ common visions and overlapping strategies of environmental justice and sustainable development on tribal lands. In the last two years, these two national networks have collaborated with grassroots environmental and cultural protection organizations to install additional technologies on Newe Segobia, or Western Shoshone territory, on the Pine Ridge Lakota reservation, and on the Navajo reservation. These installations have become intermeshed with ongoing indigenous environmental justice campaigns focused on conflicts centring primarily on aspects of energy production, such as the recent conflicts over the proposed mining of the sacred Zuni Salt Lake; the proposed federal nuclear waste storage sites on the Skull Valley Goshute reservation and at Yucca Mountain, Nevada; and uranium mining on the Navajo and Hopi reservations. In several of these cases, the environmental justice activists are challenging tribal governments’ contracts with regional utilities and/or federal agencies. Without a long digression into the history and politics of natural resource use and development on reservation lands, suffice to say it is not always but is often a site of intense internal debate and conflict for tribes themselves.¶ The significance of the relatively recent emergence of wind and solar technologies as tribal development projects is that tribes are increasingly connecting into this network of renewable energy activism as a means of economic growth, ecological protection, and cultural preservation. Seemingly an oxymoron ^ to preserve ‘tradition’ with the use of high-tech machines ^ advocates of wind and solar power emphasize that cultural preservation is itself about flexible practices, change, and honouring worldviews in which the modernist distinction between nature and culture is nonsensical. In other words, when some of the most important cultural resources are the land itself (i.e., mountains for ceremonies, waters for fishing, soils for growing indigenous foods), to protect nature is also to protect culture. As Bruno Latour has also argued, this natures-cultures epistemology is also ontology ^ a different way of knowing, inhabiting and engaging the world (Latour, 1993, 2005). Wind turbines and solar photovoltaic panels are articulating with this worldview, and at the same time articulating with many tribes’ desires to move beyond fossil fuel extraction as a primary means of economic development, and towards natural resource practices that are more ‘sustainable’. The wind and the sun introduce new elements of common property to be harnessed for alternative development projects and increased decentralization and ownership over the means of power production.¶ Technologies of existence¶ This recent emergence of renewable energy technologies on reservations inspires analysis of natural resource conflicts to move beyond models of resistance in understanding controversies and social struggles over resource management and energy production to seeing the ways in which concepts such as ‘sustainability’ are being resignified through the introduction of what I argue are imaginative technologies of existence. I stress existence over resistance not to obscure the contestations of federal, tribal, and utility consortium proposals for natural resource development, which have been importantly detailed elsewhere (Gedicks, 2001), but to emphasize the creative, imaginative work of the movement in envisioning and enacting alternative ways for tribes to self-sustain and grow healthy economies, ecologies, cultures, and bodies in an integrated manner. There are other technologies of existence engaging particular, situated natural resource conflicts within the movement: recovery of customary foods and harvesting practices, coalition-building around water rights and resources, restoration of salmon and sturgeon populations, and projects involving information and film media as a means of preserving and producing the ‘natural’ resource of culture itself. This constellation of resources ^ energy, food, water, and culture ^ are of central concern to the IEJM and creating sustainable methods of generating each advances the ‘good life’ towards which the movement’s work strives. ¶ In this sense, wind and solar projects on reservations are not technologies of existence to ‘make live’ in the biopolitical sense of a population’s ensured biological survival and micro-practices of regulation, but technologies that articulate with desire, history, localization, imagination, and being in a way in which the meaning of ‘existence’ exceeds a definition of continued biological survival or reproduction. These technologies are about a particular quality of existence that speaks to the late Latin root of the word, existentia, which comes from the earlier Latin exsistere, meaning ‘come into being,’ itself a combination of ex ‘out’ þ sistere ‘take a stand’ (O.A.D., 2001). Thus, when ‘existence’ recovers the notions of coming into being, externality, and taking a stand, what it means to live and to grow is inherently active and perhaps even risky. Sustainability, then, in the context of the IEJM, is a bold existence and set of practices informed by a particular history of struggle and oriented towards a future of well-being, in which the economic, the ecological, and the cultural are interdependent and mutually constitutive.¶ The movement’s concept of ‘environmental justice’conveys such a non-reductive understanding of sustainability as a certain quality of existence. The concept proliferates and circulates through the geographically dispersed installations of wind turbines and solar panels (among the other technologies of existence) and is reinforced at national and transnational gatherings of HTE and the IEN. As an enunciation of sustainability, ‘environmental justice’ recalls specific cases of contamination on indigenous lands, articulates with broader environmental and anti-racist movements worldwide, and critiques dominant approaches to development by posing concrete alternatives. This is a critical, alternative knowledge being produced through the networked practices of a specific social movement. It is not the sustainability of the ‘triple bottom line’ in neo-liberal theory that self-congratulates its attention not only to capital but also to pre-figured notions of the environment and society; though it is also not a romanticized ‘traditional’ wisdom of indigenous people, endowed with some sort of essentialist knowledge and protective role for the natural world. It is, instead, a sophisticated hybrid concept ^ in which knowledges of wider energy and trade markets, science and engineering, local resource management issues, global processes of climate change and wars for oil, and the relational knowing that comes with enacted attachments to place, converge to inform and generate a call for ‘environmental justice,’ implemented through specific material technologies.

#### Removing federal control of individual native title is necessary to restore tribal control over renewable development – federal control of native energy development locks in centralized private development which works against self-determination

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Kathleen, CHANGE IS IN THE WIND: SELF-DETERMINATION AND WIND POWER THROUGH TRIBAL ENERGY RESOURCE AGREEMENTS, http://www.tribesandclimatechange.org/docs/tribes\_24.pdf)

In addition, changes to the legislation’s trust provisions can allow the provisions to better foster self-determination. The provision related to the trust obligation with respect to physical assets allows federal assertion of control at the expense of tribal self-determination.274 This provision should be removed or revised in order to clarify that the Indian Energy Act does not authorize such control. The provision related to the trust obligation toward individual Indians and tribes should also be revised, to direct that it should be interpreted to require federal protection and encouragement of self-determination.¶ As the foregoing discussion indicates, the concerns expressed about the government abdicating its trust obligation 276 are unwarranted—the government has more of a tendency to use the trust doctrine to retain control over tribal resource development. TERA advocates who emphasize that TERAs are voluntary recognize the importance of focusing more on the opportunity for self-determined resource development than on the security afforded by the federal trust obligation. 277 Thus, the provision limiting federal liability does not require revision, 278 for two main reasons.¶ One reason revision is not needed is that the Indian Energy Act’s explicit recognition of the trust responsibility offers assurance that this responsibility remains intact. 279 The Act can be compared with the Indian Mineral Development Act of 1982. 280 Professor Judith V. Royster asserts that in that Act, Congress intended to sustain the trust responsibility despite the inclusion of a similar limitation on federal liability. 281 Though Professor Royster expresses some reservations based on differences between the Indian Mineral Development Act and the Indian Energy Act, she ultimately concludes that the concerns about the trust responsibility are unfounded. 282¶ Another reason the limitation on federal liability does not need to be changed is that tribes must be willing to take responsibility when assuming control over resource development. The TERA framework envisions a process in which the Secretary no longer approves specific development agreements. 283 It is sensible not to require that the federal government be liable for damages related to such agreements. 284 More importantly, it is in tribes’ own interests to accept the risks attendant to developing their resources. 285 Freedom from government control necessarily entails forgoing some federal protection. 286 The Indian Energy Act includes several provisions to build tribal capacity to take on development projects. 287 Tribes must evaluate when their capacity enables them to use a TERA to take control over resource development. They have the ability to opt in or remain under the preexisting framework for development, with federal approval and greater federal oversight and responsibility. 288 When they do take control, they should embrace the attendant risks, because “sovereignty without such risks is a contradiction in terms.” 289¶ A fourth change that should be made to the TERA structure is that it should be reworked to encourage direct tribal participation in development projects. Though the Indian Energy Act’s asserted aim is to allow tribes to take control of development on their lands, in reality the TERA legislation is geared more toward having tribes take over the regulatory role of the federal government, while private development is still the most likely medium through which resource development will take place. 290 Because research has suggested that economic development is more successful when tribes are actively involved, 291 this model should be rethought. In part, rethinking the tribe-as-regulator model will involve considering whether the TERA framework works to enable truly self-determined resource development by tribes. The framework has been called a “guarded effort” to allow tribes to determine the course of resource development on their lands. 292 But a guarded effort may not be enough to foster real self-determination.¶ In fact, the TERA legislation and regulations specify in great detail the provisions that a tribe’s TERA and its subsequent development agreements must contain. 293 This high level of federal regulation appears logically inconsistent with real tribal control over economic and resource development. 294 The issue at the heart of self-determination is tribes’ right to make their own laws and govern themselves. 295 When the federal government dictates the terms under which tribes can take control over resource development, this right remains unfulfilled. ¶ As noted previously, much of the concern over TERAs for natural resource development arose in the context of mineral resources, because of the high potential for adverse impacts resulting from their development. 296 But because wind power does not share this potential, 297 it can provide an opening for a less rigid structure than the present TERA framework allows. Given the imperative to develop wind power, now may be the perfect time to consider this possibility.¶

#### Native peoples should hold the actual title to their land – current Federal Indian Law in effect extinguishes title and therefore commodity and exchange value through the exercise of its sovereign authority over Indian Country

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Besides overlooking this essential distinction in the nature of aboriginal compared to fee simple title, the Cayuga court also failed to grasp the significance of the parallel enforcement regimes: as to aboriginal title and title held by a sovereign, there is no statute of limitations or other time bar that can operate to bar an action for the land's recovery, but as to fee simple title, there is. In the former, there is the idea that a right that is not burdened by time bars, can never be lost (unless of course in the case of aboriginal title, only with the federal government's permission). That a right holder may assert a claim based upon that right at any time should preclude a defense of innocent or reasonable reliance on the appearance of title by one who must respond to the right holder's claim. In the latter regime, there is a burden on the right holder to act within a prescribed period of time. The idea is that at some point the right may be lost, and largely by the passage of time. That is also the theory of laches, though a showing of some negligence to assert the right and harm to the other also is demanded by equity. The policy in the former is to preserve the right above all, because of the importance of that right or other large policy. In the latter, other specific societal ends such as security of title, judicial economy, and the productive use of land are said to justify barring the assertion of an ancient claim based upon a right. Thus, to deny ejectment and its call for specific legal relief is the same as applying a statute of limitations, which cannot be done against one who is exempt. Denying ejectment also permits alienation of property which federal policy has made inalienable in order to ensure to its holders possession in perpetuity. By the infirmity of inalienability, federal law is protecting the right of [\*295] possession, not its exchange or commodity value. n256 The prohibition is against alienation, not alienation without compensation. n257 ¶ \*\*\*footnote begins\*\*\*¶ n257. See Heckman v. United States, 224 U.S. 413 (1912); South Carolina v. Catawba Indian Tribe, Inc., 476 U.S. 498 (1985). There, a federal law authorized the disposal of tribal assets and terminated federal responsibility for the tribe and its members and it also provided that state laws would apply to members of the tribe in the same manner that such laws applied to non-Indians. Id. at 504. In 1980, the tribe filed an action for possession of a 225 square mile tract. Id. at 505. The state defended on the ground that the claim was barred by the state statute of limitations. Id. The Supreme Court ruled that the action was barred because the act removed the special federal services and statutory protections for Indians. Id. at 510-11. The court said, ¶ We have long recognized that, when Congress removes restraints on alienation by Indians, state laws are fully applicable to subsequent claim... . These principles reflect an understanding that congressional action to remove restraints on alienation and other federal protections represents a fundamental change in federal policy with respect to the Indians who are the subject of the particular legislation.¶ Id. at 508-09. See also Cass County v. Leech Lake Band of Chippewa Indians, 524 U.S. 103 (1998) (deciding once lands held by Indians are freed by Congress of the burden of inalienability, it loses federal protection, such as from state taxation); Lummi Indian Tribe v. Whatcom County, 5 F.3d 1355 (9th Cir. 1993); relying on County of Yakima v. Confederated Tribes and Bands of the Yakima Indian Nation, 502 U.S. 251 (1992). ¶ \*\*\*footnote ends\*\*\* ¶ It was the intent of Congress that for their sustenance and as a fitting aid to their progress, Indian Tribes should be secure in their possession and should actually hold and enjoy the lands. n258 Because aboriginal title gives only a right of possession and is incapable of alienation, denial of ejectment operates to extinguish the title as effectively as an act by the sovereign. At the same time, recognizing rights in grantees under ancient, illegal conveyances, largely on the basis of the passage of time, vests in these wrongful possessors a better title, fully alienable, in fee simple.

#### Only tribal economic self-sufficiency through decentralized renewables creates transnational linkages that resist colonial exploitation

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Because climate change is perhaps the most urgent challenge facing Native peoples today, it is critical that Indigenous nations’ leaders do not wait for a certain critical mass of nations to sign the United League of Indigenous Nations treaty. The most effective climate change cooperation among the nations will not come bureaucratically from above but organically from below, in the direct cross-border relationships among tribal nations themselves. This kind of bilateral and multilateral cooperation has begun to develop across the colonial boundaries in the Salish Sea and the Great Lakes, and it can develop climate change responses to serve as models for other nations.¶ Conclusions¶ The most promising avenues for Indigenous climate change advocacy appear to bypass the established global system of sovereign states, by asserting Native sovereignty in other areas. By not including the settler states, the Treaty of Indigenous Nations recognizes that the sovereignty of First Nations does not stem from their relationship with a federal government but is rather inherent, and stems from their existence before the arrival of the colonial powers.¶ The treaty also recognizes that the powers of Indigenous nations are not simply legally confined within the Western system of laws, but are also social, economic, cultural, and spiritual. Even if the United States, Canada, and other countries are not responsive to Indigenous concerns, tribal leadership has a responsibility to safeguard the health and well-being of the tribal community by working with other Indigenous peoples, allies, and neighbors.¶ Indigenous nations can begin to exercise the sovereign right to survive climate change by getting engaged with all levels of government—sharing information within their own communities (especially youth and elders), training and assisting each other to meet the challenges of shifting species, working with neighboring governments to coordinate local responses and planning, challenging industries and governments that contribute to global warming, getting involved directly in the international regulatory process, and much more. U.S. tribes, in particular, have an important role in the middle of the world’s largest emitter of greenhouse gases. Only if U.S. policy shifts dramatically will the possibility exist of coordinated international action.¶ The development of renewable energy systems in Indigenous communities can not only protect the environment from fossil fuel burning but also develop tribal economies and build a new web of economic relationships with non-Native local governments and communities. These innovative and creative approaches may be initially reliant on national funding but can help build a de facto sovereign reality on the ground for Indigenous nations. At the same time, they can provide a model to non-Native communities that they do not have to be reliant on centralized, corporate control of the energy economy—the status quo that generated the climate change crisis.

#### That’s crucial to preserve Native culture

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On Our Own: Adapting to Climate Change – Finding and Internal and Intergovernmental Framework for an Adaptation Strategy, Rudolph C Ryser, Asserting Native Resilience: Pacific Rim Indigenous Nations Face the Climate Crisis, 2012, Oregon State University Pres.

Responding to the adverse effects of climate change is essentially a matter of indigenous peoples’ adaptation. Adaptation strategies and policies are matters of local as well as international concern. The local reality is that Indigenous peoples (unlike other populations who are dependent on industrialized cities) have a biocultural relationship that is either dormant or active one or more ecological zones. If the relationship is dormant or even damaged, it must be reactivated. What does this mean? It means that the culture of a people interacting with the biological and mineral environment is essential to the continuity of human life. Humans, as it is increasingly apparent, are a part of nature, not, as the Bishop of Hippo long ago argued, “separate from” nature and exercising the power over nature. Ample evidence exists in the growing literature that human beings have long actively engaged in a symbiotic relationship with the natural environment – giving and receiving the benefits of nature’s generosity. When human beings or any other life form takes more than nature’s capacity to reproduce, then humans or that life form suffers while the natural world licks it wounds. Hazel Wolfe, that wonderfully vigorous advocate of environmental protection and human cooperation, once observed with that special twinkle in her nearly 100-year old eyes, “Earth is to humans as a dog is to fleas. Humans are an irritant when they act badly and like fleas on a dog, the humans are expendable, the earth and its environments, like the dog, will go on.”¶ [Continues…]¶ Food security, emergency services, and a range of other social and economic vulnerabilities threaten Indigenous peoples, and thus they give rise to the need for adaptation strategies. Adaptation now must mean reclaiming these and other cultural practices to rehabilitate on a larger scale whole ecosystems that have been damaged by sometimes more than a hundred years of destructive, industrial-scale exploitation by newcomers who assumed wrongly the resources were unlimited and free for the taking. Not only are plants and animals limited, there is a substantial price that must be paid, as is now quite evident. ¶ These adaptation measures can reduce the adverse impacts of climate change by increasing carbon sequestration in soils. Soils that are alive and vital can sequester three times more carbon than can plants and water systems, seas and streams. Managing ecosystems and re-establishing human/earth symbiosis through terraforming and selective plant management can provide a healthy and productive way of life once again for tribal peoples.

