

Rebuttal Structure and Sample

1. Introduce the issue for debate:

In western South Dakota, there lies a unique area of land of over one million acres. This land is not the typical prairie or farmland that is seen across much of the state; it is a great pine forest, noted for its serenity and beauty. Although the land is pleasant, the battle over ownership of it has not been. The fight between the United States government and the local Sioux tribes has been fierce. It has been long debated whether the land should be returned to the Native Americans. Many locals argue that it would create a major problem to return the land.

2. Introduce the opposing view(s):

One such advocate was the late Governor of South Dakota, George S. Mickelson. Mickelson's argues that the dispute between the State of South Dakota and the Native American tribes has already been "fairly and justly" resolved by a 1980 Supreme Court decision, which rewarded the Sioux \$17 million in compensation for their land rights being stripped away. He insists that the Sioux's economic woes would be better addressed by accepting the money than continuing to push for return of the land, because such a solution would displace "innocent" residents and create problems for law enforcement officials in the region.

3. Explain main claim (establish common ground, point out shortcomings in the opposing view's reasoning and/or evidence, and articulate an alternative):

While on the surface, Mickelson's position appears reasonable, and he appears to have the Sioux's interests at heart, a closer look reveals that the Sioux are justified in their rejection of the settlement, because it comes nowhere near establishing restitution for their rights. On the contrary, returning the land to the Sioux is not only the fairest solution for the Sioux; it is also the solution that best serves the interests of the citizens of the entire state.

4. Restate the opposing view, fully and fairly, giving reader an account of the claims, reasons, and evidence of the opposing view:

Mickelson makes his case in a letter against the Black Hills Sioux Nation Act, also called Bradley Bill after its author, New Jersey Senator Bill Bradley. This act was a 1985 bill that would have returned most federal land in the Black Hills to the Sioux. While I do agree with Mickelson that the bill may not have been the ideal piece of legislation to reconcile this issue, it was at least a step in the right direction. In his letter, Governor Mickelson stated that he intended to "isolate the specific and serious philosophical difficulties with the bill," an implication that he had greater problem with the *idea* of the legislation than merely the "mechanics" of the bill (Mickelson). Therefore, Mickelson's argument is not only against a bill, but against a people and their rights to something guaranteed to them.

5. Establish common ground with the opposing view on points of agreement, and offer a rebuttal to the parts with which you disagree (refutation based on assumptions or evidence):

Governor Mickelson does identify some potentially valid issues in his letter. For example, he expresses concern that returning the land to the Sioux would create a *checkerboard jurisdiction*. A *checkerboard jurisdiction* is created when small blocks of one jurisdiction are mixed with blocks of a differing jurisdiction, allowing for criminals to easily flee to an area in which they could not be prosecuted. I agree that any such threat to law and order would be a threat to the safety of all residents, including the Sioux. However, as he discusses the issue, Mickelson himself states that “state police and tribal police both raise checkerboarding as a matter of extreme and immediate concern to effective law enforcement.” (Mickelson). If both state and tribal police are in agreement about this issue, then it appears that a solution over the jurisdiction of the area would be quite easy to reach, and would likely build a more healthy working relationship between law enforcement officials in the area.

6. Articulate an alternative view, and offer reasons and evidence to support it:

Return of the tribal lands actually would help to bring the Native American population to the level of the rest of the state, benefitting all residents of South Dakota and the nation. South Dakota’s eight Indian agencies are some of the poorest in the nation. Pine Ridge, for example, has an 87% unemployment rate, with 21% of those working still living below the poverty line (U.S. Department of Interior 15). Sadly, this is a trend throughout all the tribes of South Dakota. Governor Mickelson cannot argue against returning the land when it would so greatly benefit the people of his state and the nation that need it most. Therefore, the plight of the Sioux Nation can best be answered by ensuring it economic freedom. With means to support themselves, the Sioux could finally regain some of the independence they lost when they were placed on the reservations. Only with a sustainable resource to use as an economic piston can this ever be achieved and become a long-term solution to the great problems facing the Sioux people. The Black Hills is just that resource.