#### Restoration of aboriginal title is a precondition for true Sovereignty – conferring title back to natives & recognition of native property rights elevates their power within the legal-economic system which creates the foundation required for the preservation of native culture via a strong system of property rights – more important than withholding title for ecological protection or other paternalistic motives

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VII. Conclusion

"Property" both confers and was born of power. It bestows on an owner a form of sovereignty over others, because the sovereign state [\*300] stands behind the owner's assertion of right. Individual property rights thus depend on state power and when the state recognizes and enforces one person's property right, it simultaneously denies property rights in others. A property owner's security as to particular things thus comes at the expense of others being vulnerable to the owner's control over those things. "Ownership, therefore, is power over persons, not merely things." n279 Conversely, where the state does not back ownership, there can be no property or individual sovereignty. Individual sovereignty both assures and rests upon self-determination, a human right and also a political one. n280 Self-government is a vital political aspect of the right of self-determination. n281

The sovereignty of indigenous peoples as it rests upon aboriginal title, though, is not a true sovereignty, because the federal government holds the power to extinguish that title. But would the government move to do so in the case of the Cayuga, the Seneca, and the Miami where specific relief in ancient ejectment claims cannot fairly be denied? An honest assessment of the historical circumstances upon which indigenous peoples came to be dispossessed (as the High Court in Australia in particular has done) demands that the government not do so. Instead, any deprivation of that possession, even ancient ones, must be limited to a discussion of restoring indigenous peoples to their lands.

[\*301] As land is restored to indigenous peoples and title is confirmed in these claimants, is it to be restored with the same burdens and limitations that in modern life affect non-aboriginal title? In some places, the land sought and restored are in areas thought by some to be ecologically sensitive, fragile. n282 But this concern cannot be grounds for refusing to restore aboriginal lands. Tribal lands may be subject to some state land use regulations, n283 yet importantly, because aboriginal title's defining characteristic is the right of possession, in perpetuity, it provides the foundation for the preservation of the distinct culture on which that title is founded. But, if the specific relief of ejectment is to be denied, despite a compelling case under law for it, the only just and principled substitutionary relief for these ancient claims is substitute aboriginal land. That is to say, land denominated sovereign and free from the burdens of state.

#### The United States federal government should end restrictions on alienation on solar and wind power in Indian Country.

#### No escalation or miscalc

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To be fair to Miller, I do think he is getting at something that has changed over time during the post-Cold War era. First, the threat environment does seem higher now than twenty years ago, as the Soviet Union was about to collapse. China is more economically powerful, Russia is more revanchist, North, Korea, Pakistan and India have nuclear weapons, the barriers to entry for non-state actors to wreak havoc has gone up. The likelihood of a conventional great power war is lower, but the likelihood of a serious attack on American soil seems higher than in late 1991. So in terms of trend, it does feel like the world is less safe. ¶ What's also changed, however, is the tight coupling of the Cold War security environment (ironically, just as the security environment has become more loosely coupled, the global political economy has become more tightly coupled). Because the U.S. and U.S.S.R. were such implacable adversaries and because they knew it, the possibility of a small dispute -- Berlin, Cuba, a downed Korean airliner -- escalating very quickly was ever-present. The possibility of an accident triggering all-out nuclear war was also higher than was realized at the time. The current threat environment is more loosely interconnected, in that a small conflict seems less likely to immediately ramp up into another Cuban Missile Crisis. Indeed, the events of the past year support that point. Saudi Arabia essentially invaded Bahrain, and Iran did.... very little about it. The United States deployed special forces into the heart of Pakistan's military complex. The aftermath of that is undeniably uglier, but it's not we-are-at-DEFCON-ONE kind of ugly. Miller might be more accurate in saying that there is a greater chance of a security dust-up in today's complex threat environment, but there's a much lower likelihood of those dust-ups spiraling out of control. ¶ In Miller's calculations, it seems that any country with a nuclear weapon constitutes an equal level of threat. But that's dubious on multiple grounds. First, none of the emerging nuclear states have anywhere close to a second-strike capability. If they were to use their nukes against the United States, I think they know that there's an excellent chance that they don't survive the counterstrike. Second, the counter Miller provides is that these authoritarian leaders are extra-super-crazy. I'm not going to defend either the Ayatollah Ali Khamenei or Kim the Younger, but are these leaders more crazy than either Mao or Stalin or Kim Jong Il? Those are three of the worst leaders in history -- and none of them came close to using nuclear weapons. Finally, the Pakistan case is instructive -- even after getting nukes, and even after getting very cozy with radical terrorist groups, that country has refrained from escalating hostilities with India to the point of another general war. ¶ As for the non-state threats, they are disturbing, but I'd posit that on this front the United States really is safer now than it was a decade ago. The only organization capable of launching a coordinated terrorist strike against the United States is now a husk of its former self. Indeed, I'd wager that Miller's emotions, or his memory of 9/11, are getting in the way of dispassionate analysis. ¶ In essence, Miller conflates the number of possible threats with a greater magnitude of threats. I agree that there are more independent threats to the United States out there at present, but combined, they don't stack up to the Soviet threat. To put it another way, I prefer avoiding a swarm of mosquitoes to one really ravenous bear. ¶ In related exaggerated threat analysis, Matthew Kroenig argues in Foreign Affairs that an airstrike on Iran might be the best of a bad set of options in dealing with Iran. This has set poor Stephen Walt around the bend in response, as op-eds advocating an attack on Iran are wont to do. ¶ I've generally found both sides of the "attack Iran" debate to be equally dyspeptic, but in this case I do find Kroenig's logic to be a bit odd. Here's his arguments for why a nuclear Iran is bad and containment is more problematic than a military attack: ¶ [to be clear – Kroenig’s excerpt begins]¶ Some states in the region are doubting U.S. resolve to stop the program and are shifting their allegiances to Tehran. Others have begun to discuss launching their own nuclear initiatives to counter a possible Iranian bomb. For those nations and the United States itself, the threat will only continue to grow as Tehran moves closer to its goal. A nuclear-armed Iran would immediately limit U.S. freedom of action in the Middle East. With atomic power behind it, Iran could threaten any U.S. political or military initiative in the Middle East with nuclear war, forcing Washington to think twice before acting in the region. Iran’s regional rivals, such as Saudi Arabia, would likely decide to acquire their own nuclear arsenals, sparking an arms race. To constrain its geopolitical rivals, Iran could choose to spur proliferation by transferring nuclear technology to its allies -- other countries and terrorist groups alike. Having the bomb would give Iran greater cover for conventional aggression and coercive diplomacy, and the battles between its terrorist proxies and Israel, for example, could escalate. And Iran and Israel lack nearly all the safeguards that helped the United States and the Soviet Union avoid a nuclear exchange during the Cold War -- secure second-strike capabilities, clear lines of communication, long flight times for ballistic missiles from one country to the other, and experience managing nuclear arsenals. To be sure, a nuclear-armed Iran would not intentionally launch a suicidal nuclear war. But the volatile nuclear balance between Iran and Israel could easily spiral out of control as a crisis unfolds, resulting in a nuclear exchange between the two countries that could draw the United States in, as well.¶ These security threats would require Washington to contain Tehran. Yet deterrence would come at a heavy price. To keep the Iranian threat at bay, the United States would need to deploy naval and ground units and potentially nuclear weapons across the Middle East, keeping a large force in the area for decades to come. Alongside those troops, the United States would have to permanently deploy significant intelligence assets to monitor any attempts by Iran to transfer its nuclear technology. And it would also need to devote perhaps billions of dollars to improving its allies’ capability to defend themselves. This might include helping Israel construct submarine-launched ballistic missiles and hardened ballistic missile silos to ensure that it can maintain a secure second-strike capability. Most of all, to make containment credible, the United States would need to extend its nuclear umbrella to its partners in the region, pledging to defend them with military force should Iran launch an attack (emphasis added).¶ [Kroenig’s excerpt ends]¶ OK, first, exactly who is bandwagoning with Iran? Seriously, who? Kroenig provides no evidence, and I'm scratching my head to think of any data points. The SCAF regime in Egypt has been a bit more friendly, but Turkey's distancing is far more significant and debilitating for Tehran's grand strategy. Iran's sole Arab ally is in serious trouble, and its own economy is faltering badly. The notion that time is on Iran 's side seems badly off. ¶ Second, Kroenig presume that a nuclear Iran would be more aggressive in the region and more likely to have a nuclear exchange with Iran. I will again point to India/Pakistan. Despite similar religious divides, and despite the presence of pliable non-state actors, those two countries have successfully kept a nuclear peace. Kroenig might have an argument that Israel/Iran is different, but it's not in this essay. Indeed, the bolded section contradicts Kroenig's own argument -- if Iran is not prepared to use its nuclear weapons, it seems unlikely that it will escalate crises to the point where its bluff is called. If Kroenig's own scholarship suggests that America's nuclear superiority would still be an effective deterrent, then I'm not sure why he portrays the Iran threat in such menacing terms.

#### Multiple factors check war

Robb 12—Lieutenant, US Navy (Doug, Why the Age of Great Power War is Over, [www.usni.org/magazines/proceedings/2012-05/now-hear-why-age-great-power-war-over](http://www.usni.org/magazines/proceedings/2012-05/now-hear-why-age-great-power-war-over))

Whereas in years past, when nations allied with their neighbors in ephemeral bonds of convenience, today’s global politics are tempered by permanent international organizations, regional military alliances, and formal economic partnerships. Thanks in large part to the prevalence of liberal democracies, these groups are able to moderate international disputes and provide forums for nations to air grievances, assuage security concerns, and negotiate settlements—thereby making war a distant (and distasteful) option. As a result, China (and any other global power) has much to lose by flouting international opinion, as evidenced by its advocacy of the recent Syrian uprising, which has drawn widespread condemnation.¶ In addition to geopolitical and diplomacy issues, globalization continues to transform the world. This interdependence has blurred the lines between economic security and physical security. Increasingly, great-power interests demand cooperation rather than conflict. To that end, maritime nations such as the United States and China desire open sea lines of communication and protected trade routes, a common security challenge that could bring these powers together, rather than drive them apart (witness China’s response to the issue of piracy in its backyard). Facing these security tasks cooperatively is both mutually advantageous and common sense.¶ Democratic Peace Theory—championed by Thomas Paine and international relations theorists such as New York Times columnist Thomas Friedman—presumes that great-power war will likely occur between a democratic and non-democratic state. However, as information flows freely and people find outlets for and access to new ideas, authoritarian leaders will find it harder to cultivate popular support for total war—an argument advanced by philosopher Immanuel Kant in his 1795 essay “Perpetual Peace.”¶ Consider, for example, China’s unceasing attempts to control Internet access. The 2011 Arab Spring demonstrated that organized opposition to unpopular despotic rule has begun to reshape the political order, a change galvanized largely by social media. Moreover, few would argue that China today is not socially more liberal, economically more capitalistic, and governmentally more inclusive than during Mao Tse-tung’s regime. As these trends continue, nations will find large-scale conflict increasingly disagreeable.¶ In terms of the military, ongoing fiscal constraints and socio-economic problems likely will marginalize defense issues. All the more reason why great powers will find it mutually beneficial to work together to find solutions to common security problems, such as countering drug smuggling, piracy, climate change, human trafficking, and terrorism—missions that Admiral Robert F. Willard, former Commander, U.S. Pacific Command, called “deterrence and reassurance.”¶ As the Cold War demonstrated, nuclear weapons are a formidable deterrent against unlimited war. They make conflict irrational; in other words, the concept of mutually assured destruction—however unpalatable—actually had a stabilizing effect on both national behaviors and nuclear policies for decades. These tools thus render great-power war infinitely less likely by guaranteeing catastrophic results for both sides. As Bob Dylan warned, “When you ain’t got nothing, you ain’t got nothing to lose.”¶ Great-power war is not an end in itself, but rather a way for nations to achieve their strategic aims. In the current security environment, such a war is equal parts costly, counterproductive, archaic, and improbable.

#### Department of Interior action on natives now

DOI 12, “Salazar Finalizes Reforms to Streamline Leasing, Spur Economic Development on 56 Million Acres of American Indian Trust Land”, 11-12, http://www.doi.gov/news/pressreleases/salazar-finalizes-reforms-to-streamline-leasing-spur-economic-development-on-56-million-acres-of-american-indian-trust-land.cfm

WASHINGTON – As part of President Obama’s commitment to empower tribal nations and strengthen their economies, Secretary of the Interior Ken Salazar and Assistant Secretary for Indian Affairs Kevin K. Washburn today announced final regulations that will streamline the leasing approval process on Indian land, spurring increased homeownership, and expediting business and commercial development, including renewable energy projects.

The comprehensive reform, informed by nation-to-nation tribal consultations and public comment, overhauls antiquated regulations governing the Bureau of Indian Affairs’ process for approving the surface leases on lands the federal government holds in trust for Indian tribes and individuals. As trustee, Interior manages about 56 million surface acres in Indian Country.

“This reform will expand opportunities for individual landowners and tribal governments to generate investment and create jobs in their communities by bringing greater transparency and workability to the Bureau of Indian Affairs leasing process,” Secretary Salazar said. “This final step caps the most comprehensive reforms of Indian land leasing regulations in more than 50 years and will have a lasting impact on individuals and families who want to own a home or build a business on Indian land.”

“This reform is about supporting self-determination for Indian Nations and was developed in close consultation with tribal leaders,” said Assistant Secretary Washburn. “The streamlined, commonsense rule replaces a process ill-suited for economic development of Indian lands and provides flexibility and certainty to tribal communities and individuals regarding decisions on the use of their land.”

The new rule complements and helps to implement the recently-passed Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act), which allows federally recognized tribes to assume greater control of leasing on tribal lands. The HEARTH Act was signed into law by President Obama on July 30, 2012.

Previous BIA regulations, established in 1961, are outdated and unworkable in today’s economy. They lacked a defined process or deadlines for review, which resulted in simple mortgage applications often languishing for several years awaiting approval from the federal government. These types of delays have been significant obstacles to homeownership and economic development on tribal lands.

The new regulation, effective 30 days after publication in the Federal Register, will fundamentally change the way the BIA does business, in many ways by minimizing BIA’s role and restoring greater control to tribal governments. The final rule provides clarity by identifying specific processes – with enforceable timelines – through which the BIA must review leases.

The regulation also establishes separate, simplified processes for residential, business, and renewable energy development, rather than using a “one-size fits all” approach that treats a lease for a single family home the same as a lease for a large wind energy project.

#### Wind PTC extension triggers the link and ensures future fights

Saulius Mikalonis 1-11, Crain’s Detroit Business, “Renewable energy tax credit renewed, debate isn't over”, <http://www.crainsdetroit.com/article/20130111/BLOG103/130119976/renewable-energy-tax-credit-renewed-debate-isnt-over>

Flying under the radar in the run-up to the "fiscal cliff" was the strenuous lobbying efforts for and against extending the Renewable Energy Production Tax Credit (PTC), which was to expire Dec. 31. Despite general pessimism about its extension by supporters of renewable energy, the last-minute deal cut by Congress and President Obama extended the PTC for another year. While getting a last second pardon, the debate about the PTC will extend into 2013 and it is likely that Congress will revisit what incentives the government should provide for renewable energy.¶ Briefly, the PTC provides a corporate tax credit for the establishment of eligible renewable energy projects. Wind energy, solar power, fuel cells, geothermal systems and combined heat and power systems are examples of eligible projects. The tax credit is available to a taxpayer who begins to construct the system during an eligible year (now extended to Dec. 31, 2013) and puts it into use. The tax credit is most advantageous for wind power, providing a credit of 2.2 cents per kilowatt hour (kWh) of energy produced. Other technologies receive a credit of 1.1 cents per kWh.¶ Incentives for renewable energy have had a checkered past. As President Nixon's quote states, creating American-based energy generation has been a long-term goal. But, while incentives for oil, coal and nuclear have been around for decades (and continue to this day at about $70 billion annually), renewable energy incentives have come and gone, creating a boom and bust cycle for those technologies.¶ The more recent incentives have created a boom for wind and solar in particular, which has coincided with the real costs of those technologies being reduced. In addition, jobs related to manufacture, construction and maintenance of alternative technologies have boomed throughout this time period. For example, the Michigan Manufacturers Association reported in September 2012 that alternative energy production jobs represented 4.1 percent of all manufacturing jobs in Michigan, employing 20,700 people. In 2012, the PTC supported the installation of 12,000 megawatts (MW) of capacity through wind alone.¶ As the end of 2012 approached, those supporting and opposing extending the PTC were very active on Capitol Hill, lobbying Congress in favor of their point of view. Actively supporting extending the PTC were groups such as the American Wind Energy Association (AWEA). According to the AWEA, the extension of the PTC would save about 37,000 jobs and keep 500 wind factories busy. But wind supporters noted that the extension merely sets the stage for more drama, later.¶Those opposing the extension of the PTC included some surprising parties. One of these opponents was the power company, Exelon. Exelon has significant wind power resources in the range of one gigawatt (GW) nationally and 352 MW in Michigan, in addition to being the largest holder of nuclear power resources. According to Exelon, the PTC should not have been extended because wind was becoming competitive on its own and that wind production was competing against Exelon's nuclear fleet. As a result of its position on the PTC extension, the AWEA removed Exelon from its board.¶ As the debate moves into 2013, both sides are looking at ways to resolve the boom-and-bust cycle and establish some certainty of the market. Among the proposals being floated is one by wind energy proponents in which the PTC would be gradually phased out over a period of six years. Another energy company with a significant stake in wind energy, Xcel, has proposed creating a hybrid tax credit that would reward production (investment tax credit), but also reward renewable energy integration into the grid (consumer renewable credit). But Xcel is also considering leaving AWEA over the PTC extension debate.¶ The debate over extending the PTC will spill over into 2013. As the end of the year approaches, expect to see more discussion about how best to proceed, or whether to continue, with the incentives for renewable energy technologies. Also, do not be surprised if discussions about incentives for renewables morph into a debate about incentives for more traditional energy sources that Congress currently provides.¶ In the end, there is no doubt that the availability of cheap and reliable energy, along with the availability of cleaner sources of energy in the mix, is a national policy priority.¶ The devil, as always, is in the details.

#### Obama’s aggressively pushing alt energy now

REF 1-23, Renewableneergyfocus.com, “Obama opens door for renewable energy push in US”, http://www.renewableenergyfocus.com/view/30393/obama-opens-door-for-renewable-energy-push-in-us/

In his inaugural speech for his second term in office, U.S. President Barack Obama has upped the ante, promising to show global leadership on climate change and support the development of clean energy...

In his speech, Obama said he would double the production of alternative energy in the next three years. He added that his administration would focus on efficiency as a way to reduce energy demand, by modernising more than 75 percent of federal buildings and improving the energy efficiency of 2 million American homes.

It was the most Obama had said on climate change for some time, and it was a stronger affirmation of the science underlying climate change than Obama has offered on other occasions: "Some may still deny the overwhelming judgment of science, but none can avoid the devastating impact of raging fires and crippling drought and more powerful storms," Obama said.

On renewable energy, Obama spoke with an almost religous zeal: "The path towards sustainable energy sources will be long and sometimes difficult. But America cannot resist this transition; we must lead it. We cannot cede to other nations the technology that will power new jobs and new industries - we must claim its promise. That is how we will maintain our economic vitality and our national treasure - our forests and waterways; our croplands and snowcapped peaks".

Reaction

Not surprisingly, the speech has been widely heralded by clean energy groups: The Sierra Club commended Obama “for his vision of an economic recovery plan that recognises the vital role of clean energy.”

The American Wind Energy Association and the Solar Energy Industries Association issued a joint statement saying the two organizations “applaud President-elect Obama’s aggressive goal of doubling the production of alternative energy in the next three years.”

## 2AC

### 2AC No War

#### Heg impact is fear-mongering

Cohen and Zenko 12—senior fellow at the New America Foundation where he helms the Privatization of Foreign Policy Initiative and an adjunct lecturer at Columbia University’s School of International and Public Affairs—AND—worked for five years at Harvard University's Kennedy School of Government, and at the Brookings Institution, Congressional Research Service, and State Department's Office of Policy Planning. (Michael and Micah, Clear and Present Safety, www.foreignaffairs.com/articles/137279/micah-zenko-and-michael-a-cohen/clear-and-present-safety?page=show)

Last August, the Republican presidential contender Mitt Romney performed what has become a quadrennial rite of passage in American presidential politics: he delivered a speech to the annual convention of the Veterans of Foreign Wars. His message was rooted in another grand American tradition: hyping foreign threats to the United States. It is “wishful thinking,” Romney declared, “that the world is becoming a safer place. The opposite is true. Consider simply the jihadists, a near-nuclear Iran, a turbulent Middle East, an unstable Pakistan, a delusional North Korea, an assertive Russia, and an emerging global power called China. No, the world is not becoming safer.”¶ Not long after, U.S. Secretary of Defense Leon Panetta echoed Romney’s statement. In a lecture last October, Panetta warned of threats arising “from terrorism to nuclear proliferation; from rogue states to cyber attacks; from revolutions in the Middle East, to economic crisis in Europe, to the rise of new powers such as China and India. All of these changes represent security, geopolitical, economic, and demographic shifts in the international order that make the world more unpredictable, more volatile and, yes, more dangerous.” General Martin Dempsey, chairman of the Joint Chiefs of Staff, concurred in a recent speech, arguing that “the number and kinds of threats we face have increased significantly.” And U.S. Secretary of State Hillary Clinton reinforced the point by claiming that America resides today in a “very complex, dangerous world.”¶ Within the foreign policy elite, there exists a pervasive belief that the post–Cold War world is a treacherous place, full of great uncertainty and grave risks. A 2009 survey conducted by the Pew Research Center for the People and the Press found that 69 percent of members of the Council on Foreign Relations believed that for the United States at that moment, the world was either as dangerous as or more dangerous than it was during the Cold War. Similarly, in 2008, the Center for American Progress surveyed more than 100 foreign policy experts and found that 70 percent of them believed that the world was becoming more dangerous. Perhaps more than any other idea, this belief shapes debates on U.S. foreign policy and frames the public’s understanding of international affairs. ¶ There is just one problem. It is simply wrong. The world that the United States inhabits today is a remarkably safe and secure place. It is a world with fewer violent conflicts and greater political freedom than at virtually any other point in human history. All over the world, people enjoy longer life expectancy and greater economic opportunity than ever before. The United States faces no plausible existential threats, no great-power rival, and no near-term competition for the role of global hegemon. The U.S. military is the world’s most powerful, and even in the middle of a sustained downturn, the U.S. economy remains among one of the world’s most vibrant and adaptive. Although the United States faces a host of international challenges, they pose little risk to the overwhelming majority of American citizens and can be managed with existing diplomatic, economic, and, to a much lesser extent, military tools. ¶ This reality is barely reflected in U.S. national security strategy or in American foreign policy debates. President Barack Obama’s most recent National Security Strategy aspires to “a world in which America is stronger, more secure, and is able to overcome our challenges while appealing to the aspirations of people around the world.” Yet that is basically the world that exists today. The United States is the world’s most powerful nation, unchallenged and secure. But the country’s political and policy elite seems unwilling to recognize this fact, much less integrate it into foreign policy and national security decision-making.¶ The disparity between foreign threats and domestic threat-mongering results from a confluence of factors. The most obvious and important is electoral politics. Hyping dangers serves the interests of both political parties. For Republicans, who have long benefited from attacking Democrats for their alleged weakness in the face of foreign threats, there is little incentive to tone down the rhetoric; the notion of a dangerous world plays to perhaps their greatest political advantage. For Democrats, who are fearful of being cast as feckless, acting and sounding tough is a shield against GOP attacks and an insurance policy in case a challenge to the United States materializes into a genuine threat. Warnings about a dangerous world also benefit powerful bureaucratic interests. The specter of looming dangers sustains and justifies the massive budgets of the military and the intelligence agencies, along with the national security infrastructure that exists outside government -- defense contractors, lobbying groups, think tanks, and academic departments. ¶ There is also a pernicious feedback loop at work. Because of the chronic exaggeration of the threats facing the United States, Washington overemphasizes military approaches to problems (including many that could best be solved by nonmilitary means). The militarization of foreign policy leads, in turn, to further dark warnings about the potentially harmful effects of any effort to rebalance U.S. national security spending or trim the massive military budget -- warnings that are inevitably bolstered by more threat exaggeration. Last fall, General Norton Schwartz, the U.S. Air Force chief of staff, said that defense cuts that would return military spending to its 2007 level would undermine the military’s “ability to protect the nation” and could create “dire consequences.” Along the same lines, Panetta warned that the same reductions would “invite aggression” from enemies. These are a puzzling statements given that the U.S. defense budget is larger than the next 14 countries’ defense budgets combined and that the United States still maintains weapons systems designed to fight an enemy that disappeared 20 years ago.¶ Of course, threat inflation is not new. During the Cold War, although the United States faced genuine existential threats, American political leaders nevertheless hyped smaller threats or conflated them with larger ones. Today, there are no dangers to the United States remotely resembling those of the Cold War era, yet policymakers routinely talk in the alarmist terms once used to describe superpower conflict. Indeed, the mindset of the United States in the post-9/11 world was best (albeit crudely) captured by former Vice President Dick Cheney. While in office, Cheney promoted the idea that the United States must prepare for even the most remote threat as though it were certain to occur. The journalist Ron Suskind termed this belief “the one percent doctrine,” a reference to what Cheney called the “one percent chance that Pakistani scientists are helping al Qaeda build or develop a nuclear weapon.” According to Suskind, Cheney insisted that the United States must treat such a remote potential threat “as a certainty in terms of our response.” ¶ Such hair-trigger responsiveness is rarely replicated outside the realm of national security, even when the government confronts problems that cause Americans far more harm than any foreign threat. According to an analysis by the budget expert Linda Bilmes and the economist Joseph Stiglitz, in the ten years since 9/11, the combined direct and indirect costs of the U.S. response to the murder of almost 3,000 of its citizens have totaled more than $3 trillion. A study by the Urban Institute, a nonpartisan think tank, estimated that during an overlapping period, from 2000 to 2006, 137,000 Americans died prematurely because they lacked health insurance. Although the federal government maintains robust health insurance programs for older and poor Americans, its response to a national crisis in health care during that time paled in comparison to its response to the far less deadly terrorist attacks.¶ Rather than Cheney’s one percent doctrine, what the United States actually needs is a 99 percent doctrine: a national security strategy based on the fact that the United States is a safe and well-protected country and grounded in the reality that the opportunities for furthering U.S. interests far exceed the threats to them. Fully comprehending the world as it is today is the best way to keep the United States secure and resistant to the overreactions that have defined its foreign policy for far too long.¶ BETTER THAN EVER¶ The United States, along with the rest of the world, currently faces a period of economic and political uncertainty. But consider four long-term global trends that underscore just how misguided the constant fear-mongering in U.S. politics is: the falling prevalence of violent conflict, the declining incidence of terrorism, the spread of political freedom and prosperity,

and the global improvement in public health. In 1992, there were 53 armed conflicts raging in 39 countries around the world; in 2010, there were 30 armed conflicts in 25 countries. Of the latter, only four have resulted in at least 1,000 battle-related deaths and can therefore be classified as wars, according to the Uppsala Conflict Data Program: the conflicts in Afghanistan, Iraq, Pakistan, and Somalia, two of which were started by the United States. ¶ Today, wars tend to be low-intensity conflicts that, on average, kill about 90 percent fewer people than did violent struggles in the 1950s. Indeed, the first decade of this century witnessed fewer deaths from war than any decade in the last century. Meanwhile, the world’s great powers have not fought a direct conflict in more than 60 years -- “the longest period of major power peace in centuries,” as the Human Security Report Project puts it. Nor is there much reason for the United States to fear such a war in the near future: no state currently has the capabilities or the inclination to confront the United States militarily. ¶ Much of the fear that suffuses U.S. foreign policy stems from the trauma of 9/11. Yet although the tactic of terrorism remains a scourge in localized conflicts, between 2006 and 2010, the total number of terrorist attacks declined by almost 20 percent, and the number of deaths caused by terrorism fell by 35 percent, according to the U.S. State Department. In 2010, more than three-quarters of all victims of terrorism -- meaning deliberate, politically motivated violence by nonstate groups against noncombatant targets -- were injured or killed in the war zones of Afghanistan, Iraq, Pakistan, and Somalia. Of the 13,186 people killed by terrorist attacks in 2010, only 15, or 0.1 percent, were U.S. citizens. In most places today -- and especially in the United States -- the chances of dying from a terrorist attack or in a military conflict have fallen almost to zero.¶ As violence and war have abated, freedom and democratic governance have made great gains. According to Freedom House, there were 69 electoral democracies at the end of the Cold War; today, there are 117. And during that time, the number of autocracies declined from 62 to 48. To be sure, in the process of democratizing, states with weak political institutions can be more prone to near-term instability, civil wars, and interstate conflict. Nevertheless, over time, democracies tend to have healthier and better-educated citizens, almost never go to war with other democracies, and are less likely to fight nondemocracies.¶ Economic bonds among states are also accelerating, even in the face of a sustained global economic downturn. Today, 153 countries belong to the World Trade Organization and are bound by its dispute-resolution mechanisms. Thanks to lowered trade barriers, exports now make up more than 30 percent of gross world product, a proportion that has tripled in the past 40 years. The United States has seen its exports to the world’s fastest-growing economies increase by approximately 500 percent over the past decade. Currency flows have exploded as well, with $4 trillion moving around the world in foreign exchange markets every day. Remittances, an essential instrument for reducing poverty in developing countries, have more than tripled in the past decade, to more than $440 billion each year. Partly as a result of these trends, poverty is on the decline: in 1981, half the people living in the developing world survived on less than $1.25 a day; today, that figure is about one-sixth. Like democratization, economic development occasionally brings with it significant costs. In particular, economic liberalization can strain the social safety net that supports a society’s most vulnerable populations and can exacerbate inequalities. Still, from the perspective of the United States, increasing economic interdependence is a net positive because trade and foreign direct investment between countries generally correlate with long-term economic growth and a reduced likelihood of war. ¶ A final trend contributing to the relative security of the United States is the improvement in global health and well-being. People in virtually all countries, and certainly in the United States, are living longer and healthier lives. In 2010, the number of people who died from AIDS-related causes declined for the third year in a row. Tuberculosis rates continue to fall, as do the rates of polio and malaria. Child mortality has plummeted worldwide, thanks in part to expanded access to health care, sanitation, and vaccines. In 1970, the global child mortality rate (deaths of children under five per 1,000) was 141; in 2010, it was 57. In 1970, global average life expectancy was 59, and U.S. life expectancy was 70. Today, the global figure is just under 70, and the U.S. figure is 79. These vast improvements in health and well-being contribute to the global trend toward security and safety because countries with poor human development are more war-prone.¶ PHANTOM MENACE¶ None of this is meant to suggest that the United States faces no major challenges today. Rather, the point is that the problems confronting the country are manageable and pose minimal risks to the lives of the overwhelming majority of Americans. None of them -- separately or in combination -- justifies the alarmist rhetoric of policymakers and politicians or should lead to the conclusion that Americans live in a dangerous world.¶ Take terrorism. Since 9/11, no security threat has been hyped more. Considering the horrors of that day, that is not surprising. But the result has been a level of fear that is completely out of proportion to both the capabilities of terrorist organizations and the United States’ vulnerability. On 9/11, al Qaeda got tragically lucky. Since then, the United States has been preparing for the one percent chance (and likely even less) that it might get lucky again. But al Qaeda lost its safe haven after the U.S.-led invasion of Afghanistan in 2001, and further military, diplomatic, intelligence, and law enforcement efforts have decimated the organization, which has essentially lost whatever ability it once had to seriously threaten the United States. ¶ According to U.S. officials, al Qaeda’s leadership has been reduced to two top lieutenants: Ayman al-Zawahiri and his second-in-command, Abu Yahya al-Libi. Panetta has even said that the defeat of al Qaeda is “within reach.” The near collapse of the original al Qaeda organization is one reason why, in the decade since 9/11, the U.S. homeland has not suffered any large-scale terrorist assaults. All subsequent attempts have failed or been thwarted, owing in part to the incompetence of their perpetrators. Although there are undoubtedly still some terrorists who wish to kill Americans, their dreams will likely continue to be frustrated by their own limitations and by the intelligence and law enforcement agencies of the United States and its allies.¶ As the threat from transnational terrorist groups dwindles, the United States also faces few risks from other states. China is the most obvious potential rival to the United States, and there is little doubt that China’s rise will pose a challenge to U.S. economic interests. Moreover, there is an unresolved debate among Chinese political and military leaders about China’s proper global role, and the lack of transparency from China’s senior leadership about its long-term foreign policy objectives is a cause for concern. However, the present security threat to the U.S. mainland is practically nonexistent and will remain so. Even as China tries to modernize its military, its defense spending is still approximately one-ninth that of the United States. In 2012, the Pentagon will spend roughly as much on military research and development alone as China will spend on its entire military. ¶ While China clumsily flexes its muscles in the Far East by threatening to deny access to disputed maritime resources, a recent Pentagon report noted that China’s military ambitions remain dominated by “regional contingencies” and that the People’s Liberation Army has made little progress in developing capabilities that “extend global reach or power projection.” In the coming years, China will enlarge its regional role, but this growth will only threaten U.S. interests if Washington attempts to dominate East Asia and fails to consider China’s legitimate regional interests. It is true that China’s neighbors sometimes fear that China will not resolve its disputes peacefully, but this has compelled Asian countries to cooperate with the United States, maintaining bilateral alliances that together form a strong security architecture and limit China’s room to maneuver.¶ The strongest arguments made by those warning of Chinese influence revolve around economic policy. The list of complaints includes a host of Chinese policies, from intellectual property theft and currency manipulation to economic espionage and domestic subsidies. Yet none of those is likely to lead to direct conflict with the United States beyond the competition inherent in international trade, which does not produce zero-sum outcomes and is constrained by dispute-resolution mechanisms, such as those of the World Trade Organization. If anything, China’s export-driven economic strategy, along with its large reserves of U.S. Treasury bonds, suggests that Beijing will continue to prefer a strong United States to a weak one. ¶ NUCLEAR FEAR¶ It is a matter of faith among many American politicians that Iran is the greatest danger now facing the country. But if that is true, then the United States can breathe easy: Iran is a weak military power. According to the International Institute for Strategic Studies, Iran’s “military forces have almost no modern armor, artillery, aircraft or major combat ships, and UN sanctions will likely obstruct the purchase of high-technology weapons for the foreseeable future.” ¶ Tehran’s stated intention to project its interests regionally through military or paramilitary forces has made Iran its own worst enemy. Iran’s neighbors are choosing to balance against the Islamic Republic rather than fall in line behind its leadership. In 2006, Iran’s favorability rating in Arab countries stood at nearly 80 percent; today, it is under 30 percent. Like China’s neighbors in East Asia, the Gulf states have responded to Iran’s belligerence by participating in an emerging regional security arrangement with the United States, which includes advanced conventional weapons sales, missile defenses, intelligence sharing, and joint military exercises, all of which have further isolated Iran.¶ Of course, the gravest concerns about Iran focus on its nuclear activities. Those fears have led to some of the most egregiously alarmist rhetoric: at a Republican national security debate in November, Romney claimed that an Iranian nuclear weapon is “the greatest threat the world faces.” But it remains unclear whether Tehran has even decided to pursue a bomb or has merely decided to develop a turnkey capability. Either way, Iran’s leaders have been sufficiently warned that the United States would respond with overwhelming force to the use or transfer of nuclear weapons. Although a nuclear Iran would be troubling to the region, the United States and its allies would be able to contain Tehran and deter its aggression -- and the threat to the U.S. homeland would continue to be minimal.¶ Overblown fears of a nuclear Iran are part of a more generalized American anxiety about the continued potential of nuclear attacks. Obama’s National Security Strategy claims that “the American people face no greater or more urgent danger than a terrorist attack with a nuclear weapon.” According to the document, “international peace and security is threatened by proliferation that could lead to a nuclear exchange. Indeed, since the end of the Cold War, the risk of a nuclear attack has increased.” ¶ If the context is a state-against-state nuclear conflict, the latter assertion is patently false. The demise of the Soviet Union ended the greatest potential for international nuclear conflict. China, with only 72 intercontinental nuclear missiles, is eminently deterrable and not a credible nuclear threat; it has no answer for the United States’ second-strike capability and the more than 2,000 nuclear weapons with which the United States could strike China. ¶ In the past decade, Cheney and other one-percenters have frequently warned of the danger posed by loose nukes or uncontrolled fissile material. In fact, the threat of a nuclear device ending up in the hands of a terrorist group has diminished markedly since the early 1990s, when the Soviet Union’s nuclear arsenal was dispersed across all of Russia’s 11 time zones, all 15 former Soviet republics, and much of eastern Europe. Since then, cooperative U.S.-Russian efforts have resulted in the substantial consolidation of those weapons at far fewer sites and in comprehensive security upgrades at almost all the facilities that still possess nuclear material or warheads, making the possibility of theft or diversion unlikely. Moreover, the lessons learned from securing Russia’s nuclear arsenal are now being applied in other countries, under the framework of Obama’s April 2010 Nuclear Security Summit, which produced a global plan to secure all nuclear materials within four years. Since then, participants in the plan, including Chile, Mexico, Ukraine, and Vietnam, have fulfilled more than 70 percent of the commitments they made at the summit.¶ Pakistan represents another potential source of loose nukes. The United States’ military strategy in Afghanistan, with its reliance on drone strikes and cross-border raids, has actually contributed to instability in Pakistan, worsened U.S. relations with Islamabad, and potentially increased the possibility of a weapon falling into the wrong hands. Indeed, Pakistani fears of a U.S. raid on its nuclear arsenal have reportedly led Islamabad to disperse its weapons to multiple sites, transporting them in unsecured civilian vehicles. But even in Pakistan, the chances of a terrorist organization procuring a nuclear weapon are infinitesimally small. The U.S. Department of Energy has provided assistance to improve the security of Pakistan’s nuclear arsenal, and successive senior U.S. government officials have repeated what former Secretary of Defense Robert Gates said in January 2010: that the United States is “very comfortable with the security of Pakistan’s nuclear weapons.”¶ A more recent bogeyman in national security debates is the threat of so-called cyberwar. Policymakers and pundits have been warning for more than a decade about an imminent “cyber–Pearl Harbor” or “cyber-9/11.” In June 2011, then Deputy Defense Secretary William Lynn said that “bits and bytes can be as threatening as bullets and bombs.” And in September 2011, Admiral Mike Mullen, then chairman of the Joint Chiefs of Staff, described cyberattacks as an “existential” threat that “actually can bring us to our knees.” ¶ Although the potential vulnerability of private businesses and government agencies to cyberattacks has increased, the alleged threat of cyberwarfare crumbles under scrutiny. No cyberattack has resulted in the loss of a single U.S. citizen’s life. Reports of “kinetic-like” cyberattacks, such as one on an Illinois water plant and a North Korean attack on U.S. government servers, have proved baseless. Pentagon networks are attacked thousands of times a day by individuals and foreign intelligence agencies; so, too, are servers in the private sector. But the vast majority of these attacks fail wherever adequate safeguards have been put in place. Certainly, none is even vaguely comparable to Pearl Harbor or 9/11, and most can be offset by commonsense prevention and mitigation efforts. ¶ A NEW APPROACH¶ Defenders of the status quo might contend that chronic threat inflation and an overmilitarized foreign policy have not prevented the United States from preserving a high degree of safety and security and therefore are not pressing problems. Others might argue that although the world might not be dangerous now, it could quickly become so if the United States grows too sanguine about global risks and reduces its military strength. Both positions underestimate the costs and risks of the status quo and overestimate the need for the United States to rely on an aggressive military posture driven by outsized fears. ¶ Since the end of the Cold War, most improvements in U.S. security have not depended primarily on the country’s massive military, nor have they resulted from the constantly expanding definition of U.S. national security interests. The United States deserves praise for promoting greater international economic interdependence and open markets and, along with a host of international and regional organizations and private actors, more limited credit for improving global public health and assisting in the development of democratic governance. But although U.S. military strength has occasionally contributed to creating a conducive environment for positive change, those improvements were achieved mostly through the work of civilian agencies and nongovernmental actors in the private and nonprofit sectors. The record of an overgrown post–Cold War U.S. military is far more mixed. Although some U.S.-led military efforts, such as the NATO intervention in the Balkans, have contributed to safer regional environments, the U.S.-led wars in Afghanistan and Iraq have weakened regional and global security, leading to hundreds of thousands of casualties and refugee crises (according to the Office of the UN High Commissioner for Refugees, 45 percent of all refugees today are fleeing the violence provoked by those two wars). Indeed, overreactions to perceived security threats, mainly from terrorism, have done significant damage to U.S. interests and threaten to weaken the global norms and institutions that helped create and sustain the current era of peace and security. None of this is to suggest that the United States should stop playing a global role; rather, it should play a different role, one that emphasizes soft power over hard power and inexpensive diplomacy and development assistance over expensive military buildups.¶ Indeed, the most lamentable cost of unceasing threat exaggeration and a focus on military force is that the main global challenges facing the United States today are poorly resourced and given far less attention than “sexier” problems, such as war and terrorism. These include climate change, pandemic diseases, global economic instability, and transnational criminal networks -- all of which could serve as catalysts to severe and direct challenges to U.S. security interests. But these concerns are less visceral than alleged threats from terrorism and rogue nuclear states. They require long-term planning and occasionally painful solutions, and they are not constantly hyped by well-financed interest groups. As a result, they are given short shrift in national security discourse and policymaking. ¶ To avoid further distorting U.S. foreign policy and to take advantage of today’s relative security and stability, policymakers need to not only respond to a 99 percent world but also solidify it. They should start by strengthening the global architecture of international institutions and norms that can promote U.S. interests and ensure that other countries share the burden of maintaining global peace and security. International institutions such as the UN (and its affiliated agencies, such as the International Atomic Energy Agency), regional organizations (the African Union, the Organization of American States, the European Union, and the Association of Southeast Asian Nations), and international financial institutions can formalize and reinforce norms and rules that regulate state behavior and strengthen global cooperation, provide legitimacy for U.S. diplomatic efforts, and offer access to areas of the world that the United States cannot obtain unilaterally. ¶ American leadership must be commensurate with U.S. interests and the nature of the challenges facing the country. The United States should not take the lead on every issue or assume that every problem in the world demands a U.S. response. In the majority of cases, the United States should “lead from behind” -- or from the side, or slightly in the front -- but rarely, if ever, by itself. That approach would win broad public support. According to the Chicago Council on Global Affairs’ most recent survey of U.S. public opinion on international affairs, less than ten percent of Americans want the country to “continue to be the pre-eminent world leader in solving international problems.” The American people have long embraced the idea that their country should not be the world’s policeman; for just as long, politicians from both parties have expressed that sentiment as a platitude. The time has come to act on that idea.¶ If the main challenges in a 99 percent world are transnational in nature and require more development, improved public health, and enhanced law enforcement, then it is crucial that the United States maintain a sharp set of nonmilitary national security tools. American foreign policy needs fewer people who can jump out of airplanes and more who can convene roundtable discussions and lead negotiations. But owing to cuts that began in the 1970s and accelerated significantly during its reorganization in the 1990s, the U.S. Agency for International Development (USAID) has been reduced to a hollow shell of its former self. In 1990, the agency had 3,500 permanent employees. Today, it has just over 2,000 staffers, and the vast majority of its budget is distributed via contractors and nongovernmental organizations. Meanwhile, with 30,000 employees and a $50 billion budget, the State Department’s resources pale in comparison to those of the Pentagon, which has more than 1.6 million employees and a budget of more than $600 billion. More resources and attention must be devoted to all elements of nonmilitary state power -- not only USAID and the State Department but also the Millennium Challenge Corporation, the National Endowment for Democracy, and a host of multilateral institutions that deal with the underlying causes of localized instability and ameliorate their effects at a relatively low cost. As U.S. General John Allen recently noted, “In many respects, USAID’s efforts can do as much -- over the long term -- to prevent conflict as the deterrent effect of a carrier strike group or a marine expeditionary force.” Allen ought to know: he commands the 100,000 U.S. troops fighting in Afghanistan. ¶ Upgrading the United States’ national security toolbox will require reducing the size of its armed forces. In an era of relative peace and security, the U.S. military should not be the primary prism through which the country sees the world. As a fungible tool that can back up coercive threats, the U.S. military is certainly an important element of national power. However, it contributes very little to lasting solutions for 99 percent problems. And the Pentagon’s enormous budget not only wastes precious resources; it also warps national security thinking and policymaking. Since the military controls the overwhelming share of the resources within the national security system, policymakers tend to perceive all challenges through the distorting lens of the armed forces and respond accordingly. This tendency is one reason the U.S. military is so big. But it is also a case of the tail wagging the dog: the vast size of the military is a major reason every challenge is seen as a threat.

#### Grosman Ryser 1ac –we solve adaptation

#### AND, Billions will die

Burke ‘8 - Senior Fellow & Director – Energy Security Project at the Center for a New American Security, 2008

Sharon, Catastrophic Climate Change over the next hundred years, In Climatic Cataclysm p. 161-2

In the catastrophic climate change scenario, situations like that in Somalia will be commonplace: there will be a sharp rise in failing and failed states and therefore in intrastate war. According to International Alert, there are forty-six countries, home to 2.7 billion people, at a high risk of violent conflict as a result of climate change. The group lists an additional fifty-six nations, accounting for another 1.2 billion people, that will have difficulty dealing with climate change, given other challenges.12 Over the next hundred years, in a catastrophic future, that means there are likely to be at least 102 failing and failed states, consumed by internal conflict, spewing desperate refugees, and harboring and spawning violent extremist movements. Moreover, nations all over the world will be destabilized as a result, either by the crisis on their borders or the significant numbers of refugees and in some cases armed or extremist groups migrating into their territories.¶ Over the course of the century, this will mean a collapse of globalization and transnational institutions and an increase in all types of conflict—most dramatically, intrastate and asymmetric. The global nature of the conflicts and the abruptness of the climate effects will challenge the ability of governments all over the world to respond to the disasters, mitigate the effects, or to contain the violence along their borders. There will be civil unrest in every nation as a result of popular anger toward governments, scapegoating of migrant and minority populations, and a rise in charismatic end-of-days cults, which will deepen a sense of hopelessness as these cults tend to see no end to misery other than extinction followed by divine salvation.¶ Given that the failing nations account for half of the global population, this will also be a cataclysmic humanitarian disaster, with hundreds of millions of people dying from climate effects and conflict, totally overwhelming the ability of international institutions and donor nations to respond. This failure of the international relief system will be total after 2040 as donor nations are forced to turn their resources inward. There will be a worldwide economic depression and a reverse in the gains in standards of living made in the twentieth and early twenty-first centuries.

#### Causes endless wars

Armstrong ’12 – Prof of Indigenous Studies @ University of British Columbia-Okanagan

On Our Own: Adapting to Climate Change – Finding and Internal and Intergovernmental Framework for an Adaptation Strategy, Jeanette Armstrong, Asserting Native Resilience: Pacific Rim Indigenous Nations Face the Climate Crisis, 2012, Oregon State University Press, Page 38

As Okanagan, our most essential responsibility is to bond our whole individual and communal selves to the land. Many of our ceremonies have been constructed for this. We join with the larger self and with the land, and rejoice in all that we are. ¶ The discord that we see around us, to my view from inside my Okanagan community, is at a level that is not endurable. A suicidal coldness is seeping into and permeating all levels of interaction. I am not implying that we no longer suffer for each other but rather that such suffering is felt deeply and continuously and cannot be withstood, so feeling must be shut off. ¶ I think of the Okanagan word used by my father to describe this condition, and I understand it better. An interpretation in English might be “people without hearts.”¶ Okanagans say that “heart” is where community and land come into our beings and become part of us because they are as essential to our survival as our own skin. ¶ When the phrase “people without hearts” is used, it refers to collective disharmony and alienation from land. It refers to those who are blind to self-destruction, whose emotion is narrowly focused on their individual sense of well-being without regard to the well-being of others in the collective. ¶ The results of this dispassion are now being displayed as nation-states continuously reconfigure economic boundaries into a world economic disorder to cater to big business. This is causing a tidal flow of refugees from environmental and social disasters, compounded by disease and famine as people are displaced in the expanding worldwide chaos. War itself becomes continuous as dispossession, privatization of lands, exploitation of resources, and a cheap labor force become the mission of “peace-keeping.” The goal of finding new markets is the justification for the westernization of “undeveloped” cultures.

### aspec

#### Federal government is central government

Websters 76 – New International Dictionary Unabridged, 1976, p. 833.

Federal government. Of or relating to the central government of a nation, having the character of a federation as distinguished from the governments of the constituent unites (as states or provinces).

### 2AC T Restrictions Lift Prohibitions not Regulations

#### A) “Restriction” are limitations 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).

#### b) Restrictions are the equivalent of conditions on action

Plummer 29 J., Court Justice, MAX ZLOZOWER, Respondent, v. SAM LINDENBAUM et al., Appellants Civ. No. 3724COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT100 Cal. App. 766; 281 P. 102; 1929 Cal. App. LEXIS 404September 26, 1929, Decided, lexis

The word "restriction," when used in connection with the grant of interest in real property, is construed as being the legal equivalent of "condition." Either term may be used to denote a limitation upon the full and unqualified enjoyment of the right or estate granted. The words "terms" and "conditions" are often used synonymously when relating to legal rights. "Conditions and restrictions" are that which limits or modifies the existence or character of something; a restriction or qualification. It is a restriction or limitation modifying or destroying the original act with which it is connected, or defeating, terminating or enlarging an estate granted; something which defeats or qualifies an estate; a modus or quality annexed by him that hath an estate, or interest or right to the same, whereby an estate may be either defeated, enlarged, or created upon an uncertain event; a quality annexed to land whereby an estate may be defeated; a qualification or restriction annexed to a deed or device, by virtue of which an estate is made to vest, to be enlarged or defeated upon the happening or not happening of a particular event, or the performance or nonperformance of a particular act.

#### w/m on – plan says restrictions on

#### Best Interpretation:

#### A) Captures the benefits of outright prohibition by including statutory restrictions that make production more difficult but that are limited to those that include the possibility of complete prohibition

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;¶

#### We Meet “financial Incentives”

Gielecki et.al. ‘1 – Economist @ U.S. Energy Information Administration

Incentives, Mandates, and Government Programs for Promoting Renewable Energy, February 2001, Mark Gielecki, Fred Mayes, and Lawrence Prete, http://lobby.la.psu.edu/\_107th/128\_PURPA/Agency\_Activities/EIA/Incentive\_Mandates\_and\_Government.htm

Over the years, incentives and mandates for renewable energy have been used to advance different energy policies, such as ensuring energy security or promoting environmentally benign energy sources. Renewable energy has beneficial attributes, such as low emissions and replenishable energy supply, that are not fully reflected in the market price. Accordingly, governments have used a variety of programs to promote renewable energy resources, technologies, and renewable-based transportation fuels. (1) This paper discusses: (1) financial incentives and regulatory mandates used by Federal and State governments and Federal research and development (R&D), (2), (3) and (2) their effectiveness in promoting renewables.¶ A financial incentive is defined in this report as providing one or more of the following benefits:¶ A transfer of economic resources by the Government to the buyer or seller of a good or service that has the effect of reducing the price paid, or, increasing the price received, respectively;¶ Reducing the cost of production of the good or service; or,¶ Creating or expanding a market for producers. ¶ The intended effect of a financial incentive is to increase the production or consumption of the good or service over what it otherwise would have been without the incentive. Examples of financial incentives are: tax credits, production payments, trust funds, and low-cost loans. Research and development is included as a support program because its effect is to decrease cost, thus enhancing the commercial viability of the good(s) provided. (4)

### 2AC Agent

#### links to ptx

Nicholas and Hook 10 Peter and Janet, Staff Writers – LA Times, “Obama the Velcro president”, LA Times, 7-30, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730/3

If Ronald Reagan was the classic Teflon president, Barack Obama is made of Velcro.

Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become ensnared in blame.

Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public.

But Obama remains the colossus of his administration — to a point where trouble anywhere in the world is often his to solve.

The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape.

What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting.

Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll.

"I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations."

#### tyranny of the majority

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.

#### p do the cp

Dictionary Dot Com ‘ 12, Last Updated 2012, http://dictionary.reference.com/browse/end

end¶ 1    [end] Show IPA¶ noun¶ 1.¶ the last part or extremity, lengthwise, of anything that is longer than it is wide or broad: the end of a street; the end of a rope.¶ 2.¶ a point, line, or limitation that indicates the full extent, degree, etc., of something; limit; bounds: kindness without end; to walk from end to end of a city.¶ 3.¶ a part or place at or adjacent to an extremity: at the end of the table; the west end of town.¶ 4.¶ the furthermost imaginable place or point: an island at the very end of the world.¶ 5.¶ termination; conclusion: The journey was coming to an end. ¶ 6.¶ the concluding part: The end of her speech had to be cut short because of time.¶ 7.¶ an intention or aim: to gain one's ends.¶ 8.¶ the object for which a thing exists; purpose: The happiness of the people is the end of government.¶ 9.¶ an outcome or result: What is to be the end of all this bickering?¶ 10.¶ termination of existence; death: He met a horrible end.¶ 11.¶ a cause of death, destruction, or ruin: Another war would be the end of civilization.¶ 12.¶ a remnant or fragment: mill end; ends and trimmings.¶ 13.¶ a share or part in something: He does his end of the job very well.¶ 14.¶ Textiles . a warp thread running vertically and interlaced with the filling yarn in the woven fabric.¶ 15.¶ Football .¶ a.¶ either of the linemen stationed farthest from the center.¶ b.¶ the position played by this lineman.¶ 16.¶ Archery . the number of arrows to be shot by a competitor during one turn in a match.¶ 17.¶ Cricket . a wicket, especially the one where the batsman is taking a turn.¶ 18.¶ a unit of a game, as in curling or lawn bowling.¶ 19.¶ Kantianism . any rational being, regarded as worthy to exist for its own sake.¶ 20.¶ either half of a domino.¶ 21.¶ Knots . the part of a rope, beyond a knot or the like, that is not used.¶ 22.¶ the end, Slang . the ultimate; the utmost of good or bad: His stupidity is the end. ¶ verb (used with object)¶ 23.¶ to bring to an end or conclusion: We ended the discussion on a note of optimism.¶ 24.¶ to put an end to; terminate: This was the battle that ended the war.¶ 25.¶ to form the end of: This passage ends the novel.¶ 26.¶ to cause the demise of; kill: A bullet through the heart ended him.¶ 27.¶ to constitute the most outstanding or greatest possible example or instance of (usually used in the infinitive): You just committed the blunder to end all blunders. ¶ verb (used without object)¶ 28.¶ to come to an end; terminate; cease: The road ends at Rome.¶ 29.¶ to issue or result: Extravagance ends in want.¶ 30.¶ to reach or arrive at a final condition, circumstance, or goal (often followed by up ): to end up in the army; to end as a happy person.¶ adjective¶ 31.¶ final or ultimate: the end result.¶ Idioms¶ 32.¶ at loose ends, without an occupation or plans; unsettled; uncertain: He spent two years wandering about the country at loose ends.¶ 33.¶ at one's wit's end, at the end of one's ideas or mental resources; perplexed: I'm at my wit's end with this problem. Also, at one's wits' end.¶ 34.¶ end for end, in reverse position; inverted: The cartons were turned end for end.¶ 35.¶ end on, with the end next to or facing: He backed the truck until it was end on with the loading platform.¶ 36.¶ end to end, in a row with ends touching: The pipes were placed end to end on the ground. ¶ 37.¶ go off the deep end, Informal . to act in a reckless or agitated manner; lose emotional control: She went off the deep end when she lost her job.¶ 38.¶ in the end, finally; after all: In the end they shook hands and made up.¶ 39.¶ keep / hold one's end up, to perform one's part or share adequately: The work is demanding, but he's holding his end up.¶ 40.¶ make an end of, to conclude; stop: Let's make an end of this foolishness and get down to work.¶ 41.¶ make ends meet, to live within one's means: Despite her meager income, she tried to make ends meet. Also, make both ends meet.¶ 42.¶ no end, Informal . very much or many: They were pleased no end by the warm reception.¶ 43.¶ on end,¶ a.¶ having the end down; upright: to stand a box on end.¶ b.¶ continuously; successively: They talked for hours on end.¶ 44.¶ put an end to, to cause to stop; terminate; finish: The advent of sound in motion pictures put an end to many a silent star's career. ¶ Origin:¶ before 900; Middle English, Old English ende; cognate with Old Frisian enda, Middle Dutch e ( i ) nde, Old Saxon endi, Old High German anti, G Ende, Old Norse endi ( r ), Gothic andeis end < Germanic \*anthjá-; akin to Sanskrit ánta- end¶ Related forms¶ end·er, noun¶ Synonyms¶ 4. tip, bound, limit, terminus. 5. End, close, conclusion, finish, outcome refer to the termination of something. End implies a natural termination or completion, or an attainment of purpose: the end of a day, of a race; to some good end. Close often implies a planned rounding off of something in process: the close of a conference. Conclusion suggests a decision or arrangement: All evidence leads to this conclusion; the conclusion of peace terms. Finish emphasizes completion of something begun: a fight to the finish. Outcome suggests the issue of something that was in doubt: the outcome of a game. 7. See aim.

#### Economic empowerment of indigenous populations is key to Latin American stability and growth

Kathleen Beckmann 6, Heinrich Dehn, Silke Spohn, Editors - German Federal Ministry for Economic Cooperation and Development , “Development Cooperation with Indigenous Peoples in Latin America and the Caribbean,” German Federal Ministry for Economic Cooperation and Development, July 2006

<http://www.bmz.de/en/publications/type_of_publication/strategies/konzept141.pdf>

Today, cooperation with indigenous peoples is an essential prerequisite for successful poverty reduction. Particularly in countries with a large indigenous population, the Millennium Devel­ opment Goals can only be achieved if indigenous peoples‘ potential is harnessed for the development process and their specific interests and needs are taken into account.

The continued exclusion of indigenous peoples not only impedes their development prospects but also harbours the potential for conflict, with implications for the political stability of the Latin American countries. The armed uprising in the Mexican state of Chiapas in 1994, the civil war in Guatemala and the social unrest in Ecuador since 1990 are all cases in point. The active participation of all population groups – including indigenous communities – is essential for the development of peaceful, democratic, multicultural and multi­ ethnic societies and the realisation of human rights. Cooperation between the state and civil society and the strengthening of multicultural dialogue are becoming increasingly important in preventing the escalation of conflicts or ensuring that they are conducted peacefully.

The Latin American partner countries‘ economic development will also be impaired if discrimination and disadvantage (legal uncertainty, barriers to accessing financial services) and a lack of edu­ cation and training opportunities prevent the indigenous peoples‘ capacities from being utilised.

#### Latin America conflict escalates globally --- draws in the US

James Francis Rochlin, 1994. Professor of Political Science at Okanagan University College. “Discovering the Americas: the evolution of Canadian foreign policy towards Latin America,” p. 130-131.

While there were economic motivations for Canadian policy in Central America, security considerations were perhaps more important. Canada possessed an interest in promoting stability in the face of a potential decline of U.S. hegemony in the Americas. Perceptions of declining U.S. influence in the region – which had some credibility in 1979-1984 due to the wildly inequitable divisions of wealth in some U.S. client states in Latin America, in addition to political repression, under-development, mounting external debt, anti-American sentiment produced by decades of subjugation to U.S. strategic and economic interests, and so on – were linked to the prospect of explosive events occurring in the hemisphere. Hence, the Central American imbroglio was viewed as a fuse which could ignite a cataclysmic process throughout the region. Analysts at the time worried that in a worst case scenario, instability created by a regional war, beginning in Central America and spreading elsewhere in Latin America, might preoccupy Washington to the extent that the United States would be unable to perform adequately its important hegemonic role in the international arena – a concern expressed by the director of research for Canada’s Standing Committee Report on Central America. It was feared that such a predicament could generate increased global instability and perhaps even a hegemonic war. This is one of the motivations which led Canada to become involved in efforts at regional conflict resolution, such as Contadora, as will be discussed in the next chapter.

### 2AC Wind PIC

#### Double bind---either Natives want wind so they’ll do it anyway, or they’ll just choose solar b/c it’s cheaper

Appleyard 10/1—Chief Editor, Renewable Energy World (10/1/12, David, Global Renewables Investment Sets New Record, http://www.renewableenergyworld.com/rea/news/article/2012/10/global-renewables-investment-sets-new-record?page=all)

Note --- the report is the Global Trends in Renewable Energy Investment Report (GTR) for 2012----comprehensive analysis from the Frankfurt School of Finance & Management

Noting that one of the dominant features of 2011 was technology costs, the report concludes that with falling PV module and wind turbine prices – close to 50% and 10% respectively – the two leading renewable power technologies consequently came closer to competitiveness with fossil-fuel alternatives. However, the other key feature was a weakening in policy support in many developed countries, reflecting austerity pressures, particularly in Europe, and legislative deadlock in the US.¶ The percentage increase in investment between 2010 and 2011 was smaller than the 37% rise seen between 2009 and 2010, but it took place at a time when the cost of renewable power equipment was falling fast, the analysis records, suggesting that the growth in dollar investment would have been significantly larger in 2011 if it had not been for the price deflation for PV and wind.¶ Nonetheless, in 2011, total investment in solar power jumped 52% to $147 billion, reaching a figure almost twice as high as that in wind energy, at $84 billion, which was down 12%. This marked the first time that solar has opened up an appreciable investment gap over wind, the report notes, adding that the performance of solar owed most to booming rooftop PV installations in Germany and Italy as property owners moved to take advantage of falling panel prices, and a spurt in the financing of large-scale solar thermal electricity generation projects in Spain and the US.

#### Decentralized renewables for Natives avoids all reasons conventional renewables are bad

Weinrub 11—member of the Sierra Club California Energy-Climate Committee and serves on the Steering Committee of the Bay Area’s Local Clean Energy Alliance. (Al, Community Power, www.community-wealth.org/\_pdfs/news/recent-articles/04-11/report-weinrub.pdf)

Decentralized electric generation is generally installed on existing structures or already disturbed or fragmented land, and does not require building new transmission lines. Sensitive desert and mountain habitats and important ecosystems are protected.

Decentralized generation therefore has almost none of the detrimental environmental impacts associated with large-scale renewable sources located hundreds of miles away in the desert or in other remote regions. These impacts could include scraping hundreds of thousands of acres of open or undisturbed land clean of vegetation and consuming significant amounts of precious and limited water resources.54

In addition, decentralized generation minimizes the historically disproportionate impacts of central-station power plants on poor communities and communities of color. Native Americans in particular have suffered health, economic, environmental, and cultural impacts from energy extraction industries and power plants in remote areas. Remote central-station renewable power plants and new transmission lines disrupt habitat and wilderness that are critical parts of the way of life in the impacted areas. Decentralized generation avoids this environmental degradation and the attendant environmental injustice.The proponents of remote large-scale renewable power plants generally discount the environmental harm of remote, central-station projects. They often downplay environmental impacts, conduct inadequate environmental reviews, and invoke “overriding considerations”—instead of choosing environmentally preferable alternatives.

#### Both wind and solar are critical---the CP uses gas and coal for backup power which means it doesn’t solve the aff

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Combining two renewable power technologies may not be conventional, but it can make technical and financial sense. Mike Scott looks at the various kinds of hybrid and asks why two is sometimes better than one.¶ One of the most obvious issues for renewable energy is the intermittent nature of technologies such as wind, solar and wave. There are a number of ways to overcome this,¶ including the use of energy storage or combining renewable generation with fossil fuel technology ranging from diesel generators to coal-fired power stations.¶ But an increasing number of renewable energy projects are combining two or more types of renewable energy technology to create “hybrid” schemes. Projects have been reported all over the world with a variety of technology combinations involving wind, photovoltaics¶ (PV), solar thermal electricity generation (STEG), biomass, hydro and geothermal.¶ “As a concept, hybridisation makes a lot of sense from a technical and financial perspective,” says Marc Fevre, energy, mining and infrastructure partner at law firm Baker Mackenzie. “You can reduce a lot of the risk of relying on renewables that are not available 100% of the time and often one of the technologies will be tried and tested so you limit your technology risk.”¶ There will be a growing number of these projects in years to come, driven by the increasing cost of fossil fuels, says Ian Baring-Gould, wind and water technology manager at the National Renewable Energy Laboratory in Colorado. “There are not many examples at the moment, but these things will be scaled up in future.”¶ “Hybrid projects ensure full use of the renewable source and continuity of power generation from renewables,” adds Sauro Pasini, head of research at Enel, the Italian utility whose 5MW Archimede project in Sicily was the world’s first example of a combined-cycle gas plant integrated with a solar plant.¶ Some of the largest hybrid projects combine STEG with gas. This is a natural fit because both are thermal energy technologies and gas generation can be brought on line quickly to provide power when the sun is not shining, says Andrew Stiehl, a solar analyst at Bloomberg New Energy Finance. “To an extent, all solar thermal plants are hybrid because they all have some kind of back-up,” he adds, although many plants have a far greater gas-fired capacity than STEG capacity.¶ Examples include Areva’s 44MW plant at Kogan Creek in Australia, which is alongside a 750MW gas-fired plant and the 30MW Kuraymat project in Egypt, which is linked to a¶ 150MW natural gas combined cycle power plant.¶ General Electric earlier this year moved to secure a slice of this market by taking a stake in eSolar that gives it an exclusive license to sell eSolar’s solar thermal technology, which it plans to combine with its FlexEfficient gas turbines that are designed to integrate gas and renewable generation. Combining the two technologies in a hybrid plant will increase the efficiency of the gas turbines to 70% from 61%, lowering fuel costs and emissions, GE says. The technologies are set to be used in a plant in Turkey that will also include wind-powered generation.¶ Enel won approval last month for a solar-geothermal plant in Nevada, which will add 24MW of solar capacity to its Stillwater geothermal plant. The combination of the two renewable generation technologies at the same site not only improves the electrical production profile, Pasini says, but also allows the two energy sources to share the same infrastructure, such as the interconnection power lines and operation facilities, thus reducing the environmental impact and cost.¶ But there are all kinds of other combinations as well. PV, for example, has been combined with wind in China and India, sometimes in conjunction with batteries or remote diesel generators.¶ “Generally, you want a baseload-type technology in combination with an intermittent source,” says Nathan Goode, head of energy, environment and sustainability at consultancy Grant Thornton but a combination of solar and wind can work well to smooth out seasonal generation differences in situations where there is a lot of sun in¶ summer and a lot of wind in winter, argues Baring-Gould. In monsoon regions, the two technologies complement each other well because there are higher winds during monsoon season and more sun during the rest of the year.

#### Economic marginalization of indigenous peoples fuels conflict in Papua

IRIN 10 --- IRIN News, “INDONESIA: Economic marginalization fuelling conflict in Papua,” 8-13-10, http://www.irinnews.org/Report/90159/INDONESIA-Economic-marginalization-fuelling-conflict-in-Papua

JAKARTA, 13 August 2010 (IRIN) - Economic marginalization of the indigenous population in Indonesia's easternmost Papua region is fuelling conflict, experts and activists warn. ¶ Papua, home to ethnic Melanesians, has experienced a low-level separatist conflict for decades, while a recent political standoff with the central government over political representation has sparked growing calls for a referendum on the region's status. ¶ "If you go to small towns in highland Papua, every single store will be owned by a non-Papuan. This is the only part of Indonesia [where] every store is owned by a non-Papuan," said Brigham Golden, a Papua scholar from Columbia University in the United States. ¶ There have been several incidents this year when migrants were attacked and killed in Papua. In May, a migrant store owner was killed and another injured when gunmen attacked them in Puncak Jaya Highland District, police said. ¶ Golden said violence interpreted as political resistance was in fact cultural. ¶ "Western Indonesians are perceived as a kind of incursion of a tribe. It's not really separatism per se but it's a kind of cultural resistance to cultural incursions," he told a discussion organized by the Jakarta Foreign Correspondents Club on 12 August. ¶ Frederika Korain, an activist with a Papua-based NGO, the Office of Justice and Peace, said the influx of migrants from other parts of Indonesia was causing a population imbalance and warned of "disastrous" consequences.

#### Conflict spreads --- undermines Indonesia’s stability

Dennis C. Blair 3, Chair of the Indonesia Commission; Senior Fellow at the Institute for Defense Analyses and an adjunct Senior Fellow in National Security Studies at the Council on Foreign Relations, and David L. Phillips, Project Director and Senior Fellow and Deputy Director of the Center for Preventive Action at the Council on Foreign Relations., “The Indonesia Commission: Peace and Progress in Papua,” is an initiative of the Council on Foreign Relations’ Center for Preventive Action (CPA), 2003, p. 22-23, online

Indonesia’s largest and easternmost province, Papua, has long been considered important for its resource wealth, cultural heritage, and biological diversity. Papua also hosts some of the country’s largest current and projected investment projects by foreign corporations—in particular, the mining operations of Freeport and a planned natural-gas field at Tangguh to be operated by BP.¶ Papua is also one of Indonesia’s most troubled regions. Indonesia is now at a crossroads in Papua. A cycle of violence lies down one path. Repressive measures would fuel resentment, increase opposition to the government, and intensify demands for political independence. An escalation of the conflict could heighten international concerns and calls for humanitarian intervention, while dissuading foreign investors. In the worst case, troubles in Papua could adversely affect the national stability of Indonesia.¶ Down the other path lies mutual accommodation and reconciliation realized through dialogue. This course requires the people of Papua to accept the benefits to be derived from a fully implemented Special Autonomy Law, and for the governance of Indonesia to allow the people of Papua greater self-governance and a greater financial return from development of the province’s natural resources. Mutual accommodation is in the interests of the people of Papua, the national government, and the international community, including the United States.¶ The Commission is also concerned about armed conflict displacing civilians and causing human hardship. Deadly violence in Papua could send populations across borders to Papua New Guinea (PNG) and across the sea to Australia. It could spread to other conflict-prone areas in Indonesia, thereby triggering widespread violence and endangering national unity. In contrast, progress in Papua would establish momentum toward enhanced conflict prevention nationwide.

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#### The refugee flows collapse ASEAN

Samantha F. Ravich, fellow in Asian Studies at the CSIS, Summer 2000, “Eyeing Indonesia through the Lens of Aceh,” The Washington Quarterly, http://www.twq.com/summer00/ravich.pdf

Aside from Indonesia being lost in an economic and political collapse, a black hole would be created in Southeast Asia. Indonesia, a country of 210 million people, would begin to siphon off the hopes of smaller countries in the region that wish to regain their economic prowess of the early 1990s. Foreign investors would become skittish about Indonesia exporting economic instability beyond its borders and pull their money out of the entire region. Regional governments would be destabilized by thousands, perhaps millions, of Indonesian refugees flooding the coastlines. The regional organizations established to handle problems in the area would crumble from infighting and blame-laying over who forgot to establish the contingency plan. For those who doubt this last point, post-East Timor discussions at the Association of Southeast Asian Nations (ASEAN) Regional Forum have ratcheted up tensions among participant states.

#### Extinction

S. Rajaratnam, former Foreign Minster of Singapore, September 1, 1992, “ASEAN: The Way Ahead,” online: http://www.aseansec.org/13991.htm

Should regionalism collapse, then ASEAN too will go the way of earlier regional attempts like SEATO, ASA and MAPHlLlNDO. All that remains today of these earlier experiments are their bleached bones. Should the new regional efforts collapse, then globalism, the final stage of historical development, will also fall apart. Then we will inevitably enter another Dark Ages and World War III, fought this time not with gun-powder, but with nuclear weapons far more devastating than those exploded in Hiroshima and Nagasaki.¶ Modern technology and science are pushing the world simultaneously in the direction of regionalism and globalism. What is responsible for today's economic disintegration, disorder and violence is the resistance offered by nationalism to the irresistible counter-pressures of regionalism and globalism.¶ As of today, there are only two functioning and highly respected regional organizations in the world. They are, in order of their importance and seniority, the European Community (EC) and the Association of Southeast Asian Nations (ASEAN). The first came into being in 1957 and the second in 1967. A mere ten years separates the two. The population of the European Community as at 1990 was 350 million, and that of ASEAN an estimated 323 million. In terms of population, they are not all that unequal. In terms of political and economic dynamism, though, the gap is qualitatively wider. The economic dynamism and the proven political cohesion of ASEAN is nevertheless slowly but steadily narrowing the gap between the European Community and ASEAN. To compare ASEAN with the so-called Little Dragons of Asia is to compare unrelated political species. The Little Dragons are lone wolves hunting separately. They lack collective strength or awareness. With them it is a case of each wolf for itself. In the case of ASEAN, as integration proceeds, its strength will be the cohesiveness of over 300 million people with far greater resources than any of the lone baby dragons.¶ The most remarkable feature about the two regional organizations is their continuity and coherence despite the persistence and often unmanageable turbulence and tensions that have and still characterize the post-war world. There have been some 100 international, civil, racial and religious conflicts. Far from abating, these are growing in number. By comparison the European Community and ASEAN are the still centres in the eye of the storm. There is apprehension that chaos, not order, is the draft of world politics and economies today. For many, the expectation is that tomorrow will be worse than yesterday and that history has been a descent from the Golden Age to the Dark Ages. To quote the poet Yeats, though the world is seemingly intact: "Things fall apart, the centre cannot hold."¶ Yet the two multi-racial and multi-cultural regional organizations I have mentioned con- tinue to grow in maturity, cohesiveness, and confidence. They believe that regionalism can survive the buffeting winds and storms.¶ The European Community, unlike ASEAN, has had far more experience with regional organization because its founding members, in particular Britain, France, Holland, Belgium and even Germany participated in the creation and management of far-flung complex global empires. Their scientific and technological cultures were many light years ahead of all preceding cultures and civilizations. However eminent and admirable pre-European tradi- tional civilizations were, the 19th and 20th century culture created by the West cannot be surpassed or displaced by invoking ancient creeds. Only Japan has so far demonstrated that the gap between medieval and modern cultures can be narrowed and possibly over taken. Moreover, only Western nations and Japan have demonstrated a capacity for con- structing massive modern empires, though unfortunately, they demonstrated this by their ability to organize and unleash modern wars. No Asian nation, however, has fought, let alone won, wars of comparable magnitude. Saddam Hussein's chest-thumping has the resonance of hollow drums.¶ Western Europeans have over a period of 500 years built a chain of multi-racial and multi-national empires that at their peak stretched from Portugal and Spain to the Pacific shores of Russia, and parts of Asia and Africa. So reconstituting a West European regional community should be child's play for them.¶ But creating and managing, within a brief period of only 25 years, an ASEAN community of six economically and industrially under-developed peoples who had no experience of administering a modern, complex multi-racial regional organization verges, in my view, on the miraculous.¶ The reach of the ancient empires of Greece, Rome, China, India, Persia and Babylon, ruled by allegedly Divine emperors, was ludicrously short and their claims of being rulers of World empires were fanciful exaggerations. The effective extent of their empires did not go beyond the palace and surrounding villages.¶ Modern nationalism, regionalism and globalism are of a different order politically, economically and even psychologically. Nationalism is a 19th century concept. Earlier forms of nationalism were, in fact, imperialism. It united petty principalities, states and clans into nations. These have now outlived their usefulness.¶ But regionalism is based on concepts and aspirations of a higher order. Asian regionalism was first launched on 25 April 1955 at Bandung. It was initially a comprehensive Afro-Asian Conference presided over by Heads of Government. It included legendary figures like Sukarno. Nehru, Zhou Enlai, Kotalawela of what was then Ceylon, Sihanouk and Mohammed Ali, the Prime Minister of Pakistan. However, this regional effort did not last long. Asian and African nationalisms which helped speed up the collapse of Western, and later Japanese imperialisms, did not last long.¶ Within a few years after its founding, not only Afro-Asian solidarity but also the solidarity of individual Asian and African nation states was in disarray. The destruction of nationalism is today being brought about, not by Western imperialism, which had already grown weary. thanks to two world wars, of holding sway over palm and pine, but by Third World nationalism. The economic and political underpinnings of European nationalisms were in fact, even before the start of the 20th century, beginning to crack. In fact, Lord Acton. towards the end of the 19th century, predicted the inevitable collapse of nationalism. I quote his judgement- "Nationality does not aim either at liberty or prosperity, both of which it sacrifices to the imperative necessity of making the nation the mould and measure of the state. It will be marked by material and moral ruin." This prophecy is as accurate today as it was when Lord Acton made it in 1862. So was Karl Marx's prophecy about the inevitable collapse of nationalism but for different reasons. He predicted the overthrow of nationalism and capitalism by an international proletariat. So did Lenin and so did Mao with their clarion call of: "Workers of the World unite."¶ Internationalism has a long history. Chinese, Christians, Greeks, Romans and Muslims were never tired of announcing themselves as "World Rulers", However, after World War II, empires went out of fashion. It is today being gradually replaced by a more rational form of political and economic organization.¶ The early years of the 20th century witnessed, for example, experiments with a novel form of regionalism -continental regionalism. It was formed by simply prefixing the word "Pan" to the continents of Europe, Asia and America -Pan-Europa, Pan-America and Pan-Asia, of which Japan, after having in 1905 defeated the Russian fleet in one of the most decisive naval battles ever fought in the Tsushima Straits, became Asia's most persistent publicist. After World War II, Pan-African and Pan-Arab movements were added to the list. However, these early "Pan" movements have since then either collapsed totally or are in the process of violent disintegration because of dissension on grounds of race, religion, language or nation.¶ However, the word "Pan" has recently been revived in East Europe. It is called "Pan-Slavism" and is today being revived with bloody vengeance. The multi-racial and multi-cultural Yugoslav nation that President Tito created during World War 11 and which is today being torn apart is a grim warning of what can happen to nations possessed by racial and religious demons.¶ The new regionalism that is now emerging out of the ruins of post-World War II nationalism appears to have learnt from the errors of the past. A more sophisticated and realistic form of regionalism is being constructed, not as an end in itself but as the means towards a higher level of political, social and economic organization.¶ I propose to do no more than list the names of some of the new regionalisms now taking shape. Basic to this approach is that there is not going to be any sudden great leap forward from regionalism to globalism. However, none of the new regionalisms now taking shape are as bold as either the European Community or ASEAN. The latter two are more rationally focussed regionalism. But a word of caution is necessary. We must know how to handle these new regionalisms intelligently. They could be steps towards global peace, progress and cultural development or they could be fuel for World War III.¶ Foremost among the new regional approaches is the North American Free Trade Area (NAFTA) and the Asia-Pacific Economic Co-operation forum. Among the many other regional concepts waiting in the wings are: the Organisation of Economic Co-operation and Development (OECD); the Group of Seven (G7); East Asian Economic Caucus (EAEC); Pacific Economic Co-operation Conference (PECC); the amiable Little Dragons of South Korea, Singapore, Hong Kong and Taiwan for which no acronym has yet been announced. There are also the distant rumbles of the possible emergence of Big Dragons but as a Chinese saying goes: "There is a lot of noise in the stairways, but nobody has so far entered the room." One fervently hopes that when a Big Dragon turns up, it would be an amiable Great Dragon and one which would know its way around the Spratly and Paracel Islands but without being a Dragon in a China shop. World War II started, it must be remembered, simply because the German and Japanese Dragons got their maps all wrong.¶ Real regionalism requires a world-view if it is not to lose its way in the global world of modern technology and science. It must also have a rational and deep understanding of the new history which is being shaped not by heroic individuals, but through the co-operative inter-action of some 5 billion people who today live in a vastly shrunken planet and who, thanks to growing literacy and fast-as-light electronic communication, are better informed about the world we live in than earlier generations. Nobody, not even super-computers can predict what will happen when each day the flow of history is cumulatively determined by individual decisions made by 5 billion human beings who are asserting their right to a decent and just society. Fewer and fewer people today believe that oppression, hunger and injustice is God's will to which they must meekly submit. People today know the difference between "Let us pray" and "Let us prey".¶ The end of the Cold War and the collapse of communism has, in no way, made for a more peaceful world. Wars have ended in the Western world but not so elsewhere. World War III, should it ever be unleashed, would be the last war mankind will ever fight.

#### Turns heg / econ --- Indonesian instability collapses U.S. heg and the global economy

Rajan Menon, Monroe J. Rathbone Professor of International Relations at Lehigh University and director of Eurasia Policy Studies at the National Bureau of Asian Research, Fall 2001, “Another Year of Living Dangerously?,” The National Interest

INDONESIA MAY survive the combined assault of an ailing economy, deepening separatism, and a failing state. Such an outcome is certainly desirable, but it is not likely. American leaders must therefore brace for the possibility that Indonesia could still collapse in chaos and disintegrate in violence. Alternatively, the current instability could continue until economic recovery and political compromise give rise to a country of a rather different shape and size. With Wahid gone and Megawati in place, this is now somewhat more likely. Even the loss of Aceh and West Papua need not spell national disintegration; without such provinces Indonesia would still retain the critical mass to endure as a state. The second of these denouements is preferable to the first, but both will create strong shock waves.¶ Indonesia's size and location are the reasons why. The three major straits that slice through it are pivotal passages for the global economy. Malacca is by far the most important, particularly for energy shipments. Some 450 vessels and about 10 million barrels of oil pass through daily, and East Asian demand, driven by China, is expected to rise from 12 million barrels a day in 2000 to over 20 million barrels in twenty years. Japan, China, Taiwan and South Korea would suffer severely and soon if fallout from turmoil in Aceh (at its northern end) or Riau (at its southern end) blocked this passage. Its narrowness, 1.5 miles in the Phillips Channel in the Singapore Strait, and ten miles between Singapore and the Riau archipelago, adds to the danger. The Lombok Strait, which ships use to sail to northeast Asia through the Strait of Makasar between Borneo and Sulawesi, is next in importance, although it handles a far smaller volume of traffic than Malacca and is of negligible importance for energy shipments. The L ombok-Makasar route is, however, a critical corridor for Australia's coal and iron ore exports to northeast Asia and for manufactured exports moving south from there. It is also the most likely detour were Malacca rendered impassable or hazardous. By comparison, Sunda is a minor shipping channel; the consequences of its closure would be minimal for transcontinental trade.¶ Rerouting Malacca traffic through Lombok would strain the capacity of the world's merchant fleet, increase transportation costs, and create severe bottlenecks. The problems would be even worse if all three straits were unusable and ships had to transit northeast Asia by skirting Australia's northern coast. Market signals would eventually add other carrying capacity but the question is how quickly and smoothly the adjustment occurs, and what the economic and political consequences would be in the meantime. The ramifications of blocked or delayed maritime traffic, or even just panic over the possibility, would spread speedily throughout globalization's many circuits. Insurance rates would rise; coverage may even be denied if underwriters deem the risks excessive. The effects of obstructed energy, machinery and manufactured goods would register in capital markets, short-term investors would be scared off, and the flow of much-needed foreign direct investment into a region still convalescing from the blows of 199 7 would slow.¶ Piracy in the seas around Indonesia would also worsen if the Jakarta government either ceased functioning or were so busy holding the country together that it could not police its waters. The hijacking of ships has increased since Indonesia's upheavals began. There were 113 incidents in its waters in 1999 compared to 60 the year before, and between January and March of 2001 alone, pirates attacked ships in Indonesian waters 29 times and on nine occasions in the Malacca Strait. The vessels victimized near Malaysia, Singapore and Indonesia included several oil tankers and ships carrying aluminum and palm oil. The three countries began to coordinate operations against the menace in 1992, and in 2000 Japan proposed that its coast guard join the effort along with China and South Korea. Yet how serious piracy becomes, and how effective any joint solution is, depends primarily on the extent of Indonesia's stability.¶ Refugee flows will also accelerate if Indonesia starts to break apart. The refugee population of one million already within its borders will soar, dragging the economy down further and aggravating communal violence. Refugees could also be driven beyond Indonesia into neighboring countries that are neither prepared to receive them nor able to bear the burden of caring for them. Malaysia, which lies across the water from Aceh, has already seen rising illegal immigration from Indonesia, and its officials worry about the social tensions that could result. The refugee problem also figures prominently in Australian and Singaporean discussions of Indonesia.¶ Indonesia's neighbors have other worries, as well, as they watch this wobbly behemoth. For Malaysia, one is that the Malaysian Islamic Party, already powerful in northern Malaysia, could receive a fillip were militant Islam to become more significant in Indonesia's politics as a result of the turmoil-or were it to dominate its successor states. Thailand and the Philippines, which have breakaway Islamist groups in their southern regions, fear that Indonesia's collapse could produce an undesirable demonstration effect. Papua New Guinea, which borders West Papua, could be swamped by refugees and also face an older problem: incursions from the Indonesian military in hot pursuit of Papuan guerrillas. Singapore and Malaysia have invested in pipelines carrying energy from Riau and from Indonesia's Natuna gas fields (located in the South China Sea between peninsular Malaysia and Sarawak) and are watching nervously. ASEAN, whose economic and political clout has fallen short of members' hopes, will be reduced to a sal on if Indonesia, its keystone, crumbles.¶ Neither is it clear how Japan, China and Australia would react to various scenarios in Indonesia. Few convergent interests unite them, and history has done much to divide them. This augurs ill for cooperation on economic assistance, refugee relief, piracy, or peacekeeping to stem Indonesia's unraveling or to deal with the consequences if that proves impossible. Indeed, anarchy in Indonesia could start a scramble among these states that is driven more by fear, uncertainty and worst-case thinking than by the opportunistic pursuit of advantage. A process leading to sponsorship of competitive proxy proto-statelets that rise from Indonesia's wreckage is an extreme scenario, but cannot be ruled out.¶ Beyond the general tendency of states divided by suspicion to jockey for position when uncertainty or opportunity prevails, there are other specific motives for intervention. China could be drawn into the fray if Indonesia's seven-million-strong Chinese population, which has often been a scapegoat in times of trouble, were to be victimized. Beijing's increasing concern for secure energy supplies since becoming a net importer in 1993 has already made it more assertive in the South China Sea, and could provide another motive. Given Indonesia's uncertain future, Chinese maps depicting Beijing's jurisdiction over Indonesia's Natuna gas fields are a worrisome portent, particularly for Malaysia and Singapore, who envision energy pipelines from this site.¶ Japan would move cautiously if Indonesia begins to resemble a lost cause, but it depends on Indonesia's straits and owns most of the ships that ply them. Tokyo cannot remain utterly passive if Indonesia's crisis disrupts the Japanese economy, or if others states assert their interests in ways that could do so.¶ Indonesia's importance for Australia goes beyond the significance of the Lombok-Makasar passage. In a region being shaped by China's growing power, Indonesia, by virtue of its location and size, is central to Australian national security. Its collapse would lay waste to much of Australia's strategic planning.¶ The consequences of Indonesia's breakup would affect American interests, as well. American energy and raw materials companies (Exxon-Mobil, Texaco, Chevron, Newmont Mining, Conoco and Freeport-McMoRan, among others) operate in Indonesia, particularly in Aceh, Riau, and West Papua, and many of the ships that traverse the Strait of Malacca are American-owned. The United States is also a major trader and investor in East Asia and is to some degree hostage to its fate, especially now that the American economy is slowing. Moreover, if Indonesia fractures, worst-case thinking and preemptive action among its neighbors could upset regional equilibrium and undermine the American strategic canopy in East Asia. The United States has a network of bases and alliances and 100,000 military personnel in the region, and is considered the guarantor of stability by most states-a status it will forfeit if it stands aside as Indonesia falls apart. America's competitors will scrutinize its actions to gauge its resolve and acumen. So will its friends and allies-Australia, Japan, Singapore, Thailand and South Korea-each of whom would be hurt by Indonesia's collapse.

### 2AC Immigration

#### No transition wars and heg isn’t key

Fordham 12—professor of political science at Binghamton University (Ben, International Economic Institutions and Great Power Peace, 8/12/12, http://gt2030.com/2012/08/15/international-economic-institutions-and-great-power-peace/)

I enjoyed Jack Levy’s comments on how the world would have looked to people writing in 1912. As part of my current research, I’ve been spending a lot of time thinking about the three decades before World War I. As Levy pointed out, this last period of great power peace has some interesting parallels with the present one. Like today, the international economy had become increasingly integrated. For good reason, some even refer to this period as the “first age of globalization.” The period also saw the emergence of several new great powers, including Japan, Germany, and the United States. Like emerging powers today, each of these states sought to carve out its own world role and to find, as the German Foreign Secretary put it, a “place in the sun.” Like Levy, I don’t think these parallels we are doomed to repeat the catastrophe of 1914. I want to highlight the different institutional rules governing the international economic system today. The dangers discussed in the NIC report are real, but there is reason for hope when it comes to avoiding great power war. The rules of the game governing the “first age of globalization” encouraged great powers to pursue foreign policies that made political and military conflict more likely. Declining transportation costs, not more liberal trade policies, drove economic integration. There was no web of international agreements discouraging states from pursuing protectionist trade policies. As Patrick McDonald‘s recent book, The Invisible Hand of Peace, explains nicely, protectionism went hand-in-hand with aggressive foreign policies. Many of the great powers, including the emerging United States, sought to shut foreign competitors out of their home markets even as they sought to expand their own overseas trade and investment. Even though markets and investment opportunities in less developed areas of the world were small, great power policy makers found these areas attractive because they would not export manufactured products. As one American policy maker put it in 1899, they preferred “trade with people who can send you things you ant and cannot produce, and take from you in return things they want and cannot produce; in other words, a trade largely between different zones, and largely with less advanced peoples….” Great powers scrambled to obtain privileged access to these areas through formal or informal imperial control. This zero-sum competition added a political and military component to economic rivalry. Increasing globalization made this dangerous situation worse, not better, in spite of the fact that it also increased the likely cost of a great power war. In large part because of the international economic institutions constructed after World War II, present day great powers do not face a world in which protectionism and political efforts to secure exclusive market access are the norm. Emerging as well as longstanding powers can now obtain greater benefits from peaceful participation in the international economic system than they could through the predatory foreign policies that were common in the late 19th and early 20th centuries. They do not need a large military force to secure their place in the sun. Economic competition among the great powers continues, but it is not tied to imperialism and military rivalry in the way it was in 1914. These international institutional differences are probably more important for continuing great power peace than is the military dominance of the United States. American military supremacy reduces uncertainty about the cost and outcome of a hegemonic war, making such a war less likely. However, as in the 19th Century, higher growth rates in emerging powers strongly suggest that the current American military edge will not last forever. Efforts to sustain it will be self-defeating if they threaten these emerging powers and set off a spiral of military competition. Similarly, major uses of American military power without the support (or at least the consent) of other great powers also risk leading these states to build up their military capabilities in order to limit American freedom of action. The United States will be better served by policies that enhance the benefits that emerging powers like China receive from upholding the status quo.

#### Bipartisan support for the plan

Bracken Hendricks 11 is a senior fellow and Jorge Madrid is a research associate for the Energy Policy Team at the Center for American Progress; Van Jones is the founding president of Rebuild the Dream, an initiative to restore good jobs and economic opportunity, “Obama & GOP should cut red tape blocking tribe’s green energy,” 2-1-11, http://grist.org/article/2011-01-31-obama-gop-should-cut-red-tape-blocking-tribes-green-energy-2/

President Obama’s second State of the Union address set forward a bipartisan framework aimed at unleashing a clean energy revolution in America. Touching on everything from solar and wind power (hooray!), to nuclear power, to “clean” coal (sigh), the president seemed to leave no stone unturned in his quest for actionable solutions.

But unfortunately, he did omit one major point of potential bipartisan cooperation — one that could greatly accelerate our nation’s transition to a clean energy economy. The Department of Energy estimates that wind power from tribal lands could satisfy 14 percent of total U.S. electricity demand [PDF], and the tribal solar resources could generate 4.5 times the total amount of energy needed to power the entire country.

Remarkably, however, as of today only one commercial-scale renewable energy project operates in all of Indian country. This is because of the incredible amount of federal red tape choking off the green energy opportunities on tribal lands. Many tribes are eager to partner with private sector developers to build large-scale clean energy projects. Such enterprises could be profitable, while respecting tribal values of environmental stewardship. They could also help keep families together by providing good jobs on the reservations.

Unfortunately, many of these sorely-needed investments never come to fruition. A long-standing backlog of catch-22 requirements, crazy-making rules, and outdated laws cause projects to stall in Indian country. Policy barriers slow development and make financing cost-ineffective.

Obama and the GOP should join forces to remove the bureaucratic barriers to rapid renewable energy deployment on Native American lands. Each party has a major incentive to act decisively — and enthusiastically. Democrats love renewable energy and lament Native American poverty. Republicans hate federal bureaucracy and love entrepreneurship. A united effort could boost clean energy; create jobs on reservations; open the door to new investment and entrepreneurial opportunities; reduce federal bureaucracy and; move America closer to energy independence.

#### No chance of reform – key Democrats and Republicans oppose

Rose 1/25 Taylor Rose is a staff writer for WND an independent news company, “Amnesty critic: Democrats will kill Obama plan”, January 25, 2013, http://www.wnd.com/2013/01/amnesty-critic-democrats-will-kill-obama-plan/

WASHINGTON – The U.S. Congress ultimately will fail to adopt an amnesty plan that Barack Obama is seeking, and the real “victory” will rest on “red state Democrats” who will oppose it, according to a spokeswoman for NumbersUSA, which supports immigration reform as an education and research foundation.¶ Spokeswoman Rosemary Jenks says Sens. “Mark Pryor, Mary Landrieu and Max Baucus will not be able to vote for this due to their upcoming reelection in 2014.”¶ The districts they represent, she said, are too conservative for them to adopt a far-left position on the controversy.¶ She referenced the “red state” designation, meaning conservative- or GOP-leaning states, although the original meaning for that designation was a Democrat stronghold. Networks originally in reporting on political leanings used red for Democrat and blue for GOP; a standard that was reversed some years ago.¶ The opposition of some of those Democrats in conservative locations is well documented, she said.¶ Landrieu, from Louisiana, previously voted in favor of declaring English as the official language of the U.S. government and in favor of building a fence along the U.S.-Mexican border. She also has voted against continuing federal funding to sanctuary cities, voted against allowing illegal aliens to cash in on welfare benefits and and perhaps most relevant, voted against the Bush-McCain-Kennedy amnesty plan of 2006-2007.¶ Baucus, from Montana, and Pryor, of Arkansas, also have “B” ratings on NumbersUSA’s “Congressional report card,” indicating their significant support for the integrity of the U.S. border.¶ These are among the reasons Jenks, the director of government relations at the organization, believes “amnesty will not pass.”¶ It will come down to the same arguments as the last time the issue was before Congress, she said.¶ “The people who support amnesty can only get it in ‘comprehension immigration reform,’” meaning that both sides will have to find a means to compromise, which Jenks says “isn’t going to happen.”¶ She says, “The Democrats will not go along with anything that doesn’t end up with citizenship for illegal aliens and Republicans will not compromise on anything that does give citizenship to illegal aliens.”¶ She said in addition, the compromise will be so convoluted that Congress will “end up overreaching and draft a 2,000-page bill that everybody hates.”¶ Her prediction on the Democrat position was confirmed recently when Sen. Harry Reid, D-Nev., told the Las Vegas Sun, “There will be nothing done in my Senate [on immigration reform] without a pathway to citizenship.”¶ That came on the heels of Sen. Patrick Leahy D-Vt., announcing last Wednesday in his “Agenda of the Senate Judiciary Committee for the 113th Congress” that he “expects … the Judiciary Committee will devote most of our time this spring [to] working to pass comprehensive immigration reform.”¶ Jenks warned the Republican Party if they do compromise on amnesty and it is passed, “You would see a third party come to life because there is no way the American people would put up with it.”¶ That move also would be a “huge disaster” for the GOP, she said.¶ She said the demographics of virtually unrestricted immigration-to-citizenship paths would be a problem for the GOP because “70 percent of this new citizen body would vote Democrat.”

#### No immigration for months

Voorhees 1-3-13 (Josh, Slate, “White House (Quietly) Promises Immigration Push” [www.slate.com/blogs/the\_slatest/2013/01/03/obama\_s\_immigration\_plans\_white\_house\_officials\_suggest\_early\_2013\_won\_t.html](http://www.slate.com/blogs/the_slatest/2013/01/03/obama_s_immigration_plans_white_house_officials_suggest_early_2013_won_t.html))

However, just because the administration is declaring that an unofficial launch to the immigration push is imminent doesn't mean anyone should expect major action anytime soon. The aides who laid out the plans to HuffPo cautioned that it would probably take about two months to cobble together a bipartisan bill, and then another few before either chamber votes on it. That would mean that if all goes as planned (something that is far from certain) it would likely be early or mid-summer before any concrete actions are taken.

#### Expanding the tax base is bipartisan.

WT 11—Washington Times, http://mobile.washingtontimes.com/neighborhood/arena/2011/aug/20/road-solvency-entitlement-tax-reform-and-tough-dec/

Finally, tax reform. With one of the highest corporate tax rates in the modern world, at 35%, there's no wonder we are often frustrated by the export of jobs overseas as large firms relocate to more favorable tax climates. If Congress wants to get serious about job creation, the place to start is the tax code. It needs to be fairer, simpler, and flatter. By lowering rates and closing loopholes, we can expand the tax base and actually increase federal revenues.¶ Don't think we could muster the support to do it? Never fear. This common sense tax policy already has bipartisan support. The Clinton Commission, otherwise known as the Simpson-Bowles Commission, suggested that income tax rates be reduced to three brackets at 8, 14 and 24% respectively.

#### PC not key

Dickinson 9 (Matthew, professor of political science at Middlebury College and taught previously at Harvard University where he worked under the supervision of presidential scholar Richard Neustadt, 5/26, Presidential Power: A NonPartisan Analysis of Presidential Politics, “Sotomayor, Obama and Presidential Power,” [http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotamayor-obama-and-presidential-power/](http://lynch.foreignpolicy.com/posts/2011/03/21/keeping_libya_in_context))

What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president’s influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative “box scores” designed to measure how many times a president’s preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president’s preferences? How often is a president’s policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative “endgame” to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress’ ideological and partisan leanings, the political leanings of her constituency, whether she’s up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president’s veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don’t depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayer nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama’s lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee.

#### Doesn’t solve – the GOP will water it down

Yglesias, 1-15-13 (Matthew, Slate, “How the GOP Can Roll Obama on Immigration” http://www.slate.com/blogs/moneybox/2013/01/15/immigration\_reform\_will\_obama\_get\_rolled.htm)

Of the major policy issues under discussion in Washington, "immigration reform" stands out for having unusually undefined content. For the major immigration-advocacy groups, the goal is clear, a comprehensive bill that includes a path to citizenship for the overwhelming majority of unauthorized migrants already living in the United States. But many other aspects of immigration law are in the mix as part of a proposed deal, and it seems to me that there's a fair chance that a nimble Republican Party could essentially roll the Democratic coalition and pass an "immigration reform" bill that doesn't offer the path Latino advocacy groups are looking for. Elise Foley has the key line [from her briefing on the administration's thinking](http://www.huffingtonpost.com/2013/01/15/obama-immigration-reform_n_2463388.html) about immigration, namely that a piecemeal approach "could result in passage of the less politically complicated pieces, such as an enforcement mechanism and high-skilled worker visas, while leaving out more contentious items such as a pathway to citizenship for undocumented immigrants." And indeed it could. But how can they stop it? The last House GOP effort to split the high-tech visas question from the path to [citizenship question](http://www.slate.com/blogs/moneybox/2013/01/15/immigration_reform_will_obama_get_rolled.html) [was an absurd partisan ploy](http://www.slate.com/blogs/moneybox/2012/11/29/stem_act_dc_can_t_even_enact_the_immigration_reforms_nobody_proposes.html). If Republicans want to get serious about it they should be able to make it work. The centerpiece would be something on increased immigration of skilled workers. That's something the tech industry wants very much, it's [a great idea on the merits](http://www.slate.com/articles/technology/technology/2013/01/high_tech_immigrant_productivity_indian_computer_programmers_earn_a_huge.html), and few influential [people](http://www.slate.com/blogs/moneybox/2013/01/15/immigration_reform_will_obama_get_rolled.html) have any real beef with it. High tech visas will easily generate revenue to pay for some stepped-up enforcement. Then instead of adding on a poison pill so Democrats will block the bill, you need to add a sweetener. Not the broad path to citizenship, but something small like the DREAM Act. Now you've got a package that falls massively short of what Latino groups are looking for, but that I think Democrats will have a hard time actually blocking. After all, why would they block it? It packages three things—more skilled immigration, more enforcement, and help for DREAMers—they say they want. Blocking it because it doesn't also do the broad amnesty that liberals want and conservatives hate.

#### multiple things come before immigration

Schultz 1-22-13, David, is a professor at Hamline University School of Business, http://www.minnpost.com/community-voices/2013/01/obamas-dwindling-prospects-second-term

Additionally, presidential power is temporal, often greatest when one is first elected, and it is contextual, affected by competing items on an agenda. All of these factors affect the political power or capital of a president.¶ Presidential power also is a finite and generally decreasing product. The first hundred days in office – so marked forever by FDR’s first 100 in 1933 – are usually a honeymoon period, during which presidents often get what they want. FDR gets the first New Deal, Ronald Reagan gets Kemp-Roth, George Bush in 2001 gets his tax cuts.¶ Presidents lose political capital, support¶ But, over time, presidents lose political capital. Presidents get distracted by world and domestic events, they lose support in Congress or among the American public, or they turn into lame ducks. This is the problem Obama now faces.¶ Obama had a lot of political capital when sworn in as president in 2009. He won a decisive victory for change with strong approval ratings and had majorities in Congress — with eventually a filibuster margin in the Senate, when Al Franken finally took office in July. Obama used his political capital to secure a stimulus bill and then pass the Affordable Care Act. He eventually got rid of Don’t Ask, Don’t Tell and secured many other victories. But Obama was a lousy salesman, and he lost what little control of Congress that he had in the 2010 elections.¶ Since then, Obama has be stymied in securing his agenda. Moreover, it is really unclear what his agenda for a second term is. Mitt Romney was essentially right on when arguing that Obama had not offered a plan for four more years beyond what we saw in the first term.¶ A replay wouldn't work¶ Whatever successes Obama had in the first term, simply doing a replay in the next four years will not work.¶ First, Obama faces roughly the same hostile Congress going forward that he did for the last two years. Do not expect to see the Republicans making it easy for him.¶ Second, the president’s party generally does badly in the sixth year of his term. This too will be the case in 2014, especially when Democrats have more seats to defend in the Senate than the GOP does.¶ Third, the president faces a crowded and difficult agenda. All the many fiscal cliffs and demands to cut the budget will preoccupy his time and resources, depleting money he would like to spend on new programs. Obama has already signed on to an austerity budget for his next four years – big and bold is not there.¶ Fourth, the Newtown massacre and Obama’s call for gun reform places him in conflict with the NRA. This is a major battle competing with the budget, immigration, Iran and anything else the president will want to do.¶ Finally, the president is already a lame duck and will become more so as his second term progress.¶ Presidential influence is waning¶ One could go on, but the point should be clear: Obama has diminishing time, resources, support and opportunity to accomplish anything. His political capital and presidential influence is waning, challenging him to adopt a minimalist agenda for the future.¶

#### Plan has bipartisan Congressional and public support

Elizabeth Ann Kronk 12, Assistant Professor, Texas Tech University School of Law. J.D., University of Michigan School of Law; B.S., Cornell University, Texas Tech University School of Law, “Tribal Energy Resource Agreements: The Unintended “Great Mischief for Indian Energy Development” and the Resulting Need for Reform,” Pace Environmental Law Review, Volume 29, Issue 3. Spring 2012. http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1705&context=pelr

Today, escaping stories of political acrimony seems impossible. Despite this intense atmosphere, the majority of Americans seem to agree that finding new sources of energy is a national priority.1 These same citizens also believe that the United States is failing to adequately develop its domestic energy resources.2 President Obama has made statements on numerous occasions indicating his strong support for the development of new energy sources, especially alternative energies.3 The GOP also supports energy independence.4 Such widespread support for the development of domestic energy resources may exist5 because the issue directly relates to national security.6 As the foreign regions that the United States has typically relied upon for fossil fuels become increasingly unstable,7 domestic energy resources must remain available in order to support the American populace and economy. In response to these opinions and pressures, the United States is already actively engaged in diversifying its energy asset portfolio and searching for domestic sources of energy.8 “As David Rothkopf, a Carnegie Endowment scholar, recently noted, ‘Making America the world’s greenest country is not a selfless act of charity or naïve moral indulgence. It is now a core national security and economic interest.’”9

Given this need to grow and to diversify the American energy portfolio and an American public that generally supports developing domestic energy resources, politicians are increasingly likely to look domestically to incorporate a variety of sourcesand typesof energy into America’s energy portfolio. When looking for potential domestic energy resources, Indian country10 stands out.11 Former Senator Ben Nighthorse Campbell made the connection between the need for domestic energy production and Indian country when he stated: I think America has to kick the habit on depending on foreign energy and start producing more of its own energy. One answer to our energy future is in the domestic production, and I just don’t mean in ANWR either. . . . . . . Indian-owned energy resources are still largely undeveloped – 1.81 million acres are being explored or in production, but about 15 million more acres of energy resources are undeveloped. . . . There are 90 tribes that own significant energy resources, both renewable and nonrenewable.12

Former Senator Campbell is not alone in his belief that substantial energy resources exist within Indian country. “The Bureau of Indian Affairs estimates that while Indian land comprises only five percent of the land area in the United States, it contains an estimated ten percent of all energy resources in the United States.”13 With regard to traditional energy sources, “Native American reservations contain large reserves of oil and gas. There are an estimated 890 million barrels of oil and natural gas liquids, and 5.5 trillion cubic feet of gas on tribal lands.”14 In addition to traditional energy resources, Indian country also has substantial potential for development of alternative energy resources. In particular, there is huge potential for wind15 and solar16 energy development within certain regions of Indian country. As a result, “Indian tribes stand in a unique nexus between renewable energy resources and transmission of electricity in key areas of the West.”17

Recognizing the potential key role that tribes will play in the development of the country’s energy resources, both the Department of Energy (DOE) and some in Congress recognize that Indian tribes should be included in plans to develop these energy resources.18 As a result, “[w]hile the movement toward energy independence is an important opportunity for tribes, the present political climate also offers tremendous opportunities for tribes to use their renewable resources to enter into the powerproducer market and play an important role in regional and national energy planning.”19

Mirroring this desire, many tribes are also becoming interested in energy development opportunities: Perhaps more importantly, tribes are beginning to perceive renewable energy development in a positive light, as something that is consistent with tribal culture and values. Many tribal leaders now see renewable energy as a vehicle for economic development in areas that may no longer be (or never were) suitable for agricultural development. Some also see this as a way for tribes to play a positive role in the nation’s energy future.20 Accordingly, energy development in Indian country is attractive to the federal government. It both advances the federal interests discussed above, and provides some tribes a method to achieve economic diversification, promote tribal sovereignty and selfdetermination, and provide employment and other economic assistance to tribal members.

#### Winners win

Marshall and Prins 11 (BRYAN W, Miami University and BRANDON C, University of Tennessee & Howard H. Baker, Jr. Center for Public Policy, “Power or Posturing? Policy Availability and Congressional Influence on U.S. Presidential Decisions to Use Force”, Sept, Presidential Studies Quarterly 41, no. 3)

Presidents rely heavily on Congress in converting their political capital into real policy success. Policy success not only shapes the reelection prospects of presidents, but it also builds the president’s reputation for political effectiveness and fuels the prospect for subsequent gains in political capital (Light 1982). Moreover, the president’s legislative success in foreign policy is correlated with success on the domestic front. On this point, some have largely disavowed the two-presidencies distinction while others have even argued that foreign policy has become a mere extension of domestic policy (Fleisher et al. 2000; Oldfield and Wildavsky 1989) Presidents implicitly understand that there exists a linkage between their actions in one policy area and their ability to affect another. The use of force is no exception; in promoting and protecting U.S. interests abroad, presidential decisions are made with an eye toward managing political capital at home (Fordham 2002).

#### Plan bipart + Barasso likes

Brown 10 -- AP (Matthew, Indian tribes to Congress – Streamline energy development, 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.

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#### Economic resources include land

Vitez ’12 - Adjunct Prof. of Accounting

Economic Definition of the Four Factors of Production, Demand Media, Houston Chronicle, No Date, Last Updated 2012

http://smallbusiness.chron.com/economic-definition-four-factors-production-3941.html

Economic resources are the goods or services available to individuals and businesses used to produce valuable consumer products. The classic economic resources include land, labor and capital. Entrepreneurship is also considered an economic resource because individuals are responsible for creating businesses and moving economic resources in the business environment. These economic resources are also called the factors of production. The factors of production describe the function that each resource performs in the business environment.¶ Land¶ Land is the economic resource encompassing natural resources found within a nation’s economy. This resource includes timber, land, fisheries, farms and other similar natural resources. Land is usually a limited resource for many economies. Although some natural resources, such as timber, food and animals, are renewable, the physical land is usually a fixed resource. Nations must carefully use their land resource by creating a mix of natural and industrial uses. Using land for industrial purposes allows nations to improve the production processes for turning natural resources into consumer goods.

#### The Secretary of the Interior can grant leases ANYWHERE in the OCS – this authority is explicitly regulatory

U.S. Code ‘12

43 USC § 1337 - Leases, easements, and rights-of-way on the outer Continental Shelf, Last Updated 2012

<http://www.law.cornell.edu/uscode/text/43/1337>

(a) Oil and gas leases; award to highest responsible qualified bidder; method of bidding; royalty relief; Congressional consideration of bidding system; notice¶ (1) The Secretary is authorized to grant to the highest responsible qualified bidder or bidders by competitive bidding, under regulations promulgated in advance, any oil and gas lease on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of subsection (a) of section 1335 of this title. Such regulations may provide for the deposit of cash bids in an interest-bearing account until the Secretary announces his decision on whether to accept the bids, with the interest earned thereon to be paid to the Treasury as to bids that are accepted and to the unsuccessful bidders as to bids that are rejected. The bidding shall be by sealed bid and, at the discretion of the Secretary, on the basis of—¶ (A) cash bonus bid with a royalty at not less than 121/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;¶ (B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;¶ (C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 121/2 per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;¶ (D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;¶ (E) fixed cash bonus with the net profit share reserved as the bid variable;¶ (F) cash bonus bid with a royalty at no less than 121/2 per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;¶ (G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold;¶ (H) cash bonus bid with royalty at no less than 12 and 1/2 per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or¶ (I) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms, and conditions which the Secretary determines to be useful to accomplish the purposes and policies of this subchapter, except that no such bidding system or modification shall have more than one bid variable.

#### Marine Sanctuaries are regulations – rules differ in each site and no stringent restrictions for ecological protection

Vann ‘9 – Legislative Attorney – Congressional Research Service

Marine Protected Areas (MPAs): Federal Legal¶ Authority¶ Adam Vann¶ Legislative Attorney¶ April 28, 2009

http://docs.lib.noaa.gov/noaa\_documents/NOAA\_related\_docs/CRS\_reports/RL32486.pdf

Regulation of marine sanctuaries can vary significantly from site to site. The NMSA does not¶ prescribe specific protections for sites designated under its authority and, in fact, encourages¶ multiple uses.63 Thus, unlike national parks, which generally receive stringent ecological¶ protection, sanctuaries designated under this act frequently allow fishing and shipping activities.64

### Ptx

#### no bioterror

Dove 12 [Alan Dove, PhD in Microbiology, science journalist and former Adjunct Professor at New York University, “Who’s Afraid of the Big, Bad Bioterrorist?” Jan 24 2012, http://alandove.com/content/2012/01/whos-afraid-of-the-big-bad-bioterrorist/]

The second problem is much more serious. Eliminating the toxins, we’re left with a list of infectious bacteria and viruses. With a single exception, these organisms are probably near-useless as weapons, and history proves it.¶ There have been at least three well-documented military-style deployments of infectious agents from the list, plus one deployment of an agent that’s not on the list. I’m focusing entirely on the modern era, by the way. There are historical reports of armies catapulting plague-ridden corpses over city walls and conquistadors trying to inoculate blankets with Variola (smallpox), but it’s not clear those “attacks” were effective. Those diseases tended to spread like, well, plagues, so there’s no telling whether the targets really caught the diseases from the bodies and blankets, or simply picked them up through casual contact with their enemies.¶ Of the four modern biowarfare incidents, two have been fatal. The first was the 1979 Sverdlovsk anthrax incident, which killed an estimated 100 people. In that case, a Soviet-built biological weapons lab accidentally released a large plume of weaponized Bacillus anthracis (anthrax) over a major city. Soviet authorities tried to blame the resulting fatalities on “bad meat,” but in the 1990s Western investigators were finally able to piece together the real story. The second fatal incident also involved anthrax from a government-run lab: the 2001 “Amerithrax” attacks. That time, a rogue employee (or perhaps employees) of the government’s main bioweapons lab sent weaponized, powdered anthrax through the US postal service. Five people died.¶ That gives us a grand total of around 105 deaths, entirely from agents that were grown and weaponized in officially-sanctioned and funded bioweapons research labs. Remember that.¶ Terrorist groups have also deployed biological weapons twice, and these cases are very instructive. The first was the 1984 Rajneeshee bioterror attack, in which members of a cult in Oregon inoculated restaurant salad bars with Salmonella bacteria (an agent that’s not on the “select” list). 751 people got sick, but nobody died. Public health authorities handled it as a conventional foodborne Salmonella outbreak, identified the sources and contained them. Nobody even would have known it was a deliberate attack if a member of the cult hadn’t come forward afterward with a confession. Lesson: our existing public health infrastructure was entirely adequate to respond to a major bioterrorist attack.¶ The second genuine bioterrorist attack took place in 1993. Members of the Aum Shinrikyo cult successfully isolated and grew a large stock of anthrax bacteria, then sprayed it as an aerosol from the roof of a building in downtown Tokyo. The cult was well-financed, and had many highly educated members, so this release over the world’s largest city really represented a worst-case scenario.¶ Nobody got sick or died. From the cult’s perspective, it was a complete and utter failure. Again, the only reason we even found out about it was a post-hoc confession. Aum members later demonstrated their lab skills by producing Sarin nerve gas, with far deadlier results. Lesson: one of the top “select agents” is extremely hard to grow and deploy even for relatively skilled non-state groups. It’s a really crappy bioterrorist weapon.¶ Taken together, these events point to an uncomfortable but inevitable conclusion: our biodefense industry is a far greater threat to us than any actual bioterrorists.

#### No U.S. lashout---retrenchment causes caution and restraint---reduces the risk of war

Paul K. MacDonald 11, Assistant Professor of Political Science at Williams College, and Joseph M. Parent, Assistant Professor of Political Science at the University of Miami, Spring 2011, “Graceful Decline?: The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4, p. 7-44

With regard to militarized disputes, declining great powers demonstrate more caution and restraint in the use of force: they were involved in an average of 1.7 fewer militarized disputes in the five years following ordinal change compared with other great powers over similar periods.67 Declining great powers also initiated fewer militarized disputes, and their disputes tended to escalate to lower levels of hostility than the baseline category (see figure 2).68 These findings suggest the need for a fundamental revision to the pessimist's argument regarding the war proneness of declining powers.69 Far from being more likely to lash out aggressively, declining states refrain from initiating and escalating military disputes. Nor do declining great powers appear more vulnerable to external predation than other great powers. This may be because external predators have great difficulty assessing the vulnerability of potential victims, or because retrenchment allows vulnerable powers to effectively recover from decline and still deter potential challengers.

### Thumper

#### Intensive fight and lobbying will continue

Amy Harder 1-3 National Journal “Battle Over Wind Subsidy Leaves Industry Bruised” http://www.nationaljournal.com/congress/influence/battle-over-wind-subsidy-leaves-industry-bruised-20130103

The battle to get Congress to renew the wind-energy production tax credit before year’s end strained relationships among utilities, splintered support within the industry’s biggest trade group and is setting up the industry—and its supporters in Congress—for a 2013 even more contentious than 2012.

Many utilities, environmental groups and lawmakers from both parties are cheering the news that the PTC was extended by one year as part of the fiscal cliff deal. But the bruising fight over the last year doesn’t bode well for the sector as it must now agree on how to ramp down the tax subsidy that was first created 21 years ago.

Xcel Energy, which is among the top 10 biggest utilities in the country and had the largest wind capacity of any utility in 2011, is reviewing its membership in AWEA largely because of how the trade group handled the PTC debate. A final decision from the company is expected soon about what, if anything, it plans to do.

"We are in the process of reviewing our relationship with AWEA,” Xcel lobbyist John O’Donnell told NJ. “It's our concern that they continue to represent the interests of developers to the exclusion of customers."

O’Donnell is referring to both individual households and businesses whose electricity bills from utilities are affected by the production tax credit either directly or indirectly. O’Donnell doesn’t think extending the PTC, which is a tax credit that goes to wind-energy developers, benefits customers paying electricity bills or the utilities buying wind from renewable-energy generators. He went so far to say that because Congress extended the PTC without any additional policies to benefit customers, the Minnesota-based Xcel may not buy more wind.

"As the largest provider of wind to customers by far, we feel this action doesn’t nearly enough for customers, and throws into immediate question any further plans we have to buy more wind on their behalf,” O’Donnell said.

Another bruise from last year’s fight that will wear on into 2013 is lobbying by Exelon, the country’s biggest nuclear generator, to eliminate the PTC altogether. The Chicago-based Exelon, which is also the 11th-ranked utility in terms of wind generation, has aggressively lobbied lawmakers to end right away the tax credit because the policy distorts electricity market prices and hurts the company’s bottom line.

Exelon spent $6.4 million on lobbying through October (fourth-quarter lobbying numbers are due out later this month). In response to Exelon’s lobbying push, which was first reported by National Journal in August, AWEA kicked the company out of its group in September. Exelon is going to keep up its push against the policy now that Congress renewed it.

“In the coming months Exelon will work with legislators to inform them of the unintended negative consequences to power markets and investments in other sources of generation from the continuation of the PTC,” Exelon lobbyist David Brown told National Journal in an e-mail.

The lobbying power of Exelon, whose position against the PTC aligns the company with deep-pocketed conservative tea-party groups like Americans for Prosperity and the American Energy Alliance, could be even more concerning to the wind industry moving forward.